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DURBAN REVIEW CONFERENCE

SUMMARY RECORD OF THE 7th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 23 April 2009, 10 a.m.

<u>President:</u>	Mr. WAKO	(Kenya)
later:	Mr. PORTALES (Vice-President)	(Chile)
later:	Ms. FARANI AZEVÊDO (Vice-President)	(Brazil)

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The meeting was called to order at 10.20 a.m.

HIGH-LEVEL SEGMENT (agenda item 3) (continued)

STATEMENT BY THE DEPUTY PRIME MINISTER AND MINISTER FOR
FOREIGN AFFAIRS OF BELGIUM

1. Mr. DE GUCHT (Belgium) said that while some had chosen to engage in confrontation at the Review Conference and others had chosen not to attend, his country had opted for commitment and dialogue. Belgium condemned unreservedly the hate-filled statement by the President of the Islamic Republic of Iran, which ran counter to the principles and values of the United Nations, to the letter and spirit of the text that had been adopted and to the commitments undertaken by the Islamic Republic of Iran in Durban in 2001. The Durban Declaration and Programme of Action condemned anti-Semitism, anti-Arabism and Islamophobia and rejected any incitement to hatred, and the participants in the present Review Conference must ensure that those who espoused radical and intolerant views did not take the Conference hostage.
2. Racism clearly persisted, in Belgium and elsewhere. Belgium had enacted legislation against racism and discrimination; an equal opportunities centre to combat racism that provided for judicial remedies had been established and a national plan to combat anti-Semitism and racism had been developed in the wake of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.
3. Belgium had actively participated in the preparations for the Review Conference, which had produced the outcome document that had been adopted. While the text was, inevitably, a compromise, it nevertheless formed, with the Durban Declaration and Programme of Action, a solid basis for combating racism and discrimination. During the turbulent preparatory process the plight of victims had at times been neglected. Early drafts had been at odds with Conference objectives, and other problems had included attempts to question or deny the universality of certain fundamental rights.
4. Unfortunately, multilateralism was under pressure from “sovereignism”, which argued that what happened inside an individual country was not the concern of other countries or international organizations. Yet the international community must continue to promote multilateral action when civilians were victims of grave human rights violations, and to uphold international law, which was the ultimate recourse such individuals had. Sovereignty, as distinct from “sovereignism”, was indivisibly linked to democracy, the universality of which could not be called into question without calling into question the notion of equality among human beings. Failure to respect the rules of democracy did not make them any less universal, although that might need to be reaffirmed. Equality, too, was a universal principle, and its universality also needed to be reaffirmed in a world where ethnic, economic and religious tensions were resurfacing.
5. The negotiations had also faltered over the notion of defamation of religions. As the objective of human rights was to protect individuals and their freedoms, and not religions as such, the idea of including the notion of religious defamation, which could not be reconciled with freedom of expression or human rights, was inconceivable.

6. The final document had been adopted by consensus. Belgium would have liked to see other elements included, such as a strong condemnation of discrimination based on sexual orientation, a strong reference to the International Criminal Court and an unreserved reaffirmation of the responsibility to protect. Nevertheless it had decided to accept the document as it addressed racism and discrimination as a global phenomenon, recalled that all victims must enjoy the same protection, reaffirmed the role of freedom of expression in combating racism while condemning incitement to hatred, and condemned all multiple and aggravated forms of discrimination. It also reaffirmed the importance of democracy in combating racism.

7. Racism and intolerance had led to such atrocities as the Holocaust and the genocide in Rwanda. It was the duty of the international community to ensure that the text that had been adopted made a difference to victims of racism and discrimination, to assume its responsibilities and to honour its commitments. Belgium would continue to work for greater multilateral cooperation and effective multilateralism to that end within the Human Rights Council.

GENERAL SEGMENT (continued)

8. Ms. POLO (Togo) said that the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance marked an important stage in history, as it constituted the clearest expression of the repudiation of racism in all its contemporary forms to date. Yet, racism, racial discrimination, xenophobia and related intolerance were on the rise in all parts of the world. While science had shown that human beings belonged to the same race, thus undermining the foundation of racism, claims of cultural superiority continued to gain ground and cause harm. While globalization ought to have made people aware of the necessary political, economic and social interdependence of countries, it had exacerbated inequalities, poverty and exclusion and led to a rise in ethnic, national and religious extremism, racism and xenophobia.

