



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2003/SR.13
1 April 2003

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Fifty-ninth session

SUMMARY RECORD OF THE 13th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 24 March 2003, at 3 p.m.

Chairperson: Ms. AL-HAJJAJI (Libyan Arab Jamahiriya)

CONTENTS

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO
PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION
(continued)

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF
DISCRIMINATION (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.03-12323 (E) 260303 010403

The meeting was called to order at 3.10 p.m.

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 5) (continued) (E/CN.4/2003/4, 15 and 16; E/CN.4/2003/NGO/31, 48, 107, 116, 118, 119, 135, 198, 203, 209, 214, 221, 249 and 252)

Statements in exercise of the right of reply

1. Mr. SALLOUM (Syrian Arab Republic) said that the reference by the observer for Israel at the 11th meeting to the events of 1948 had distorted history. There was no need to go into the details of what had happened then; it was sufficient to look at the writings of the former Israeli Foreign Minister, Mr. Abba Eban.
2. The observer for Israel preferred to discuss the past rather than his Government's current human rights violations. The Arab countries had launched an initiative to end the conflict in the Middle East by presenting a proposal based on a United Nations resolution which called for complete Israeli withdrawal from the occupied territories and which affirmed the Palestinian people's right to self-determination. The observer for Israel asserted that his country supported that right, but the facts did not bear out that assertion. Freedom and self-determination were universal aspirations, and if the Government of Israel continued to reject Arab peace initiatives, it would be responsible not only for the deaths of the Palestinian children who had been killed as a result of the Israeli army's aggression, but also for the deaths of Israeli children who had lost their lives because it had refused peace.
3. Mr. BENCHERIF (Algeria) said that the right to self-determination was an undisputed, universal right. The representative of Morocco seemed to be unaware of that historic truth as far as the Western Sahara was concerned. It was impossible to make a people happy by annexing its territory and plundering its assets against its sovereign will, or by building a wall, an act which prompted memories of a dark episode of modern history.
4. Mr. MNATSAKIANIAN (Armenia), replying to the comments of the observer for Azerbaijan, said that, in his own statement, he had referred to facts which had been duly recorded and recognized and to an unfortunate pattern of denial. He did not wish to impede the work of colleagues who were striving to achieve a peaceful settlement of the Nagorny-Karabakh dispute. He endorsed the calls to refrain from a confrontational tone and environment and hoped that the discussions during the following five weeks would display a high level of maturity and responsibility.
5. Mr. SAHA (India) said that Pakistan's pre-eminent position as the doyen of State terrorism had never been questioned by anyone. Terrorists were Pakistan's main export and there were daily reports that some dreaded terrorist had been discovered somewhere in Pakistan. Pakistan must surrender to the Indian authorities the persons who were responsible for heinous acts of terror in Jammu and Kashmir and elsewhere in India. If it wished to become a member of

the community of civilized nations, the Government of Pakistan should adopt a policy of handing over terrorists to the country concerned, so that they could face the legal consequences of their criminal acts, rather than allowing their infiltration, so that they could commit fresh crimes.

6. Pakistan's claim to speak for the people of Jammu and Kashmir was a questionable one. He called on that country to give up its aggression against the Indian State of Jammu and Kashmir, to vacate the portion it was illegally occupying and to cease the campaign of terror it had been unleashing on the people of that State for two decades.

7. Mr. HUSSAIN (Pakistan) said that the Indian delegation was making much of terrorism in order to conceal its own shameless acts of State terrorism aimed at stifling freedom and self-determination and consisting in the massacre of minorities and the harassment of its neighbours. He quoted the statement by a member of the United States Senate in the debate on Kosovo, in which a comparison had been made with ethnic cleansing in India, which had resulted in the deaths of countless thousands of Sikhs, Christians, Muslims and members of other ethnic minorities. That State terrorism was being sustained and supported by the draconian security laws in force in Jammu and Kashmir and other parts of India, under which the country's security forces could act with virtual impunity. The Indian Government apparently regarded all Muslim Kashmiris as terrorists.

8. Mr. LEVY (Observer for Israel) said he welcomed the invitation of the representative of Syria to talk about the present ...

9. Mr. SALLOUM (Syrian Arab Republic), speaking on a point of order, said that Israel had exhausted its right of reply, unless it was speaking under the agenda item in question, in which case his own delegation would also like to avail itself of that right.

10. The CHAIRPERSON said that Israel had not yet made use of its right of reply at the current meeting.

11. Mr. LEVY (Observer for Israel) read out a list of 10 major terrorist organizations (5 of which were on the European Union's blacklist) and the names of their leaders, all of whom resided in Damascus. Rather than making speeches, the representative of Syria should recommend to his Government that it should close those organizations and their offices and arrest the leaders mentioned, whose exact location was known to the authorities in Damascus.

