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Chairman: Mr. Margarian (Vice-Chairman) (Armenia)

Contents

Agenda item 60: Promotion and protection of the rights of children (*continued*)(a) Promotion and protection of the rights of children (*continued*)Agenda item 64: Promotion and protection of human rights (*continued*)(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)(e) Convention on the Rights of Persons with Disabilities (*continued*)Agenda item 62: Elimination of racism and racial discrimination (*continued*)*(a) Elimination of racism, racial discrimination, xenophobia and related intolerance (*continued*)*(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (*continued*)*Agenda item 63: Right of peoples to self-determination (*continued*)*

* Items which the Committee has decided to consider together.

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In the absence of Mr. Majoor (Netherlands), Mr. Margarian (Armenia), Vice-Chairman, took the Chair.

The meeting was called to order at 10.15 a.m.

Agenda item 60: Promotion and protection of the rights of children *(continued)*

(a) Promotion and protection of the rights of children *(continued)* (A/C.3/63/L.16)

Draft resolution A/C.3/63/L.16: Rights of the child

1. **Ms. Pi** (Uruguay), speaking as a sponsor on behalf of the Latin American, Caribbean and European groups, introduced draft resolution A/C.3/63/L.16 and said that the following countries had joined the sponsors: Benin, Bosnia and Herzegovina, Burundi, Croatia, Kazakhstan, Kyrgyzstan, Madagascar, Monaco and the Republic of Moldova. The draft resolution stressed the need to prevent and eradicate child labour and emphasized poverty and lack of education as its causes. In its resolution 62/141, the General Assembly had approved the mandate for the Special Rapporteur on violence against children, but no one had been appointed to the position. That was cause for great concern.

2. **Mr. Khane** (Secretary of the Committee) said that the following countries had joined as sponsors: Armenia, Kenya, Malawi, Namibia, the Republic of Korea, San Marino, Serbia, Timor-Leste and Ukraine.

Agenda item 64: Promotion and protection of human rights *(continued)*

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms *(continued)* (A/C.3/63/L.20, L.21, L.23, L.24 and L.35)

Draft resolution A/C.3/63/L.20: The role of the Ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights

3. **Mr. Bouchaara** (Morocco), speaking on behalf of the sponsors, introduced draft resolution A/C.3/63/L.20 and said that Brazil, Gabon and the United States had joined the sponsors.

4. Ombudsmen and mediators had an essential role to play in protecting and promoting human rights and

strengthened the rule of law. Their contribution deserved to be highlighted. The objective of the draft resolution was to send a message of encouragement to ombudsmen and mediators. The institutions in question were referred to by various names in different countries but most important was the work they did. It was hoped that the draft resolution would be adopted by consensus.

5. **Mr. Khane** (Secretary of the Committee) said that Armenia and Sri Lanka had joined as sponsors.

Draft resolution A/C.3/63/L.21: Regional arrangements for the promotion and protection of human rights

6. **Mr. Nihon** (Belgium), speaking on behalf of the sponsors, introduced the draft resolution and said that the following countries had joined the sponsors: Benin, Cyprus, Denmark, Estonia, Greece, Israel, Latvia, Sweden and Togo. The draft resolution, which was submitted every two years, had been slightly shortened and amended. It noted progress made since the previous resolution on the subject. The draft welcomed exchanges between the Office of the High Commissioner for Human Rights and regional intergovernmental organizations, as well as between United Nations human rights treaty bodies and the relevant regional organizations. The draft resolution also described regional initiatives and meetings in various parts of the world aimed at increasing cooperation, including within the frameworks of the Association of Southeast Asian Nations (ASEAN) and the Common Market of the South (MERCOSUR).

7. **Mr. Khane** (Secretary of the Committee) said that the following countries had joined as sponsors: Argentina, Bulgaria, Cameroon, Guatemala, Liechtenstein, Lithuania, Mali, Mongolia, and Paraguay.

