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Chair: Mr. Tafrov..... (Bulgaria)

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The meeting was called to order at 10.05 a.m.

Agenda item 67: Elimination of racism, racial discrimination, xenophobia and related intolerance

- (a) **Elimination of racism, racial discrimination, xenophobia and related intolerance** (A/68/18, A/68/329)
- (b) **Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action** (A/67/879, A/68/333, A/68/564)

Agenda item 68: Right of peoples to self-determination (A/68/318, A/68/339)

1. **Mr. Ruteere** (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance), introducing his reports to the General Assembly (A/68/329 and A/68/333), said that, in his report submitted in implementation of General Assembly resolution 67/155 (A/68/333), he addressed the issue of racism and poverty. Minorities were vulnerable because of the historical legacies of slavery, colonization, inherited status systems and also formalized and state-sponsored discrimination. Racial and ethnic minorities were disproportionately affected by poverty, which was passed from generation to generation along with racial stereotypes through a lack of education, housing and health care. Only guarantees of equality and non-discrimination could redress the balance. Governments should prevent marginalization and ensure the protection of minorities and the enjoyment of human rights for all. Victims of discrimination often remained trapped in poverty owing to their lack of access to education. Inadequate access to health care was caused not only by social disparities resulting from intolerance but also by the concentration of services in urban areas at the expense of rural and economically remote areas. Insecure housing tenure forced many marginalized ethnic minorities to move to cities, where they were forced into slums and informal settlements.

2. Many of the world's 200 million people of African descent continued to face pernicious discrimination and were unable to participate in decision-making. They faced difficulties in finding housing and often settled in ghettos with inadequate essential services. Indigenous peoples represented only 5 per cent of the world's population but one third of its extremely poor rural people. Owing to geographical isolation and discrimination stemming from cultural structures and

industrial development, indigenous children had less access to education than non-indigenous children. The expropriation of indigenous peoples' lands increased their vulnerability because it led to the uprooting of their ancestral cultures. The Roma, one of Europe's largest minorities, faced poverty and discrimination in all areas of life. In education, such discrimination resulted from a lack of official residency documents, birth certificates or vaccinations. In India, abuse in schools against members of the Dalit caste, which had low hierarchical status, reinforced social alienation and dropout rates. Attention should be paid to the precarious situation of many migrants, given the economic difficulties faced by host countries.

3. Good practices for the prevention of poverty and discrimination included the collection of disaggregated data, education programmes, laws to protect disadvantaged groups in the labour market, and measures to alleviate poverty and enhance equality. Member States should review policies and programmes which disproportionately affected racial or ethnic minorities and should improve such minorities' access to civil, cultural, economic, political and social rights.

4. Turning to his report submitted in implementation of General Assembly resolution 67/154 (A/68/329), he said that no country was immune to the challenges posed to human rights and democracy by extremist groups. Commemorative celebrations of the Nazi regime should be banned, international legislation should be adopted to combat racism, and national anti-racism legislation should be modernized in the light of increasingly open expressions of hate speech and incitement to violence against vulnerable groups. States should bring to justice the perpetrators of racist, xenophobic, anti-Semitic or homophobic crimes and protect members of vulnerable groups. Statistical data were needed to understand the scope of racism, xenophobia and related intolerance. Cultural events, research, festivals, conferences, exhibitions and information campaigns contributed to the promotion of pluralism, mutual understanding, tolerance and non-discrimination. The media should help to combat stereotypes, promote tolerance and allow the voices of ethnic minorities to be heard.

5. **Mr. de Bustamente** (Observer for the European Union) requested further information regarding the best legislative practices of States in countering extremist groups in conformity with their international human rights obligations; the ways in which lesbian, gay, bisexual and transgender persons could be

protected from extremist violence; and the ways in which certain States' prohibition of disaggregated data based on ethnicity could be addressed.

6. **Ms. Oswigwe** (Nigeria) said that her Government believed that education which respected cultural diversity helped to eradicate discrimination. It was concerned by the challenges faced by disadvantaged groups in obtaining equal access to education and noted the Special Rapporteur's observation that ill-designed educational systems reinforced negative ethnic stereotypes. States should ensure that textbooks did not promote racism, racial discrimination, xenophobia and related intolerance. Her Government condemned racial segregation in schools and the limited access of persons of African descent to higher education in certain countries. States should adopt anti-poverty policies targeting those affected by racism. Her delegation supported the Special Rapporteur's recommendation that the post-2015 development agenda should include specific goals and targets regarding universal access to health care, education, water, food and security.

7. **Mr. Ruteere** (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance) said that legislation in various European countries prohibited the glorification of Nazism and balanced the right of freedom of expression with the obligation to prevent and punish incitement to racism and racial discrimination.

