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## Third Committee

### Summary record of the 37th meeting

Held at Headquarters, New York, on Monday, 3 November 2014, at 10 a.m.

*Chair:* Ms. Mesquita Borges . . . . . (Timor-Leste)

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

**Agenda item 66: Elimination of racism, racial discrimination, xenophobia and related intolerance**

- (a) **Elimination of racism, racial discrimination, xenophobia and related intolerance** (A/69/18\*, A/69/186, A/69/318, A/69/328, A/69/329, A/69/334, A/69/340 and A/69/354)
- (b) **Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action**

**Agenda item 67: Right of peoples to self-determination** (A/69/338 and A/69/342)

1. **Mr. Majekodunmi** (Chief, Intergovernmental and Outreach Section, Office of the United Nations High Commissioner for Human Rights in New York), introducing the report on the financial situation of the Committee on the Elimination of Racial Discrimination (A/69/328), said that although the General Assembly had endorsed the amendment of the International Convention on the Elimination of All Forms of Racial Discrimination to allow the Committee to be financed through the United Nations regular budget, the amendment had yet to receive the number of ratifications required in order to enter into force. Several States parties were in arrears for the non-payment of assessments for the period prior to 1993, when the Committee had been financed by assessed contributions from States parties to the Convention, and follow-up on those arrears continued to consume resources. The Secretariat encouraged States parties who had not yet done so to ratify the amendment to article 8 of the Convention and ensure any arrears owed were paid.

2. Since the last report on the status of the International Convention on the Elimination of All Forms of Racial Discrimination, Grenada and the State of Palestine had acceded to the Convention, making the total number of States parties 177. The Republic of Moldova had made a declaration under article 14, accepting the competence of the Committee to receive individual communications, bringing the total number of States parties who had made such declarations to 55.

3. Introducing the progress report of the High Commissioner for Human Rights on the realignment of work and name of the Anti-Discrimination Unit (A/69/186), he said that the name of the Unit had been

changed to the Anti-Discrimination Section in 2014 in order to reflect its core activities and clarify its particular focus within the rule of law, equality and the non-discrimination branch of the Office of the United Nations High Commissioner for Human Rights (OHCHR).

4. The report 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/69/354) recommended greater political will and urgent measures to reverse trends of increasingly hostile, racist and xenophobic attitudes and violence. It further highlighted the need to strengthen intercultural dialogue and ensure respect for diversity as an essential tool for combating racial discrimination and related intolerance. It encouraged Member States to invite the Working Group of Experts on People of African Descent to carry out country visits. It encouraged States, intergovernmental and non-governmental organizations (NGOs), private institutions and individuals to contribute generously to the implementation of the programme of activities of the International Decade for People of African Descent. Finally, it encouraged Member States that had not yet done so to develop and implement action plans in order to combat racism, racial discrimination and related intolerance.

5. As well as summarizing developments relating to the realization of the right of peoples to self-determination within the framework of the activities of United Nations human rights mechanisms, the report on the right of peoples to self-determination (A/69/342) referred to the main observations relating to the right to self-determination made by the Secretary-General in his latest report concerning the situation in Western Sahara.

6. **Mr. Rabi** (Morocco) said his delegation was surprised that document A/69/342 contained an entire section on Western Sahara since none of the previous reports had done so. It was even more surprised that the authors of the report had spoken at great length about political aspects that were not relevant to the Third Committee mandate and wondered what the real motives were for doing so. It recalled that Western Sahara was a matter examined by the Security Council; the Third Committee was not the appropriate forum in which to be discussing the matter. Its inclusion in the

report was an attempt to divert the issue from the path established by the Security Council. It was surprising that the Fourth Committee, which dealt with self-determination, had been completely ignored in the report. His delegation wondered what the reasons were behind the selective approach of the authors in singling out the matter of Western Sahara and failing to refer to 16 other cases handled by the Fourth Committee. Reports prepared for the Third Committee should respect its mandate and be limited to the work of United Nations human rights bodies dealing with the various issues under its consideration. His delegation categorically rejected the inclusion of Western Sahara in the report and reminded the authors of the imperative to conform to the mandate entrusted to them.

7. **Ms. Yassine** (Brazil) said that her country attached importance to the International Decade for People of African Descent and would like to know how OHCHR intended to contribute to its implementation.

8. **Mr. Majekodunmi** (Chief, Intergovernmental and Outreach Section, Office of the United Nations High Commissioner for Human Rights in New York) said that he had taken due note of the important points made by Morocco. Document [A/69/342](#) was considered to be wholly within the mandate ascribed to OHCHR. He would gladly meet with the delegation of Morocco to take up any concerns.

9. In response to the question from Brazil, he said that the primary role of OHCHR was to serve as a coordinator of the activities undertaken in the context of the International Decade.

10. **Mr. Calí Tzay** (Chair, Committee on the Elimination of All Forms of Racial Discrimination) said that since its eighty-first session in August 2012, the Committee had reviewed 40 State party reports submitted under article 9 of the Convention and adopted decisions on four communications. Under its follow-up procedure, the Committee had considered the reports of 20 States parties and continued to engage in constructive dialogue with them. During its recent session in August 2014, it had adopted a decision on Iraq and issued 15 letters under its early warning and urgent action procedure.

11. Concrete measures to ensure the effective implementation of its recommendations, which were crucial in guaranteeing the equal treatment of all individuals, still must be taken. An overwhelming

number of States parties failed to abide by their reporting obligations under the Convention. Currently, 55 States were more than five years overdue with their initial or periodic reports. States parties should consider making use of the technical cooperation offered by OHCHR under General Assembly resolution 68/268 in building their capacity to implement their treaty obligations.

12. The Committee appreciated the support given to its work by the General Assembly and other treaty bodies reflected in resolution 68/268, which offered various ways and means for States and the Committee to improve their efficiency and effectiveness. The Committee continued to review its working methods to improve efficiency and coherence with regard to the human rights treaty body system. During its eighty-fifth session, the Committee had decided to adopt the simplified reporting procedure, which would be offered to States parties whose periodic reports were more than five years overdue. Priority would be given to States parties whose periodic reports were more than ten years overdue. It had also decided to establish a Rapporteur for reprisals.

13. The Committee continued to promote the Convention through a range of events and activities. In August 2013, it had adopted its general recommendation No. 35 on racist hate speech, which provided comprehensive guidance to States parties and other stakeholders on the meaning and scope of racist hate speech and how to combat the phenomenon effectively. The general recommendation struck a careful balance between the need to protect individuals from racist hate speech and the need to guarantee the legitimate right to freedom of expression. It also outlined the contextual factors to be taken into account when assessing whether a particular form of expression constituted racist hate speech.