9. Africa had been deeply affected by slavery and the slave trade and continued to pay a heavy price as contemporary forms of racism emerged.

10. Democratic values were being sorely tested. The present Review Conference offered an opportunity to address that situation. Implementation of the Durban Declaration and Programme of Action at all levels was the best guarantee of effectively combating racism, racial discrimination, xenophobia and related intolerance, and Togo would spare no efforts to that end. The Government would play its part in implementing the subregional and regional integration policy advocated by the Economic Community of West African States and the African Union. Withdrawal into identity politics, the clash of religions and cultures, exclusion and hatred of the other posed major challenges that the entire international community must overcome.

11. Mr. HASHIM (Malaysia) said that his delegation attached importance to the Durban Declaration and Programme of Action and fully supported the adoption of the outcome document of the Review Conference, which showed the firm commitment of all participants to combating racism, racial discrimination, xenophobia and intolerance. It endorsed in particular the aims relating to strengthening the protection of victims within the framework of the Durban Declaration and Programme of Action.

12. In its effort to achieve the goals of the Durban Programme of Action, Malaysia had pursued policies to foster national unity, improve national integration, instil a culture of respect

and tolerance and reduce racial polarization. To ensure that no part of society was neglected, it had instituted a system of power-sharing in the Government. Education was an important aspect of the Government's efforts to combat racism and racial discrimination. On average, 25 per cent of the annual budget, or 6 per cent of the country's gross domestic product, was spent on education. At the international level, Malaysia stood ready to continue working with all parties to fight all forms of racism, racial discrimination, xenophobia and related intolerance.

13. Mr. VU DUNG (Viet Nam) said that his delegation was concerned about the remaining challenges and obstacles to implementing the Durban Declaration and Programme of Action and the rise in incidents of racial and religious discrimination in many parts of the world. For its part, Viet Nam condemned all forms of racism and discrimination, a policy reflected in the country's Constitution, legislation and social and economic development programmes. The Government had taken legislative, judicial and administrative measures to promote and protect civil, political, economic, social and cultural rights. A multi-ethnic and multi-faith State, Viet Nam stood ready to share its good practices and experiences in encouraging national reconciliation and harmony between various cultures and religions.

14. Prejudice based on religion or belief was detrimental to the enjoyment of human rights. It was therefore essential that tolerance and understanding based on respect for religious and cultural diversity should be strengthened. The right of freedom of expression and freedom of the press should likewise be upheld. However, that right must go hand in hand with respect for the dignity, traditions and culture of others. Freedom of expression should not be used as an excuse to defame other national and religious groups. Viet Nam would continue to make every effort to prevent and eradicate the causes of racism, racial discrimination, xenophobia and related intolerance.

15. Mr. SAVINYKH (Belarus) said that racism, racial discrimination, xenophobia and related intolerance remained an urgent problem. Governments faced the challenge of promoting mutual respect between people from different backgrounds, social harmony, equality of opportunity and non-discrimination. The creation of a climate of tolerance depended greatly on State policy and the political will of the authorities. Priority attention must be given to combating discrimination if those objectives were to be met. However, national policies of tolerance and mutual understanding required similar international policies. Racism and discrimination were often the product of adverse relations between States. Mutual understanding and respect for the diverse paths of development of every State promoted the development of cooperative relations between countries and peoples.

16. Human trafficking also remained a pressing issue, and the measures taken by the international community to stop it were clearly inadequate. States, international organizations and civil society must join forces in that effort. It was from that perspective that Belarus and other States had launched an initiative to draft a United Nations global programme of action on human trafficking, which should be a comprehensive and effective international instrument in which all aspects of human trafficking were taken into account.

17. There was no ethnic, racial, language-based or religious strife in Belarus owing to the country's tradition of peaceful ethnic and religious relations. Belarusian law in that area was consistent with the international human rights instruments to which Belarus was a party.

Moreover, incitement to racial, ethnic and religious hatred was strictly punished. Belarus would continue its international and national efforts to eliminate racism, racial discrimination, xenophobia and related intolerance.

18. Mr. ATTAR (Saudi Arabia) said that the Review Conference was particularly important given that various forms of racism, racial discrimination and xenophobia persisted in both developing and developed countries and that their underlying causes were currently gaining ground. There had been an increase in the number of attacks on religious figures and symbols in certain countries, a development that was spreading hatred and intolerance. While his Government held freedom of expression in high regard, that freedom should not be defended if it was used to violate other human rights. Saudi Arabia condemned the defamation of religions and beliefs and the disparagement of both Islamic and other religious figures and symbols. The Government condemned the defamation of all prophets - Muhammad, Abraham, Moses, Jesus and others - and called for effective steps to address the issue, in accordance with paragraph 150 of the Durban Declaration.

