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Durban Review Conference

Summary record of the 4th meeting

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President: Mr. Wako (Kenya)

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Any corrections to the records of the public meetings of the Council at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

Statement by the Deputy Minister of Justice of Sudan

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

High-level segment (agenda item 3) (*continued*)

Statement by the Deputy Minister for Foreign Affairs of Armenia

1. **Mr. Kirakossian** (Armenia) said that he hoped the Review Conference would lead to the development of effective strategies as a basis for the adoption of tangible measures at the national, regional and international levels. The Conference was a unique opportunity for the international community to renew its determination and commitment to combating racism and discrimination in all their forms. Armenia had been actively involved in the preparatory process, advocating consensus from the outset, and supported the draft outcome document.
2. In the firm conviction that cultural diversity was an asset for the welfare of every society, the Armenian delegation deplored the emergence of new forms of racism, discrimination and intolerance and was deeply concerned at the escalation in acts of incitement to hatred in recent years. As established in the draft outcome document, any advocacy of national, racial or religious hatred that constituted incitement to discrimination, hostility or violence should be prohibited by law.
3. Minorities were among the most vulnerable groups in any society and it was incumbent on States to ensure they were protected and that their rights were respected. The policies and strategies implemented to that end should ensure the full implementation of the Durban Declaration and Programme of Action.
4. Genocide was the ultimate manifestation of racial discrimination. Having endured the first genocide of the twentieth century, Armenia was determined that neither genocide, nor slavery, colonialism or apartheid, would ever be forgotten. States should seek to combat impunity by prosecuting the perpetrators of such crimes in order to bring justice to the victims and ensure that history did not repeat itself. The international community's position on that point was unfortunately still not sufficiently strong. Denying genocide resulted in the worst forms of impunity and rejectionism. The international community should have the courage to recognize that its indifference and silence had contributed to the perpetration of those acts and made it an accomplice.

Statement by the Vice-Minister of Human Rights of Iraq

5. **Mr. Al-Zuhairy** (Iraq) said that, although Islam was the official religion of Iraq, his country respected all the religions practised on its territory. The Iraqi Government had adopted a policy of tolerance and peace towards other religions and towards all nations, without exception. It was in that spirit that Iraq was participating in the Review Conference and supporting its objectives. It wanted to help increase the efficiency of mechanisms designed to implement the Durban Declaration and Programme of Action, and would work with all concerned to facilitate the implementation of practical measures.
6. The Iraqi Constitution guaranteed freedom of religion and freedom of conscience, as well as respect for cultural diversity and the right to receive education and possess identity documents in one's mother tongue. It prohibited racism, the dissemination of terrorist ideas and discrimination on grounds of race, sex, nationality or ethnicity, religion, belief and economic or social status. Moreover, the Iraqi Government strove to promote good neighbourliness between its citizens and foreign nationals on its territory and to disseminate human rights standards.
7. Despite the difficult circumstances the country had faced over the previous five years, which had fomented the spread of some forms of intolerance and xenophobia, the Government had taken the necessary measures to protect all its citizens, including

minorities. It had undertaken to improve the living conditions of minority groups by implementing development programmes benefiting the regions most heavily populated by minorities.

8. The Iraqi Government was working to incorporate the principle of non-discrimination in school curricula and to organize training on the subject to encourage national reconciliation and peaceful coexistence between all Iraqis. Under decree No. 60 of 2003, it had set up the Ministry of Human Rights which was responsible for promoting and upholding human rights and for addressing the violations committed by the previous regime. It had also adopted a law establishing a national human rights commission, mandated to receive complaints from individuals. The Minister was currently preparing the report that would be submitted to the Committee on the Elimination of Racial Discrimination. Furthermore, measures had been adopted, particularly the promulgation of a law banning trafficking in persons, to combat human trafficking.

Statement by the Special Secretary of the Ministry of External Affairs of India

9. **Mr. Katju** (India) noted that the Review Conference was taking place amidst a global crisis and at a time when the scourge of terrorism threatened security and fundamental freedoms. While those challenges inevitably compelled the attention of the international community, it should not lose sight of the need to combat racism and discrimination with more determination than ever.

10. Given that it had been a victim of colonialism, the issues of racism, racial discrimination, xenophobia and intolerance held a special significance for India. Millions of Indians had suffered colonial exploitation, which had been rooted in the notion of racial superiority. When India had cast off that yoke, it had placed equality and the prohibition of discrimination at the heart of its core legislation. The Constitution of India had pioneered the largest affirmative action programme in the world. India was the largest multi-religious democracy based on the rule of law and secularism.

11. While reiterating its support for the Durban Declaration and Programme of Action, India emphasized the need for more effective measures to enhance their implementation. The draft outcome document of the Review Conference contained useful recommendations on measures to adopt which merited serious consideration.