Draft resolution A/C.3/63/L.23: National institutions for the promotion and protection of human rights

8. **Mr. Schröder** (Germany), speaking on behalf of the sponsors, introduced the draft resolution. It built upon a body of General Assembly resolutions on the subject, the most recent being resolution 60/154, adopted without a vote. No resolution on national institutions had been proposed during the sixty-second session, and, as a result, there would be no report by the Secretary-General on the subject at the sixty-fourth session unless action was taken during the current

session. Given the importance of the subject and changes which had occurred since the last relevant resolution, it was important that another report by the Secretary-General should be submitted in a timely manner.

9. The draft resolution recalled the Paris Principles annexed to General Assembly resolution 48/134. The draft recognized the important role played by national institutions and encouraged them to seek accreditation status through the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.

10. **Mr. Khane** (Secretary of the Committee) said that Guatemala, Sri Lanka and Timor-Leste had joined as sponsors.

Draft resolution A/C.3/63/L.24: International Year of Human Rights Learning

11. **Mr. Babadoudou** (Benin), speaking on behalf of the sponsors, introduced the draft resolution and said that the following countries had joined the sponsors: Austria, Bulgaria, Colombia, El Salvador, France, Hungary, Ireland, Romania and Slovenia.

12. The draft resolution was intended to keep attention on the subject and to provide States with legal tools to organize events during the year and develop programmes of action. The concept of human rights education, while still relatively new, was important to the achievement of the Millennium Development Goals and of all human rights.

13. **Mr. Khane** (Secretary of the Committee) said that Guatemala, Iraq, Italy and Turkey had joined as sponsors.

Draft resolution A/C.3/63/L.35: Extrajudicial, summary or arbitrary executions

14. **Mr. Khane** (Secretary of the Committee) said that New Zealand had erroneously been left off the list of original sponsors.

15. **Ms. Schlyter** (Sweden), speaking as a sponsor on behalf of the five Nordic countries, introduced the draft resolution and said that the following countries had joined the sponsors: Benin, El Salvador, Georgia, the Republic of Moldova, San Marino and Ukraine.

16. The current draft had been updated to reflect issues raised by the Special Rapporteur, such as the

importance of protecting witnesses in order to prevent impunity.

17. **Mr. Khane** (Secretary of the Committee) said that the Republic of Korea and Uruguay had joined as sponsors.

(e) Convention on the Rights of Persons with Disabilities *(continued)* (A/C.3/63/L.37)

Draft resolution A/C.3/63/L.37: Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto

18. **Ms. Rovirosa** (Mexico), speaking on behalf of the sponsors, introduced the draft resolution. She welcomed the entry into force of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto on 3 May 2008, as well as the holding of the 1st meeting of the Conference of States Parties on 31 October 2008. She urged all Member States to become parties to the Convention with a view to meeting the needs of persons with disabilities and guaranteeing them equality of opportunity, including within the United Nations system. She hoped that, as in the past, the draft resolution would be adopted by consensus.

19. **Mr. Khane** (Secretary of the Committee) said that the following delegations wished to join the sponsors: Albania, Armenia, Azerbaijan, Benin, Bosnia and Herzegovina, Burkina Faso, Burundi, Cameroon, Iceland, Lithuania, the Republic of Moldova, Tunisia and Uruguay.

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

(a) Elimination of racism, racial discrimination, xenophobia and related intolerance *(continued)* (A/63/18, 306 and 473)

(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action *(continued)* (A/63/112 and Add.1, 339 and 366)

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

20. **Mr. Ndimeni** (South Africa) (Vice-Chairperson of the Preparatory Committee for the Durban Review Conference), speaking on behalf of the Chairperson,

introduced the reports of the Preparatory Committee on its first and second substantive sessions (A/63/112 and Add.1) and drew attention to the decisions taken by the Preparatory Committee as contained in those reports. He recalled that the objectives of the Durban Review Conference, to be held in April 2009 in Geneva, were to: review progress toward and identify concrete measures for the implementation of the Durban Declaration and Programme of Action by all stakeholders; assess and enhance the effectiveness of follow-up mechanisms; promote universal ratification and implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and proper consideration of the recommendations of the Committee on the Elimination of Racial Discrimination; and identify and share good practices.