8. He considered lesbian, gay, bisexual and transgender persons to fall within the scope of his mandate because they were often targeted by the same groups which carried out violence or incitement of hatred against persons of African and Semitic descent and Roma. Attacks on them should therefore be treated as hate crimes or aggravated offences.

9. Although State bodies in certain countries were forbidden under the constitution from providing disaggregated data, such data could sometimes legally be obtained through independent institutions such as universities or non-governmental organizations, which faced fewer restrictions.

10. He aligned himself with the comments of the representative of Nigeria regarding the role of education in combating racism.

11. **Mr. Sarki** (Nigeria) said that the gay and lesbian question was contentious and did not fall within the Special Rapporteur's mandate, which was concerned

with racism, racial discrimination, xenophobia and related intolerance. He therefore requested the Special Rapporteur to respect the sensitivities surrounding that question and to refrain from addressing it. His Government would cooperate fully with the Special Rapporteur in all other respects.

12. **Mr. Ruteere** (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance) said that he was required under his mandate to provide early warning of emerging patterns of intolerance. He had thus drawn the attention of the Committee and of the Human Rights Council to the targeting by extremist movements not only of members of specific racial and ethnic categories but also of gays and lesbians. He assured the representative of Nigeria that he was aware of the requirements and specific characteristics of his mandate.

13. **Mr. Šimonović** (Assistant Secretary-General for Human Rights), introducing 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/68/564), said that urgent measures were needed to reverse the rise of racist and xenophobic attitudes and violence. Intercultural dialogue, tolerance and respect for diversity should be strengthened. Member States should invite the Working Group of Experts on People of African Descent to conduct country visits, and those Member States which had not yet done so should develop and implement national action plans to combat racial discrimination and related intolerance. International and regional organizations should intensify their cooperation against such discrimination.

14. Introducing the report of the Secretary-General on how to make the International Decade for People of African Descent effective (A/67/879), he said that the report identified objectives and practical steps to be taken at the national, regional and international levels.

15. Introducing the report of the Secretary-General on the right of peoples to self-determination (A/68/318), he said that the report contained an outline of the relevant jurisprudence of the Human Rights Committee and of the Committee on Economic, Social and Cultural Rights, and a summary of the developments leading to the consideration of the matter by the Human Rights Council, including by its special

procedures and the International Fact-Finding Mission on Israeli Settlements in the Occupied Palestinian Territory.

16. **Ms. Shepherd** (Chair, Working Group of Experts on People of African Descent) said that the Working Group was making efforts to combat racism, recover black pride and ensure that people of African descent were treated with respect and emancipated from mental slavery. It had promoted the observance of various international days, years and decades organized within the United Nations system and was now seeking support for the International Decade for People of African Descent, which would be focused on the unique experiences of such people. Despite the efforts of the international community, Governments and local authorities, the centuries-old scourges of racism, racial discrimination, xenophobia and related intolerance continued to result in human rights violations, suffering and violence. In 2012, the Working Group had elaborated the draft Programme of Action for the International Decade, the theme of which, "Recognition, Justice and Development", would respond to the need for recognition that people of African descent were a distinct group; for justice in addressing violations of their rights; and for the highlighting of their role in global development and the promotion of human-rights-based approaches to development to address the inequalities they faced. It would bring together United Nations bodies, Member States, civil society and people of African descent through activities designed to promote equality for such people and to benefit societies as a whole.

17. Building on the legacy of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the International Year for People of African Descent, the International Decade should result in the elaboration of a United Nations declaration on the human rights of people of African descent and contribute to the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and the Durban Declaration and Programme of Action. She invited the General Assembly to proclaim the International Decade for People of African Descent from 2014 to 2023, with full financial support from Member States.

18. **Mr. Sarki** (Nigeria) said that his Government proposed that the theme of the International Decade should include empowerment, without which people of African descent would never benefit from education,

equal opportunities, electoral participation or appointment to office. The International Convention on the Elimination of All Forms of Racial Discrimination and the Durban Declaration and Programme of Action must be implemented in the interests of equality for people of African descent. States should take legislative steps to counter discrimination against and the marginalization and exclusion of such people.

19. He encouraged the Chair of the Working Group of Experts on People of African Descent to visit Africa in order to study initiatives which sought to balance the interests of ethnic and religious groups so that she would be able to make recommendations to Governments of countries which were home to people of African descent. One such initiative was his Government's Federal Character Commission, which ensured that all appointments to federal positions reflected Nigeria's diversity and that local and state governments were involved in such appointments.

20. **Ms. Tsheole** (South Africa) said that her delegation urged the General Assembly to mandate the Human Rights Council to take the necessary steps, prior to the sixty-ninth session of the Assembly, to prepare activities to be carried out during the International Decade, on the basis of the draft Programme of Action, and to define the periodicity for the review of the implementation of the Programme of Action and the timing of the mid-term review. The United Nations Trust Fund for Action to Combat Racism and Racial Discrimination should be reactivated or a similar mechanism established within the Office of the United Nations High Commissioner for Human Rights (OHCHR) to help fund the programmes and projects of the International Decade and participation by people of African descent.