Statement by the Deputy Minister for Foreign Affairs of Ecuador

12. **Mr. López** (Ecuador) said that the Ecuadorian Government had embarked on a series of thorough institutional reforms in an effort to put a stop to injustice and structural inequalities and build a truly democratic society. In September 2008, that process had culminated in the adoption by referendum of the new Constitution which recognized the multicultural character of Ecuadorian society and established the key principles for the promotion of the fundamental rights of minorities and vulnerable groups. It guaranteed the collective rights of indigenous peoples and Afro-Ecuadorian communities in all areas, starting with the right not to be a victim of discrimination of any kind. It also provided for reparation for victims of racism, xenophobia and associated forms of intolerance.

13. In 2006, a law had been adopted on the collective rights of the Afro-Ecuadorian people and measures had been taken to strengthen the institutions in charge of promoting their rights, the most recent of which was the right to set up Equality Boards, as provided by the new Constitution. The Boards, composed of civil society and State representatives, were responsible for overseeing the development, implementation, monitoring and evaluation of policies particularly related to ethnic and intercultural issues.

14. The 2007–2010 National Development Plan also placed emphasis on human rights and fundamental freedoms. It fostered multiculturalism and integration mechanisms. The

new Government's social policy was based on combating poverty and exclusion, and included the "social development voucher", a monthly allowance paid to about 1,300,000 beneficiaries from among the most vulnerable groups in society. The policy of inclusion and addressing inequalities implemented several measures called for in the Durban Programme of Action.

15. The United Nations High Commissioner for Refugees had recognized Ecuador's asylum policy as an example of good practice. While traditionally, Ecuador had always been a host country, with the economic crises that had affected Latin America, Ecuador was currently a country of origin of migration to industrialized countries. In an effort to protect its citizens abroad and promote the rights of migrant workers, the Ecuadorian Government placed particular emphasis on the treatment of migrants and their families in the context of the Review Conference, given the increase in racist and xenophobic sentiments against migrants and the proliferation of human trafficking networks.

16. Once the Review Conference outcome document was adopted, one of the priorities for Governments should be to guarantee the effectiveness of follow-up mechanisms in order to ensure tangible, demonstrable results, particularly by strengthening coordination between the Working Group of Experts on People of African Descent, the groups of independent experts and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

Statement by the Deputy Minister of Planning of Chile

17. **Mr. Abedrapo** (Chile) said that combating racism and racial discrimination required ethical and political commitment from the entire international community. Given the fundamental principle that all human rights were universal, indivisible and interdependent, the elimination of discrimination was a prerequisite for the fulfilment of all human rights.

18. Chile had been striving to promote democracy and respect for all human rights and fundamental freedoms at the national level for 20 years. The consolidation of democracy had enabled it to improve social protection for all citizens and residents of the country. It had undertaken significant reforms in, inter alia, education, health, justice, employment, housing and social protection and Parliament was currently examining a draft law to combat discrimination in all its forms.

19. Several measures had been taken on behalf of indigenous peoples. Since 1990, successive Governments had focused on promoting indigenous rights, establishing the historical truth regarding their contribution to national development, and repairing the injustices they had suffered for centuries. The current Government had proposed developing a social pact for multiculturalism and had developed an action plan to that end, calling for the participation of indigenous communities and all citizens. Chile had more recently ratified Convention No. 169 of the International Labour Organization.

20. Chile recognized and applied the norms and rights enshrined in the international legal instruments on migration. In September 2008, in order to improve migrants' living conditions and their inclusion in society and to promote their rights, the Government had issued a decree establishing the basic principles of the national migration policy.

21. The references to freedom of religion and freedom of expression in the draft outcome document should be read in the light of articles 18 and 19 of the International Covenant on Civil and Political Rights, which protected those freedoms. On the issue of the prohibition of discrimination, Chile regretted that the document made no mention of sexual orientation or gender identity.

22. Combating racism had a universal dimension and relied on the principles of equality, liberty, justice and tolerance. Incitement to hatred or intolerance was not acceptable

anywhere or under any circumstances. Multilateralism came about through dialogue and the only constructive and effective approach was consensus-building.

Statement by the Vice-Minister of Culture and Information of Kazakhstan

23. **Mr. Mailybayev** (Kazakhstan) said that his country had participated in the 2001 Durban Conference, which had provided States with the first actual framework for combating racism and discrimination, the first step on the long road to tolerance, the strengthening of peace and equality for all. In a manner of speaking, the Declaration and Programme of Action served the international community as a compass in that endeavour.