12. Mr. NAJAFOV (Observer for Azerbaijan) said that he fully appreciated the need to take seriously statements made in international forums. The purpose of Armenia's predatory action was to obstruct the right to self-determination. Under international law, that right could be realized by peaceful means only, in keeping with the principle of territorial integrity. The right to self-determination did not signify the unilateral right of secession and should not lead to the break-up of a sovereign State entity. Armenians living in the Nagorny-Karabakh region of the Azerbaijani Republic could not regard themselves as independent subjects with the right to self-determination. No international legal effect could be given to a decision taken by an illegal

separatist regime which had seized power and which had held a so-called “referendum” or “elections” in the midst of military action and in the absence of the Azeri section of the population who had been expelled. It was to be hoped that the Government of Armenia would moderate its appetite and think about the fate of the people who had suffered at its will.

13. Mr. SALLOUM (Syrian Arab Republic) said that the observer for Israel should explain why the Palestinians he had mentioned were living in Damascus. They were there because Israel had been engaging in terrorism since 1948 and they had been driven out of their country. They had watched their children die. The question could be resolved if the Government of Israel were to allow them to return to their home country. Many people once accused of being terrorists had subsequently become heads of State because they had striven to secure the liberation of their people.

14. The organizations which the observer for Israel had mentioned provided information, they did not engage in military activities. The former Israeli Prime Minister Yitzhak Shamir had himself been a terrorist. Israel’s response to the Arab countries’ peace initiative had been the events in Jenin. The Commission had adopted a resolution asking the High Commissioner to visit Jenin, but that visit had not taken place. The conflict would end if Israel were to accept the peace initiative.

15. Mr. LEVY (Observer for Israel) said that the fact that, after so many years of hostility, an Arab summit had finally come up with a proposal, did not mean that Israel had to accept it as a fait accompli. All arrangements in the Middle East would be reached through negotiation. The “information activities” of the 10 organizations of which he had spoken had caused the deaths of many people.

16. Mr. SALLOUM (Syrian Arab Republic), speaking on a point of order, queried the procedure adopted for the debate.

17. The CHAIRPERSON informed him that he could exercise his right of reply twice only. She drew his attention, in that connection, to paragraph 21 of document E/CN.4/2002/16 and section 4.1, paragraph (c), subparagraph (v), of document E/CN.4/2003/118.

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION (agenda item 6) (continued) (E/CN.4/2003/17, 18 and Add.1 and 2, 19 and Add.1, 21, 23, 24, 122 and 127; E/CN.4/2003/NGO/3, 18, 32, 118, 119, 121, 123, 134, 140, 169, 185, 199, 220, 226 and 253)

18. The CHAIRPERSON said she took it that the Commission wished to adopt the proposal to make agenda item 21 a sub-item of agenda item 6, which would subsequently read:

“6. Racism, racial discrimination, xenophobia and all forms of discrimination:

(a) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action.”

19. It was so decided.

20. Mr. DIÈNE (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance) introducing his reports (E/CN.4/2003/23 and 24) said that he shared the sentiments of the preamble to the Durban Declaration that the scourge of racism must be combated by all available and appropriate means and as a matter of high priority. An exaggerated awareness of identity as a reflex against the homogenizing effects of globalization, the pernicious intellectual legitimization of racism, the culture of fear stemming from an obsession with security and the battle against terrorism and the spread of racist ideas via the Internet were having a harmful impact on practices, cultures and mindsets. Dialectical, critical and vigilant complementarity between the political will of Governments and the informed vigilance of civil society was necessary to stamp out racism, as was a link between reflection and action. That was why, in his general report (E/CN.4/2003/24), he recommended consolidating legal and political strategies for the implementation of the relevant international instruments and initiating a study of the cultural, intellectual and ethical roots of racial discrimination and xenophobia.

21. His preliminary report on the situation of Muslim and Arab peoples in various parts of the world in the aftermath of the events of 11 September 2001 (E/CN.4/2003/23) had reached the conclusion that those peoples had been subjected to massive discrimination since the date in question and that there was, in fact, a risk of a clash of cultures and civilizations. To avert such a clash, the struggle against racism had to be accompanied by a greater dialogue between cultures, civilizations and religions. While he did not believe that a clash between civilizations was inevitable, the danger had to be recognized as a first step towards the necessary dialogue.