14. He called for the Third Committee's support in encouraging States that had not yet acceded to the Convention to sign and ratify it as a matter of priority. He reiterated the call for States parties to withdraw reservations contrary to the objectives of the Convention and to consider withdrawing other reservations. It was highly desirable for more States parties to make the declaration under article 14 of the Convention to ensure the protection of individuals against racial discrimination on the ground. As the fiftieth anniversary of the Convention was approaching, the Committee hoped to continue to

benefit from the support of all stakeholders to keep striving towards a world free from all forms of racial discrimination. To help make that vision a reality, it would continue to promote the Convention, enhance its cooperation with other human rights actors and work towards an improved United Nations system.

15. **Ms. Ponikvar** (Slovenia), also speaking on behalf of Belgium, asked the Chair to give his views on the main achievements of the Convention and the Committee. Those delegations would like to hear more about the working methods of the Committee, especially with regard to the treaty strengthening process, and whether the Committee planned to introduce simplified reporting.

16. **Ms. Yassine** (Brazil) asked how the Chair saw the International Decade helping international efforts to eliminate all forms of racism.

17. **Mr. Calí Tzay** (Chair, Committee on the Elimination of Racial Discrimination) thanked the delegation of Slovenia for its support in obtaining extra meeting time for his Committee, which had been used to work through the majority of the backlog of reports. With the additional time accorded under General Assembly resolution 68/268 on strengthening and enhancing the effective functioning of the human rights treaty body system, it would be possible to ensure that reports from States parties that met their reporting obligations would be examined in a timely manner. One of the major achievements in the fifty years since the Convention had been introduced was the elaboration of general recommendations for interpreting each clause in order to ensure there was no longer any confusion regarding the obligations of States parties. Also significant were the early warning and urgent action procedures to prevent situations from escalating to a point where human rights were being violated, which had recently been used for Iraq. Legislative changes introduced in countries including Peru and Colombia, while small, were commendable and a sign of the achievements that had been made.

18. In response to the Brazilian delegation, he said that the work of the Committee had made the International Day for People of African Descent possible, and the International Decade for People of African Descent had developed from that. On the basis of that work, as well of the efforts of the Working Group of Experts on People of African Descent, work to eliminate racism against people of African descent

could proceed. The Committee was also contributing to the success of the Decade in the sense that it was through its recommendations and thorough analysis of the Convention that it would be possible to eliminate racism.

19. **Ms. Tsheole** (South Africa) said that her delegation remained concerned by the fact that the United Nations human rights system had not been able to heed the call made by the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to strengthen and update the Convention with a view to filling existing substantive and procedural gaps in the instrument. The high number of general recommendations made by the Committee on various aspects of racial discrimination was indicative of the need to fill those gaps as a matter of priority. South Africa was particularly appreciative of the work undertaken by the Committee in elaborating a general recommendation on racist hate speech, which was especially deplorable when made through political platforms. Her delegation wished to enquire how the Committee envisaged the implementation of its general recommendations.

20. **Mr. Kayinamura** (Rwanda) said that the means and forms for transmitting information had increased. Information regarded by some people as discriminatory or hate speech was transmitted through the media and online or aired on radio. He would like to hear an assessment of the ability of the Committee to handle the issue of hate speech given the different dynamics of how information was transmitted.

21. What some regarded as free speech or freedom of political expression was regarded by others as hate speech or discriminatory. The Convention required Governments to intervene and protect people, but some Governments said that they could not suffocate freedom of expression. He wondered what the views of the Committee were on how Governments could distinguish between what was free speech and what was hate speech.

22. **Mr. Calí Tzay** (Chair, Committee on the Elimination of Racial Discrimination), in answer to the question from South Africa, said that the general recommendations provided an analysis and interpretation of each article of the Convention, so States parties had an obligation to implement them. It was important for the Convention to be interpreted in the same way by all States. Most States parties were

not opposed to applying it in accordance with the 35 general recommendations that had been made thus far, because the recommendations were the product of thematic discussions among all stakeholders, including States parties and civil society representatives. No State party had ever claimed that the examination of its periodic report was not binding. The formulation of general recommendations and the interpretation of each article of the Convention were, therefore, fundamental components of the work of the Committee.

23. Racist hate speech was a flagrant violation of human rights; taking action against it thus was a fundamental to protecting human rights and did not violate freedom of expression. The Committee believed that the limit of freedom of expression was the point at which it began to violate the rights of another person. Consequently, recommendation 35 provided clear guidelines on what was considered to be freedom of expression and at what point combatting racist hate speech must begin. While reading article 4 of the Convention in isolation could lead to it being interpreted as violating the right to freedom of thought, when taken in conjunction with articles 5, 6 and 7 it was clear that what was at stake were rather issues such as the right to education and combatting hate speech through education and awareness-raising.

24. **Mr. Ruteere** (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance) said that he had presented three reports to the Human Rights Council in 2014: a thematic report on racism on the Internet and in social media, a report following his mission to Mauritania in September 2013 and a report on the implementation of General Assembly resolution 68/150 on combating glorification of Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

25. He thanked the Governments of the Republic of Korea and Mauritania for their invitations for country visits, and the Government of Greece for accepting a visit early in 2015. He encouraged all concerned Governments to reply positively to the pending requests for invitations for country visits.

26. In his report [A/69/354](#), he explored the manifestations of racism, racial discrimination, xenophobia and related intolerance in sports, analysed

the legal, policy and regulatory frameworks and measures taken at the international, regional and national levels, and made recommendations on how to tackle that persistent and complex problem.

27. Sports had the capacity to demystify racial superiority discourses, making them an important and practical instrument for combating racism. Furthermore, sports could be used as a positive symbol for social acceptance by conveying the image of multi-ethnic teams representing one nation and competing for a common goal. In spite of that, some sporting events regrettably continued to be afflicted by incidents and patterns of racially motivated violence, insults and intolerance. In recent times, both team events and individual professional sports throughout the world had been marred by racist acts.

28. Some representatives of sports federations, club officials and managers had trivialized racist chants by fans. Their usual interpretation of such events attributed racist utterances to the rivalry and emotions associated with competitive sporting events, thereby downplaying their seriousness. Racially motivated insults during sporting events were not exclusively spectator-related, but also occurred among opposing athletes, club officials and managers.