19. The population of the occupied Arab territories, particularly the Palestinian people, was subjected to a number of racist practices. The racist wall of separation had had serious economic, social and cultural consequences for the Palestinians: both Christian and Muslim Palestinians were prevented from exercising their right to freedom of worship as they were denied access to their holy places in Jerusalem and coerced into leaving the city. Meanwhile, the construction of settlements continued. He drew attention in that connection to paragraph 151 of the Declaration, which addressed the situation of the Palestinian people.

20. Saudi law prohibited the establishment of racist organizations or organizations that advocated racial discrimination. It made raising funds for racist activities and the publication of racist material a criminal offence. Saudi anti-racism legislation was based on sharia law, which emphasized equality and dignity regardless of gender, colour or race.

21. As dialogue played a vital role in combating intolerance, the Government had established a Centre for National Dialogue, which promoted mutual respect for all cultures and beliefs and sought to instil a culture of human rights. The Government had also convened international meetings attended by theologians and scholars representing various faiths and philosophical views. Of particular note was the Madrid Declaration, issued by the World Conference on Dialogue in July 2008, which affirmed the unity of humankind and the need for respect for human dignity, and the subsequent meeting of the General Assembly on the outcome of that Conference.

22. Mr. Portales (Chile), Vice-President, took the Chair.

23. Mr. PIETROS (Eritrea) said that racism affected the lives of millions throughout the world and that any doctrine of racial superiority should be rejected and resisted by all, at all levels. Despite efforts to implement the Durban Declaration and Programme of Action, discrimination remained widespread. Victims, in particular women, girls and migrants, often suffered from multiple discrimination and violence. Racism perpetuated poverty and underdevelopment by marginalizing and excluding populations from equal opportunities for development, and the

situation of the most vulnerable would be exacerbated by the current financial and economic crises. Further efforts were needed to realize the commitments set out in the document before the Review Conference.

24. Eritrea embraced diversity as its source of strength and had explicitly established the principles of unity, equality, harmony, tolerance and mutual respect in its national laws, policies and programmes in order to provide equal protection and opportunities to all. Public awareness campaigns were essential to prevent, combat and eradicate racism, and there was a need to share best practices across regions in order to create a common front against racial discrimination. The actions of the international community in the fight against racism must be guided by the principles of equality and non-discrimination, which were fundamental principles of international law.

25. Mr. LEE Sung-joo (Republic of Korea) said that his delegation was pleased that the outcome document reflected most of its concerns and had been adopted by consensus. The outcome document would serve as an effective guideline in the fight against racial discrimination and struck a delicate balance between freedom of expression and responsibility. The international community must unite against any attempt to politicize the Review Conference or to use it to incite hatred and division.

26. Since 2001, his Government had taken a number of administrative and legislative measures to ensure that foreigners, including migrant workers and their children, were properly integrated. It had worked closely with civil society organizations that provided foreigners with counselling, legal advice and training in Korean language and culture in order to build an inclusive society and had introduced a new school curriculum that taught children to respect differences and appreciate diversity.

27. The flexibility and cooperation that had been exercised in reaching the consensual outcome to the Review Conference were evidence of the spirit of tolerance and reconciliation in which the Conference had been convened. The question now was whether participants possessed enough genuine will and wisdom to make the outcome a reality for all.

28. Mr. ESTEVES (Portugal) said that racial discrimination was a denial of the fundamental right to equality and led to the denial of countless other human rights and fundamental freedoms; in the most serious cases, it had led to ethnic cleansing and genocide. The international community needed to remain vigilant to prevent the recurrence of such tragedies. In that context, his delegation strongly rejected the views expressed at the Review Conference by the President of the Islamic Republic of Iran.

29. The international community must make a commitment to the universal ratification and full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination. Procrastination and expediency were unacceptable in the fight against racism; intolerance demanded swift and sustained action. The outcome document that had been adopted would further the common goal of fighting racism. It addressed all the issues and challenges posed by racism without limiting or curtailing fundamental freedoms, such as freedom of expression.