22. Mr. NÆSS (Observer for Norway) asked the Special Rapporteur to clarify whether the recommendation that the Commission should give urgent attention to the implementation of paragraphs 157 and 158 of the Durban Programme of Action (E/CN.4/2003/27, para. 7) was his own personal suggestion or that of the African States which had been represented at the Nairobi seminar. It would be useful to learn why he believed that the Commission was the best body to ensure the effective follow-up to those paragraphs and how he intended to assist the Commission to promote complementarity and cooperation between all mechanisms for combating racism, discrimination, xenophobia and intolerance.

23. Mr. VIGNY (Observer for Switzerland) asked why the Special Rapporteur had not recommended the furthering of pluralism and cultural, religious and ethical diversity through instruction in human rights as a universal code of ethics. He would also like to know why the Special Rapporteur had not mentioned linguistic pluralism, which was just as important as religious and ethical pluralism.

24. Mr. WESTDAL (Canada), referring to paragraph 40 of the report (E/CN.4/2003/24), said that his delegation had often been struck by the close relationship between religion-based discrimination and race-based discrimination, and welcomed the Special Rapporteur's attention to the matter. He wondered, however, whether the Special Rapporteur took the view that intolerance based on religion or culture formed part of the "related intolerance" mentioned in the title of his mandate, and whether he had any preliminary thoughts about the types of response that might be needed to confront such intolerance.

25. Mr. KRIEKOUKIS (Greece), speaking on behalf of the European Union, said that the Union welcomed the Special Rapporteur's emphasis on full implementation of the final document of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. The Union considered that the main responsibility for combating racism lay with States and it consequently attached great importance to the establishment of national action plans as requested in the Durban Programme of Action. He would like to know how the Special Rapporteur envisaged his dual strategy in the framework of such national action plans.

26. Women often faced multiple forms of discrimination and he enquired whether the Special Rapporteur intended to integrate a gender dimension into his work.

27. He asked the Special Rapporteur to elaborate on the insidious new forms of discrimination and racism mentioned in his report (para. 40) and to suggest ways of combating them.

28. With regard to the negative effects of globalization on discrimination, he recalled that, as had been stated in Durban, globalization also offered opportunities to move towards the eradication of racism and racial discrimination, and he asked the Special Rapporteur for his views concerning such positive effects.

29. Mr. KHABBAZ-HAMOUI (Syrian Arab Republic), referring to paragraphs 25 to 27 of the report, said that his delegation had hoped that the Special Rapporteur would mention the poor level of participation in the Working Group of Experts on People of African Descent and the absence of the principal actor in that area. Some reference to the situation would have assisted the Working Group in achieving its desired objectives.

30. Mr. PEÑA GHISLENI (Brazil) said he wondered whether the Special Rapporteur would be able to include an analysis of the rise of racist political parties in his future work. The issue was not addressed in his current report. It was a matter for considerable concern, however, that such parties were currently represented in certain national Governments.

31. Mr. DIÈNE (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance) said the questions asked by the Commission members could be grouped under three or four main points.

32. The issue was indeed one of extreme complexity, and he had called in his report for complementarity and cooperation between the relevant special rapporteurs and other mechanisms, including the Committee on the Elimination of Racial Discrimination.

33. He had developed the idea of an "intellectual strategy" because legal measures, while important, were not sufficient to deal with the problem. A key point of his report was that implementation of existing instruments to combat racism was a priority, but that it had to go hand in hand with an intellectual strategy, based on pluralism - the defence and acceptance of diversity, including, of course, linguistic diversity - to tackle the cultural roots of racist mentalities.

34. Most societies were currently undergoing a process of multiculturalization, which generated a certain cultural and ideological resistance that was exploited by racist political parties. One of the most worrying aspects of the problem was the legitimization of racist and xenophobic discourse, in part through its dissemination on the Internet. In dealing with that problem, however, it was important not to promote diversity alone, since there was a risk that “diversity” could be interpreted as “difference” and lead to a fragmentation of society. The emphasis should be rather on the dialectic between unity and diversity: specificities should be recognized, but the individual groups concerned should themselves acknowledge that they were bound together by certain transcendent universal values.

35. The Working Group of Experts on People of African Descent had not yet had time to deal with all the complexities of the issue, but its work to date had enabled him to demonstrate the significance of the historical, cultural and ideological legacies that had led to the victimization of people of African descent.

36. Mr. VEGA (Chile), Chairperson-Rapporteur of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, introducing his report (E/CN.4/2003/20), outlined its structure and drew attention to the Working Group’s recommendations.

37. Despite the difficult atmosphere prevailing at the time when it had started its work, the Working Group had established the climate of confidence necessary for cooperation and, ultimately, for the adoption of its recommendations by consensus. The Working Group had also been able to define its objectives for the future and the methodology it would use to attain them.

