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<i>Chairman:</i>	Mr. Majoor	(Netherlands)
<i>later:</i>	Ms. Seanedzu (Vice-Chairman)	(Ghana)
<i>later:</i>	Mr. Majoor (Chairman)	(Netherlands)
<i>later:</i>	Ms. Seanedzu (Vice-Chairman)	(Ghana)
<i>later:</i>	Mr. Majoor (Chairman)	(Netherlands)

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* Items which the Committee has decided to consider together.

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The meeting was called to order at 10.10 a.m.

Agenda item 62: Elimination of racism and racial discrimination (A/63/123)

- (a) **Elimination of racism, racial discrimination, xenophobia and related intolerance** (A/63/18, 306 and 473)
- (b) **Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action** (A/63/112 and Add.1, 339 and 366)

Agenda item 63: Right of peoples to self-determination (A/63/254, A/63/281-S/2008/431 and A/63/325)

1. **Mr. Mokhiber** (Office of the United Nations High Commissioner for Human Rights (OHCHR)), speaking as Deputy Director of the New York office of OHCHR and referring to agenda item 62 (a), introduced the report of the Secretary-General on the status of the International Convention on the Elimination of All Forms of Racial Discrimination (A/63/473), noting that the number of States parties to the Convention now totalled 173, and that a total of 53 States had now recognized the competence of the Committee on the Elimination of Racial Discrimination, under article 14 of the Convention, to consider communications from individuals claiming violation of their rights by a State party. The goal of universal ratification, however, was still distant, and the pace of the communications procedure remained very slow.

2. Introducing the report of the Secretary-General on the financial situation of the Committee on the Elimination of Racial Discrimination (A/63/306), he recalled that in 1992 an amendment to article 8 of the Convention had been adopted to provide for the financing of the Committee from the United Nations regular budget rather than making States parties responsible for the expenses of the Committee; however, the number of States parties that had ratified the amendment did not yet constitute the requisite two-thirds majority. Furthermore, as listed in annex II to the report, a number of States parties were still in arrears in respect of assessments for the period prior to 1994.

3. Turning to agenda item 62 (b), he introduced the report of the Secretary-General on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the

Durban Declaration and Programme of Action (A/63/366). It outlined various developments during the past year with regard to the implementation of the Declaration and Programme of Action, including progress on preparations for the Durban Review Conference to be held in Geneva in April 2009, and contributions to the Preparatory Committee for the Conference by United Nations human rights mechanisms and treaty bodies. The report also highlighted the role of OHCHR in helping to organize two regional preparatory meetings for the Durban Review Conference, the preparatory conference for Latin America and the Caribbean held in Brasilia, Brazil, in June 2008 and the preparatory conference for Africa held in Abuja, Nigeria, in August 2008, each of which had adopted an outcome document as the region's contribution to the Review Conference.

4. Referring to agenda item 63, he introduced the report of the Secretary-General on the right of peoples to self-determination (A/63/254), which summarized the action taken on the subject by the Human Rights Council, and outlined the relevant jurisprudence of the human rights treaty bodies. It highlighted the recent concluding observations of the Human Rights Committee with respect to the implementation of the right to self-determination under article 1 of the International Covenant on Civil and Political Rights.

5. **Mr. Muigai** (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance) introduced his interim report (A/63/339), which he had prepared after assuming his position in August 2008. It gave an overview of his objectives and his vision for his future work as Special Rapporteur. His priority thus far had been to follow and contribute to the preparations for the Durban Review Conference. He had addressed the preparatory conference for Africa, urging every single Member State to assess carefully its own implementation of the provisions of the Durban Declaration and Programme of Action, many of which, despite their normative importance, had yet to be put into effect. He had also made a statement at the opening of the second substantive session of the Preparatory Committee for the Durban Review Conference, a meeting that, as a result of very effective inter-State negotiation and consultation, had established clear texts that would be the basis for future negotiations. The consensual approach to decisions taken thus far should allow the Preparatory

Committee to produce a sound final document of use to those engaged in the fight against all forms of racism. The challenging times required unity, not fracture; joint commitments, not broken promises.