29. His report also addressed the issue of equal access by ethnic minorities to sports. Wealth played an important role in restricting access to certain sports and those in which participation required higher incomes tended to reflect less diversity.

30. The good practices and initiatives taken to prevent and tackle racism and promote acceptance and diversity within sports included the international legal provisions within the Convention, the Durban Declaration and Programme of Action, the adoption of a number of relevant resolutions by the General Assembly, various initiatives of the United Nations Office on Sport for Development and Peace, the work of the International Olympic Committee to support Olympic ideals, actions taken by the Federation International de Football Association (FIFA) to teach fair play and respect for diversity among players and supporters, relevant national legislation, Government awareness-raising campaigns and a wealth of regional initiatives. He recommended that Member States should consider how those international standards and the lessons learned from good practices could be incorporated into national legislation and policies to

strengthen capacity in order to prevent and combat racism and discrimination in sports. He called on States to take measures to harness the unique potential of sports to debunk racial superiority discourses, mobilize people and convey messages about equality and non-discrimination.

31. In his report [A/69/334](#), he had reiterated that the human rights and democratic challenges posed by extremist political parties, movements and groups were universal and no country was immune to them. Any commemorative celebration of the Nazi regime and its crimes against humanity should be denounced and prohibited by States. Such events did an injustice to the memory of the countless victims of the Holocaust and the crimes against humanity committed by the Nazis in the Second World War. He reiterated his condemnation of any denial or attempt to deny the Holocaust and all manifestations of religious intolerance, incitement, harassment or violence against persons or communities on the basis of ethnic origin or religious belief.

32. It was now time to consider together alternative ways to continue paying attention to that phenomenon. Special procedures mechanisms had various working methods that could be utilized to engage in a constructive dialogue with Member States and other stakeholders on that important issue. He therefore hoped that the General Assembly would take his suggestions into account in its deliberations on the topic. He called upon Member States to adopt the legislation necessary to combat racism, update national anti-racism legislation in light of the increasingly open expression of hate speech and incitement to violence, and implement their obligations under article 4 of the Convention and articles 19 to 22 of the International Covenant on Civil and Political Rights.

33. **Ms. Yassine** (Brazil) said that the World Cup held in Brazil in 2014 had provided an important opportunity to promote the principles of harmonious coexistence of peoples from diverse ethnic backgrounds and call for an end to racial discrimination. Her country advocated for the acknowledgement of women of African descent as a vulnerable group that suffered from gender and racial discrimination. It was also concerned about women and girls marginalized due to their sexual orientation and gender identity. She asked how the international community could tackle the compounded effects of discrimination within vulnerable groups.

34. **Mr. Barkan** (Israel) said that his country supported the need to prevent racist speech in sport and use sport positively to promote equality and integration. Israeli sports authorities had severely punished teams, professional leaders and civilians for making racist comments to players and were doing everything to fight that negative phenomenon and keep sports as a vehicle for social integration. Israel supported all struggles against hate speech, which eventually led to the rise of neo-Nazism.

35. **Mr. de Bustamante** (Observer for the European Union) said that the European Union remained fully committed to tackling all forms of intolerance, racism, xenophobia and other types of discrimination. Like the Special Rapporteur, it had also condemned and addressed racist incidents in sports in Europe.

36. The European Union was seriously concerned by the misuse of anti-extremism legislation in different parts of the world, contributing to the stigmatization of certain groups through hate speech and intolerance. Some groups, such as members of minority religious communities or lesbian, gay, bisexual, transgender and intersex persons (LGBTI persons), were particularly vulnerable to such restrictive regulation. It believed that severe restrictions placed upon freedom of expression, peaceful assembly and association and the restriction of the activities of NGOs diminished the possibilities of countering radical nationalism and extremism. It reiterated the importance of independent civil society's role in ensuring respect for human rights and fundamental freedoms and contributing to equality and non-discrimination.

37. He asked how the international community could contribute to the fight against hate speech used by politicians who incited racist, xenophobic, discriminatory or intolerant ideas. What tools or means should be used to protect vulnerable groups that had been marginalized or targeted by such ideas? Finally, he asked whether the Special Rapporteur had any recommendations on the best way to protect LGBTI persons from violence perpetrated by extremist groups.

38. **Mr. Sargsyan** (Armenia) said that States bore the ultimate responsibility to address racism, intolerance and xenophobia, curb the dissemination of hatred, and ensure and implement policies to that effect. In some States, the Head of State was often the instigator of hate speech and vilification. "Armenophobia" and consistent incitement of hatred towards Armenians had

become a staple of nearly every public statement made by the Head of the neighbouring State. Hate speech against Armenians in that country consistently penetrated the officially sanctioned media. Civil society activities to address domestic violations of human rights, peace-building initiatives and calls for tolerance were regularly vilified and resulted in detentions, imprisonment and physical assaults on the property and persons of those involved. The scale of dissemination of hatred towards Armenians had reached levels comparable to the worst examples of racism known to humankind. He asked the Special Rapporteur whether he had taken any steps to encourage the undertaking of the necessary investigations into those manifestations.

39. During the development of the post-2015 development agenda, the international community should stand united in denouncing and preventing any manifestation of racial and all other types of discrimination in any part of the world. Armenia would like to highlight the significance of education and the positive role of mass media in preventing racism and xenophobia and promoting tolerance and peaceful coexistence. He asked what other major tools and policies, including the further improvement of early warning mechanisms, could be applied to root out racism in the post-2015 period. Armenia would like to know how the Special Rapporteur took into consideration the views of NGOs and international organizations on cases of racism when reviewing country submissions on the topic.

40. **Ms. Moutchou** (Morocco) said that large sporting events had great potential to spread the values and principles of human rights. While recognizing the work carried out by certain football clubs, leading figures and international football institutions to combat xenophobia and racism, her delegation felt that not enough had been done. She asked how players, coaches, referees, clubs, fans and journalists could be encouraged to combat the scourge and how an overall culture of human rights education and training could be promoted. Lastly, the matter of impunity in sport must be dealt with.