38. Mr. KASANDA (Chairperson-Rapporteur of the Working Group of Experts on People of African Descent), introducing its report (E/CN.4/2003/21), said that the two sessions of the Working Group had been attended by representatives of regional, intergovernmental, governmental and non-governmental organizations. Regrettably, there had been no expert representing the Western European and Others Group at either session.

39. During the discussions, it had been recognized that, while people of African descent around the world were not a homogeneous group, they shared the same forms of racial discrimination, which ensured that they remained at the bottom of the social ladder. A recurring theme had been the link between discrimination and poverty: State policies frequently not only marginalized people of African descent but rendered them the poorest of the poor. The Group also recognized that States in certain regions kept people of African descent “invisible”, thereby avoiding having to recognize and act upon their political, social and economic status.

40. In conclusion, he said that the international community must articulate a vision that would not only touch people’s hearts but also form the basis of strategies to compel people around the world to reach beyond the limitations of culture and ethnicity. The Working Group believed that the political will of Governments and all other stakeholders was the key factor in eliminating the scourge of racism and all forms of discrimination.

41. Mr. UMER (Pakistan), speaking on behalf of the Organization of the Islamic Conference (OIC), said that discriminatory practices, repression of religious and ethnic minorities, racial and religious profiling and violations of the rights of migrants and asylum-seekers continued in many parts of the world. The realization of the long-cherished goal of eliminating racism depended on the effective and timely implementation of the framework of principles agreed upon at Durban, and the Islamic countries were seriously concerned at the slow progress made in that regard. The reports of the Working Group on the Effective Implementation of the Durban Declaration and Programme of Action should be widely disseminated and the anti-discrimination unit of the Office of the High Commissioner for Human Rights (OHCHR) should be established as soon as possible.

42. The significant increase in incidents of violence, insults and assaults on Muslims and people of Arab descent in the aftermath of the events of 11 September 2001, as described by the Special Rapporteur, on contemporary forms of racism, racial discrimination, xenophobia and related intolerance in his report (E/CN.4/2003/23), was extremely disturbing. Moreover, measures such as the unjust and arbitrary regulations imposed as part of the anti-terrorism campaign, which specifically targeted the same groups of people, did not augur well for the international effort against terrorism, to which the Islamic countries were fully committed.

43. The OIC countries therefore urged the Commission to take steps to implement the Special Rapporteur's recommendations and to encourage all States to guarantee the fundamental rights of Muslims and people of Arab descent, including full exercise of their cultural and religious rights. The OIC countries endorsed the Special Rapporteur's recommendation that the Commission should keep the matter under review.

44. Also of great concern to OIC was the continuing campaign of defamation of Islam through disparaging language and negative stereotyping, despite the admonitions of the Durban Conference. In print and the electronic media, it had become commonplace to see misleading, even blasphemous, interpretations of Islam, offered by self-proclaimed experts who equated a peaceful and tolerant religion with terrorism, extremism and violence. OIC requested the Special Rapporteur to incorporate the documentation it had submitted to him on the subject in his next report.

45. Mr. AL-FAIHANI (Bahrain) said that his delegation welcomed the Special Rapporteur's reports (E/CN.4/2003/23 and 24) which constituted a valuable summary of all the activities undertaken to promote tolerance and a dialogue between civilizations. Despite the measures already adopted in pursuance of the Durban Declaration and Programme of Action, appropriate steps to reinforce tolerance still needed to be taken, particularly in the light of the events of the past 18 months, which had highlighted the urgent need to foster understanding among peoples in matters of religion.

46. Religious intolerance had become a worldwide phenomenon, with the mass media inciting religious discrimination, particularly against Muslims. Islam was a religion of tolerance and forgiveness, but it had itself been subjected to a proliferation of acts of aggression, intolerance and discrimination, while Arabs and Muslims in immigrant communities in various parts of the world had been subjected to racist attacks. He hoped that OHCHR and the international community would launch awareness-raising campaigns to deal with such situations.