6. The report his predecessor had prepared for the ninth session of the Human Rights Council on combating defamation of religions had, after reflecting on the latest forms of Islamophobia, anti-Semitism and Christianophobia, made a central recommendation to Member States, in the specific context of the Durban review: to move from the concept of defamation of religions to the notion of incitement to racial and religious hatred, as a way of grounding their debate on concrete human rights principles.

7. During the coming years, there were certain key issues he intended to address. First, the migration that was unavoidable in a globalized world had confronted a growing number of States with the challenge of accommodating people of multi-ethnic backgrounds and ensuring social harmony and mutual respect within their societies. Unfortunately, in times of economic crisis, the positive contributions of immigrants were forgotten, migration became a political issue and immigrants were depicted as threats to the livelihood of citizens. Governments would have to find effective long-term strategies to counter the racism and xenophobia that inevitably emerged. By engaging in fruitful cooperation with all stakeholders — States, the relevant United Nations human rights mechanisms and agencies, and civil society — he intended to develop further the measures recommended in the Durban Declaration and Programme of Action to combat that problem.

8. Secondly, while he himself did not see racial hatred as the root of most recent conflicts, racial and ethnic differences had certainly been emphasized and manipulated for political purposes and had made conflicts more intractable. The legacy of ethnic and racial divisions lasted much longer than the conflict itself, in the form of political parties organized along ethnic lines or peace settlements that legitimized such divisions. A human rights approach was central to resolving conflicts: it played a key role in prevention, especially in the case of racism where worrying trends could be identified before they became irreversible; and it was also crucial in post-conflict settings. Helping to prevent and heal ethnic dichotomies that had developed during conflict was at the core of his mandate, and he would work closely with the Special

Adviser on the Prevention of Genocide and the Department of Political Affairs.

9. Thirdly, the relationship between racism and poverty was also central to his mandate. The most economically marginalized groups in any society were most often the victims of racism, in both developed and developing countries. The relationship between poverty and racism was complex, and simple arguments about causation failed to recognize that they were mutually reinforcing. Cooperating closely with those involved in that issue in the United Nations, including the Independent Expert on minority issues and the Special Rapporteur of the Human Rights Council on human rights and extreme poverty, he would in a future thematic report try to identify the appropriate legal tools and policies that would produce recommendations for implementation by Member States at the national, regional and international level.

10. He looked forward to a constructive dialogue with Member States as he identified issues and forms of engagement that could be developed in the future.

11. **The Chairman** announced that a question-and-answer period with the Special Rapporteur would follow.

12. **Ms. Basso** (France), speaking on behalf of the European Union, said that the international community must remain united in combating racism, racial discrimination, xenophobia and intolerance. She looked forward to hearing what the Special Rapporteur had learned from his participation in the Abuja regional conference for Africa and asked how he intended to contribute to the review for the Durban Declaration and Programme of Action.

13. Noting the information in the report (A/63/366) on country visits performed by the Special Rapporteur's predecessor, she asked for further detail on the countries that the current Special Rapporteur intended to visit in the near future. She also wished to know his position on his predecessor's view that the debate over the concept of defamation of religion might be depolarized by shifting it towards the legal concept of prohibiting incitement to racial and religious hatred.

14. **Mr. Attiya** (Egypt) said that the United Nations Global Counter-Terrorism Strategy (General Assembly resolution 62/272) would be an important basis for work on the question of preventing defamation of religions. Past reports of the Organization for Security and Cooperation in Europe had documented continuing

attacks on minorities in that region, especially Muslim minorities, and widespread racial stereotyping. Egypt and other States members of the Organization of the Islamic Conference, working in the context of article 22 of the International Covenant on Civil and Political Rights, were preparing a draft resolution for submission to the Committee that would incorporate the shift in focus recommended by the previous Special Rapporteur by defining defamation of religions as a serious affront to human dignity leading to restrictions on freedom of religion and incitement to racial and religious hatred.

