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Durban Review Conference

Summary record of the 9th meeting

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President: Mr. Achamkulangare (India)
(Vice-President)
later: Mr. Wako (Kenya)
(President)

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

Issues arising from the objectives of the Conference (agenda item 9) (continued)

States

1. **Ms. Margo** (Japan) recalled that universal ratification of the international Convention on the Elimination of All Forms of Racial Discrimination was essential for the eradication of racism worldwide. In that connection, Japan, which had submitted its report to the Committee on the Elimination of Racial Discrimination in August 2008, considered it a highly useful exercise to review national legislation and policies on racism and it encouraged all States parties to fulfil their obligations.

2. Japan attached great importance to human rights education. It had enacted a law on the subject in 2001, developed a plan of action and established information and counselling centres for foreigners in Japan's major cities. Freedom of expression was guaranteed by the Constitution subject, however, to certain restrictions, particularly with regard to the dissemination and expression of ideas based on racial discrimination and to respect for religious beliefs. Violations of those principles were punishable under the Penal Code, and the Japanese Government had always exercised the utmost caution in striving to maintain the delicate balance between freedom of expression and freedom of religion.

3. Eight years on from Durban, existing international mechanisms now needed to be rationalized in order to ensure more effective implementation of the Durban Declaration and Programme of Action. With regard to the complementary standards envisaged in paragraph 199 of the Durban Programme of Action, in Japan's view, it would be better to make more effective use of the existing normative framework.

4. **Mr. Mouratian** (Argentina) said that joint strategies to promote the rights of different sectors of society should be developed based on a detailed analysis of precisely what combating discrimination in each country entailed. In that context, in 2005, Argentina had approved, by presidential decree, a national anti-discrimination plan which had been drawn up with the participation of organizations and social movements across Argentina and had been entrusted to the National Institute Against Discrimination, Xenophobia and Racism (INADI) for implementation and follow-up. A "Cities against Racism" programme had been established, an observatory to monitor discrimination on the radio and television had been created and various diversity awareness and education measures had been taken. Each province in Argentina now had its own complaints mechanism. In the legislative domain, various laws *inter alia* on migrants, refugees, indigenous peoples and the environment had been adopted. Those measures were just the first steps in the elaboration of the public policy on discrimination which Argentina needed to deal with its own situation.

5. Regional action was also required and Argentina therefore supported the call by Mexico for organizations which specialized in combating discrimination or promoting the full realization of human rights to join the Ibero-American Network of Organizations Against Discrimination. The work of the Technical Group against Discrimination, Racism and Xenophobia and of the Sub-Group on Sexual Diversity at the Meeting of the High-Level Human Rights Authorities and Chancelleries of Mercosur and Associated Countries was an example of good practice which had led, *inter alia*, to the holding of a regional seminar in Uruguay on sexual orientation and gender identity. Two other regional seminars, one on persons of African descent and the other on indigenous peoples, were due to be held shortly.

6. The Argentine delegation took the view that, in the light of challenges and future actions, the standards proclaimed at the conference held in Santiago, Chile, prior to the Durban Conference, and at the Brasilia conference should be endorsed. The Outcome

Document called for the implementation of several concrete measures, particularly in connection with national plans, public policies and budgetary resources. In parallel, the scope of anti-discrimination measures and policies should be widened further.

7. **Mr. Bishwakarma** (Nepal) said that Nepal, which was a multi-ethnic, multi-cultural, multilingual and multi-faith country, believed in secularism and recognized diversity as an asset of development. It had made considerable efforts to give effect to the Durban Declaration and Programme of Action by, for example, establishing or strengthening certain institutions, improving constitutional and legal frameworks and introducing positive discrimination.

8. Nepal was currently undergoing a process of democratic transition. The status of intouchability had been abolished in 2006 and the Comprehensive Peace Accord of 2006, which had ended a decade of armed conflict, reaffirmed strong commitment to respect for, and the promotion of, human rights and an end to all forms of discrimination based on caste, colour, gender, race, language, religion, social or national origin, economic status, disability, birth or any other status, opinion or faith. The Interim Constitution of Nepal, which accorded the people a set of fundamental rights and freedoms, including social justice and protection against discrimination, contained provisions on the protection of the rights of ethnic, religious and linguistic minorities, women, Dalits, indigenous peoples, Mahesis and marginalized communities.

9. A national inclusion commission, a national Dalit commission and a national commission on women had recently been established, while a national foundation for the development of indigenous nationalities had been set up in 2001. Nepal had ratified the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169), and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people had visited Nepal, at his request, in 2008. The problem of racism, racial discrimination, xenophobia and related intolerance was a global issue which required efforts at every level, from the societal to the international.