21. The role of the substantive sessions was to prepare the Review Conference outcome document. Engagement in that process testified to the international community's commitment to work toward a common goal for the benefit of the victims of racial discrimination and humanity as a whole. The outcomes of the regional meetings held in Brasilia and Abuja as well as contributions from Asia, the European Union and the Organization of the Islamic Conference likewise reflected that commitment. The first substantive session had agreed on the structure of the outcome document and had established an intersessional open-ended intergovernmental working group to follow up the work of the Preparatory Committee. The second substantive session had agreed to compile in a single document the relevant paragraphs and chapters of the outcome document, which would serve as a basis for negotiations.

22. The preparations would benefit from the participation of all stakeholders but continued to be hindered by a lack of resources, which had prevented effective participation of representatives of the least developed countries as well as national human rights institutions and NGOs. Additional financial contributions were urgently required.

23. The Review Conference would convene in five months. When the Conference assessed the implementation of the commitments undertaken in 2001, it must not be forgotten that the ultimate objective was to change the daily life of individuals and groups around the world who were victims of racial discrimination. Racism was intertwined with such issues as destitution, exclusion, unequal access to

resources and opportunities, and social and cultural stigmatization. Despite efforts to promote the principles of the Universal Declaration of Human Rights, racism continued to affect countless human beings. As the Organization moved forward with preparations for the 2009 Conference, it was important to remain focused on the fight against racial and other forms of discrimination, which hindered the full enjoyment of human rights for so many people.

24. **Mr. Talbot** (Guyana), speaking on behalf of the Caribbean Community (CARICOM), welcomed the first commemoration, on 25 March 2008, of the International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade, and the adoption by consensus of General Assembly resolution 63/5 on the permanent memorial to and remembrance of the victims of slavery and the transatlantic slave trade. The slave trade had been a horrendous crime against humanity, robbing Africa of its most precious resource and inflicting horrific and dehumanizing conditions on the people of the Caribbean. That tragic chapter of human history must never be forgotten. The slave trade and indentured service had initiated the most blatant form of racism in history. The ensuing colonial period had ended only recently for many CARICOM countries and persisted in others whose people continued to pursue their right to self-determination.

25. He expressed concern at physical attacks on persons motivated by racism and religious intolerance and called for dialogue among civilizations as a means of promoting a culture of peace and understanding among all the peoples, cultures and religions of the world. He commended the United Nations for its efforts to combat racism, in particular the work of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and noted the importance of country visits by the Special Rapporteur in shedding light on the situation in various countries. Member States should strengthen their cooperation with the Special Rapporteur with a view to sharing expertise and promoting anti-racism policies. Given the lack of progress toward full implementation of the Durban Declaration and Programme of Action, Member States should also assess their implementation of the commitments contained therein.

26. He commended the Committee on the Elimination of Racial Discrimination for its work and

looked forward to reviewing its forthcoming general recommendation relating to articles 1 (4) and 2 (2) of the International Convention, on special measures to ensure equal enjoyment or exercise of human rights and fundamental freedoms. He welcomed the continued contributions of the Committee to the preparations for the Durban Review Conference. He likewise commended the Preparatory Committee for its work.

27. The Office of the United Nations High Commissioner for Human Rights made an important contribution to ensuring the success of the Review Conference, for example by providing support for the preparatory process. It should expand its worldwide information campaign on combating racism, in particular through its website. He expressed strong support for the High Commissioner and echoed her call for all Governments to participate in the Durban review and work together in a spirit of consensus to ensure a successful outcome.

28. He commended the efforts of the Working Group of Experts on People of African Descent to address the issue of racism and its relation to employment and health, in particular its recommendation that States should identify factors that had resulted in the overrepresentation of people of African descent in arrests, prosecution and incarceration and its invitation to the International Labour Organization to study how to combat xenophobia and further develop international standards for the protection of domestic workers. The Caribbean Community likewise supported the development of a racial-equality index as a tool to assess the discrimination faced by people of African descent and other vulnerable groups, and agreed that the issue of reparations for people of African descent should be considered by the Review Conference.