47. Bahrain, as a party to the International Convention on the Elimination of All Forms of Racial Discrimination, had made racism an offence, and was cooperating with human rights non-governmental organizations (NGOs) to ensure that racist acts had no place in its society.
48. He hoped the Commission would reach a consensus at its current session on the need to combat the problem on the basis of the principles adopted at Durban.
49. Mr NENE (South Africa), speaking on behalf of the African Group, said that, while the Group appreciated all the good work accomplished at the Durban Conference, the general attitude of the Group of Western European and Other States at the fifty-sixth session of the General Assembly had been disappointing and had prevented the General Assembly from adopting a substantive resolution to guide the follow-up to the Durban Declaration and Programme of Action. General Assembly resolution 56/266 had also failed to address the fundamental issues requiring future action by the international community.
50. The African Group had presented a resolution creating mechanisms for the effective implementation of the Durban Declaration and Programme of Action to the General Assembly but it was only after protracted negotiations with reluctant partners that the General Assembly had finally adopted a constructive resolution concentrating on the various levels of implementation of the outcomes of the Durban Conference.
51. The positive spirit of cooperation demonstrated by the Asian Group and the Group of Latin American and Caribbean States (GRULAC) was commendable. However, the growing tendency of the developed countries to boycott the initiatives of the developing countries was seriously undermining the mandate of the Commission. The African Group had nevertheless appreciated the active participation in the proceedings by some members of the Western Group such as New Zealand, Norway and Switzerland and also the contributions made by the delegation of the Czech Republic. The European Union's stated desire to play a future constructive role was a positive development and he hoped that it would facilitate the nomination of its expert to the Working Group of Experts on People of African Descent.
52. The African Group was pleased at the progress made by both the Working Group on the Effective Implementation of the Durban Declaration and Programme of Action and the Working Group of Experts on People of African Descent. On the other hand, the activities of the OHCHR anti-discrimination unit needed further clarification and the appointment of the independent experts to follow up on the implementation of the Durban Declaration and Programme of Action needed to be expedited. It was the responsibility of States to implement the Durban Declaration and Programme of Action at national level and to account for their actions to the international community.
53. Mr KRIEKOUKIS (Greece), speaking on behalf of the European Union, the acceding countries of Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia and the associated countries of Bulgaria, Romania and Turkey, said that racism, intolerance and discrimination were still prevalent throughout the world. Such phenomena not only prevented the full enjoyment of human rights but also threatened the fundamental values underpinning democratic government.

54. At the Durban Conference, the international community had expressed the political will to close the gap between principles and practice and to fight resolutely against racism, racial discrimination, xenophobia and related intolerance. Respect for human rights and fundamental freedoms were essential prerequisites for the success of that enterprise. Action was required at all levels, international, regional and national and would involve the adoption of legislative and administrative measures, preventive strategies and the active involvement of civil society.

55. Racism, racial discrimination, xenophobia and related intolerance took many different forms, all of which must be addressed. In that connection, the Union attached great importance to the fight against anti-Semitism and Islamophobia and welcomed the call of the Durban Conference to take concrete action against those and other manifestations of racism.

56. The Union was committed to implementing the Durban Programme of Action and appreciated the contribution of OHCHR to the fight against racism, racial discrimination, xenophobia and related intolerance and the promotion of equality and non-discrimination. Universal adherence to and implementation of the International Convention on the Elimination of All Forms of Racism was of paramount importance for promoting equality and non-discrimination in the world. It was to be hoped, therefore, that the Convention would be universally ratified by 2005.

57. While it was important that all States should cooperate with the relevant monitoring mechanisms, national legislative and administrative measures needed to be supported by parallel preventive action and strategies to promote behavioural change if they were to be fully effective. Education and training were vital for instilling respect for every human being, for the other and for diversity.

58. The prohibition of discrimination based on any grounds was reaffirmed in the Union's Charter of Fundamental Rights. The fight against racism was therefore a key element of the policies of the Union and each of its member States and had also been integrated into the Union's common foreign and security policy, especially with regard to the enlargement process and assistance to development.

59. The European Union Monitoring Centre on Racism and Xenophobia supported the efforts being made by providing data, analysis and the means to monitor the progress and success of Union activities. The fight against racism, xenophobia and discrimination against ethnic minorities and indigenous peoples was also one of the four key priorities of the European Initiative for Democracy and Human Rights. Similarly, the Union supported the important work being done to combat racism by the Council of Europe and the Organization for Security and Cooperation in Europe (OSCE).

60. As stated in the Durban Declaration, a global fight against racism, racial discrimination, xenophobia and related intolerance in all their forms and manifestations was a matter of priority for the international community at the outset of the third millennium.

61. Mr. GONZÁLEZ (Costa Rica), speaking on behalf of the Group of Latin American and Caribbean States (GRULAC), said that the Group was committed to implementing the results of the World Conference against Racism, Racial Discrimination, Xenophobia and Related

Intolerance. General Assembly resolution 57/195 had confirmed the outcome of the World Conference and set it on the same level as other United Nations conferences, summits and special sessions in the area of human rights. The Durban Declaration and Programme of Action represented a substantial contribution to the principles and instruments of international human rights law and GRULAC noted with satisfaction the report by the High Commissioner (E/CN.4/2003/18) and the activities undertaken by Member States, the special rapporteurs and the other Commission mechanisms in that regard.