Intergovernmental organizations

10. **Mr. Bahreini** (NAM Center for Human Rights and Cultural Diversity) said that the Durban Conference had provided an opportunity to assess and identify all the dimensions of racism and racial discrimination and to formulate a holistic strategy to eliminate those phenomena at the national and international levels.

11. Many countries were now witnessing racist and xenophobic acts and crimes being committed against migrants and asylum-seekers, together with manifestations of religious intolerance encouraged by the media, including the Internet, and by certain policies. Some countries engaged in racial profiling or the intellectual legitimization of racism. Regrettably, failure to respect human rights while countering terrorism had also resulted in new forms of discrimination and had led to the marginalization of the Durban Declaration and Programme of Action. Indeed, restrictions had been imposed on religious freedom and certain forms of radical secularism had reportedly given rise to manifestations of intolerance towards religions. Such attitudes were inconsistent with the spirit of the Charter of the United Nations, which sought to promote peaceful coexistence among nations. Insecurity could not be used as a justification for racism.

12. Since education was the best tool to promote understanding of cultural differences and to foster respect among communities, the NAM Center for Human Rights and Cultural Diversity urged all relevant international organizations to conduct a study on how respect for cultural diversity contributed to fostering national solidarity and cooperation between nations. The Center called on all intellectuals, universities and think tanks to enhance their interaction and dialogue. To achieve genuine mutual respect and to eliminate intolerance

and racism, a strategy was needed to promote responsible, ethical and professional conduct in the media.

Special procedures of the Human Rights Council

13. **Mr. Muigai** (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance) welcomed the adoption by consensus of a strong text of the Review Conference and the spirit of cooperation which all Member States had shown during the negotiations by agreeing to make some difficult concessions. Eight years previously in Durban, the international community had adopted an ambitious and innovative framework for combating all forms of racism, racial discrimination, xenophobia and related intolerance. Regrettably, however, the international community had not fully implemented the Durban Declaration and Programme of Action.

14. Today, racism thrived across the globe and could only be eradicated through the concerted, long-term efforts of the international community and civil society, together with the implementation by States of special national strategies. In that connection, the Review Conference should mark the beginning of a new era of international mobilization against racism. While the progress achieved to date should not be underestimated, much remained to be done to alleviate the suffering of those who were subjected to racism on a daily basis. Racism was a global problem that required global solutions. Ideological divisions would only obscure the real problems which racism posed. Given the many existing crises and the risk of new forms of racism and xenophobia emerging, the Special Rapporteur called on all members of the international community, particularly those who had chosen not to participate in the Review Conference, to renew their efforts to counter racism. He invited President Barack Obama of the United States of America to provide new impetus for that endeavour.

15. **Ms. McDougall** (Independent Expert on minority issues) said that national, ethnic, religious and linguistic minorities in all regions of the world continued to be frequent targets of racism, racial discrimination, xenophobia and intolerance. In the course of her work, she had sought to draw attention to the situations of minorities globally and to the many difficulties confronting them. Many faced exclusion in all walks of life in their country, on the pretext of their alleged inferiority. History demonstrated that minorities were made uniquely vulnerable by discrimination and were the most frequent victims of genocide. It was therefore essential to place minorities at the forefront of efforts to combat racism and discrimination.

16. Racial discrimination not only affected individuals, it took more insidious forms, such as institutional racism or indirect discrimination which systematically kept entire groups of people in a position of inequality, inferiority and marginalization. Minority groups were thus more often the victims of discrimination and exclusion. Members of minority groups were more likely to be poor and their children did not have equal access either to education or to quality education, ultimately, they were not able to fulfil their human potential.

17. Attaching appropriate value to the rights of minorities and to ethnic and cultural diversity was a responsibility of all States. It was also conducive to fostering national identities, political and social stability and development. It was deplorable, therefore, that, in some States, debates about language, religion, social inclusion, political participation, citizenship and identity threatened social cohesion and harmony rather than contributing to an inclusive and integrated society. The international community had everything to gain from promoting the rights and exploiting the potential of minorities and from protecting minorities from discrimination.

18. **Ms. La Rue Lewy** (Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression) welcomed the adoption by consensus of the

Outcome Document, particularly paragraph 58 thereof on freedom of opinion and expression, which should help to strengthen the exercise of all human rights, including in the framework of combating racism and discrimination.

19. The Special Rapporteur, referring to the joint statement of the three special rapporteurs on, respectively, contemporary forms of racism, freedom of belief and freedom of opinion and expression which had been delivered the previous day, she noted with satisfaction that the question of defamation of religion had not been mentioned in the Outcome Document. She called on States to maintain that approach at future meetings. The exercise of freedom of expression was a fundamental element of the right to equality. There was no justification for States to impose restrictions, including through censorship, on human rights and their observance as a means of promoting those rights.