29. He welcomed the outcome of the regional conference for Latin America and the Caribbean to help prepare for the Conference, which had stressed the need to broaden the spectrum of measures to eradicate discrimination, and expressed support for the Ad Hoc Committee of the Human Rights Council on the elaboration of complimentary international standards as well as for the relevant special procedures of the Council. Such efforts were examples of the work being undertaken to combat discrimination. The Caribbean Community would continue to work with the United Nations system, the international community and all stakeholders to move forward and develop solutions to

such issues as racism that continued to plague humankind.

30. **Ms. Abdelhar** (Algeria) said that the commitment of Member States in combating racism and discrimination within the framework of the Durban Declaration and Programme of Action seemed to have weakened. At the same time, racism and intolerance had grown and had been used to justify political goals, including policies to address illegal immigration and fight terrorism. The international community must work together to protect freedom of expression with a view to promoting understanding and dialogue among cultures, especially as the Universal Declaration of Human Rights accorded equal importance to all human rights.

31. The Review Conference represented an important opportunity to adapt the Durban Declaration and Programme of Action to current challenges. Given that racism affected all parts of the world, her delegation was concerned that some regional conferences had not been convened to discuss the draft outcome document. Furthermore, the international community must show solidarity in overcoming racism and intolerance, which had caused many national and international conflicts. Her delegation welcomed the elaboration of complementary norms that would address new forms of racism and hoped they would be adopted by consensus.

32. Denial of the right to self-determination was both a human rights violation and a form of racism. It was essential that peoples who lived in the Non-Self-Governing Territories, including the Saharan people, must be allowed to exercise that inalienable right. The Palestinian people must also be allowed to exercise that right and establish an independent and sovereign State with Al-Quds Al-Sharif as its capital.

33. **Ms. Rasheed** (Observer for Palestine) said that racism was often the underlying cause of repression and violence. It had been the underlying motive for the expulsion of over 800,000 Palestinians from their homeland in 1948. Since then, the Palestinian people had been denied basic human rights, including the right to return. Furthermore, even though Palestinians constituted 20 per cent of the population within Israel, they were subjected to discriminatory laws that forced them to live as third-class citizens.

34. Israel's 41-year occupation had been transformed into a system of colonization, racial discrimination and apartheid. That was evident in the practices and laws

imposed by Israel, which had oppressed and segregated the Palestinian people in contravention of 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.

35. In order to facilitate the movement of Israeli settlers, almost three million Palestinians in the West Bank had been denied the basic right to freedom of movement and travel. Furthermore, Israel was continuing to construct the separation wall in spite of the advisory opinion of the International Court of Justice. The international community must show courage in putting an end to the racism, colonialism and foreign occupation that had subjugated the Palestinian people, who must be granted freedom through the inalienable right to self-determination.

36. **Ms. Halabi** (Syrian Arab Republic) said that her country appreciated the work of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, which all States should support. In the same way, there should be greater cooperation with the Alliance of Civilizations, in order to discover the roots of the growing polarization between cultures and societies around the world.

37. The media was increasingly being used to propagate a deliberately distorted image of certain religions and cultures, leading to prejudice, hatred or feelings of superiority. The systematic targeting of Arabs and Muslims, ostensibly to combat terrorism, was a significant issue that deserved attention.

38. There had been a drastic rise in racially discriminatory practices in the Middle East. The Palestinian people continued to be subjected to targeted killing in an attempt to eliminate or expel them and to prevent them from pursuing their legitimate claims. Illegal settlements continued to be built in the Occupied Territories along plainly racial and religious lines, in order to alter the demographic situation on the ground. Her country hoped that the Review Conference would tackle those worrying developments.