62. GRULAC agreed with the High Commissioner on the need to build consensus regarding practical actions in the area of racism and racial discrimination (E/CN.4/2003/14, para.28) and hoped that he would include the Durban Programme of Action and the work undertaken by the mechanisms of the Commission in the basis for his efforts. It greatly valued the contribution made by OHCHR and supported the activities of the Working Group of Experts on People of African Descent, particularly the studies that the experts had undertaken and the dialogue initiated with the States, the Commission's special procedures and civil society. He reiterated the appeal that the process of appointing experts be finalized so as to enable the Working Group to get on with its work.

63. The Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action was a key element in the machinery to enable the Commission to carry out its task of monitoring the Durban outcomes. That was a very important commitment because the victims and future generations would not understand the point of world conferences if they made no tangible difference to their lives. The Working Group had already succeeded in drawing up a medium-term plan for assisting the victims of racism.

64. GRULAC called for increased global participation by States and civil society in the effective application of the Durban outcomes, which was a responsibility of the entire international community. It was essential not to endanger the contents of the Durban Declaration and Programme of Action which represented a collective commitment to eradicate the scourge of racism which still existed in many parts of the world.

65. Mr. YTTERBERG (Sweden), having endorsed the statement made by the observer for Greece on behalf of the European Union, said that recent decades had seen positive developments in terms of the global recognition of every individual's freedom to enjoy his or her human rights without discrimination, including on grounds of sexual orientation, and the United Nations had been an important actor in that field.

66. The European Court of Human Rights had consistently upheld that the European Convention for the Protection of Human Rights and Fundamental Freedoms prohibited discrimination on the grounds of sexual orientation. In addition, a number of countries throughout the world (such as South Africa, Ecuador, Fiji and Switzerland) provided constitutional protection against discrimination on grounds of sexual orientation.

67. There were still many countries, however, in breach of human rights with regard to homosexual or bisexual persons. His Government appealed to such States to initiate urgently the necessary process of reform so as to bring their legislation and practices in line with international human rights law.

68. His Government also wished to point out that, despite the important role it had played in the area, the United Nations itself did not fully live up to the principles of non-discrimination, having failed to respect the civil status of those of its own employees who had entered into a civil union with a person of their own sex in accordance with the law of the country of which they were citizens.

69. His Government welcomed the evolution in the promotion of human rights of every individual regardless of that person's sexual orientation and encouraged States, international organizations and the treaty bodies to increase their attention in that field.

70. Mr. KHABBAZ-HAMOUI (Syrian Arab Republic) said that the phenomena of racism, racial discrimination and xenophobia, which still existed in the world and were encouraged by uncontrolled globalization, were all contrary to the principles of human rights and fundamental freedoms. The peoples of the world were still suffering, in fact, from the consequences of racism and the colonialism that had engendered it. The Palestinian people and the inhabitants of Syrian Golan and the southern Lebanon were suffering from the worst forms of racism, being deprived of health, education, culture and the right to travel, in violation of all the resolutions adopted by the international community. Peace and tolerance would be achieved only when racism was eradicated and the increase in racism was a proof that the steps taken so far were insufficient.

71. His delegation believed that efforts to implement the outcomes of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance were essential if its objectives were to be achieved. Although obstacles had been placed in the way of the Conference itself and, subsequently, of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, it had proved possible to achieve some successful results. It was important to deal with the roots of the phenomenon of racism, to seek out and punish the perpetrators and to take action to compensate the victims. The International Convention on the Elimination of All Forms of Racial Discrimination was an important tool for combating the scourge of racism. It was also important to understand that the Durban outcome was an ongoing process that needed to be driven forward.

72. Mr. SHEN Yongxiang (China) said that racism was still rampant throughout the world although it had taken on new forms. The Durban Declaration and Programme of Action, adopted at the most recent World Conference on the topic, were to guide the international community in combating the phenomenon. By its resolution 2002/68, the Commission had established the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action and the Working Group of Experts on People of African Descent.

73. The two working groups had begun functioning prior to the Commission's current session. The former Working Group had held some serious discussions and made some specific recommendations. The latter Working Group had carried out a detailed analysis of the discrimination throughout the world against people of African descents and had made a number of recommendations whereby the situation could be improved. The Commission should carefully study and implement the recommendations of both Working Groups.

74. Given the root causes of racism and the current situation, the Western countries should not shirk their responsibilities; regrettably, however, they had adopted a passive - or even an obstructive - approach to the two Working Groups and had not yet nominated anyone to serve on the Working Group of Experts. His delegation hoped that they would show real political will by actively participating in the consultations on the relevant resolutions. Only through concrete action would they be able to demonstrate the importance they attached to combating racism.