20. **Mr. Bustamante** (Special Rapporteur on the human rights of migrants) said that it was impossible to address the question of migrants' human rights without referring to the vicious circle of migration, racism and xenophobia. The abuses being committed with increasing frequency in transit and receiving countries, most of which had well-established democratic traditions, were not perceived by their institutions as warnings that xenophobic outbreaks were on the rise. Xenophobic and racist attacks on migrants were definitely connected with the non-national status of those persons and in many cases with the absence of legal channels for migration, which led to irregular migration and hostile responses in society.

21. The problem of discrimination also arose when conditions of labour migration involved situations of abuse not only by individuals and groups connected with organized crime, but also by employers who hired undocumented workers in order to avoid social security payments or taxes. The victim of those practices was generally punished, while traffickers and employers, who took advantage of the lack of legal, social and economic protection for undocumented workers, remained unpunished. In that connection, the criminalization of undocumented migrants for the offence of being in a country without proper papers made those persons vulnerable to potential racist or xenophobic acts in the countries concerned, where they were often regarded as criminals.

22. For all those reasons, it was of critical importance to raise awareness of the real reasons for increasing migration flows, which affected the entire international community, namely, structural adjustment, neoliberalism and socioeconomic inequalities, together with extreme poverty, internal armed conflicts, corruption, racial discrimination and family reunification. Moreover, social and educational factors and social injustice also played a role in the decision to leave taken by persons looking for better opportunities.

23. It was important to remember that migrants were needed as a labour force to offset population decline or the ageing of the economically active population in receiving countries. Migrants made a positive contribution to the economy and the cultural wealth of those countries. At the same time, countries of origin must recognize the importance for their national economies of the remittances that migrants sent to their families back home. In that connection, the protection of migrants' human rights deserved to be taken more seriously by the international community. The only way to put an end to the violations of migrants' rights was to recognize the existence of those violations and to show determination to resolve them.

24. **Ms. Shahinian** (Special Rapporteur on contemporary forms of slavery, including its causes and consequences) said that contemporary forms of slavery in the world were closely linked to racism and intolerance and that most cases of slavery occurred in places where racism was deeply entrenched. Slavery was a practice rooted in ideologies founded on discrimination and exclusion. Persons living on the edge of society were highly vulnerable to slavery, because they were isolated and unprotected.

25. Stressing the inextricable link between racial discrimination, poverty and gender, the Special Rapporteur drew attention to the issue of child labour, which had been raised at Durban in 2001 and which now called for better coordination to eliminate the underlying causes of the problem. She invited all States to ratify the instruments on racial discrimination, discrimination against women and child labour. The private sector also had a role to play by ensuring that their profits were not derived from the exploitation of vulnerable groups. Lastly, efforts to combat racism were linked very closely to efforts to counter contemporary forms of slavery and it was by working together that Governments would break the vicious cycle and allow victims to regain their rights, freedom and dignity.

26. **Ms. Jahangir** (Special Rapporteur on freedom of religion or belief) expressed regret that eight years after Durban she continued to receive frequent and worrying reports of religious intolerance and acts of violence against members of various religious or belief communities. Of particular concern were attacks on places of worship and violations of the right of members of religious minorities to worship and to carry out other religious activities without State registration or approval.

27. She deplored counter-terrorism measures based on discriminatory profiling and on perceived religious affiliation and she drew attention to the joint document (A/CONF.211/PC/WG.15) which the special procedures mandate-holders had submitted in 2008.

28. The Special Rapporteur said that, in conclusion, it was her dearest hope that the Review Conference would provide the opportunity to apply creative and effective strategies to eradicate racism and thus to help build more tolerant and respectful societies.

29. **Mr. Chala Cruz** (Ecuador) said that he deplored the deliberate absence of several countries, which was inconsistent with the principles that those countries proclaimed. He called on them to rejoin the international community. The Outcome Document adopted by the Review Conference was fairly well-balanced, eschewing as it did political polemics and covering all the points on which States had reached agreement at the Conference in 2001. It took up, in particular, some important issues about vulnerable groups in society and raised a number of new questions. Although the process had been very controversial, it had nevertheless produced a satisfactory outcome, allowing not only for a review of areas where progress had not been made, indeed where things had got worse, but also for the identification of new forms of intolerance and racism and of the groups most vulnerable to that scourge. The delegation of Ecuador called on all States represented at the Conference to apply policies which sought genuinely to engage citizens in efforts to combat racism.

30. **Mr. Wako**, (Kenya), Chairman, took the Chair.

National human rights institutions

31. **Mr. Fayek** (Egyptian National Council for Human Rights) said that racism threatened peace and security in many countries. In Arab societies, despite efforts to promote gender equality, much remained to be done in the public and private domains. Migrants in receiving and sending countries in the region were experiencing great hardships and the process of combating terrorism, in the region as elsewhere, had been manipulated to serve political and economic interests that had nothing to do with terrorism.