15. **Mr. Saeed** (Sudan) asked how the Special Rapporteur intended to deal with the media campaigns that fuelled the fires of racial hatred and used caricature to tarnish sacred images and symbols. In addition, he wondered if the Special Rapporteur could provide some details on the aspects of racial discrimination identified by his predecessor during his visit to the United States. Thirdly, he would like to know if immigrants and asylum-seekers in the United States and Canada met with discrimination and were excluded from social and economic life there.

16. **Mr. Alakhder** (Libyan Arab Jamahiriya) said that his delegation would like more information about the previous Special Rapporteur's recommendations about dealing with media misuse of religious symbols and especially about the argument that that fell within the purview of freedom of speech.

17. Also, while his country was a party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and believed that immigrants contributed to the economies of certain countries, it itself as a transit country had suffered from the impact of unregulated economic migration as an environment for organized crime. It believed that States should accept only documented immigrants and should seek to prevent or at least regulate illegal immigration.

18. **Mr. Alhasan** (Kuwait), agreeing with the Special Rapporteur's remarks about the causes and forms of racial discrimination, asked whether he intended to study also the growing trend to excuse certain forms of racial discrimination by setting them in the context of freedom of speech.

19. **Ms. Pérez Álvarez** (Cuba) said she shared the concerns of Kuwait and believed that issue must be carefully studied. She would also like to know what the

Special Rapporteur believed were the challenges to achieving a consensus outcome document at the Durban Review Conference.

20. **Ms. Yan Jiarong** (China), agreeing with the Special Rapporteur that consultations and participation by all States in both the preparations for the Review Conference and in the Conference itself were the key to its success, and noting that many delegations had highlighted the importance of the issue of race relations, asked how in the coming year the Special Rapporteur intended to get more States involved in the preparations.

21. **Ms. Abdelhak** (Algeria) said that some States believed that defamation of religion should be tolerated as a criticism of religion. She wondered whether, in the Special Rapporteur's view, it was possible that defamation of religion was in fact an expression of racism against believers themselves. She asked how he interpreted article 20 of the International Covenant on Civil and Political Rights. Lastly, in the face of new policies on migration, she wished to know how migrant workers affected by the current financial crisis could be protected, particularly in States that had not acceded to the Migrant Workers Convention.

22. **Mr. Mosoti** (Kenya) asked, on the subject of ethnic conflict, how it was possible to reconcile the right of ethnic groups to self-determination and the fact that ethnicity was sometimes used to maintain control over power and resources.

23. **Mr. Butt** (Pakistan) asked how the Special Rapporteur intended to work on the issue of defamation of religion, which was being experienced as discrimination by hundreds of thousands of migrants and by ethnic and religious minorities, particularly in light of the seminar on the issue convened by the Office of the High Commissioner for Human Rights in October 2008, which had highlighted the question of limitations on the absolute freedom of expression.

24. He also asked how the Special Rapporteur planned to accelerate the preparations for the Durban Review Conference and reach a consensus document supported by all geographical regions.

25. **Mr. Muigai** (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance), answering the questions posed, said that the issues in his mandate were a work in progress and represented an opportunity to review

ideas in the light of changing practices. The Durban Review Conference would allow the participants to reaffirm their commitment to combating racism and also to clarify their thinking on the concepts involved and on specific programmes to achieve the desired results. He assured the members that he had an open mind and welcomed input from those who had been working on the problem for many years.

26. In response to the question from the representative of France, he said that the countries he had informed of his desire to visit included South Africa, Germany, Mexico, the United Arab Emirates, Bolivia, Indonesia and the Sudan. He had also renewed applications submitted by his predecessor that had not received a reply: those countries were a matter of public record in General Assembly documents.

27. His predecessor had made commendable efforts to tackle the issue of defamation of religion alongside the protection of free speech and had recommended a conceptual shift away from defamation of religion towards the concept of incitement of religious and racial hatred. The issue was complex because religious piety was expressed differently in different cultures, but he was prepared to offer leadership in the matter. He did not see it as a question of "either/or": freedom of speech was a basic pillar of democratic societies, while freedom of religion was fundamental to the cultural, civil and political rights of any civilization. Any threat to the integrity of religious belief raised human rights concerns. To ensure that harmony prevailed in the world, he would attempt to find ways in which each fundamental right could be exercised without imperilling the other. The academic experts who had participated in a seminar on defamation of religions had offered insights that would make it possible in future to harmonize both views and identify violations of either right.