41. **Ms. Smaila** (Nigeria) said that her country welcomed the contribution to the creation of values and attitudes that could help prevent and combat racism in sports. It noted with concern that modern sports continued to be afflicted by incidents and patterns of racial violence, insults and intolerance. As

recommended by the Special Rapporteur, States should adopt preventive, educational and awareness-raising measures, and condemn the perpetrators of racist incidents, in cooperation with national, regional and international sports organizations. Attention must be paid to role of education in preventing racism, as education continued to be an effective antidote to deep-rooted racism and discrimination. States must be encouraged to use the unique educational potential of sports to combat manifestations of racism, racial discrimination, xenophobia and related intolerance. Nigeria condemned the perpetrators of all racist incidents and endorsed the recommendation of the Special Rapporteur that sports authorities and associations should draw upon good practices to develop their own frameworks or action plans to fight against racism and other forms of discrimination in their respective sports.

42. **Ms. Tsheole** (South Africa) said that her delegation would like to request an update from the Special Rapporteur on his progress in responding to the important call by the General Assembly in resolution 67/155 to “consider examining national models of mechanisms that measured racial equality and their added value in the eradication of racial discrimination and to report on such challenges, successes and best practices”.

43. **Mr. Ruteere** (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance), said that hate speech and incitement to racial discrimination and violence from political leaders and movements was a particularly worrying development that the international community should address through legislative and policy mechanisms in accordance with international law, as well as by taking action to ensure that communities and groups that suffered such discrimination within countries where such speech was taking place were heard. His report to the Human Rights Council in June 2014 had highlighted the problem of incitement on the Internet and the particular responsibility of political leaders to address that problem.

44. As Brazil and the European Union had noted, groups inciting racial hatred and violence also often targeted the lesbian, gay, bisexual and transgender community. It was important to examine that pattern so as to understand the compound forms of discrimination

faced by LGBT persons and develop appropriate policies and responses.

45. In light of the role played by poverty in increasing the vulnerability of groups to racial and ethnic discrimination, measures to address the economic deprivation of groups that were victims of discrimination should be included in the post-2015 development agenda as a mean to combat racism and racial discrimination.

46. Non-governmental organizations, as well as Governments and inter-governmental agencies, would continue to be considered important actors in combatting racism and racial discrimination, as such organizations were important sources of information and able to provide good examples of what could be done to combat racism and racial discrimination. Noting the comments from Armenia on racial discrimination in neighbouring countries, he said that a priority of his mandate was to pay close attention to such issues around the world and that he would be happy to explore the possibility of visiting the region.

47. Some specific measures taken by Member States had been included in various reports he had submitted to the General Assembly, and he would continue to examine such measures.

48. **Ms. Fanon-Mendes France** (Working Group of Experts on People of African Descent), introducing her report (A/69/318), recalled that the Working Group had held its fourteenth session in March 2014, the focus of which had been on access to justice for people of African descent. She thanked Member States that had cooperated with the Working Group and shown a willingness to review the human rights situation of people of African descent and address issues of concern raised by the Working Group. It had visited Netherlands in June 2014 and would visit Sweden in December 2014. During the reporting period, it had also sent allegation letters and urgent appeals to countries regarding individual cases and thematic issues.

49. Racism, racial discrimination, xenophobia and related intolerance were still prevalent, despite the legal guarantees in place at national and international level. The Working Group was deeply concerned about the lack of accountability for acts of racial discrimination, with many people of African descent unable to obtain remedies for illegal acts through their domestic institutions. Respect for and protection of the

human rights of people of African descent could only be guaranteed if access to justice and effective judicial remedies were available when the rights of an individual were violated. Therefore, access to justice should be made a priority. In addition, people of African descent had historically been victims of Afrophobia and suffered the violation of their fundamental rights. The failure to provide equal education and training for youth of African descent often resulted in them being unemployed, invisible and marginalized, leaving them vulnerable to social and racial profiling, as a result of which they were overrepresented in the criminal justice system. Structural racism and discrimination occurred at all stages and levels of the administration of justice, from legislation to prisons. She urged States to adopt national action plans against racial discrimination and introduce special measures to address structural discrimination, in line with general recommendation 32 of the Committee on the Elimination of Racial Discrimination.

50. While people of African descent lived in diverse situations, there were several common human rights concerns that needed to be addressed, including structural racism and institutional racial discrimination, as evidenced by higher levels of poverty, poor living conditions, lower levels of political and social participation, barriers in accessing quality education and labour markets, overrepresentation in prison populations, discrimination in access to justice, and limited social recognition of their ethnic and cultural diversity. Women, children, youth, migrants and refugees of African descent faced multiple forms of discrimination. The lack of statistical data and the limited recognition of the history, heritage and contribution to development of people of African descent were also of concern.

51. The Working Group welcomed the International Decade for People of African Descent as a historic moment in the fight against racism, racial discrimination, xenophobia and related intolerance that affected people of African descent in all regions of the world and as a possible step towards eliminating the racial paradigm around which societies were structured. During that period, the international community, international and regional organizations and other international mechanisms should give high priority to programmes and projects aimed at combatting racism and racial discrimination against

people of African descent. Sufficient resources must be provided for the effective implementation of the programme of activities to promote and protect the rights of people of African descent, which was firmly anchored in the Durban Declaration and Programme of Action, the outcome document of the Durban Review Conference, the political declaration of the high-level meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action, the International Convention on the Elimination of All Forms of Racial Discrimination and in the programme of action drawn up by the Working Group. States should take practical steps by adopting and implementing national and international legal frameworks, policies and programmes to combat racial discrimination, paying particular attention to the situation of women, girls and young males. Activities must be grounded in research and reach a broad audience. The Working Group welcomed the work that had already begun, such as the Regional Meeting of Latin America and the Caribbean on the International Decade for People of African Descent in March 2014.

52. The Working Group also believed that the Decade would contribute to achieving equality and non-discrimination and strengthening the rule of law and democracy through the framework provided by its three primary focus areas: recognition, justice and development. Recognition of people of African descent as a distinct group was essential to increase their visibility and required increased data collection in order to assess their situation as well as respect their culture, identity, history and heritage. The justice component involved recognizing the historical and ongoing violations of the fundamental rights of people of African descent and remedying this situation by fully implementing the relevant human rights instruments, combatting widespread impunity for racism and racial discriminating and ensuring equal access to justice and equal protection at all stages of the judicial system. That element also related to reparations for enslavement and the transatlantic slave trade, in line with the Durban Declaration and Programme of Action. Finally, the development element concerned both the role of people of African descent in past and contemporary global development and the need for a human rights-based approach to all development activities. Specific attention must be paid to people of African descent in initiatives to realize the Millennium Development Goals and post-2015

sustainable development agenda. Increased efforts in those three core areas were needed in order to protect people of African descent from racial discrimination and ensure their equal enjoyment of all human rights. Therefore, the Working Group called on all relevant actors to work together at the national, regional and international level to make the Decade effective.