21. The independent eminent experts on the implementation of the Durban Declaration and Programme of Action should resume their work to ensure that the international community took action to fight racism and racial discrimination rather than engaging in posturing and rhetoric. The recommendations of those experts on the follow-up to the Durban Declaration and Programme of Action should be implemented urgently.

22. **Mr. de Bustamente** (Observer for the European Union) requested clarification regarding the validity of the distinction made in the report of the Secretary-General (A/67/879) between the situation of people of

African descent and that of other groups facing discrimination, given that human rights were universal and the principle of non-discrimination applied to everyone equally. He requested further information regarding the Chair of the Working Group's assessment of the International Year for People of African Descent and the lessons learned from it.

23. **Mr. Mbasogo** (Equatorial Guinea) said that the international community should cooperate to combat racism globally, given the many attempts made to disguise it throughout history. Racist political parties should not be legalized or labelled as "extreme right" in some countries when they were in reality Nazi parties. Many people seemed to have forgotten that Nazism had led to the outbreak of the Second World War, and the movement was once again on the rise. Nazi parties had even formed governments in some States, while the members of the Committee could do nothing but make speeches which would lead nowhere. Racist discourses were condemned as terrorist or extremist only when they were directed against developed countries; when they were directed against people of African descent they were tolerated under the pretext of freedom of expression. He hoped that freedom of expression would not be forgotten when racist discourses were directed against people who were not of African descent.

24. **Ms. Shepherd** (Chair, Working Group of Experts on People of African Descent) assured the representative of Nigeria that several members of the Working Group had visited the continent and were watching with interest the positive measures taken as it tried to find strategies and solutions to problems faced by people of African descent. Noting his suggestion to include "empowerment" in the title, she said that it been decided that the programme of action itself, which was fully grounded in the Convention on the Elimination of Racial Discrimination and the Durban Declaration and Programme of Action, encompassed the micro-strategies for empowerment throughout the decade. While good practices noted during visits would be highlighted, it would be difficult to carry out the laudable objectives of the Decade if sufficient funds were not allocated; delegations could urge the United Nations and other stakeholders to increase funding.

25. She appreciated in particular South Africa's support for and contribution to the programme of action, which had been crafted with the full support of many States, NGOs and civil society groups to ensure

that it was anchored in the Durban Declaration and Programme of Action. She was pleased that the European Union had found aspects of the proposed programme of action that it could endorse, as the Working Group was seeking to establish partnerships. While she noted the commitment of European Union member States to fight racism, it was the view not just of the Working Group, but also many around the world, that the experiences of people of African descent were unique. International thematic years were sought when a particular community faced unique problems. People of African descent also faced discrimination on multiple grounds, and it was felt that a decade, as opposed to an international year, was necessary as a more time was needed to complete the laudable work that had already been accomplished.

26. **Mr. Šimonović** (Assistant Secretary-General for Human Rights) said that while the universality of human rights and of the prohibition of discrimination were not in dispute, discrimination manifested itself in specific forms; good practices on how to prevent and address them already existed. Consequently, when particular manifestations required special attention and were so complex that they could not be addressed within a year, the United Nations decided to proclaim a decade.

27. **Mr. Katz** (Chair-Rapporteur, Working Group on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination), introducing the report (A/68/339), said that the Working Group had held three regular sessions during the reporting period and continued to receive and review reports regarding the activities of mercenaries and private military and security companies and their impact on human rights. During its session in New York, it had held an expert panel discussion on the use of private military and security companies by the United Nations as part of a study that would form the basis of the report to the General Assembly in 2014. It had conducted country visits to Somalia and Honduras and had requested visits to a number of countries. The planned mission to Libya in 2013 had been postponed because of security concerns and an invitation from the Syrian Arab Republic would be taken up as soon as the security situation allowed it. The Working Group had sent communications to the Governments of Colombia, Honduras, Liberia and the United States of America and had pursued its survey of national laws relevant to private military and security companies to analyse

good practices and possible shortcomings in States' protection of human rights in transnational security-related activities. The first phase of the project had been presented to the Human Rights Council; the next phase would focus on French-speaking African countries and Asia, followed by other regions of the world. The research had shown that States' response to the privatisation of security differed in the absence of a legally binding international instrument and the lack of guidance on the issue. Consequently, there were divergent regulatory approaches at the national level, creating regulatory gaps.