28. With respect to his predecessor's visit to the United States, the relevant report was being prepared and would be presented to the Human Rights Council in 2009, at which time the representative of the Sudan would be able to view his predecessor's insights.

29. Lastly, with respect to the special vulnerability of asylum-seekers, particularly those from developing countries arriving in Europe and North America, he said he had not yet developed expertise on the issue. He recognized, however, that new forms of racism and

xenophobia had begun to emerge and they were a matter of grave concern to him.

30. **Mr. Alakhder** (Libyan Arab Jamahiriya), in a follow-up comment, said that the Special Rapporteur had failed to answer either of his questions. No one would disagree that freedom of speech was fundamental. The discussion had been about the misuse of that honourable concept in defaming religious figures: if someone used freedom of speech to insult another or to incite people to hatred, then it should be limited.

31. On the issue of migrant labour, he had been commenting on the need to address irregular migration because in the long term it could cause problems if unregulated.

32. **Mr. Muigai** (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance) responded that, in his view, speech that was used to incite people to religious or racial hatred or that expressed systematic contempt for or ridicule of religious figures was not permissible and lay beyond the protection of free speech. Such matters would be a legitimate area of concern for his mandate, and the General Assembly would hear from him on the subject in the future.

33. **Ms. Dah** (Chairperson of the Committee on the Elimination of Racial Discrimination), introducing the reports on the seventieth, seventy-first, seventy-second and seventy-third sessions of the Committee on the Elimination of Racial Discrimination (A/62/18 and A/63/18), said that during the period 2007-2008, the Committee had held four regular sessions at which it had considered a total of 30 reports of States parties. During that period, it had also reviewed the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination in some States parties that had not submitted a report and whose periodic reports had been overdue by at least five years. In addition, it had considered a number of situations under its early-warning and urgent-action procedures. Lastly, a number of individual complaints had been considered in accordance with article 14 of the Convention.

34. The Committee was committed to a continual process of improving its methods of work. In order to streamline reporting, it had adopted revised reporting guidelines, as well as new guidelines for its early-warning and urgent-action procedures. The Committee

had discussed the need for continuing dialogue and cooperation with the Human Rights Council on matters related to the universal periodic review, and it recognized the importance of cooperation with other treaty bodies. At its seventy-third session, it had held a thematic discussion on the subject of special measures and had decided to elaborate a general recommendation on the subject. The Committee had further strengthened its cooperation with a number of partners, including OHCHR and the International Labour Organization (ILO). The Committee had held dialogues on issues of common concern with the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur on freedom of religion or belief and the independent expert on minority issues. She also wished to highlight the Committee's continued participation in preparation for the Durban Review Conference.

35. One of the main challenges facing the Committee was the increasing backlog of reports from States parties. Some of the reports received during 2008 could not be considered until 2010. The Committee appreciated the high number (173) of States parties to the International Convention on the Elimination of All Forms of Racial Discrimination and encouraged those States that had not yet done so to ratify or accede to the Convention. The Committee also welcomed the increasing reporting rate for periodic reports submitted by States parties, which in part seemed to be a result of the universal periodic review.

36. However, the Committee was concerned about its increasing workload and the backlog of reports from States parties that were currently awaiting consideration. Similar concern had also been expressed by States within the framework of preparations for the Durban Review Conference, and a number of States had called for additional resources to be provided to the Committee from the United Nations regular budget so as to ensure that the Committee had the resources needed to fulfil its mandate.