24. Since gaining independence in 1991, Kazakhstan had adopted policies excluding all forms of discrimination from the fields of culture, education and the media, inter alia. Such measures were particularly important in a country where more than 130 ethnic groups coexisted, with some 40 faiths. Minority groups had access to culture, the media, and education in their own language. In 1995, the Assembly of the Peoples had been established, comprising some 372 associations, and was responsible for promoting understanding between ethnic groups.

25. The Government was also encouraging understanding between religions. In July 2009, it would host the Third Congress of Leaders of World and Traditional Religions, which aimed to encourage interfaith dialogue. The Government would further promote such dialogue during its chairmanship of the Organization for Security and Co-operation in Europe in 2010, followed by its presidency of the Organisation of The Islamic Conference in 2011.

26. Moreover, at Kazakhstan's suggestion, the United Nations General Assembly had decided that 2010 would be the International Year for the Rapprochement of Cultures. States were therefore invited to take appropriate measures.

Adoption of the final document and the report of the Durban Review Conference

(agenda item 10)

27. **The President** informed the participants that the Main Committee had just concluded its meeting and had approved the draft outcome document of the Durban Review Conference as submitted by the Preparatory Committee. He suggested suspending the high-level debate in order to proceed in plenary session, under agenda item 10, to the adoption by consensus of the final document. He took it that the participants agreed.

28. *It was so decided.*

29. *The draft outcome document of the Durban Review Conference (Rev.2) was adopted by consensus.*

30. **The President** invited State representatives to reserve their comments on that subject for the final meeting, during which the Review Conference would adopt its report. He congratulated them on the crucial decision they had just taken in adopting a text which almost all speakers who had taken the floor since the opening of the Conference had commended as a consensus document and as being balanced. He paid tribute to those who, through their tireless efforts, had paved the way for that historic outcome, particularly the Chairperson of the Preparatory Committee, Ms. Najat Al-Hajjaji, the Chairperson-Rapporteur of the Intersessional open-ended intergovernmental working group, Mr. Youri Boychenko, and the United Nations High Commissioner for Human Rights, Ms. Navanethem Pillay.

31. The decision showed that boycott measures were futile and that it was possible to reach consensus by remaining constructively engaged. The Durban process was ongoing and if States were committed to recognizing the right of every person to a safe existence,

the objective of a human family united in its diversity, with each member able to enjoy all their indivisible rights, would become a reality.

Statement by the Deputy Minister for Foreign Affairs of the Russian Federation

32. **Mr. Yakovenko** (Russian Federation) welcomed the adoption of the outcome document. It was thanks to the delegations that had chosen to take a constructive approach and had agreed to reasonable compromises that it had been possible to prepare the text. Already in 2001, preparing the outcome documents of the Durban Conference had not been easy, but it had constituted an important first step in developing a common approach to combating racism, racial discrimination and xenophobia. Many things had changed since then, but racism had not disappeared and manifested itself in increasingly ugly forms. Two new interrelated factors, globalization and the global economic crisis, were only exacerbating that tendency, the main victims of which were minorities.

33. Discrimination promoted and even caused global tragedies. The Nazi doctrine of racial superiority, which had resulted in the Holocaust, had been based on discrimination. Nonetheless, even these days, claims persisted that a certain national or ethnic group was inferior. Neo-Nazi ideology existed and manifested itself in acts of aggression. Doing nothing in the name of defending freedom could lead to an explosive situation. Instead of continually neglecting moral, religious and ideological values, the international community should agree on minimum rules of mutual respect. Those rules existed in the traditions and religious consciousness of the majority of peoples; all that was required was to draw on that potential to bring countries together.

34. As a multinational State accustomed to maintaining inter-ethnic cohesion, tolerance and a dialogue between religions and cultures, the Russian Federation had chosen to participate actively in the Review Conference, notably by chairing the Working Group responsible for finalizing the negotiation process and preparing the outcome document. It hoped the meeting would give new impetus to the fight against racism and racial discrimination. In that regard, it was particularly important that States should avoid double standards in inter-ethnic and inter-confessional relations. It was also essential that they should show the necessary political will to reach mutually acceptable decisions. The result — a stable, tolerant society — would be worth the effort.

Statement by the Vice-Minister for Foreign Affairs of the Lao People's Democratic Republic

35. **Mr. Sangsomsak** (Lao People's Democratic Republic) welcomed the adoption of the outcome document of the Review Conference. His delegation associated itself with the declaration made by Cuba on behalf of the Non-Aligned Movement. While significant progress had been made since 2001, racism, racial discrimination, xenophobia and related intolerance were still obstacles to the enhancement of international peace, stability and security. The Lao Government attached great importance to implementing the Durban Declaration and Programme of Action, which was an integral part of its wider action for the protection and promotion of human rights.