28. The Working Group was concerned about the continuing activities of mercenaries along the border of Côte d'Ivoire and Liberia and about the detention of alleged mercenaries in Libya. It also noted with concern the reference by the Permanent Representative of the Syrian Arab Republic to the aggravating role of mercenaries in the conflict in that State. Recent events had clearly demonstrated that mercenaries continued to pose a threat not only to security, but also to human rights and the right of peoples to self-determination. International cooperation to eliminate the phenomenon thus remained crucial. Furthermore, the ever-expanding activities of private military and security companies continued to raise a number of challenges. It was a fundamental responsibility of the State to provide security to its people; outsourcing security to private companies created risks for human rights. It was encouraging that States recognized the need for regulation of those activities; the Working Group reiterated its position that an international legally binding instrument was a necessary complement to existing regulatory mechanisms. Existing national legislation was inadequate for addressing the challenges posed given the shortcomings in registering, licensing and providing effective and transparent accountability mechanisms and remedies for human rights violations. Those limitations were further exacerbated by the transnational nature of such companies and the related difficulties in establishing jurisdiction to prosecute cases or to collect evidence.

29. While the Montreux Document could be considered a source of inspiration for States regarding their due diligence obligations, it was not a legally binding instrument and was applicable only in situations of armed conflict. It was, therefore, not a complete solution to the regulatory gaps concerning private military and security companies. The Working

Group supported the industry-led International Code of Conduct to regulate the activities of private military and security companies, despite its shortcomings such as the absence of a complaint mechanism. The Association of the International Code of Conduct must be the final authority on code requirements and ensure that all human rights and humanitarian concerns were embedded in company procedures. He emphasized the need for an independent, self-governing civil society body, with the authority to ensure that only vetted individuals were eligible to be contracted as security officers. A multi-layered approach was required for successful regulation of the companies in question, involving a robust international legal framework, national legislation and self-regulatory initiatives.

30. **Ms. Astiasarán Arias** (Cuba) expressed her delegation's concern that the report was still not available in the six official languages; the English version only had been made available. Cuba valued the enhanced ties between the Working Group and Member States in fulfilling its mandate and fully agreed that an international legally binding instrument was necessary as it was the best way to ensure protection for human rights. Cuba called once again on all States to remain vigilant and to take all necessary measures to combat the use of mercenaries and urged them to continue to cooperate with the Working Group.

31. **Mr. de Bustamante** (Observer for the European Union) said that the European Union recognized the dangers of mercenary activities and their possible negative impact on armed conflicts and condemned any links between mercenaries and terrorism. The regulation of private military and security companies was tied to several branches of international law and other existing frameworks could assist in providing a background for setting professional standards and monitoring and regulating activity. He encouraged the Working Group to remain flexible on the possible forms of regulation as discussions continued in the open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies. He asked for more information on how the programme of work for the session of the open-ended intergovernmental working group in December 2013 would allow for progress on discussions. In addition, with important forthcoming events such as the Montreux+5 Conference in

December and the launch of the Association of the International Code of Conduct, he would like to hear more on the range of available options to improve national regulatory efforts to prevent and resolve human rights violations in the sector.

32. **Ms. Anh Thu Duong** (Switzerland) said that the Swiss parliament had debated legislation regulating the provision of private security services abroad. Under the law, companies based in Switzerland would be obliged to declare their foreign operations and accede to the International Code of Conduct. The Association launched in September operationalized the governance and control mechanism of the Code; its principal objective was to ensure that signatories complied with the provisions of the Code. A certification process, performance monitoring and evaluation functions and complaint procedures would be implemented, allowing for a unique multiparty mechanism that would make it possible to monitor the human rights commitments of participating companies. It was hoped that, in future, the clients of such companies would demand their code of conduct certification. The Montreux+5 conference would allow States and international organizations the opportunity to share experiences and identify ways to expand support for the Document. She asked what States or regions would be examined next in the study currently being conducted.

33. **Mr. Sarki** (Nigeria) said that the exorbitant global expenditure on contracts for private security services, as highlighted in the report (A/68/339), was an indication of the demand for such companies and the services they provided to Governments. His delegation was of the view that the continued entrenchment of that practice negated the idea of collective security and the tendency for States to work with regional and international partners to address threats to international peace and security. If the trend continued, national mechanisms and laws would be unable to address adequately the implications of the burgeoning industry. He asked whether the Working Group would have the time and resources to investigate the situation fully, considering the confluence of interest between the industry and States. Referring to the Convention for the Elimination of Mercenarism in Africa, adopted by the Organization of African Unity in 1977 to address the existential threat posed by the recruitment and use of mercenaries to African States, particularly in a post-colonial context, he said that the use of mercenaries still continued in Africa and was

linked to instabilities in some areas, particularly where there were resource wars. Recruiting mercenaries who had no patriotic allegiance was a dangerous practice that left fragile States open to further fragmentation and destabilization. He asked whether existing instruments were sufficient to address the issue objectively, or whether the implementation of stronger national legislation with stringent penalties, including capital punishment for individuals prosecuted and convicted of mercenary acts, was preferable. For countries like Nigeria that were involved in United Nations peacekeeping efforts in conflict areas, he asked what jurisdiction prevailed in the hypothetical event that mercenaries from opposing forces were caught by Nigerian troops. Would it be law of the country where the operations were taking place, or international jurisdiction?