37. In the light of the Committee's limited meeting time, amounting to a total of only six weeks per year, the Committee was indeed constrained in the implementation of its mandate. Accordingly, the Committee had decided at its seventy-third session to request the General Assembly to approve the extension of the annual meeting time of the Committee by two additional weeks (one per session) as of 2010. With a

total meeting time of eight weeks per year, the Committee would not only be able to catch up with its backlog but also to further improve its procedures.

38. *Ms. Seanedzu (Ghana), Vice-Chairman, took the Chair.*

39. **Mr. Khane** (Secretary of the Committee) announced that the Chairperson of the Preparatory Committee for the Durban Review Conference, for reasons beyond her control, had been unable to travel to New York to address the Committee. Arrangements were being made to have her statement delivered the following morning.

40. **Ms. Pérez Álvarez** (Cuba) requested more detail on why the Chairperson had been unable to travel to New York to deliver her statement in person.

41. **Mr. Khane** (Secretary of the Committee) responded that he had no additional information but would look into the matter.

42. **Ms. Akbar** (Antigua and Barbuda), speaking on behalf of the Group of 77 and China, said that any denial or violation of the principle of equal rights ran counter to the Charter of the United Nations. The International Convention on the Elimination of All Forms of Racial Discrimination and the Durban Declaration and Programme of Action remained the basis for the elimination of racism, racial discrimination, xenophobia and related intolerance. Although progress had been made at the national, regional and international levels in implementing the Durban Conference objectives, much more remained to be done. In some places, the international legal framework and other international commitments to combat racism had actually been eroded. The Review Conference must reaffirm the need for political will to counter impunity for racist violence and to ensure that victims were given maximum protection and remedies.

43. Since 11 September 2001, civil liberties had been eroded, racial profiling had intensified, and there had been a resurgence in violent incidents motivated by racism and religious hatred. The negative stereotyping of certain religions continued, hence the importance of the measures being undertaken to promote a dialogue among civilizations. The Group of 77 and China remained concerned at the use of information and communication technologies to disseminate racist propaganda. Incitement to racism and hatred should not be masqueraded as freedom of speech and although

that freedom was a valuable component of a democratic society, its exercise should not infringe on the rights of others. The Group of 77 and China welcomed the establishment by the Human Rights Council of the Ad Hoc Committee on the Elaboration of Complementary Standards with a mandate to supplement the International Convention on the Elimination of All Forms of Racial Discrimination.

44. The tendency to criminalize certain groups of migrants on racist grounds was particularly troubling, as was the exclusively security-based approach of some States to immigration-related issues. The preparations for the Review Conference should include more attention to discrimination on the basis of economic, social and cultural rights. It was a matter of concern that funding issues were impeding participation in the preparations by civil-society representatives of developing countries, especially in Africa. The Group of 77 and China thus urged Member States to contribute generously to the voluntary fund for the Review Conference.

45. *Mr. Majoor (Netherlands) resumed the Chair.*

46. **Mr. Chidyausiku** (Zimbabwe), speaking on behalf of the Southern African Development Community (SADC), aligned himself with the statement made by the previous speaker on behalf of the Group of 77 and China. SADC member States had lived through the worst forms of institutionalized racism, had drawn lessons from it and were determined to address its contemporary forms. That determination was reflected in those countries' constitutions. Most SADC members had also signed or acceded to the International Convention on the Elimination of All Forms of Racial Discrimination and other relevant instruments. However, legal provisions alone were insufficient; the elimination of racism called for an equitable distribution of economic, social and cultural resources, and social justice.

47. The situation of minorities, people of African descent, migrants, refugees and asylum-seekers had not improved since the 2001 World Conference. Tendencies to criminalize migrants and migration had only made matters worse.

48. The African regional preparatory conference had identified national and regional best practices. It had also noted a regression in efforts to combat racism, racial discrimination, xenophobia and related intolerance, as well as an upsurge in racist violence.

Political will was crucial to ensure those phenomena were not trivialized or used in politics and electoral campaigns, and that racist and xenophobic political platforms were countered. The meeting had also noted that racism and related phenomena affected women differently from men, aggravating their living conditions and generating multiple forms of violence. It had further condemned the ethnicization and criminalization of irregular migrants and asylum-seekers.