36. At the national level, the Government sought to ensure equality between all the members of its population, which had no fewer than 49 ethnic groups and a number of foreigners. At the international level, it actively participated in human rights initiatives and particularly supported all the United Nations General Assembly resolutions against racism and racial discrimination. It had ratified the main human rights instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination, the principles of which were enshrined in the Constitution and which had been translated into the Lao language and widely disseminated. A steering committee chaired by the Minister of

Justice had been specially charged with preparing the periodic reports to the Committee on the Elimination of Racial Discrimination.

37. The Lao Government reiterated its determination to cooperate closely with the international community to continue combating racism, racial discrimination, xenophobia and related intolerance. The Review Conference provided the opportunity for a frank assessment of progress made since 2001 and of the challenges and difficulties that remained. Lessons learnt from experience would enable States to define what action to take in future in order to be truly united against racism and to ensure dignity and justice for all.

Statement by the Political Adviser to the President of Yemen

38. **Mr. Al-Eryani** (Yemen) said that holding the Review Conference at a time of global crisis was a sign of hope and proved that the process launched in 2001 continued to receive support, although difficulties remained. Since its reunification, Yemen had undergone radical transformations and had taken huge strides in the protection and promotion of human rights. It had ratified many international human rights instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination. It also continued to provide assistance to Somali refugees. At the international level, it contributed to all initiatives to combat racism and racial discrimination, since eliminating those practices was essential in order to guarantee progress and dignity for all.

39. While the Durban Declaration and Programme of Action constituted a solid basis for finding solutions to the current challenges and for combating all forms of racism, further measures were needed in order to address poverty and ignorance, which fostered discrimination and xenophobia. The international community should assist the least developed countries in that regard.

40. Incitement to hatred was one of the main factors that fuelled armed conflict in the world. Freedom of opinion and expression was a fundamental right, but it could not be used to justify ideas inspired by hatred. States should take further measures in their domestic legislation to prohibit incitement to hatred. One contemporary form of racism was defamation of religions and religious symbols. Islam had been particularly targeted by such action. Such manifestations were the result of ignorance about other people and a lack of awareness of their culture and religion. It was therefore essential to encourage dialogue between civilizations, based on mutual trust and respect.

41. It was clear that no progress had been made on the situation in the Middle East, in spite of the Durban Declaration and Programme of Action. On the contrary, there had been an escalation of racist Israeli practices against the Palestinian and Arab population in the Occupied Palestinian Territory. Incitement to hatred was manifest in the statements of some members of the Knesset and Jewish religious fanatics, and increasing numbers of Israeli civilians were attacking Palestinian civilians. The aim was totally to eliminate the Palestinian population, in other words, genocide. In the light of that situation, it was urgent that the international community should discharge its duties.

42. In conclusion, Yemen commended the tireless efforts of the United Nations High Commissioner for Human Rights, the Chairperson of the Preparatory Committee and the Chairperson-Rapporteur of the Intersessional open-ended intergovernmental working group, and the positive spirit demonstrated by the delegations. There was no doubt that such cooperation would help consolidate the achievements made and continue the fight against racism, racial discrimination, xenophobia and related intolerance.

Statement by the Minister for the Promotion of Human Rights of Burkina Faso

43. **Ms. Sawadogo** (Burkina Faso) recalled that the international community's commitment to combating racism, racial discrimination, xenophobia and related intolerance had been clearly expressed by the authors of the Charter of the United Nations. Since then, the United Nations had translated that commitment into different accomplishments, one of the most important of which had been the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban in 2001, which had given the international community a new opportunity to discuss racism as a phenomenon to which all societies were susceptible. That Conference had also been an opportunity for exploring how to create fairer and more equitable societies, free from racial discrimination. The implementation of the resulting Declaration and the Programme of Action at the international and domestic level was expected to overcome racism and its manifestations.

44. Unfortunately, almost a decade after Durban, racial discrimination was rearing its ugly head more than ever before and the world was facing ethnic conflicts and the widespread phenomena of xenophobia and intolerance. That bitter observation raised the perennial subject of follow-up to the Durban Declaration and Programme of Action.

45. Burkina Faso had ratified most international instruments on all forms of discrimination and was taking steps, as part of its implementation of the Durban Programme of Action, to combat racism, racial discrimination, xenophobia and related intolerance and to promote a culture of peace, tolerance and coexistence. To that end, it regularly organized major cultural events.

46. The President's blueprint for society had helped to make Burkina Faso a multicultural State in which some 60 ethnic groups coexisted peacefully, with different languages, religions and cultures. Nonetheless, Burkina Faso was not free from manifestations of racism or intolerance; as a country of emigration, its citizens' human rights were or could be denied in different ways. It therefore set great store by the conclusions of the Review Conference, which was an opportunity to revise the Durban Declaration and Programme of Action. The aims of the Conference would be achieved only if all States came together in a spirit of consensus.