30. As racism occurred everywhere, the Conference should not single out any particular country, region or situation. All forms of racial discrimination were unacceptable, and all victims of racism must be treated equally and receive equal protection. Portugal believed that past instances of racism should be remembered as reasons for fighting racism and was committed to honouring the victims of the slave trade and slavery.

31. All States members of the European Union had specific legislation to combat racism and discrimination, including incitement to racial and religious hatred. Portugal had taken specific steps since 2001 to promote equality of rights, prevent racism, combat discrimination and foster intercultural dialogue, including the creation of the High Commission for Immigration and Intercultural Dialogue in 2004. In the same year, the anti-discrimination framework and the role of the European Commission Against Racism and Intolerance had been reinforced by a European Union directive. In 2007, the Plan for the Integration of Immigrants had been approved. The Plan set public policy guidelines on integration, sought to stimulate participation by immigrants in policy development and evaluation and emphasized strengthening social cohesion, improving integration and managing cultural diversity. Efforts to combat racism and xenophobia were an integral part of the Plan.

32. The consensus achieved at the Conference had been reached in a spirit of dialogue and compromise with efforts by all. The time had come to work together to advance the common cause of preventing, combating and eradicating racism and related intolerance.

33. Ms. SEBUDANDI (Rwanda) said that her country attached great importance to the Review Conference. The adoption of the Durban Declaration and Programme of Action had demonstrated the international community's commitment to the comprehensive approach needed to combat racism, racial discrimination, xenophobia and related intolerance.

34. Based on the principles of the Durban Declaration and Programme of Action and the lessons of its own history, Rwanda had been putting in place the necessary legislation and institutional mechanisms to prevent and address the root causes of racism and, in particular, genocide. It had also acceded to and ratified international and regional instruments that promoted equal rights and non-discrimination.

35. Since independence in 1962, political life in Rwanda had been characterized by ethnic divisions and discrimination that had been reinforced at the institutional level through the issuance of national identity cards indicating ethnicity. Ethnic divisions, discrimination and exclusion had led Rwandans into an abyss in which human rights violations were perpetrated with impunity and, ultimately, to the 1994 genocide against the Tutsi that had claimed over 1 million lives.

36. After the genocide, the priority of the Government of National Unity had been to rebuild the nation, with emphasis on promoting national unity and reconciliation, ending the culture of impunity and establishing the rule of law while developing policies that would ensure equal opportunities. Justice sector reforms had included the adoption of a new national Constitution with a clear position on non-discrimination. New laws had been enacted, including legislation to punish genocide, crimes against humanity and war crimes. Institutional mechanisms had also been established, including national commissions to promote unity, reconciliation and human

rights and to combat genocide. Initiatives to promote gender equality and women's empowerment had been a success: 56 per cent of all members of Parliament were women, and women were well-represented in decision-making positions.

37. The total commitment of all States and other stakeholders was needed to end the global problems of racism, discrimination and intolerance. Rwanda was committed to remaining engaged in the fight against racism and in the prevention and punishment of genocide and other crimes against humanity. Although genocide was clearly an extreme manifestation of racism and discrimination, serious gaps existed in international instruments and in States' national legislation where genocide, denial of genocide, revisionism, trivialization and justification were concerned.

38. Rwanda called on the international community to recognize genocide as the most heinous of all crimes against humanity, to cooperate in the apprehension of those suspected of genocide and to combat denial, revisionism and attempts to trivialize the genocide in Rwanda, as well as the culture of impunity. That genocide could have been avoided: lack of political will and the indifference of the international community had made it possible. The warning signs had included segregation, ethnic identification cards, targeted murders of Tutsis committed with impunity and the warnings of actual preparations for the genocide that had gone unheeded.

39. Concerted efforts were needed at the global level to deal with the scourges of racism, racial discrimination and intolerance. It was to be hoped that those States that had not participated in the Conference would return to contribute to the global fight against racism.

40. Mr. LOGAR (Slovenia) said that the statement by the President of the Islamic Republic of Iran was particularly unacceptable, given that the object of the Conference was to review progress made in implementing the Durban Declaration and Programme of Action. The venting of intolerance and hatred and the questioning of the reality of a terrible historical event, victims and witnesses of which were still alive, in his country and elsewhere, should have no place within the United Nations. Freedom of belief and freedom of expression were crucial in combating racism and discrimination, but they should not be abused to promote intolerance and hatred.

41. The preparatory process for the Conference had not been easy. Although his delegation believed that the international community had the will to combat the scourge of racism, it could not support proposals that went against its basic values, undermined international human rights standards or were unconnected with the fight against racism. It could also not support the singling out of specific cultures or regions, since racism was a universal phenomenon.