53. **Ms. Yassine** (Brazil) said that it was important to work with the special procedures mandate-holders of the Human Rights Council and engage in a frank and constructive dialogue with all human rights experts. Her country had one of the largest populations of people of African descent in the world, at over 100 million. It had recently received a visit from the Human Rights Council and had been acknowledged by the Working Group as a leader in policies to enable people of African descent to reach their full potential, which included the introduction of quotas at universities and, more recently, the civil service in order to put people of African descent in a better position to enter the labour market. Brazil was also firmly committed to the full and effective implementation of the Durban Declaration and the outcome document of the 2009 Durban Review Conference. In that regard, her delegation would be interested to hear more on how the Decade and its programme of activities would contribute to the full implementation of the Durban Declaration and Programme of Action and help raise awareness in order to combat prejudice, intolerance and racism in all its forms, especially with regard to people of African descent.

54. **Ms. Tsheole** (South Africa) commended the Working Group for its work, in particular the draft programme of action for the Decade. It also believed that the United Nations should develop a normative framework in the form of a human rights instrument addressing the promotion and protection of the rights of people of African descent. As recognized by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in 2001, people of African descent living in the diaspora had for centuries been subject to racism, racial discrimination and enslavement. They continued to be victims of the legacies of slavery, the slave trade and colonialism, which the World Conference had classed as crimes against humanity, making people of African descent a high-priority category of victims. Her country was concerned that they continued to suffer

multiple forms of racism and discrimination, including social exclusion, economic marginalization, poverty and underdevelopment. It therefore shared the view of the Working Group that judicial remedies in cases of racial discrimination should be easily accessible, impartial and affordable. Furthermore, in accordance with general recommendation 32 of the Committee on the Elimination of Racial Discrimination, it urged Member States to develop national racial equality indexes to map injustices. Such indexes should include special measures and be based on disaggregated data in order to address structural discrimination. Finally, it asked the Secretary-General, the High Commissioner for Human Rights and the international community to make programmes aimed at combatting racism, racial discrimination, xenophobia and related intolerance, particularly towards people of African descent, a matter of the highest priority.

55. **Mr. de Bustamente** (Observer for the European Union) reiterated the commitment of his delegation to fight racism, racial discrimination, xenophobia and racial intolerance. The Third Committee was familiar with his delegation's position on the collectivization of human rights and the creation of a hierarchy of discrimination suggesting that some victims were more worthy of attention than others. It had engaged very constructively in the programme of action for the Decade and looked forward its adoption by the General Assembly.

56. The report highlighted that people of African descent continued to be underrepresented and invisible in the major power structures, the media and the private sector as well as how institutional racism led to discrimination and mistreatment within the justice and security systems. His delegation thus would be interested to hear the opinion of the Chair of the Working Group on whether those inequalities, which had severe consequences for society, could be effectively addressed through racial quotas to increase the number of people African descent employed in the media, public and private sectors as well as the number undertaking higher education and working as judges or police officers.

57. In addition, in view of the emphasis in the report on the role of education in deconstructing ideologies of racial hierarchies; the fact that the transatlantic slave trade, colonialism and African history prior to the slave trade were seldom adequately addressed in curriculums; and the report's recommendation that

States should invest in curriculums and materials covering human rights, racism and racial discrimination, his delegation would be glad to hear additional examples of successful cooperation between, for example, the United Nations Educational, Scientific and Cultural Organization (UNESCO) and regional or national entities towards breaking the silence on the slave trade, colonialism in Africa and other legacies in contemporary society.

58. **Ms. Moutchou** (Morocco) said that Morocco welcomed the Decade as an important opportunity to focus attention on promoting and protecting the rights of persons of African descent. The Decade would contribute to achieving equality and non-discrimination in addition to promoting democracy and the rule of law. Her country welcomed the Working Group's comprehensive report on access to justice. People of African descent must be able to fully enjoy all guarantees to a fair trial and equality before the law. In that regard, her delegation would be glad to hear the opinion of the Chair of the Working Group on the possible discriminatory effects of certain domestic legislation, particularly laws on immigration and citizenship, and of other laws that target specific groups of people, including those of African descent.

59. **Ms. Smaila** (Nigeria) said that her delegation welcomed the proclamation of the International Decade for People of African Descent as an opportunity to ensure the effective implementation of the Convention on the Elimination of Racial Discrimination and the Durban Declaration and Programme of Action. Racism, racial discrimination and xenophobia uniquely affected persons of African descent, and Nigeria fully supported the recommendations of the Working Group on the subject, especially its emphasis on access to justice and the call for a comprehensive action-oriented document to guide the international decade.

60. Nigeria urged Member States to support the establishment of a permanent forum on people of African descent and the drafting of the United National declaration on the promotion of and full respect for the human rights of people of African descent. Noting that greater public support for the Decade was required, her delegation also called on all stakeholders to contribute generously for the implementation of its programme of activities.

61. **Ms. Fanon-Mendes France** (Working Group of Experts on People of African Descent), agreed with

South Africa that it was important to look into putting specific policies in place. The national racial equality index was one interesting possibility. One example of a successful UNESCO initiative in that area was its Slave Route Project, which had been in place for twenty years.

62. Examples of activities that had been observed during country visits included the discussions in the social and political forums of the Netherlands, including the office of the mayor of Amsterdam, on the Christmas figure of Zwarte Piet (Black Peter) and its connection to slavery. That was an example of how certain traditions or behaviour that had become internalized in the life of a society were actually hurtful to people of African origin. The Working Group was, therefore, looking forward to the Decade as an opportunity to focus on people of African origin and to find the means to ensure that the Durban Declaration and Programme of Action was recognized and used as a tool to eradicate racism and the racist paradigm that continued play a significant part in structuring societies. An international forum was also important because it would bring together the various stakeholders, such as Member States, civil society organizations and multilateral organizations, on an annual or biennial basis. The possibility of developing additional standards, as mentioned by South Africa, was also important, as the prevalence and permanence of Afrophobia might require. An important but generally somewhat neglected issue was the multiple forms of discrimination which particularly affected women. Many instances had been observed during country visits of one type of discrimination being focused on to the point where the others were neglected.