47. Burkina Faso supported the development of complementary standards to supplement the International Convention on the Elimination of All Forms of Racial Discrimination in order to respond better to the new challenges the international community was facing in its fight against racism.

Statement by the First Deputy Minister of Culture of Cuba

48. **Mr. Alemany** (Cuba), quoting from the speech of the leader of the Cuban revolution, Fidel Castro, at the 2001 Durban Conference, said that racism, racial discrimination and xenophobia were a social, cultural and political phenomenon. They were not a natural human instinct, but the direct consequence of wars, military conquests, slavery and the individual or collective exploitation of the weakest by the most powerful throughout the history of human societies.

49. Implementing the Durban Declaration and Programme of Action — core documents in the international community's fight against racism and racial discrimination — was an ongoing process, a moral duty which, beyond the Review Conference, should be a priority for everyone. It was particularly important to recognize slavery and trans-Atlantic trafficking in African slaves as crimes against humanity, and to grant due reparation and compensation to their descendants and the victims of colonialism and the genocidal exploitation of indigenous peoples.

50. Cuba welcomed the recent adoption of the Review Conference outcome document, while regretting that it had been negotiated against a background of artificial pressures and threats of non-participation on the part of some Western powers. They had clearly been attempting to prevent a more universal and wide-ranging text from being drafted, opposing the just demands of the victims of racism throughout the world. It was also disappointing that a small number of countries had, by boycotting the Conference, unilaterally chosen to isolate themselves from the collective stand the international community was taking against racism.

51. Eight years after the Durban Conference, it was undeniable that very limited progress had been made. As a result of globalization and neo-liberalism, racial discrimination and xenophobia were still gaining ground and plaguing the social fabric. The phenomenon, which as ever affected first and foremost those who were excluded and marginalized, was indeed a reality throughout the world, but was more acutely felt in the rich, industrialized countries of the North, where there was a proliferation of racist and xenophobic political groups, discriminatory policies and migration laws and arbitrary anti-terrorist legislation. The Internet, which could be an instrument for the elimination of racism, was used to promote hatred. Cases of foreign occupation were still occurring, such as in the Occupied Palestinian Territory. On that note, Cuba reaffirmed its solidarity with the Palestinian people and supported the full exercise of their right to self-determination.

52. It had been widely proven that without genuine cooperation from all States, the domestic efforts of numerous developing countries were doomed to failure since they lacked the necessary resources to implement plans and programmes for the victims of racism. Without education for all, without health for all, without employment for all, the targets set at Durban would be unattainable. Only by establishing a new economic world order based on equity, solidarity and social justice would it be possible to address the root causes of racism, discrimination and xenophobia. In order to achieve that end, it was necessary immediately to implement cooperation and assistance programmes.

53. In Cuba, whose culture was permeated by African influences, the 1959 revolution had provided an opportunity to prioritize the fight against racism and discrimination and to bring about profound social, economic and political changes. All Cuban men and women currently enjoyed the same rights, with no discrimination whatsoever. Furthermore, Cuba was active beyond its borders and thousands of Cubans had been working for many years in some 97 countries for the fulfilment of the human rights of millions of individuals.

Statement by the Head of the Swiss Federal Department of Foreign Affairs of Switzerland

54. **Ms. Calmy-Rey** (Switzerland) said that Switzerland had joined the consensus on the Durban Review Conference outcome document that had just been adopted because it was in line with the Government's thinking. The text contained the main principles dear to the Government, including freedom of expression and women's rights; it recalled the Holocaust, rejected slavery and colonialism, did not call into question the regulatory background enshrined in the International Convention on the Elimination of All Forms of Racial Discrimination, dealt in a balanced manner with different issues relating to racism and was not a platform targeting one particular situation. Its adoption was the fitting response to those who had thought it appropriate to use the United Nations as a venue to make statements opposing the spirit and the aim of the Review Conference.

55. She expressed satisfaction that the participating countries had managed to reach agreement on the outcome document by consensus, which was testimony to the will of the international community to work together against racism, racial discrimination and xenophobia. In the wake of the unacceptable statements that had been made the previous day, that was an important message to all the international community and especially to

victims of racism. In its very essence, the Review Conference brought together all the member States that had wanted to participate and naturally represented varied and sometimes contradictory positions. Racism was a serious subject that concerned everyone; it affected people who suffered in their daily lives.