75. Mr. ROMANOV (Russian Federation) said that his Government attached particular importance to combating racism, in view of the many nationalities and many beliefs making up its country. It therefore considered it crucial to create conditions for the free development of all peoples and ethnic groups, for good relations between them and for the provision of equal human rights for all.

76. Discrimination on the grounds of race, language or religious belief was subject to a whole range of legislation, with the Constitution as its basis. One important instrument was the National and Cultural Autonomy Act of 1996, which provided for cooperation between national groups and the authorities, thus fostering good relations and the development of national and cultural interests. There were currently 15 national and cultural autonomous areas at the federal level, over 100 at the regional level and more than 200 at the local level.

77. It had to be acknowledged, however, that cases of discrimination did occur. In response, the federal Countering Extremist Activity Act had been passed in 2002, under which inciting to racial intolerance had become a criminal offence. Educational measures had also been introduced: a comprehensive programme on the formation of the establishment of a consciousness of tolerance and the prevention of extremism in the Russian Federation (2001-2005), to be applied in schools and institutes of higher education, had been adopted in 2001.

78. His delegation was concerned about the use of legislation in a number of neighbouring countries, particularly Latvia and Estonia, where it was designed to prevent the full integration of Russian-speaking people into the local society. Latvia had over half a million and Estonia about 200,000 Russians (or stateless Russian speakers) living in their countries; 36 per cent and 28 per cent of their respective population. Almost all the treaty bodies had expressed criticism of the legal status of non-citizens residing in Latvia and Estonia. The efforts made by the two countries in response to the recommendations by international organizations were, though welcome, clearly inadequate. Thus, for example, although the requirements for a knowledge of the language, history and Constitution of Latvia had been made less demanding, they remained beyond the reach of many, especially the elderly. A large group of non-citizens thus remained deprived of naturalization for purely political reasons. Much the same applied to Estonia, where additional points of issue were the denial of citizenship to former members of the Soviet armed forces and problems of family reunification. Such restrictions on the rights and freedoms of an ethnic minority were not acceptable for States that had made commitments to international human rights standards.

79. Ms. MOHAMED (Kenya), having endorsed the statement made by the representative of South Africa on behalf of the African Group, said that the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance had been an historic event, in that

the international community had, for the first time, declared slavery and the slave trade to be crimes against humanity, and had recognized that poverty, underdevelopment and marginalization could be traced back to such practices. It was disappointing, however, that the implementation of the Durban Programme of Action had proceeded so slowly. It had taken a year for the General Assembly to adopt a resolution on the implementation. Nevertheless, it was gratifying that, in accordance with General Assembly resolution 57/195, the Intergovernmental Working Group and the Working Group of Experts on People of African Descent had started their work.

80. The reluctance of some members of the Commission to participate in the sessions of the two Working Groups was not only regrettable but also showed a blatant disregard for Commission resolution 2002/68. Since no country could claim to have eliminated racial discrimination, it was imperative that the international community should work together and take decisive action to implement the Durban Declaration and Programme of Action at the national and international levels. She trusted that the Commission would adopt by consensus a bold and forward-looking resolution that built on the progress made to date.

81. Mr. ATTAR (Saudi Arabia) said that, in keeping with the precepts of Shariah and the relevant provisions of the Basic Law, his country's laws and regulations applied to all members of society without discrimination. The Government used every available means to convey the message of equality of rights and obligations to all institutions and to the public through the media and academic curricula. In the same spirit, the Government had acceded to the International Convention on the Elimination of All Forms of Racial Discrimination and had to date submitted three reports to the Committee on the Elimination of Racial Discrimination. The reports contained extensive details of the legislation promulgated over recent years, as well as useful additional information on the completion of the legislative and regulatory structure needed to ensure the promotion and protection of human rights. The most important and effective of recent instruments adopted included the Code of Practice for Lawyers, the Code of Civil Procedure and the Code of Criminal Procedure.

82. His Government was endeavouring to intensify its cooperation with the international community in all aspects of the fight against discrimination, including participation in international and regional meetings against racism. Within Saudi Arabia, although there was wide satisfaction concerning the effectiveness of measures to combat racism and promote mutual understanding among all sections of society, laws and regulations were under constant review to ensure their continuing effectiveness. Training courses were organized for those responsible for their application in order to ensure that all the requirements were met.

83. Some groups of people had spared no effort to exploit the terrorist attacks in the United States on 11 September 2001 in order to mar relations between Muslims and the West. Regrettably, they had succeeded in intensifying anti-Islamic and anti-Muslim extremism to an unprecedented degree. Over 20 books promoting Islamophobia had been published in the course of a single year. Such a development could engender discrimination and hatred within the international community. It was deplorable also that some of the information media were pursuing policies of incitement, despite the danger of promoting distorted stereotypes.