39. With regard to self-determination, her country was grateful for the efforts undertaken, but regretted the lack of any tangible recommendations aimed at ensuring States' compliance with their international obligations. It was unfortunate that the United Nations remained unable, even unwilling, to take action against

Israel's violations and live up to its responsibilities towards the Palestinian people.

40. **Ms. Rasheed** (Observer for Palestine) said that the achievement of freedom and independence for a great number of nations had been among the most important achievements of the twentieth century. However, the international community must step up its efforts to ensure that the right to self-determination became a universal reality. The Palestinian people's right to self-determination had been violated by a long occupation. The international community, especially the United Nations, must therefore urgently take swift and concrete measures to assist the Palestinian people in realizing their right to self-determination.

41. Israel's occupation had produced systematic and flagrant violations of a range of individual and collective rights guaranteed by international human rights law. Israel's massive colonization campaign in the Occupied Palestinian Territory, including East Jerusalem, had resulted in the illegal construction and expansion of settlements and the separation wall. According to the International Court of Justice, the wall impeded the exercise of the right to self-determination. All those practices undermined the territorial unity, contiguity and integrity of the Occupied Palestinian Territory. However, despite the overwhelming pain and loss that the Palestinian people had endured, they would continue to strive for self-determination and the establishment of an independent State of Palestine, with East Jerusalem as its capital.

42. **Mr. Llanos** (Chile) said that his delegation did not agree with the references made in the Secretary-General's report on the right of peoples to self-determination (A/63/254, para. 13) to problems in demarcating indigenous lands in Chile. Those types of land claims by indigenous peoples had no relation to the right to self-determination as defined by international law. For that reason, his delegation wished to stress its dissatisfaction with the concluding observations of the Human Rights Committee on Chile, which had noted that some claims by indigenous peoples in Chile, the Mapuche in particular, had not been met. Those observations were completely out of place and had no connection to General Assembly resolution 62/144.

43. **Mr. Gonnet** (France), speaking on behalf of the European Union, said that constructive discussions on the draft outcome document of the Review Conference

had been held in the Preparatory Committee. It was clear that informal and bilateral consultations and a spirit of compromise would be necessary to reach a consensus on that document, and the European Union was willing to play an active role to that end. In addition, civil society should be allowed to participate fully in the substantive sessions of the Preparatory Committee, because it could make a valuable contribution. The European Union regretted that the accreditation of non-governmental organizations had given rise to controversy, but considered that United Nations rules on that issue must be respected.

44. The European Union hoped that the Review Conference would focus on implementation of the Durban Declaration and Programme of Action without establishing any form of hierarchy among victims of human rights violations or focusing on any geographical bias. The Conference should build on the Declaration's aims of abolishing all forms of discrimination, including discrimination on the basis of gender, sexual orientation and religion. It was especially important to guarantee the right to freedom of expression, because it played an important role in preventing racism, a problem that affected all Member States. The European Union hoped that each country and the international community as a whole would work towards eliminating racism.

45. **Ms. Sagar** (United Kingdom) said that her Government had worked tirelessly to combat racism and discrimination for many years and hoped that the Durban Review Conference would contribute to that end. However, it had also expressed a number of concerns about elements of the draft outcome document prepared by the Preparatory Committee. It would continue to argue for the removal of unacceptable elements and the inclusion of language that would provide a solid foundation for all States to take forward their fight against racism. In addition, it was essential that non-governmental organizations should be allowed to participate fully in the substantive sessions of the Preparatory Committee.

46. The United Kingdom would not accept any attempt to weaken the international framework on human rights, especially freedom of expression, because it strongly believed that a democratic society that promoted freedom of expression and the rule of law would always be better equipped to prevent violence or hatred than a society in which individuals were unable to express their thoughts and opinions

freely. In addition, efforts to combat racism and discrimination must not be biased against any particular religion or country.

47. It was essential that the Conference should address anti-Semitism and Holocaust remembrance, and any attempt to trivialize or deny the Holocaust would be completely unacceptable. Equally, it was important to address the rights of lesbian, gay, bisexual and transsexual people. Above all, her delegation wanted the Review Conference to focus on the role that human rights played in combating racism and discrimination. The United Nations must be prepared to take early action to prevent conflict and genocide borne of racism and discrimination.