56. Freedom of expression and the limits to that freedom was one of the questions of concern to societies and had also become the focus of the preparatory negotiations for the Review Conference and the Conference itself. Freedom of expression was a fundamental part of freedom itself. Exercising it, however, involved duties and responsibilities. It was inconceivable for anyone to advocate national, racial or religious hatred and discrimination, hostility and violence in the name of freedom of expression. International law established restrictions in that regard. Switzerland had also adopted provisions under its criminal law to punish anyone who publicly incited hatred or discrimination towards a person or group of people on grounds of racial, ethnic or religious affiliation. Insofar as they were explicitly prescribed by the law and applied without discrimination, those restrictions on freedom of expression were not in conflict with a democratic society; on the contrary, they meant that there was no place in a democracy for behaviour and acts contrary to its fundamental values which were pluralism, tolerance and respect for human rights.

57. Given that racism was a global phenomenon present in all countries, Switzerland deemed it essential for the members of the international community to unite their efforts to combat all forms of racism. Whatever the circumstances might be, it was essential to show the political will to combat the scourges of racism, racial discrimination and related intolerance, and to implement the existing international standards. It should not be forgotten that States bore the main responsibility, and they should leave no stone unturned in that endeavour. Prevention, human rights education, teaching open-mindedness, acceptance and understanding of others constituted the basis of any effective effort to combat against racism and xenophobia. The significant work performed by civil society deserved to be mentioned.

58. It was by fighting collectively in each country, at the level of each Government and civil society, that action would be most effective and that the day would come when no one would consider skin colour, origin, sex or religion to be a handicap.

59. The Review Conference was neither the beginning nor the end of a new era. It was a milestone on the long road to eradicating racism and discrimination. It was a strong signal to victims and gave impetus to more equality and human dignity. It was also a success.

Statement by the Minister of State for Foreign Affairs of Nigeria

60. **Mr. Maigari** (Nigeria) said that his country associated itself with the statement made by the Minister for Foreign Affairs of South Africa on behalf of the Group of African States. The 2001 Conference, during which the world had decided to take concrete and bold action to put an end to racism, racial discrimination, xenophobia and intolerance, could not have had a better venue than South Africa, which had experienced first-hand the pain and the horror of institutionalized racism – apartheid. The Conference had been a landmark event in that for the first time, the international community had agreed that combating racism and racial discrimination was a common concern that required urgent action. Racism had, however, been on the increase since then in many parts of the world.

61. Racism remained a major global concern that mainly affected Africans, people of African descent, minorities and migrants. The current global crisis further complicated the situation all the more as some countries might plead economic difficulties to justify closing borders and adopting xenophobic legislation. As it had demonstrated in combating apartheid, for Nigeria there was no compromise in the fight against racism and racial discrimination and it was totally committed to implementing the Durban Declaration and

Programme of Action. In that spirit it had hosted the Regional Preparatory Meeting for Africa for the Durban Review Conference in Abuja in August 2008.

62. Nigeria welcomed the adoption by consensus of the outcome document, the result of painstaking negotiations, which incorporated the interests and concerns of all parties. The document was sufficiently flexible and universal to enable all countries to combat racism effectively. It was, however, regrettable that certain States, some of them global powers, had chosen not to attend the meeting, thus missing an ideal opportunity to contribute to the ongoing effort to eradicate racism. Recalling that the Review Conference was not an end in itself, but a means, of ultimately eliminating racism, Nigeria called on the absentees to rejoin the Durban process and urged the international community not to wait another eight years to have the next review.

Statement by the Deputy Minister for Foreign Affairs responsible for Multilateral Affairs of Colombia

63. **Ms. Mejía-Hernández** (Colombia) said that Colombia was part of a region that had been forged by a process of deep cultural mixing and that the diversity represented within its borders was currently its most precious resource. Under the Colombian Constitution the State recognized, without any discrimination whatsoever, the primacy of the inalienable rights of the individual and recognized and protected the ethnic and cultural diversity of Colombia.

64. With the active participation of civil society, Colombia had set out to eliminate and punish all forms of discrimination on grounds of race, sex, religion, sexual orientation, or economic and social status. The authorities and local councils, Parliament and the judiciary had strengthened their efforts to ensure the rights of the most vulnerable groups were respected, in accordance with the international instruments to which Colombia was a party. Indigenous and Afro-Colombian communities were currently represented politically, they held collective deeds to lands they worked in accordance with their ancestral traditions, and they benefited from affirmative action in health care, education and culture. Specific measures had been taken to promote gender equality and more recently, to benefit persons with disabilities and same-sex couples. Significant progress had been made in terms of case law regarding the rights of same-sex couples, particularly on marital union and property rights. As regards the right to equality, Colombia had an extensive range of success stories and good practices it was willing to share with the international community.

65. The mainly drug-related violence which had been raging for decades had lowered the population's standard of living and had seriously undermined the rights of women, ethnic groups and the poorest sectors of society. In response to that situation, President Uribe had decided to implement a democratic security policy designed to guarantee the security of all citizens, the right to life and to personal integrity. The State was also striving to restore a number of rights to vulnerable groups, displaced families, communities that had been dispossessed of their lands, and victims of the anti-personnel mines used by illegal armed groups.