84. The Commission, whose role in addressing the question of the defamation of religions had become more crucial than ever, should endeavour to expose the fallacies on which such stereotypes were based. It was regrettable that the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/2003/24) did not refer to any of the cases of discrimination against Muslims in various parts of the world. His delegation was confident that the Special Rapporteur's next report would be more comprehensive.

85. Mr. KARIYAWASAM (Sri Lanka) said that the fear of "the other" and the desire to dominate and exploit others had ensured that racism and other forms of intolerance continued to thrive in many parts of the world. The United Nations was able to draw on a variety of mechanisms to combat racism. All had their uses but, in order to be effective, they must coordinate with each other in carrying out their mandates.

86. The Intergovernmental Working Group provided the Commission with an invaluable tool for assessing the steps taken by States to implement the Durban Declaration and Programme of Action. As for the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/2003/24), his delegation agreed with the assertion that racism should be tackled not only from the legal and political point of view but also with due regard to its ideological, cultural and psychological foundations. The Special Rapporteur had correctly identified pluralism as a fundamental value in combating racial discrimination.

87. Sri Lanka was a multi-ethnic nation that had embraced diversity over two millennia. The country's social ethos was therefore tolerance, enriched by all the major religious traditions of the world, with the primacy given to pluralism. The promotion and protection of diversity in a society constituted an essential basis for social and political harmony. Efforts to promote harmonious ethnic relations were therefore important; the glorification of specific ethnic or racial identities was detrimental to individual rights.

88. Mr. SOUALEM (Algeria) commended the Special Rapporteur's report on the situation of Muslim and Arab peoples in various parts of the world in the aftermath of the terrorist attacks in the United States on 11 September 2001 (E/CN.4/2003/23). The report duly recounted the violence used against persons, property and places of worship.

89. Islam had been equated by so-called representative personalities with violence, terrorism and backwardness. Moreover, some political authorities had betrayed an ambiguous attitude: on the one hand condemning the violence but, on the other hand, adopting new legislation discrimination against Muslims and Arabs, attitudes that could lead to a conflict between civilizations. Not only had Muslims been subjected to deliberately malicious and even criminal acts for the simple reason that they were different; the situation had not been helped, either, by the fact that Muslim or Arab communities, already often isolated or vulnerable, had been subjected to interrogations or detentions of doubtful legality.

90. Statements by political leaders after 11 September 2001 had shown a depressing degree of ignorance. One such had vaunted the superiority of Western civilization, claiming that its highest value - freedom - was not part of Islamic culture. He had gone on to say that the West

would continue to conquer the peoples as it had conquered communism. Statements based on ideas of a struggle between good and evil, or civilized nations against barbarians, were light-years away from the dialogue between civilizations that ought to be taking place.

91. French and Italian intellectuals had written books not only expressing hostility to Islamic culture and values but openly attacking Arabs and Muslims. It was particularly disturbing that a French Jew, who was well known for speaking out against the acceptance of Nazi stereotypes, should write, for example, that the “sons of Allah” were “multiplying like rats”.

92. It was deplorable that little progress had been made in implementing the Durban Declaration and Programme of Action. Most members of the Group of Western and Other States had boycotted the two working groups established by Commission resolution 2002/68. The Working Group of Experts on People of African Descent was of particular importance, since people of African descent were often victims of social and economic inequality and their participation in the political process in the countries where they lived was minimal. Their presence in political institutions, the liberal professions or the civil service was infinitesimally small. The reason was partly the absence of repentance by countries which had profited from centuries of slavery and partly the loss by such people of their cultural, religious and linguistic identity. Such factors also lay behind the higher than average proportion of people of African descent to be found in prisons. Policies should be adopted to prevent them from being treated as second-class citizens.

93. The Durban Declaration and Programme of Action constituted a test for the international community’s commitment to human rights; yet little had been done, apart from a few timid measures, at the national and international levels. As the Intergovernmental Working Group recommended, the multilateral institutions, and especially development agencies, should be involved more closely.

94. Ms. MALINOVSKA (Observer for Latvia) speaking in exercise of the right of reply, said that the representative of the Russian Federation seemed not to have heard the statement made to the Commission by the Latvian Minister for Social Integration at the third meeting of the current session, in which he had outlined the measures taken by his Government to overcome the effects of 50 years of communism in Latvia and to promote the integration of Russian speakers into Latvian society. All the points raised by the representative of the Russian Federation had been covered in that statement, so she would comment on one only. In actual fact, 95 per cent of the persons taking the Latvian citizenship test passed the first time. She added that a number of foreign diplomats who had learnt Latvian had also taken the test out of curiosity; and all had passed.

The meeting rose at 6 p.m.