32. The countries of the region were facing a unique situation as a result of the Israeli military occupation, which was characterized by racial segregation, and of the immoral Israeli blockade on Gaza, which had also had an impact on Egypt. The National Council for Human Rights in Egypt recognized the importance of national human rights institutions in the fight against terrorism and had initiated several pieces of legislation, such as a draft law on the establishment of places of worship for all religions and on resolving the problem of identity documents for various religious groups. Moreover, the participants at a meeting

organized by the National Council for Human Rights in conjunction with the Arab Organization for Human Rights had adopted the Cairo Declaration on combating racism and racial discrimination, the official text of which had been submitted to the Secretariat.

33. **Mr. Patel** (National Human Rights Commission of India) said that, despite the guarantees offered by the Indian Constitution and the many laws on protection against discrimination, the Commission remained gravely concerned by the persistence of inequalities in India. To address them, it had taken action on many fronts, making specific recommendations to the authorities to deal with atrocities against scheduled castes, promoting human rights education from the school level to the university level, monitoring the effective application of laws (including on bonded labour and trafficking) and visiting eight districts in India to meet with the authorities and raise awareness of the right of scheduled castes to food, education and health. The Commission was deeply conscious of the suffering of victims of discrimination and spared no effort to restore the dignity of those persons and to ensure that they enjoyed the full range of fundamental rights.

34. **Mr. De Bres** (New Zealand National Human Rights Commission), speaking also on behalf of the Australian Human Rights Commission and 39 national human rights institutions present at the Review Conference, expressed the hope that the adoption by consensus of the Outcome Document of the Review Conference, which was a good basis for future progress, would put an end to the negative approach adopted to date and see all States, including New Zealand, renew their commitment to the Durban process. At a meeting on their role held on the fringes of the Review Conference, national human rights institutions had identified 14 areas for priority action, including: encouraging the submission of reports to the Committee on the Elimination of Racial Discrimination; ensuring follow-up on racism at the national, regional and international levels; collecting data on racism for submission to the Office of the United Nations High Commissioner for Human Rights; including the rights of indigenous peoples in their mandates; gaining public confidence by being accessible to victims; and encouraging Governments to allocate resources to them, notwithstanding the current financial difficulties.

35. **Mr. Safinkhanli** (National Human Rights Institution of Azerbaijan) said that Azerbaijan was a multi-ethnic and multi-confessional State which was free of intolerance and discrimination and supported the principle of unity and diversity. For seven years the Ombudsman had been the main mechanism for the protection of human rights. The institution held meetings with populations where there were large concentrations of national minorities and had created four regional centres. In addition, public hearings had been held in 54 districts for the purpose of monitoring follow-up to the national plan of action on human rights which had been adopted in 2006. Lastly, 18 June had been declared National Human Rights Day in Azerbaijan.

36. **Ms. Follmar-Otto** (German Human Rights Institute), welcoming the adoption of the Outcome Document, which provided an excellent basis for progress, said that she regretted the fact that some countries, including Germany, had not participated in the Review Conference. As a European organization, the German Human Rights Institute was guided by a number of principles, in particular that of never forgetting genocide, including the Jewish and Roma Holocaust. Slavery, colonialism and genocide were part of Europe's collective memory.

37. The indivisibility of human rights meant that all forms of discrimination must be addressed, in particular the link between racial discrimination and discrimination based on age, gender, sexual orientation, disability or religion. The rights of migrants, refugees and victims of trafficking must also be protected. Despite the efforts made, structural racism was still alive and well and the German Human Rights Institute would continue to work with all partners at all levels to combat racism.

Civil society organizations

38. **Mr. Fattorini** (Movement against Racism and for Friendship between Peoples) (MRAP) condemned the campaign to discredit the Review Conference which had been conducted during the preparatory phase and the pressure put on several Governments to withdraw from the Conference. He asked what had really motivated some parties to withdraw from the process. The Movement, which was convinced that there was no place for establishing hierarchies of victims or of past wrongs, viewed the adoption of the Outcome Document as a positive step in the fight against racism, called for the universal ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and invited the Office of the High Commissioner to provide Governments and civil society with the necessary technical support for the implementation of national plans of action against racism; it also called on States to offer the Office of the High Commissioner the necessary financial support to guarantee its independence.

39. **Ms. Daguerre** (Arab Commission for Human Rights) expressed regret that the Outcome Document had been adopted before the end of the discussions, thereby creating a precedent, and that pressure had been put on non-governmental organizations (NGOs). Some key issues could not be obscured, in particular the terrible suffering endured by the Palestinian people for several decades as the result of the brutal practices of the colonizer. Far from improving, the situation of the Palestinian people had worsened considerably since 2001, with more than half a million persons under siege in Gaza and Palestinians being expelled from Jerusalem in what amounted to a process of ethnic cleansing.