49. SADC members stood ready to assist the Special Rapporteur in implementing his mandate and agreed that efforts to eliminate racism should be undertaken in conjunction with policies to eradicate poverty and promote human development. SADC members remained committed to the full implementation of the Durban Declaration and Programme of Action.

50. **Mr. Gonnet** (France), speaking on behalf of the European Union; the candidate countries Albania and Montenegro; the stabilization and association process country Iceland; and, in addition, Armenia, Georgia, Liechtenstein, the Republic of Moldova and Ukraine, said that every society faced racism and racial discrimination; the international community must remain united in combating that global scourge. The European Union, for its part, had identified fighting racism as a priority and had made significant progress in identifying best practices in that regard. Racism assumed a variety of forms and the United Nations should fight all its manifestations. The International Convention on the Elimination of All Forms of Racial Discrimination must be fully implemented, with the cooperation of all Member States, and the European Union fully supported the work of the Committee on the Elimination of Racial Discrimination in that regard. It had agreed to support the organization of a review conference on condition that the proceedings should be held within the framework of the General Assembly and should focus exclusively on implementation of the Durban Declaration and Programme of Action, without re-examining those instruments. Providing those conditions were met, the European Union would play a full role in the preparations and encourage the international community to adopt a balanced position at the close of the Review Conference. Substantive progress on the draft final document was thus far lagging.

51. The issue of complementary standards should be addressed only once certain criteria had been met. The

existing legal framework must first be fully implemented and its interpretation developed to meet current challenges if required. New standards should be drafted only if their necessity was proved, with broad consensus. Such standards must not, however, be allowed to restrict the scope of existing human rights. Discussions appeared to be moving in a direction which could reduce the level of human rights promotion and protection that had taken 60 years to be achieved. The European Union was concerned lest United Nations principles might be undermined. No hierarchy should be established among victims or any one group excluded, nor should the review focus on specific geographical areas. The Conference should look ahead and demonstrate how the promotion of human rights, especially freedom of speech, could play an important role in fighting racism. Education in human rights was also crucial in that regard.

52. **Ms. Pérez Álvarez** (Cuba) said that racial discrimination had been bolstered by the rise of anti-immigrant, xenophobic right-wing parties in developed countries, which, in turn, had led to an ideologically motivated campaign by Western media to demonize Islam. Consequently, freedom of expression was invoked to defend the intellectual legitimization of ideas inspired by racial hatred, as demonstrated by anti-terrorism and anti-immigrant legislation in those countries. In that connection, the so-called return directive adopted by the European Union was troubling.

53. The current situation in the United States illustrated the consequences of belief in so-called racial superiority; in that country, African-American, Native American and immigrant populations were subjected to harsh discriminatory practices, while individuals were arbitrarily incarcerated in the illegal Guantánamo Bay naval base on the sole basis of their appearance or religious beliefs.

54. Turning to the right of peoples to self-determination, she noted that it was a prerequisite for the realization of the full panoply of human rights. Cuba demanded an immediate withdrawal of Israeli forces from all occupied Arab territories, including Palestine and the Syrian Golan, as well as full respect for the inalienable right of the Palestinian people to establish an independent and sovereign State. Cuba also supported the right of the people of Puerto Rico to self-determination and hoped that they could join the community of nations freed from the yoke of

colonialism. In the light of those circumstances, ensuring full implementation of the Durban Declaration and Programme of Action was crucial, as was the adoption of new measures to combat contemporary forms of racism. In that regard, she hoped that the upcoming Durban Review Conference would reflect renewed political will on the part of Member States to tackle the problem.

55. The Cuban people continued to demand the return of its territory, illegally usurped by the Guantánamo Bay naval base, the presence of which constituted an affront to Cuban independence, sovereignty and territorial integrity. Her Government also rejected the so-called humanitarian intervention doctrine, which, in certain cases, was as reprehensible as an outright violation of the right to self-determination.

56. Her delegation planned to introduce a draft resolution on the use of mercenaries and on the activities of international private security firms, and would appreciate the support of Member States in that regard.