34. **Ms. Alsaleh** (Syrian Arab Republic) said that her delegation was still awaiting confirmation from the Working Group on the Use of Mercenaries of its field visit to her country. She hoped that the visit would take place as agreed, between 18 and 22 November 2013, in accordance with the terms of reference for field visits to States. The security situation should not be used as an excuse not to visit, as the country continued to receive international delegations almost daily, with notable recent visits from the Executive Director of the United Nations Children's Fund and the Joint Special Representative of the United Nations and the League of Arab States for Syria. Given that mercenaries from over 84 countries were currently fighting in her country, as confirmed by the recent report of the independent international commission of inquiry on the Syrian Arab Republic, the time had come for the Working Group to examine the situation on the ground, particularly considering that her Government had extended the invitation over one year previously.

35. **Mr. Mbasogo** (Equatorial Guinea) said that his delegation agreed with many of the recommendations contained in the report, as security companies and mercenaries must be regulated internationally and brought to trial when they broke the law. No State should shelter companies that operated in such a manner and the international community must collaborate to step up the fight against mercenary activities. Only certain human rights violations were brought before and prosecuted in international courts; however, mercenary groups sometimes perpetrated similar or more serious crimes, with the backing of

recognized companies and entrepreneurs. He cited events in 2004 in his own country as an example, where foreign-backed mercenary attacks to destabilize the country and seize control of oil reserves had been thwarted.

36. **Mr. Katz** (Chair-Rapporteur, Working Group on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination) clarified that the report was available in all official languages on the website. The role of his Working Group in the open-ended international working group, particularly with regard to the forthcoming third session of the latter in December, had been to offer any input required of it. He would be keen for all States to take as active a role as possible, as some had shown resistance to the process and raised questions about agenda to be adopted by the open-ended working group. His Working Group would be represented at the Montreux+5 conference and would play any role requested of it.

37. In addition to the recommendations in the report concerning other types of mechanisms for addressing the difficulties posed, and given the seeming lack of uniform national regulatory measures, the United Nations could establish a model law that States would be free to adopt. Given multifaceted difficulties, he reiterated that all mechanisms should be considered and adopted, in particular the international legally binding instrument. The Montreux Document, the Code of Conduct and any other initiatives should complement each other.

38. The next parts of the project would involve Francophone Africa, followed by Asia, Eastern Europe, Latin America and then the rest of the world. While he appreciated the various elements of the International Code of Conduct, the fact that it was self-regulatory was part of the problem. It was not sufficient for private companies to regulate their own activities when it came to human rights violations; States should be required to play a more active role.

39. While the Working Group did try to delve into the phenomenon, it was limited both by its mandate and the resources allocated by Secretariat. It was fortunate that some States had provided extra funds; more funding would indeed be welcome given the numbers at stake in the \$1 billion private security industry. The Convention for the Elimination of Mercenarism in Africa was indeed a useful document which could certainly benefit other

initiatives around the world. However, while it was undisputed that resource wars and destabilization continued and were not limited to the African context, the types of challenges were different. Furthermore, while he would support stronger national legislation in all countries, from a human rights perspective he could not support including the death penalty as part of a modern approach.

40. He would welcome a country visit to the Syrian Arab Republic, even as early as November. However, the security issue might make that difficult and it would depend on the Secretariat to facilitate a visit. A second difficulty lay in the agenda of such a mission, as he was still awaiting a reply from the Permanent Representative of Syria. He agreed that States should work together to fight the phenomenon, including through international courts.

41. **Mr. Thomson** (Fiji), speaking on behalf of the Group of 77 and China, said that the Group took note of the recommendations stemming from the eleventh session of the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action and progress at national and regional levels and welcomed recent efforts to establish complementary standards to strengthen and update international instruments on racism, racial discrimination, xenophobia, and related intolerance in support of full and effective implementation of the Durban Declaration and Programme of Action. The Group urged States to cooperate, in the context of the Ad Hoc Committee on Complementary Standards, towards the fulfilment of its mandate. Increased political will at the national, regional and international levels was needed to combat and curb the scourge of racism and intolerance in all spheres of life around the world, including in areas under foreign occupation.