40. The question of migrant workers and of violations of their rights was a further problem, and the Arab Commission for Human Rights called for the creation by the Human Rights Council of a special procedures mandate for the rights of migrants in administrative holding centres. Universal ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and of the conventions of the United Nations Educational, Scientific and Cultural Organization (UNESCO) and ILO on racism must be achieved as swiftly as possible.

41. **Ms. De Rivero** (Human Rights Watch) said that since the fight against racism was carried out through freedom of opinion and expression, she welcomed the commitment made to freedom of expression in the Outcome Document. The best way to combat intolerance, bigotry and marginalization was to allow all communities to make their voice heard. It must also be acknowledged that victims gained nothing from revenge and repression.

42. The important results which the 2001 Conference had obtained on many issues, including the protection of migrants and refugees and of women's rights, had been overshadowed by the unacceptable anti-Semitic behaviour of a number of NGOs during the NGO Forum. Eight years on, anti-terrorism measures and a rise in fundamentalism had aggravated the tensions between Western and non-Western countries. In that context, the issue of religious defamation had been raised in the negotiations but had not been included. The Outcome Document was a strong response by Member States wishing to go beyond the polarization of the racism debate. Human Rights Watch called on those States that had boycotted the Review Conference to examine the text, which made a clear call for unity and tolerance, and to join the consensus.

43. **Ms. Vader** (Baha'i International Community) recalled that racism originated in the human mind and that action to remedy must begin by addressing the mistaken idea, on which notions of superiority and inferiority were founded, that humankind was composed of different races, peoples or castes which had different intellectual, moral or physical

capacities. In reality, there was only one human race and recognition of that truth was the best antidote for racism.

44. **Ms. Makou Djouma** (Organisation pour la communication en Afrique et de promotion de la coopération économique internationale) (OCAPROCE International) said that, despite the ideological issues raised by certain Member States, the priority goal of the Review Conference was and should continue to be to assess the results of the implementation of the Durban Declaration and Programme of Action. She expressed deep regret that the goal had been misused for political or economic ends, at the expense of victims.

45. Hatred of others, based on ignorance or prejudice, was the evil at the root of the worst injustices done to mankind. The Durban Conference had been the first stage in the establishment of a civilization free from racial hatred. What was needed now was to strengthen mechanisms and measures designed to translate the principles of the Conference into action. In that spirit, she recommended that the Review Conference should call on the United Nations General Assembly to establish a standing institutional working group, including NGOs, to be modelled on the former 1503 procedure.

46. **Ms. Beiliman** (Tiye International) reaffirmed the commitment of the 21 Netherlands organizations that she represented to the active promotion of solidarity with all victims of racism, xenophobia, anti-Semitism, Islamophobia and oppression. She expressed deep disappointment about the absence of the Netherlands Government from the Review Conference, since the Netherlands was a former colonial State which hosted a large number of migrants and refugees, and she expressed regret that the commitments made at Durban in 2001 had not been implemented effectively.

47. The question of an apology and reparations for crimes against humanity committed in the context of the transatlantic slave trade had yet to be taken up in serious negotiations. A new review conference should be held within the coming five years to allow for discussion, inter alia, of that issue. She recommended the establishment of a permanent forum for Africans and peoples of African descent such as the one that had been established for indigenous people.

48. **Ms. Duhamel** (Mouvement international pour les réparations) stated that the Durban Programme of Action had been applied very unevenly by Caribbean countries. In Martinique and Guadeloupe, the State had perpetuated the economic and social disparities inherited from the era of slavery and colonialism. That archaic system had been the origin of an uprising in early 2009 which had lasted for several weeks. In such a context, it was imperative for civil society to develop its own resources in order to create synergies in giving effect to the Durban Programme of Action.

49. Inspired by local communities and elected representatives which had decided to formulate local versions of Agenda 21, given the inertia shown by many States following the adoption of the Rio Programme of Action, the International Movement for Reparations proposed a “global Agenda 21” which included the Rio Summit recommendations, the Millennium Development Goals, the Durban Programme of Action, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Declaration on the Rights of Indigenous Peoples. Such an agenda, if rolled out locally, would allow any groups or individuals wishing to adopt those key texts to proceed with their implementation.

50. **Ms. Enieyati** (Iranian Elites Research Centre) drew attention to the growing intolerance and discrimination manifested against Muslims. Expressing condemnation of the increasingly negative political and media discourse in the Western world targeting Muslims and Islam, she recalled, inter alia, the publication of blasphemous caricatures in

several newspapers and the adoption of discriminatory policies and rules, including restrictions on the construction of places of worship in several European countries.