57. Over nearly five decades, successive United States administrations had threatened the Cuban people's right to self-determination by granting impunity to organizations and individuals who had inflicted terrorist attacks against Cuba; one such individual was Central Intelligence Agency-trained Cuban terrorist Luis Posada Carriles, who had walked free in the United States after being found responsible for the bombing of a Cubana Airlines flight with much loss of life.

58. Her delegation called for the immediate release of the five Cuban citizens who had been arbitrarily and unjustly incarcerated by the United States Government for a decade for combating the anti-Cuban, terrorist acts planned by groups based in Miami, Florida. In closing, she reiterated the Cuban people's will to defend its right to self-determination to the last drop of blood.

59. **Mr. Al Binali** (Qatar) said that non-discrimination was a fundamental principle of his country's society. Both the Islamic sharia and Qatar's Constitution prohibited discrimination, and his country was a party to the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Suppression and Punishment of the Crime of Apartheid, as well as the ILO Convention concerning Discrimination in Respect of Employment

and Occupation. Its citizens and residents enjoyed numerous rights without discrimination, and any victims of discrimination had legal recourse. Qatar had established an independent Human Rights Commission to monitor the exercise of those rights and to disseminate a culture of human rights awareness.

60. **Mr. Tarragô** (Brazil) said that his Government's initiative to convene the first regional preparatory conference for the Durban Review Conference reflected its strong commitment to the elimination of racial discrimination. The comprehensive outcome document adopted at the meeting addressed important issues with regard to the elimination of racism, including the promotion of racial and gender equality in public policies and increased protection against all discriminatory practices. The document highlighted regional progress and the need to prevent and penalize contemporary manifestations of racism and xenophobia. The document also noted the passage of legislation in developed countries that was discriminatory towards migrants and contrary to internationally recognized human rights norms.

61. *Ms. Seanedzu (Ghana), Vice-Chairman, took the Chair.*

62. **Mr. Mohamad** (Sudan) said that, despite numerous global initiatives to combat racism, it continued to take new forms, and his delegation welcomed the upcoming Durban Review Conference as an opportunity to renew efforts to identify and fight them. There had been, for example, an increase in political parties and movements that adopted xenophobic platforms and in racist incidents related to sport, an activity that was supposed to bring people together. Racism against migrants was also on the increase, in particular against Muslim communities in Western countries after the events of 11 September 2001. Attempts to link Islam to terrorism and target Muslims in the West arose from a mistaken conception of Islam, and greater dialogue among civilizations was necessary to combat them.

63. In the Sudan, all citizens were treated alike without discrimination or preference, and all enjoyed guarantees of equal rights under the Constitution and in accordance with international and regional agreements. His country also subscribed to the African Union's view that the right of self-determination was limited to peoples who had suffered colonialism and foreign occupations. It should not be used as a pretext for

infringing on the sovereignty, territory or social unity of any State. He called on the international community to devote attention to implementing United Nations resolutions relating to the right of the Palestinian people to an independent State with Jerusalem as its capital.

64. *Mr. Majoor (Netherlands) resumed the Chair.*

65. **Mr. Islam** (Bangladesh) said that racial discrimination was an affront to the very notion of human rights. While such new media technologies as the World Wide Web promoted freedom of expression, they also provided a breeding ground for ethnic hatred; the international community must monitor such developments more closely and ensure responsible use of information and communications technologies.

66. There was also a growing trend of intellectual justification and political legitimization of racism and xenophobia. Innovative tools must be found to address the increasing complexity of prejudice and its attendant challenges. Furthermore, given the interplay between racism and development issues, efforts to eliminate it should be undertaken in conjunction with poverty eradication and human development.

67. Noting that the defamation of religion was on the rise, he stressed the importance of interreligious and intercultural dialogue in promoting tolerance and mutual understanding. In that connection, his delegation hoped that its draft resolution on the culture of peace would once again be adopted by consensus.

68. The Constitution of Bangladesh prohibited discrimination against its citizens, and provided affirmative action for particularly disadvantaged groups. The Bangladeshi people lived in communal and religious harmony.