66. The outcome document, while not perfect, was a valuable road map that should facilitate joint action against all forms of discrimination currently and in the future. Taking into full consideration the diversity of opinions, it was preferable to favour dialogue in order to overcome differences, for the benefit of millions of people who were victims of discriminatory practices, and to build a world without hate, guaranteeing justice and dignity for all.

Statement by the Deputy Minister of Justice of Sudan

67. **Mr. Zumrawi** (Sudan) said that international principles and standards had set solid rules that made respect for racial diversity a precept of human rights and that it should not be subject to double standards. The Durban Declaration and Programme of Action, which incorporated those principles and values and dealt with all contemporary manifestations of racism, racial discrimination and xenophobia, constituted a major triumph for humanity.

68. Eight years previously, the international community had conducted a critical examination of the past, learning lessons and acknowledging the suffering of peoples under occupation and the persecution of peoples and minorities, with a view to adopting strategies and educational programmes and taking legislative measures to eradicate racism. Inspired by its convictions and aspirations, it had chosen to put an end to past practice characterized by division, sectarianism and extremism and to establish new relations based on partnership and mutual respect in order to encourage solidarity, acceptance of others, and dialogue.

69. Sudan had been one of the first countries to organize conferences to facilitate dialogue between cultures and religions. Following the Durban Conference, the Government had taken measures and adopted laws against racism and discrimination among races, cultures and languages. Political developments in the country, particularly the Comprehensive Peace Agreement between North and South Sudan, had expedited the adoption of regulations to foster respect for diversity, equality and social justice. The Peace Agreement notably granted citizens of the South the right to self-determination for a limited period. Under the new electoral legislation, 25 per cent of seats in Parliament were allocated to women.

70. Sudan had found it necessary to refute allegations concerning the practice of slavery, which had actually been based on the large number of abductions that had taken place in the course of clashes between tribes in the North and the South. Against that background, in 2002 a Presidential Decree had established the Committee for the Eradication of Abduction of Women and Children, thanks to which many people who had been abducted or detained during the clashes had returned. In that regard, Sudan reiterated its condemnation of the heinous crime perpetrated by the French organization, L'Arche de Zoé, in Darfur and Chad.

71. Denouncing the foreign intervention his country had suffered and the accusations made against the Sudanese President, the Deputy Minister of Justice said that the International Criminal Court was being used as an instrument of racism to pursue some groups while ignoring others. The policy of double standards and the absence of justice bred terrorism and extremism, making reform of the international institutions, particularly the Security Council, a real necessity. Terrorism was not the preserve of certain cultures or religions; the current smear campaign against Islam was worrying in that regard and Sudan called on the media to act responsibly in exercising freedom of expression.

72. Since the success of the Review Conference depended on exchanging ideas, pursuing the objectives established in Durban and identifying the strengths and shortcomings in the area of racism, it was important to denounce the heinous crimes committed by the Israeli occupier against the Palestinian people, the weakness of the international institutions and the protection some western countries afforded Israel, which enabled it to continue acting against humanity.

Statement by the Deputy Minister of Justice of Zambia

73. **Mr. Chilembo** (Zambia) said that his delegation associated itself with the statement made by South Africa on behalf of the Group of African States the previous day. After its independence, Zambia had spearheaded the liberation struggle in Southern Africa. Surrounded by countries striving to free themselves from colonialism, it had been regarded as a safe haven for refugees. Zambia recognized the importance of solving the problems

and addressing the challenges identified in the Durban Declaration and Programme of Action, and had strengthened its national and regional efforts by establishing best practices and had adopted appropriate legislative and other measures to combat racism. The Constitution, various regulations, the Penal Code, the Public Order Act and the Industrial and Labour Relations Act all contained provisions to combat, prevent and eliminate racism. All the relevant legislative measures Zambia had adopted were in accordance with the international obligations it had entered into when it ratified the International Convention on the Elimination of All Forms of Racial Discrimination in 1972. Likewise, the National Cultural Policy adopted in 2003, set out objectives and strategies to ensure the right of all persons to participate in their cultural life without distinction, particularly on grounds of race. In that regard, Zambia welcomed the inclusion in the Durban Review Conference of respect for cultural diversity as an instrument in combating, preventing and eliminating racism.