51. Apathy and inaction on the part of Governments faced with manifestations of Islamophobia could not be justified on the grounds of freedom of expression. Freedom of expression carried with it special duties and responsibilities and did not provide a licence to insult or hurt the feelings and beliefs of others. The intensification of the campaign of defamation of Islam impaired the enjoyment of freedom of thought, conscience and religion. Acts of discrimination and manifestations of hostility against Muslims and Islam were inconsistent with the spirit of the Charter of the United Nations. All possible legal and administrative measures should be taken as a matter of urgency to put an end to those acts.

52. **Mr. Ganji** (Women's Association of Followers of Ahl-ul-Bayt) drew attention to new forms of racism and discrimination against the most vulnerable groups in society, in particular refugees, migrant workers and asylum-seekers. Those persons suffered discrimination in many spheres and were sometimes the target of violent acts of xenophobia. Many were criminalized because of their status and the media frequently contributed to a climate of intolerance towards them.

53. Another cause for concern was the proliferation of extremist groups, as well as the use of new communication technologies for the dissemination of racist messages and for incitement to hatred. All members of the international community and civil society had a responsibility to take concrete and urgent action to eliminate those scourges.

54. **Mr. Hashom** (Al-Hakim Foundation) said that many programmes had been launched in Iraq to eliminate all forms of discrimination and hatred among the different segments of Iraqi society, which the regime of Saddam Hussein had deliberately set against one another in order to maintain its grip of the country. In spite of the terrible legacy which the dictatorship had left behind, unity and cohesion in Iraqi society had been maintained.

55. In the previous five years, many NGOs had been established in Iraq, including Al-Hakim Foundation which sought to promote and protect the rights of women. The Foundation had succeeded in having women appointed to decision-making positions, including in the Council of Representatives. It had recently launched a pilot project on violence against women.

56. **Ms. Ndjaye** (Rencontre africaine pour la défense des droits de l'homme) (Raddho), recalling that Africa had played a key role in the adoption of the Durban Declaration and Programme of Action, expressed regret that the Durban goals had yet to be achieved because of an unfavourable international climate and a lack of political will. Participating actively in the NGO forums of the Review Conference, she had been able to see how little progress had been made compared to the expectations of populations.

57. On the ground, racism, exclusion, contemporary forms of slavery and discrimination persisted. Street children were most often the victims of such phenomena. Begging by children had become a system of exploitation for profit; sometimes, it even operated across borders. The States concerned had yet to take any concerted and practical action to save children, some as young as 3, who were often sent out on to the streets. A further concern was the resurgence of violence against women both in daily life and during conflicts, when women were often the victims of rape and murder. Lastly, some forms of discrimination were linked to exploitation of mineral resources. The draft code on mining of the Economic Community of West African States (ECOWAS) might help to harmonize regulations and to clean up the mining sector. She called on African Governments to apply a comprehensive strategy in that regard.

58. Poverty, lack of prospects and unemployment fed migration. African States reacted passively to the policy established by Europe, which had put up the barricades and shifted

its borders right onto their territory using the Frontex mechanism and holding centres. The European directive showed that xenophobic migration policies were here to stay. She appealed for a meeting of African States to respond to that development.

59. **Mr. Neuer** (United Nations Watch) asked whether the Review Conference had done anything to change the situation of millions of victims of racism and discrimination across the world. United Nations Watch had met dozens of victims during a human rights, tolerance and democracy demonstration organized on the fringes of the Conference. It had heard testimony from victims of racial and ethnic hatred in Rwanda and Darfur and of discrimination based on sex, religion and political or other opinion from Myanmar, the Islamic Republic of Iran, Egypt, Cuba, Zimbabwe and Belarus. Having heard their stories and those of many others, he wondered why there was no mention of those situations in the Outcome Document. Why had the Conference remained silent about the acts committed in certain countries and by certain regimes? It would have been appropriate for it to mention systematic discrimination against women in Saudi Arabia, the persecution of gays in the Islamic Republic of Iran, ethnic repression in Tibet or the massacres in Sudan.

60. **Mr. Rezvani** (Islamic Republic of Iran), speaking on a point of order, recalled the rule requiring speakers to refrain from referring to specific States.

61. **The President** asked the representative of United Nations Watch to abide by that rule and to use appropriate language.

62. **Mr. Neuer** (United Nations Watch) asked whether the purpose of the Conference was not to assist victims.

63. **Ms. Agutno See** (Asian Forum for Human Rights and Development) welcomed the adoption of the Outcome Document of the Review Conference, but expressed regret that many crucial issues such as discrimination based on work, descent and sexual orientation had been dropped for the sake of achieving consensus. The link between poverty, social exclusion and racism should furthermore have been given more emphasis, particularly in the context of the current financial and economic crisis. Mention of racial discrimination in man-made disasters should also have been included.