69. In order to combat racism, States must intensify efforts to implement stringent national laws. As elements of racism were deeply entrenched in society, relevant national strategies must be developed with a thorough understanding of the roots of racism, xenophobia and related intolerance; racial discrimination must not be part of any State's anti-terrorism policy. Civil society and the media could also help in combating racial prejudice.

70. Turning to the Durban Review Conference, he said that Member States would need to work together in order to overcome the political difficulties they had encountered in attempting to implement the Durban

Declaration and Programme of Action and the Convention on the Elimination of All Forms of Racial Discrimination. States should also be willing to acknowledge and address the phenomenon of institutional racism. Lastly, he urged Member States to commit resources, to bridge the gaps in funding for the Conference.

71. **Mr. Malginov** (Russian Federation) said that, despite all efforts to combat racism, the issue remained relevant and was all too often trivialized; nor had that phenomenon become less widespread. The Russian Federation was playing an active part in preparations for the Review Conference. Time was short, yet progress had been disappointing, with many issues still pending, including funding, work on a draft final document and the information campaign, which was behind schedule. It was a matter of concern, moreover, that several countries had announced that they would not be participating in the Conference. Their unwillingness to fund the preparations process would above all affect the level and quality of civil-society participation.

72. The European Union, for its part, had assumed a strangely passive role in the preparatory process, despite increasing and systemic discrimination against minorities in European countries, including on the basis of ethnicity and language. In some European countries, inspectors issued fines or dismissed people for speaking certain languages, and those who complained to the European Court of Human Rights were threatened with further repression. That repressive machine was used in some so-called “democratic” countries to put pressure on minorities, to reduce their participation in cultural activities and to force assimilation.

73. The unprecedented rise of neo-fascist and neo-Nazi groups and attempts to justify fascist crimes could not but raise concern. Some Governments turned a blind eye, or even supported attempts to rewrite history and glorify fascists, including those who had fought against the anti-Hitler coalition. That was a direct affront to the veterans who had liberated the world from the horrors of Nazism. Incitement to hatred and xenophobia was also used as a tool by certain political authorities still subject to a Cold War mentality. Such authorities survived by using outdated stereotypes to concoct an external enemy, even publicly shunning entire countries. That was surely the worst form of xenophobia.

74. The Russian Federation, for its part, had always advocated the respect, promotion and protection of the rights of all peoples irrespective of race, colour, nationality or ethnicity, religion and language. At the national level, concrete measures had been put in place to combat racism and racist crimes. Progress was not always as rapid as might be hoped, and his delegation was the first to admit that problems persisted, which his Government and society must resolve together. Racism existed in all societies, including the most developed. It could only be overcome with concerted efforts at all levels. The forthcoming Review Conference would provide an opportunity to devise an effective global strategy to that end.

75. **Mr. Attiya** (Egypt) said that new forms of racism continued to deprive humanity of the benefits of civilizational, cultural and religious diversity. He was concerned by outbreaks of extremist right-wing racism and xenophobia in established democracies at a time when the success of globalization depended on dialogue. While some countries were acting to stem that tide, others were allowing it to flourish under the protection of freedom of speech, not realizing that tolerance was a prerequisite for democratic rights to flourish. No less dangerous was the blurring of the line between combating terrorism on the one hand and the persecution of religious or ethnic groups on the other.

76. Those phenomena needed to be confronted by a push to establish human rights while at the same time filling gaps in certain countries’ legislation that allowed an opening for racial incitement and discrimination. The ongoing discussions in the Human Rights Council on strengthening the International Convention on the Elimination of All Forms of Racial Discrimination were of crucial importance to restoring North-South trust, as was follow-up to the Durban Declaration and Programme of Action, particularly as it related to marginalized minorities, without trying to impose cultural concepts or set conditions for development assistance. Above all, freedom of expression needed to be reinforced by an emphasis on respect for religious freedoms and cultural specificities in order to reverse the tendency towards intolerance and antagonism.

The meeting rose at 1 p.m.