42. The Group was deeply concerned by and rejected racial profiling and negative stereotyping on the basis of religions or belief and the increase in incidents related to religious hatred. It therefore reiterated its call on the United Nations system and the wider international community to oppose religious intolerance and to enhance dialogue with the aim of mutual understanding, tolerance and respect for diversity. Furthermore, concerned by the situation of migrants who were subjected to exploitation, xenophobia and discrimination, the Group once again called for the repeal of laws and administrative measures that discriminated against migrants and

triggered trafficking in persons and unsafe and unregulated migrations.

43. The persistence of racism and racial discrimination was related to past atrocities, and the legacy of slavery in particular continued to affect people of African descent. It was vital for the fight against racism to recognize the social and economic dimensions of past injustices and to seek to provide appropriate redress. The continued struggle against racism and racial discrimination must be based on human solidarity and waged through cooperation, partnership and inclusion at all levels. The Group welcomed the recent designation of South Africa as the facilitator for the consultative process for the proclamation of the International Decade for People of African Descent and would make all necessary efforts to secure approval of the long-overdue resolution on the Decade. The proclamation of the Decade was an important step on the path to raising public awareness against prejudice, intolerance and racism.

44. However, above and beyond the promulgation of legislation and the establishment and strengthening of requisite legislative, administrative and other institutions, a redoubling of efforts at all levels was required, with reinvigorated political will and action, to eradicate the ghastly phenomenon of racism. The Group once again affirmed the critical role of education in promoting understanding and creating awareness at all levels of society, particularly among young people. It called for a resuscitation of the Independent Eminent Experts Group given its central role in mobilizing the necessary political will and also called on Member States to continue to share best practices and national experiences. The recently-launched database containing information on practical means of combating racism, racial discrimination, xenophobia and related intolerance could help to catalyze global partnerships as it required concerted efforts from the international community and all stakeholders.

45. **Mr. Liverpool** (Antigua and Barbuda), speaking on behalf of the Caribbean Community (CARICOM), said that the information in the reports of the Secretary-General showed that racism, racial discrimination, xenophobia and related intolerance continued to prevail and that the world had yet to achieve full equality of access and opportunity across all spheres. Studies had shown that inequality, especially in some developed countries, was increasing. The inextricable link between poverty and

racism in some countries should be fully taken into account in devising ways to address inequality, including the uneven distribution of wealth. CARICOM welcomed efforts to prohibit discrimination and segregation, and to engender full enjoyment of civil, cultural, economic, political and social rights for all, and urged Member States that had not yet done so to put in place enforceable legal mechanisms to end exclusion, restriction or preference based on race, colour, lineage or national origin and to ensure protection and guarantee the enjoyment of all human rights. States should consider reviewing laws that nullified or diminished the recognition, enjoyment or exercise of human rights and fundamental freedoms in political, economic, social, cultural and other spheres. Such action would not only end the multigenerational nature of poverty through inheritance, but would also help national and regional development.

46. CARICOM welcomed the report of the Secretary-General on making the International Decade for People of African Descent effective (A/67/879) and concurred with the main objective of the Decade and practical steps recommended therein. CARICOM also supported progressive initiatives to tackle the scourge of racism in all its forms. In that connection, it was pleased to collaborate with the African Group regarding the building of a permanent memorial, in the form of the winning design the “Ark of Return”, to the victims of slavery and the transatlantic slave trade at the United Nations.

47. The history of the Caribbean region as a whole reflected the legacy of injustices suffered as a result of over 400 years of the transatlantic slave trade and the consequent forced labour and inhumane practices which had rightfully been declared crimes against humanity during the Durban process. CARICOM had concluded that those events represented a fundamental cause for reparation for the centuries of exploitation and hardship thrust upon the people of the region, including the indigenous peoples and those of African descent. CARICOM Heads of Government, at their thirty-fourth Regular Meeting in Trinidad and Tobago, had therefore agreed to support the establishment of a regional Reparations Commission to lay the groundwork for a process of engagement with former slaveholding countries, towards reconciliation and reparation for native genocide and slavery. A first regional conference on reparations had been held in September as a direct follow-up.

48. Recognizing that the full realization of all human rights and fundamental freedoms was still a long way off, CARCOM remained fully committed to working together at national, regional and international levels to foster inclusive societies and to implement all relevant international instruments to which its members were parties.

49. **Mr. Mamabolo** (South Africa), speaking on behalf of the member States of the Southern African Development Community (SADC), said that the struggle for emancipation from colonialism, apartheid and slavery was inextricably linked to efforts to eliminate racism. While some progress had been made in that domain, contemporary forms of racism were, regrettably still on the rise, as indicated by the recent report of the United Nations High Commissioner for Human Rights. All States must demonstrate their commitment to the elimination of all forms and manifestations of racism by fully implementing the Durban Declaration and Programme of Action.