64. The Asian Forum deplored the lack of genuine commitment by most Governments in the Asian region to achieving the objectives of the Review Conference and the fact that no regional preparatory meeting had been held. The Asian Forum was disappointed that very few Asian States had established national action plans in the follow-up to the 2001 Conference and called on Bhutan, Brunei Darussalam, the Democratic People's Republic of Korea, Malaysia, Myanmar and Singapore to ratify the International Convention on the Elimination of All Forms of Racial Discrimination.

65. **Ms. Bayevsky** (Hudson Institute) said that what history would remember about the Durban Review Conference was the statement by the Iranian President, who had taken it as an opportunity to play down the significance of the Holocaust. The States Members of the United Nations had known in advance about that hate-filled statement, since they had already heard it at the General Assembly and during sessions of the Human Rights Council. However, they had allowed the statement to be heard and broadcast across the world. Some had described it as "mere posturing", while European democracies which had promised a different response to the hatred encouraged by the Durban Conference had been content to make a show of leaving, only to come back later, as if what had happened was only a minor incident.

66. **Mr. Rezvani** (Islamic Republic of Iran), speaking on a point of order, recalled that the subject under discussion was issues arising from the objectives of the Conference (agenda item 9) and that no mention could be made of a specific country, let alone a Head of State whose dignity and status must be respected.

67. **The President** said that a country could be mentioned in a statement on a specific topic and that any delegation wishing to comment on the topic could exercise its right of reply. Speakers must show respect, however.

68. **Ms. Bayevsky** (Hudson Institute) said that Durban II would also be remembered as the conference which had reaffirmed discrimination and anti-Semitism, sowing the seeds of a new genocide against the Jewish nation, establishing equality for some on the basis of inequality for others and symbolizing the triumph of hatred over hope.

69. **Ms. Mtshali** (South Africa), speaking on a point of order, asked the President to remind the speakers that the Conference was not Durban II but the Durban Review Conference, and that they were required to keep to the agenda item under discussion.

70. **Ms. Fanon** (Europe-Third World Centre) said that she deplored the absence of many countries from the Conference, together with the hasty adoption, under Western pressure, of the Final Declaration. In 1975, the United Nations General Assembly had described Zionism as “a form of racism and racial discrimination”, before disavowing that decision in 1991. Today, Arab Israelis and Palestinians remained the victims of exclusion and discrimination, because of Israel’s racist policies. The international community must bear its responsibilities and impose sanctions in order to avoid promoting the deregulation of international law. Given the scale of Israeli colonization and of the Israeli occupation, it should also reinstate the 1975 resolution, including in the light of the Durban Declaration of 2001. In the last analysis, what was happening was a return to colonialism, in new forms, including Zionism, coupled with segregation and racial discrimination. Civil society should mobilize in order to impose its desire for peace and security throughout the world.

71. **Mr. Ciccoli** (Commission to Study the Organization of Peace) said that discrimination, whether founded on race, sex or religion, was born of the dominant attitudes and ideas in a given environment. Hence, States had a large role to play in shaping social behaviour by favouring an environment in which the principles of equality, respect and dignity held sway. In addition to the institutional framework, education and the family fashioned attitudes.

72. In Pakistan, the Taliban ideology was disseminated not only through Koranic schools but also the public education system. An analysis had shown that school textbooks encouraged prejudice and discrimination, while promoting the use of violence. The international community had succeeded in eliminating apartheid through solidarity. Today, it should unite efforts against that new ideology, which was characterized by contempt for women and intolerance towards other religions.

73. **Ms. Mogue** (International Federation of Human Rights Leagues, Botswana Centre for Human Rights and Bahrein Human Rights Society) welcomed the adoption of the Outcome Document of the Durban Review Conference in which all States acknowledged that racism and racial discrimination were unacceptable without establishing a hierarchy of victims’ suffering. She regretted that some Western countries, through their absence, had limited the global impact of that important consensus.

74. The Outcome Document recommended that States should guarantee universal access to health services without, however, mentioning the fact that, in countries where homosexuality was illegal, persons who were ill were refused such services because of their sexual orientation. Moreover, although considerable emphasis was placed on the rights of migrants, States should also be encouraged to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, to which no Western country had yet acceded. No reference was made to the important progress achieved in jurisprudence or the interpretation of laws, such as the general comments of the Committee on the Elimination of Racial Discrimination concerning, respectively, discrimination against the Roma people and against non-nationals and discrimination on the

grounds of descent (including the caste system). Foreign occupation as a source of racism and discrimination was not mentioned either, and although States were reminded of the obligation to make reparations to victims of racism and discrimination, the obligation only applied to persons subject to their jurisdiction. Lastly, with regard to the correlation between racism and poverty, which the Outcome Document acknowledged as existing, mention should be made of economic disparities which were reflected in a greater vulnerability to pollution and to dangerous conditions of life and work. Consensus on the text had been difficult to achieve and, inevitably, some issues had been excluded. However, civil society would continue to push for them to be taken into consideration.