63. Country visit were very important, as they provided the opportunity to discover both the nature of the situation of people of African origin as well as the way in which countries were dealing with racism. Some States had policies in place, whilst others had some difficulty taking into account the root causes of discrimination and effectively working to ensure that all rights of people of African origin were effectively applied. The Working Group hoped that the Decade would definitively put an end to racism against people of African descent.

64. **Ms. Arias** (Chair-Rapporteur of the Working Group on the use of mercenaries), introducing the report of the Working Group, expressed appreciation to

the Department of Safety and Security for its cooperation. Research for the report had included consultations with United Nations officials, industry representatives, academics and experts from civil society.

65. The proliferation of conflicts, the increased vulnerability of local populations to human rights violations and the effects of the rising number of humanitarian crises had led to an increase in requests from Member States for the United Nations to carry out programmes in high-risk environments. Furthermore, the Organization had made a policy shift from a “when-to-leave” to a “how-to-stay” approach in 2009 in order to support the delivery of mandated programmes and activities in areas with challenging security situations. As a result, the Organization had experienced fatal attacks on its staff and premises. Reliance on the use of private security companies had increased in recent years, owing to that strategic shift and the diminishing capabilities of Member States to provide for security of United Nations personnel and assets. However, the United Nations still had the obligation to explore other options before resorting to the use of armed private security companies.

66. Increased outsourcing of security-related State functions to private companies had given rise to human rights challenges, especially since such companies frequently operated transnationally. It had also raised questions related to how and to what extent to private actors could be held responsible for human rights violations. Protecting the human rights of individuals and ensuring that private military and security companies and their staff were held accountable for their actions was especially difficult when they were operating in conflict and post-conflict stations, where their employees could bear arms, operate places of detention, participate in interrogations and protect military facilities.

67. The Department of Safety and Security had indicated that the United Nations did not use private military companies, meaning that it did not use private contractors to perform military services. It did, however, use security companies that performed military functions for other clients to provide armed and unarmed security and to carry out activities such as risk assessments, security training and logistical support, which created a security and reputational risk for the United Nations. Initiatives such as the publication of a new policy and guidelines on the use

of armed companies in 2012 were welcome, but further action was needed to ensure safeguards also applied to companies providing unarmed services, some of whose staff had been accused of human rights violations such as the abuse of prisoners and human trafficking. In addition, armed or unarmed private companies might use or divulge information that could be used to harm United Nations staff or facilities. Therefore, guidelines needed to be established to regulate the unarmed services provided by private military and security companies. The United Nations Guidelines should also clarify the decision-making process for the use of private companies, including the criteria for determining that their use was truly a last resort. The current Guidelines also failed to address the issue of accountability in the event of human rights violations committed by private companies. As the United Nations was paying particular attention to the issue of due diligence, it was important for that principle to be applied in its work with all stakeholders.

68. Given that companies frequently changed names or place of registration and that individuals dismissed for misconduct from one company might subsequently be employed by another, a well-functioning screening system was needed to ensure that the records of the contracted companies reflected the values of the United Nations, especially with regard to human rights. The reputational challenge faced by the United Nations was further compounded by reports that it had employed certain companies in spite of their allegedly dubious human rights records.

69. The Department of Safety and Security should continue to oversee the selection and evaluation of private military and security companies, both armed and unarmed, for field operations. An independent and thorough assessment should be carried out rather than relying on formal licenses and information supplied by the company to screen out companies with poor performance or human rights records. The assessment should be conducted by a third party, in order to avoid possible conflicts of interest. The Procurement Division could potentially be tasked with carrying out those checks and maintaining a database on private military and security companies and their performance records. However, the Working Group acknowledged that the United Nations had little capacity to perform that task. At the very least, it should only contract companies that had a solid screening system in place.

70. The provision of security functions should remain the primary responsibility of Member States, including in providing security to the United Nations and its staff members. The United Nations should, therefore, make a greater effort to identify and develop security solutions drawing on host countries, Member States or United Nations security staff. It must take steps to improve the regulation and monitoring of those companies in order to prevent human rights violations.

71. The Working Group also encouraged Member States to seek information from United Nations entities as to when and where private security companies were used to support United Nations missions and to secure facilities, conveyances and staff, as that information could influence policymaking and security-related decision making. All stakeholders were encouraged to continue supporting and contributing to the discussions on this issue. Lastly, in light of the transnational nature of many private military and security companies and the flexible corporate structures in the industry, the Working Group reiterated its call for the development of an international binding instrument to regulate the activities of those companies worldwide.

72. **Mr. Ponikvar** (European Union) said that the European Union wished to reiterate its position that the mandate of the Working Group was bound to lead to confusion since it addressed two entities, namely mercenaries and private military and security companies. While recognizing the negative impact that the activities of mercenaries could have on the length and nature of armed conflicts, his delegation wished to note that the activities of private military and security companies, were not necessarily unlawful, and that their regulation was bound by various branches of international law, including on the use of force, as well as by international human rights, humanitarian and criminal law. The companies did need to be properly regulated to ensure that they complied with, and could be held accountable for, any breaches of international law. In that regard, the Montreux Document on Pertinent International Legal Obligations and Good Practices for States related to Operations of Private Military and Security Companies during Armed Conflict and the International Code of Conduct for Private Security Service Providers could help set standards. The Working Group should remain open to the approach adopted in the Montreux Document and the International Code of Conduct since the elaboration of an international regulatory framework to monitor

and oversee the activities of such companies was highly controversial and the discussions on the subject were still ongoing. The North Atlantic Treaty Organization (NATO), the Organization for Security and Co-operation in Europe (OSCE) and the European Union had already signed the Montreux Document, and he asked if it would be beneficial for the United Nations to do so as well, in order to demonstrate its commitment to using private security companies in line with the best practices under international law. He also asked how the United Nations Guidelines on the Use of Armed Security Services from Private Security Companies compared with the Montreux Document and whether the latter could guide future iterations of the former.

73. **Mr. Rodríguez Hernández** (Cuba) said that Cuba supported the mandate of the Working Group and asked for more information on the impact on the right to self-determination of the use of private military and security companies by the United Nations or third countries.

74. **Ms. Arias** (Chair of the Working Group on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination) said that the Working Group welcomed the Montreux Document for its contribution to the implementation of international human rights law and international humanitarian law. The Member States of the United Nations should indeed become signatories to the Document since doing so would have a symbolic impact on others. Whether signing the Document would actually improve practice remained to be seen since compliance with voluntary obligations like those of the Montreux Document, which was not a regulatory instrument, could not be enforced.