50. The principle of non-discrimination remained the cornerstone in the practical enjoyment of human rights and fundamental freedoms. The Office of the United Nations High Commissioner for Human Rights should continue to support that key thematic issue, in particular by reviving the work of the group of independent eminent experts. The SADC member States looked forward to the proclamation of the International Decade for People of African Descent, which would focus attention on the plight of the victims of historical injustice, who continued to live in extreme poverty, and help them to realize all of their human rights and fundamental freedoms. They welcomed recent efforts to strengthen and update international instruments on racism, racial discrimination, xenophobia and related intolerance and urged States to cooperate in the context of the Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards.

51. Mindful of the experience of institutionalized racism during the colonial era, and of apartheid in South Africa, the SADC member States had enacted anti-discriminatory legislation and incorporated the provisions of relevant international and regional instruments, notably the International Convention on the Elimination of All Forms of Racial Discrimination. They urged other States to refrain from entering reservations to the Convention and encouraged those which had already done so to withdraw them.

52. **Mr. de Bustamante** (Observer for the European Union), speaking also on behalf of the candidate countries Montenegro, Serbia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania and Bosnia and Herzegovina; and, in addition, Armenia, Georgia, the Republic of Moldova and Ukraine, said that the European Union remained deeply committed to the fight against racism, racial discrimination, xenophobia and related intolerance and to the principle of equal rights for all.

53. As the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and intolerance had highlighted in his report, no country was immune to racism. The European Union was no exception; there was still widespread discrimination in European countries against Roma people and immigrants. The European Union was equipped with an arsenal of policy and legislative measures to combat racism, racial discrimination, xenophobia and related intolerance, including the Charter of Fundamental Rights and a number of regulations and directives. Member States were required to introduce laws to combat racism and xenophobia and to set up a national body for the promotion of equal treatment for all persons and the provision of assistance to victims of discrimination. Nonetheless, racism, xenophobia and hate crimes remained a matter of concern across the European Union, particularly as many such crimes went unreported and unpunished. Regional organizations and mechanisms played a crucial role in combating the scourge of racism; the European Union Agency for Fundamental Rights was already cooperating with various international and regional organizations in that regard. The European Union also supported the work of civil society organizations and had implemented a wide range of public awareness measures, improved information exchange and enhanced judicial cooperation and cross-border training.

54. The European Union reiterated the importance of ratifying and fully implementing the International Convention on the Elimination of All Forms of Racial Discrimination, which formed the foundation of efforts to prevent, combat and eradicate racism. It welcomed the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and intolerance, in particular his comments on the crucial role of the media in representing the diversity of multicultural societies

55. **Mr. Han Zhing** (China) said that much remained to be done to eliminate racism, racial discrimination, xenophobia and related intolerance and that “freedom of speech” had often been used as an excuse to incite racial discrimination or defame religion. China advocated dialogue and exchanges among civilizations and religions and opposed any action that offended the religious sensitivity of Muslims. It commended the work of the Working Group of Experts on People of African Descent and called on all parties to step up the implementation of the Durban Programme of Action and the outcome document of the Durban Review Conference, enforce the policy of zero tolerance for racism at the national and international levels and strive to build a more harmonious and inclusive world.

56. In accordance with the Charter of the United Nations and international law, the international community should protect and promote the sacred right of peoples to self-determination, which allowed them to combat foreign aggression and intervention and safeguard their national sovereignty. At the same time, that right must not be used as an excuse to split sovereign States or incite hatred among ethnic groups; attempts by a handful of people to openly advocate the split of sovereign States under the guise of the right to self-determination should be firmly condemned by the international community.

57. China supported the just cause of the Palestinian people in their struggle to regain their legitimate national rights, the establishment of an independent, sovereign Palestinian State based on the 1967 borders, with East Jerusalem as its capital, and the admission of the State of Palestine to international organizations. It hoped that the international community would continue to work hard to achieve lasting peace in Middle East.

58. **Mr. Nikiforov** (Russian Federation) said that combating racism in all its forms and manifestations required a comprehensive approach and close coordination between international, regional and national human rights mechanisms. While in recent years the United Nations had stepped up efforts to eliminate racism and racial discrimination, it should be borne in mind that States bore primary responsibility for creating and nurturing tolerant societies founded on the principles of equality and cultural diversity.

59. The current situation was alarming; ideologies inciting racial, ethnic and religious hatred were on the rise, as was the incidence of crime motivated by such

hatred. In many countries, neo-Nazi and neo-fascist organizations were growing in number and attracting more and younger members. Unfortunately, not enough was being done to remedy that situation; all too often, neo-Nazi actions were treated as nothing more than public order offences, and sometimes also as the exercise of the right to freedom of opinion and freedom of expression, which contradicted the letter and spirit of human rights instruments including the Universal Declaration of Human Rights, itself the reaction of the civilized world to the monstrous crimes of Nazism. The reservations made by many Western countries to international human rights instruments in order to uphold what they saw as an absolute right to freedom of expression, assembly and association were a violation of the Vienna Convention on the Law of Treaties and merely played into the hands of the racists.