48. **Mr. Ould Hadrami** (Mauritania) said that his country was preparing a development policy based on the rule of law and promotion of human rights, taking into consideration national particularities. A national commission had been established to address human rights issues, combat poverty, disseminate the contents of the relevant international instruments and ensure that domestic legislation was in compliance with them. In cooperation with the United Nations Development Programme, the commission had formulated a human rights action plan.

49. Mauritania had ratified numerous relevant conventions, including the International Covenants on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination. The Constitution of 1991 stated that all citizens were equal before the law, irrespective of origins, ethnicity, gender or social status. The Political Parties Act prohibited any association based on ethnicity, religion, descent or gender. Slavery had been criminalized.

50. Under the International Convention, States were required to take action against all dissemination of ideas based on racial superiority or hatred, and against incitement to violence. Mauritania, which did not itself practise religious discrimination of any kind, strongly condemned any denunciation of religions or their prophets. In particular, his country was concerned at the derogatory cartoons targeting the Prophet Muhammad. Joint efforts were needed in order to establish an international instrument combating the defamation of religions.

51. **Mr. Schokkenbroek** (Observer for the Council of Europe) said that the Council of Europe took a global approach to combating racism. Its action was based on

international legal instruments and supported by the work of independent monitoring mechanisms.

52. It was essential to promote intercultural dialogue on the basis of equality. The European Commission against Racism and Intolerance (ECRI) had documented human rights violations against a range of vulnerable groups including immigrants, refugees and asylum-seekers, as well as national, ethnic or religious minorities such as the Roma and the Muslim and Jewish communities. Legislative and awareness-raising measures were being taken to counter those challenges.

53. At the national level, ECRI had called for more inclusive definitions of racial discrimination covering as many contemporary forums as possible. At the Council of Europe level, the European Court of Human Rights had developed case law in that direction. A Protocol to the Convention on Cybercrime criminalized acts of a xenophobic nature committed through computer systems. The Protocol was open to accession by non-European States, several of which had already become party to it.

54. In 2008 and 2009, the Council of Europe was conducting an anti-discrimination campaign in cooperation with journalism schools and media partners. In November 2008, the North-South Centre's Lisbon Forum, organized jointly with the Alliance of Civilizations, would consider the principle of universality of human rights. A conference to be held in The Hague, in cooperation with the Government of the Netherlands, would discuss the topic of human rights in culturally diverse societies. It would provide an opportunity for academics, non-governmental organizations, opinion leaders and Government experts to explore such issues as the balance between freedom of expression and protection against hate speech.

55. **Mr. Schultz** (Observer for the International Federation of Red Cross and Red Crescent Societies) said that no State could claim to have eliminated racism. Red Cross and Red Crescent Societies continued to disseminate humanitarian principles and values around the world. Two examples were the Kenyan Red Cross response to post-election inter-ethnic violence in that country, and the South African National Society response to xenophobic violence.

56. In November 2007, at the 30th International Conference of the Red Cross and Red Crescent, all 194 States parties to the Geneva Conventions, together with their counterparts from the International Red

Cross and Red Crescent Movement, had adopted a declaration entitled "Together for Humanity", which committed them to promoting respect for community diversity and combating racism and other forms of exclusion. In October 2008, those challenges had been addressed at the 7th Pan-African Conference of Red Cross and Red Crescent Societies in Johannesburg.

57. The International Federation was now working to empower youth volunteers by equipping them with such important skills as the ability to empathize, build consensus and communicate in a non-violent manner. The year 2009 would mark the 150th anniversary of the Battle of Solferino, where the idea of the Red Cross and Red Crescent had been born. It would highlight the fundamental principles of impartiality, neutrality and voluntary service. Such principles helped promote humanitarian dialogue, which was an essential component in work to eliminate racism. With that end in mind, the International Federation would continue contributing to the Durban review.

The meeting rose at 12.30 p.m.