74. Zambia was aware of the difficulties being faced worldwide, particularly given the current crises in finance, food and the environment, and the fact that migrants were increasingly becoming victims of racism, racial discrimination and xenophobic attacks. It regretted that, while the positive economic, social and cultural contributions made by migrants were usually acknowledged, the issue of migration was manipulated and instrumentalized in times of economic slowdown and mounting unemployment. Similarly, the manipulation and exploitation of racial and ethnic differences for political ends had resulted in the increasing vulnerability of asylum-seekers, particularly those from Africa or developing countries heading to developed countries. Any efforts to combat racism were bound to fail as long as race, ethnic origin and poverty continued to overlap. As a member of the Human Rights Council, Zambia was committed to playing a significant role in ensuring that the instruments for combating racism were implemented, and he congratulated all delegations for having subscribed to the outcome document on the basis of consensus.

Statement by the Assistant Minister for Justice, National Cohesion and Constitutional Affairs of Kenya

75. **Mr. Cheptumo** (Kenya) regretted that racism had continued to thrive and had taken on new forms. No country could claim to have totally eliminated discrimination. Racism, racial discrimination, xenophobia and related intolerance were global problems that could only be eliminated through sustained commitment by the international community, and the Review Conference offered the ideal opportunity to reaffirm the principle of non-discrimination.

76. It was important to congratulate the countries that had recently acknowledged their role in the historical injustices of slavery, the slave trade and colonialism, recognized in the Durban Declaration and Programme of Action as constituting crimes against humanity, and to ensure that such crimes never recurred by putting in place severe deterrents at the national, regional and international levels. The media had a vital role to play in preventing and discouraging racial discrimination.

77. The repercussions of the economic crisis and the food crisis on the most vulnerable sectors of society had slowed progress in the fight against racism, and should mobilize the international community to address the issues of poverty, underdevelopment and economic disparities, the major causes of contemporary racist attitudes. Moreover, the current financial crisis was exacerbating xenophobic and anti-migrant sentiments, which receiving States had to combat by strengthening their domestic reception policies and recognizing the valuable contribution migrants made.

78. At the domestic level, Kenya had adopted several significant legislative and administrative measures to ensure that the constitutional guarantees and protections against

racial discrimination were enforced, particularly the National Cohesion and Integration Act; the Refugee Act; the Constituencies Development Fund (designed to combat poverty through an equitable distribution of resources); a national legal aid and awareness programme targeting mainly the poor, the marginalized and the vulnerable; and the forthcoming establishment of the Truth, Justice and Reconciliation Commission which would deal with issues of inter-ethnic and race relations. He regretted that a number of key countries had not participated in the Conference and emphasized that the first step in resolving a problem was to acknowledge its existence, not to embrace escapism. The Kenyan delegation fully supported the text that had just been adopted.

Statement by the Secretary for European Affairs of the Libyan Arab Jamahiriya

79. **Mr. Alobidi** (Libyan Arab Jamahiriya) said that the scourges denounced at the Durban Conference in 2001 had not yet been eradicated, owing to a lack of collective political will from all countries. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance had also denounced that deficiency. Racism remained well-rooted, particularly against migrants, as did the hatred and religious fanaticism of some cultures that tried to dominate others. The Libyan delegation particularly denounced Islamophobia and the equating of Islam with terrorism. In Libya, the principle of non-discrimination had been enshrined in the 1969 Proclamation (equality of all before the law), and as of 1968, the country had adopted the Great Green Document on Human Rights in the Age of the Masses. In 1991, it had adopted a law establishing equality between men and women.

80. Welcoming the agreement on partnership, friendship, cooperation and compensation reached with Italy, a country that had courageously chosen to apologize and pay compensation, Libya hoped that countries that had colonized others would follow that excellent example, that victims would demand apologies and compensation and that a paragraph to that effect would be included in the outcome document of the Review Conference.

81. Racism manifested itself in other ways, especially in practices that targeted people under colonial occupation and disregarded humanitarian law, human rights and the resolutions adopted by the international community. That was the case for the Palestinian people who, for some 60 years, had been living a veritable drama: the occupier continued the blockade of Gaza, disfigured the Holy City of Al-Quds and built settlements and a dividing wall, acts that the international community should combat in their entirety. In that connection, the Libyan delegation recalled decision S-9/1 adopted by the Human Rights Council at its ninth special session, which had not yet been implemented, and the problems identified by the Special Rapporteur on the situation of human rights in the Palestinian Territories occupied since 1967 in the exercise of his mandate. Denying accusations of anti-Semitism and simply reacting to the racist practices of Israel, which was a pioneer of ethnic segregation, Libya hoped that the Review Conference outcome document would condemn in the strongest terms the policy of apartheid imposed on the Palestinian people. In that regard, it would have preferred it if the States that had boycotted the Conference had tried to pressure the Israelis into renouncing such practices. His delegation had reservations about the text of the outcome document, particularly on the Israeli practices in the occupied territories, and questioned the procedure of adopting the document before the end of the Review Conference.

The meeting rose at 6.30 p.m.