60. Relativism in interpreting the events of Second World War and the decisions of the Nuremberg tribunal, and attempts to whitewash Nazism and downplay the crimes of the Nazis, created fertile ground for a resurgence of that criminal ideology. In that regard, the Russian Federation was once again introducing a draft resolution, in document [A/C.3/68/L.55](#). It was deeply disappointed that Western democracies, many of which had themselves joined the coalition against the Nazis, had abstained in the vote on the draft resolution in the past, and called on all delegations which had withheld support for the draft resolution on political or economic grounds to reconsider their positions. The propagation and glorification of Nazi and neo-Nazi ideologies must be firmly resisted in order to prevent a repetition of the Nazis’ monstrous crimes. States, civil society institutions, international organizations, academic groups and all other stakeholders must unite their efforts to that end.

61. While the International Convention on the Elimination of All Forms of Racial Discrimination and the outcome documents of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and of the Durban Review Conference formed a solid basis from which to combat racism, racial discrimination, xenophobia and intolerance, they would not be effective without full political support; attempts to undermine or dilute the Durban process were a serious obstacle to combating racism. His Government urged States that had not yet done so to ratify the Convention and withdraw any reservations to it. All States should actively participate

in the work of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action and should take very seriously the call of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and intolerance for prohibition of the dissemination of ideas of racial supremacy and the activities of racist organizations, including over the Internet and social networks. The Office of the United Nations High Commissioner for Human Rights should pay close attention to combating racism.

62. Soon, 70 years would have passed since the defeat of Nazism; there were fewer and fewer people who had experienced the horrors of the Second World War. The Russian Federation, whose people had paid a terrible price because of toleration of ideologies of racist supremacy, would not allow any form of Nazism to be revived.

63. **Mr. Kariv** (Israel) said that the recent commemoration of the 75th anniversary of Kristallnacht should serve as a reminder of the continued prevalence of racism in many parts of the world. Over the previous five years, the scale and severity of anti-Semitism had intensified and the values of tolerance and equality had been eroded. The abuse of the Internet and other forms of modern technology to incite racial hatred posed a particularly significant challenge; the Internet must be reclaimed as the democratic, educational information-sharing tool it had been originally designed to be.

64. Efforts must be redoubled to win the ongoing war of ideas through education, which played a pivotal role in preventing and combating racism, racial discrimination, xenophobia and related intolerance. Israel's history made it particularly sensitive to the role of education in promoting tolerance and understanding among religions. In accordance with the recommendations of its most recent Universal Periodic Review, Israel had made its goal of increasing equality between its diverse communities a key component of its education and training programmes; Israeli police received extensive training on the cultural sensitivities of Israel's diverse society and schoolchildren were educated about the importance of tolerance and understanding. In addition, the International School for Holocaust Studies at Yad Vashem provided training to educators worldwide on how to teach and raise awareness about the Holocaust in order to prevent such atrocities from ever being repeated. Every effort should

be made to liberate future generations from the scourge of racism, racial discrimination, xenophobia and related intolerance.

65. **Mr. Ruiz** (Colombia) said that many people of African descent around the world continued to live in poverty with limited access to education, health, housing and social security. They also faced discrimination in the justice system, suffered high rates of police violence and had low levels of political participation. In that context, Colombia, which had the third largest diaspora population in the world, had recently hosted the Third Global Summit of Mayors and Leaders of African Descent, which aimed to promote political dialogue and international cooperation to benefit African peoples and diasporas and ensure their integration in all areas of life. The Summit had produced a declaration containing 16 commitments and action plans, including the establishment of a global alliance to promote the economic and social development of peoples of African descent.

66. As one of the most ethnically and culturally diverse countries in the Americas, Colombia had developed a constitutional and legal framework to ensure equality and non-discrimination and was strongly committed to eliminating all forms of discrimination, xenophobia and intolerance. Ethnic and cultural diversity were recognized and protected under the Constitution, which also provided for the adoption of measures to benefit marginalized or discriminated groups, including participation in decision-making regarding the use of their natural resources and other activities which directly affected their interests. The national development plan included the establishment of a programme for the integral development of the Afro-Colombian, *palenquera* and *raizal* population, and an integral human rights policy had been developed with the aim of ensuring social inclusion and equality of opportunity for all citizens. The Ministry of the Interior had established an observatory to monitor acts of discrimination and racism and generate input for the formulation of public policies. His Government was working hard to implement its Anti-discrimination Law (No. 1482) and Victims and Land Restitution Law (No. 1448), both of which had entered into force in 2011.

The meeting rose at 12.55 p.m.