75. **Mr. Yussuf** (Canadian Labour Congress, International Trade Union Confederation, Education International and Public Services International) said that as the international community was facing enormous challenges in the social, economic and environmental domains, the time had come to eliminate racism, discrimination and intolerance once and for all. It was a pity that the Millennium Development Goals did not include that imperative. The international trade union movement had long been working to combat racism and discrimination in the workplace, including through training programmes and collective agreements which protected human rights. It was regrettable that the Outcome Document of the Review Conference did not always take account of groups that suffered discrimination on account of their caste, their sex or their sexual orientation. The text, together with the Durban Declaration and Programme of Action, would nevertheless help trade unions to put pressure on Governments in order to demand decent work for all, satisfactory working conditions and equal pay for equal work, and to encourage them to apply the ILO conventions, the Declaration on the Rights of Indigenous Peoples, the Convention on the Rights of Persons with Disabilities and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Nations had a duty to eradicate the worst ideology – the one claiming that not all men were equal.

76. **Mr. Shafiq** (Public and Commercial Services Union) said that for eight years victims of racism, oppression, occupation and xenophobia around the globe had been waiting for Governments to take action to deliver justice to them. It was deplorable that some parties had only come to disrupt the Conference, while others had refused to participate. The British trade union movement was disappointed that the Outcome Document omitted to mention the work of trade unions against racism and trade union rights. More serious consideration should have been given to mechanisms to monitor the implementation by Governments of the Durban Declaration. He welcomed, however, the determination shown by States not to tolerate racism, anti-Semitism, Islamophobia and occupation and would continue to push for action in that direction after the Conference.

77. **Mr. Divakar** (National Campaign on Dalit Human Rights, International Dalit Solidarity Network, Swadikar, Human Development Organization, International Movement Against All Forms of Racial Discrimination and Racism, JUP-Nepal, Nepal National Dalit Social Welfare Organization, Lutheran World Federation, Pax Romana) expressed grave concern over the omission from the Outcome Document of the Durban Review Conference of any reference to discrimination based on work and descent, in particular the caste system and “intouchability”, which were responsible for the violation of the rights of 260 million Dalits in South Asia. In spite of constitutional measures and affirmative action programmes, lack of political will and impunity hampered efforts to combat those forms of discrimination effectively. Discrimination based on caste was not a “domestic issue” which lay outside the purview of the United Nations; it was a human rights issue which concerned the entire world, as demonstrated by the growing recognition and attention given to it by the international community. Member States should therefore capitalize on that initiative in order to promote the full range of principles and guidelines on the effective elimination of

discrimination based on work and descent which the two Special Rapporteurs of the former Sub-Commission on the Promotion and Protection of Human Rights had formulated.

78. **Mr. Onyeji** (European Network against Racism) said that the world could not afford to be divided on the subject of racism. He welcomed the adoption of the Outcome Document of the Review Conference and reaffirmed that the Durban Declaration and Programme of Action provided an agreed road map for combating all forms of racism. He called on all States to adopt national action plans against racism, to share their experience and good practices and to ratify the main international human rights instruments, in particular the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the European Human Rights Convention. He invited them to provide special protection to the rights of third party nationals in the framework of maintaining law and order and countering terrorism.

79. **Mr. Rezvani** (Islamic Republic of Iran), speaking in exercise of the right of reply, said that the remarks made by the Minister for Foreign Affairs of Belgium and the representatives of Slovenia, Portugal, Luxembourg and Denmark were unacceptable. The statement of President Ahmadinejad, which seemed to have served as a pretext for those unwarranted and counter-productive remarks, had in fact been a genuine attempt to shed light on atrocities which an illegitimate regime had been committing for over 60 years. It was ironic and alarming that the European Union and some other countries which claimed to be at the forefront of human rights protection had failed to react to the crimes against humanity committed by the occupation forces during three weeks of constant attacks against Gaza, where they had used non-conventional weapons and deliberately targeted civilians, including children, women and older persons, as well as ambulances, hospitals, mosques and United Nations offices.

80. **The President** read out a declaration adopted by the Preparatory Committee and entitled "In the spirit of the fifteenth commemoration of the 1994 genocide against the Tutsi in Rwanda", the text of which would be included in the report of the Durban Review Conference.

The meeting rose at 6.15 p.m.