75. The Working Group was careful to distinguish between the use of mercenaries, which was always illegal, and the use of private military and security companies, which were recognized by, and had to abide by, the law. The use of private military and security companies by the United Nations, whether in armed conflicts, humanitarian crises or peacekeeping, set the standard for the world and must therefore be carefully regulated by suitable protocols. Since private military and security companies accepted the delegated authority to use force that traditionally resided exclusively with the States, the risks of human rights violations when they acted in armed conflicts and post-conflict situations were high, and the Working Group

had found, for example, that clearer protocols were required to identify when the use of such companies was really a last resort. Better protocols were also required for the use of force. Most countries did not have clear regulations or procedures for such matters or reparation mechanisms for victims of the actions of those companies. Transparency was key, and the Working Group urged Members States to ensure they were kept abreast of when, how and where the United Nations employed armed and unarmed private military and security companies. Poor performance must be reported and sanctioned, and those guilty of improper conduct must not be contracted again.

76. As to the impact of the employment of private military and security companies on the right to self-determination, attention must be paid to their deployment in the protection of strategic assets that might, for example, involve repressing demonstrations by indigenous peoples or campesinos. Whether such action constituted an infringement on the right to self-determination would have to be assessed on a case by case basis. The United Nations must tighten controls and run its own background checks on the personnel of the private military and security companies it used, since there had been cases of employees of such companies also belonging to local militias. Not only did that prevent them acting impartially, it also undermined the legitimacy of the Organization's actions in the eyes of local people.

77. **Ms. Sabja** (Plurinational State of Bolivia), speaking on behalf of the Group of 77 and China, emphasized that a resolute and renewed political will, adequate funding and sustained international cooperation were indispensable to addressing all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance.

78. The Group of 77 and China welcomed the programme of activities on the implementation of the International Decade for People of African Descent and recent efforts on the elaboration of complementary standards to strengthen and update international instruments on racism, racial discrimination, xenophobia and related intolerance. With the mobilization of political will at the national, regional and international levels to implement the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference, it would be possible to combat and curb the scourge in all

spheres of life and all parts of the world, including those under foreign occupation.

79. The Group of 77 and China rejected racial profiling and negative stereotyping against persons based on their religions or beliefs and the increase in incidents related to religious hatred. They reiterated the call on Member States, the United Nations system and the international community to oppose religious intolerance and enhance dialogue with the aim of promoting mutual understanding, tolerance and respect of ethnic, cultural and religious diversity. They also reaffirmed the call for countries to eliminate discrimination against migrants, trafficking of persons and unsafe and unregulated migration.

80. The fight against racism should recognize the social and economic dimensions of the injustices of the past and seek to redress them appropriately. The continued struggle against racism and racial discrimination must be based on human solidarity and waged through cooperation, partnership and inclusion at all levels. At the national level, equal participation of all individuals and peoples in the formation of just, equitable, democratic and inclusive societies continued to be an absolute necessity. The redoubling of efforts at all levels was without doubt needed with reinvigorated political will and action to eradicate that phenomenon.

81. The Group of 77 and China reaffirmed the critical role that education played at all levels to promote understanding among all peoples and raise awareness at all levels of society, particularly among young people, of new forms of racism and racial discrimination. The Group called for the resuscitation of the work of the Group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action and its central role in mobilizing the necessary political will required for the successful implementation of the Durban Declaration and Programme of Action. It called on Member States to continue to share best practices and national experiences. In that regard, it welcomed the recently launched OHCHR database containing information on practical means to combat racism, racial discrimination, xenophobia and related intolerance, anticipating that it would serve as a way to catalyse partnerships at the global level.

82. The Group of 77 and China hoped that the resolution it would be tabling on global efforts for the total elimination of racism and racial discrimination,

xenophobia and related intolerance and the comprehensive implementation of the follow-up to the Durban Declaration and Programme of Action would be adopted by consensus.

83. **Ms. Young** (Belize), speaking on behalf of the Caribbean Community (CARICOM), said that CARICOM applauded the publication by the Anti-Discrimination Section of the practical guide on the development of national action plans against racial discrimination. It encouraged member States to make use of the unique global OHCHR database of records, which provided examples of practical means to combat racism and its manifestations.

84. CARICOM strongly believed that significant progress would be made in combating racial discrimination and racial intolerance if the obligations of the International Convention on the Elimination of All Forms of Racial Discrimination and the Durban Declaration and Programme of Action were adhered to. In that connection, it supported the important work of the Committee on the Elimination of Racial Discrimination, the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, and the Working Group of Experts on People of African Descent.

85. CARICOM welcomed the report of the Working Group and commended its focus on the theme of access to justice during its fourteenth session earlier in the year. In the wake of the sobering findings of the Working Group, a comprehensive plan of action for the International Decade for People of African Descent was of critical importance. The draft programme of action prepared by the Working Group and currently under consideration of the General Assembly was a strong, comprehensive and action-oriented document with practical activities to be developed at the national, regional and international levels. It included substantive recommendations, in particular the establishment of a forum to engage with people of African descent and the drafting of a declaration that would serve as a framework for the promotion and protection of the rights of people of African descent.

86. CARICOM was continuing to collaborate with the African Group to erect a permanent memorial to the victims of slavery and transatlantic slave trade at the United Nations. The memorial, known as the "Ark of Return", would serve not only as a reminder of the

extraordinary survival of those who had been victims of transatlantic slave trade, but also as a symbol of the ongoing need to address the lasting legacies of slavery, such as racism and discrimination. It thanked countries, organizations and individuals who had contributed and continued to contribute to that effort and looked forward to the sustained and increased support of all stakeholders in order to bring the project to a satisfactory and expeditious conclusion.

87. The history of the Caribbean region reflected the legacy of the injustices perpetuated on Africans and their descendants, who had suffered untold violations of fundamental human rights as victims of transatlantic slave trade and the resultant inhumane chattel slavery. CARICOM had concluded that those events represented a fundamental case for reparatory justice for the centuries of exploitation and hardship thrust upon the people of the region, including indigenous persons, and those of African descent, whose forced and uncompensated labour had virtually built the economies of much of the developed world. In that connection, CARICOM had facilitated the establishment of a regional reparations commission, while its member States had created national commissions for optimum coordination. The second regional meeting on reparations held in October 2014 had further advanced the preparatory work. Heads of Government were aiming to engage the former slave-holding countries towards reconciliation and reparatory justice for the evils of native genocide and slavery. The Caribbean Reparatory Justice Programme, which had emerged from those regional deliberations, was a ten-point plan encompassing a full formal apology, repatriation, an indigenous peoples development programme, the development of cultural institutions, support for public health, education for the illiterate, the creation of an African knowledge programme, psychological rehabilitation, technology transfer and debt cancellation.

88. In a related vein, CARICOM drew attention to the historic link between slavery and the right of peoples to self-determination. For the Caribbean, physical emancipation had not meant full self-determination, but had been a step that had ushered in the era of over a century of colonialism, which, in many respects, had perpetuated what had formerly prevailed. Thus, the region's anti-colonial struggle ending in independence had been born as a logical outgrowth of the emancipation struggle. CARICOM

remained in full support of the continued process of self-determination for the remaining small island Non-Self-Governing Territories in the rest of the region and recommended that the Third Committee of the General Assembly should give due attention to their concerns when considering the agenda item on the right of peoples to self-determination.

89. **Mr. Kunene** (Swaziland), speaking on behalf of the Southern African Development Community (SADC), said that ideologies and practices that had been premised on the suppression of one race by another had led to extended suffering in the region. SADC believed that the utmost prominence must be given to the elimination of the re-emergence of racism, racial discrimination, xenophobia and related intolerance. People of African descent in diaspora continued to live in conditions of extreme poverty. The situation had been exacerbated by the recent economic and financial crisis. Many of those people were victims of some of the most egregious crimes against humanity such as slavery and trafficking.

90. The theme of the International Decade for People of African Descent, "People of African Descent: recognition, justice and development", was particularly appropriate as it recalled the past, acknowledged the present and looked towards a brighter future. SADC believed that the International Decade would bring into sharp focus the plight of victims of historical injustices and further contribute to the restoration of their dignity through initiatives to be undertaken by States and other stakeholders for the realization of their human rights and fundamental freedoms. The planned programme of activities derived from the acknowledgment that people of African descent had been victims of discriminatory practices and continued to suffer from lingering remnants of such practices. Racism and racial discrimination continued to manifest themselves in inequality and disadvantage. The principal aim of the International Decade, therefore, was to promote respect, protection and fulfilment of all human rights and fundamental freedoms of people of African descent, as recognized by the Universal Declaration of Human Rights. Such a goal was achievable through the full and effective implementation of the Durban Declaration and Programme of Action, the International Convention on the Elimination of All Forms of Racial Discrimination and other relevant international and regional human rights instruments.

91. SADC believed that the elimination of racism, racial discrimination, xenophobia and related intolerance would require the concerted efforts of the international community and, therefore, urged unity among nations to allow for meaningful interventions. Extremism had no place in the global society. Emphasis must be placed on respect and acceptance of differences. SADC was confident that through the mobilization of political will at the national, regional and international levels in support of the implementation of the Durban Declaration and Programme of Action, it would be possible to curb the scourge of racism, racial discrimination, xenophobia and related intolerance.

92. The International Decade was an important initiative as it brought to the fore the plight of African people in diaspora and the importance of the role they played in their societies, and promoted their full inclusion in those societies with the underlying aim of combating racism, racial discrimination, xenophobia and related intolerance.

93. **Ms. Schlyter** (Observer for the European Union), speaking also on behalf of the candidate countries Albania, Iceland, Montenegro, Serbia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process country Bosnia and Herzegovina; and, in addition, the Republic of Moldova, said that one of the fundamental founding principles of the European Union was the premise that all human beings were born free and equal in dignity and in rights. All members of European Union societies, irrespective of their gender, racial or ethnic origin, religion or belief, disability, age, sexual orientation or gender identity, must be treated equally. All European Union member States had ratified the International Convention on the Elimination of All Forms of Racial Discrimination and were therefore obliged to prevent, prohibit and eradicate racial discrimination and incitement to racial hatred. European Union treaties provided the competence to take appropriate action, including the adoption of legislation, to combat discrimination based on, *inter alia*, racial and ethnic origin, religion and belief. The Charter of Fundamental Rights of the European Union also prohibited such discrimination while respecting the fundamental rights of freedom of expression, freedom of the media and freedom of association.

94. Under European Union legislation, public incitement to violence or hatred on the basis of race,

colour, religion, national or ethnic origin was penalized. Incitement to hatred in audiovisual media services and discrimination in audiovisual commercial communication was also prohibited under European Union law. The objective was to establish a common approach, ensuring that the same behaviour was categorized as the same offence in all member States and that penalties were equally effective, proportionate and dissuasive across the entire European Union. However, recent reports by the European Union Agency for Fundamental Rights showed that crimes motivated by racism, xenophobia and related intolerance and ethnic discrimination persisted in areas such as health care or education. Discrimination against Roma and immigrant populations was regarded as the most widespread form of discrimination in Europe. The vast majority of hate crimes were not reported to the police or any other organization despite the availability of mechanisms to address them. The European Union was also seriously concerned by the misuse of anti-extremism legislation in different parts of the world contributing to the stigmatization of certain groups through hate speech and intolerance.

95. The European Union would continue to lend its support to initiatives that sought to tackle racism, as well as to engage in bilateral dialogues with member States, with a view to ensuring full compliance with the different legislative measures. Combating racism, xenophobia and related intolerance was also a priority in the European Union's external action policy. Through its funding instruments, the European Union supported the work of civil society organizations working on that matter across the world. The European Union fully supported the recommendations of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance for stakeholders to continue to support existing initiatives and raise awareness of existing patterns of discrimination.

96. The European Union was worried by the double discrimination encountered by women and children, as well as the discrimination and violence encountered by persons with albinism. Such dehumanizing practices had triggered internal strife in many countries and brought immense human suffering.

97. Common strategies to tackle racism were most effectively pursued when anchored in the protection and promotion of universal human rights without discrimination of any sort. All States must make

further efforts to implement the recommendations contained in the Durban Declaration and Programme of Action and show more political will to combat and eradicate all manifestations of racism, xenophobia and related intolerance. The European Union was deeply engaged in the work of the Human Rights Council and its subsidiary bodies to that effect and had engaged actively and constructively in the process leading to an agreement on the programme of activities for the International Decade for People of African Descent. The European Union was committed to ensuring a successful decade, focusing on the added value and concrete improvements in the fight against racism, racial discrimination, xenophobia and related intolerance everywhere in the world.

*The meeting rose at 1 p.m.*