42. The International Convention on the Elimination of All Forms of Racial Discrimination provided a sufficient basis for the fight against racism and racial discrimination, so long as it was universally ratified and fully implemented and States parties reported regularly to CERD. The victims of other forms of discrimination also deserved protection.

43. Later in the year, Slovenia would, as Chair of the Council of Europe, host a regional conference on the education of Roma people. An awareness-raising campaign had been launched in Slovenia aimed at bringing non-Roma closer to Roma citizens and emphasizing that the latter

had the same rights and freedoms as other people. Education in general and human rights education in particular were essential to combating the various forms of racism and discrimination.

44. Mr. MARTÍNEZ ALVARADO (Guatemala) said that his delegation regarded the Durban Declaration and Programme of Action to be on a level with the other international human rights instruments to which it was party.

45. Guatemala had made considerable progress in combating racial discrimination and racism. The State policy on coexistence and the elimination of racism and racial discrimination had been launched in 2006, and the State agenda for indigenous peoples formed part of the plan for 2005-2012 under the Peace Agreements. Sectoral policies had also been developed to deal with racism and racial discrimination in various fields, including housing, health, education, cultural diversity, microdevelopment, small and medium-sized enterprises, HIV/AIDS and the advancement of women. Such policies incorporated the principles of inclusion and gender equality, which enabled them to be harmonized with other policies laid down under the Peace Agreements and other priority policies. At the same time, an awareness-raising campaign on the elimination of racism and racial discrimination was being conducted in the media.

46. In the legal sphere, racial discrimination had been defined as an offence under the Criminal Code and relevant legislation had been adopted on such topics as official languages, education on discrimination, decentralization and urban and rural development councils. The Government had issued regulations on bilingualism and multicultural education; it had also declared national days celebrating indigenous peoples and against discrimination.

47. At the institutional level, the Presidential Commission against Discrimination and Racism, established in 2002, provided a measure of redress for the victims of such discrimination and was also proactive in formulating proposals to eliminate racism. Other relevant institutions included the Office for the Defence of Indigenous Women, the Indigenous Development Fund, a television channel broadcasting in the Mayan language, the Indigenous Peoples' Office in the Public Prosecutor's Office and various other indigenous units or departments.

48. At the international level, Guatemala had recently submitted its twelfth and thirteenth periodic reports to CERD, for which it had developed an inclusive methodology that had made it easier to combine the awareness-raising process with information on the Government's implementation of the Convention. Much more remained to be done, but Guatemala hoped for continuing support from the Committee, partner countries and United Nations bodies.

49. Taken in conjunction with the Durban Declaration and Programme of Action, the Review Conference outcome document would be helpful to States. Moreover, Governments had at their disposal other important instruments, such as the United Nations Declaration on the Rights of Indigenous Peoples. His Government also gave high priority to combating discrimination against migrants both within and outside Guatemala and would continue to do its utmost to ensure that migrants' rights were respected.

50. Mr. GOMES (Guyana), after expressing support for the statements by previous speakers on the continuing consequences of the transatlantic slave trade, colonialism and the genocide of indigenous peoples, said that the Palestinian people continued to be the victims of injustice, a

situation that should be urgently addressed. Following the recent assault on Gaza, which had resulted in the loss of life, destruction of property and injury to countless innocent people, his delegation once again called for those responsible to be brought to justice in accordance with international law.

51. Such acts of racism and blatant violations of international law would never be resolved without a new global human order. To that end, his delegation had introduced General Assembly resolution 62/213, on the role of the United Nations in promoting a new global human order, which had been adopted without a vote. Guyana had also taken action at the national level to establish the Ethnic Relations Commission. Other relevant legislation included the amended Racial Hostility Act and the Equal Rights Act. To redress the historic injustice suffered by the country's indigenous peoples, the Government had introduced the Amerindian Act, whereby legal title to a total of 14 per cent of the country's land mass had been transferred to indigenous communities.

52. As a multiracial, multi-ethnic and multireligious society, Guyana engaged in social cohesion and social inclusion programmes, promoting educational and other services whereby society could be vigilant in resisting actions that encouraged racism or incited ethnic divisiveness or religious intolerance. Lastly, he drew attention to paragraph 91 of the draft outcome document on trafficking in persons, and he urged that attention be given to implementation activities.

53. Mr. ALIA (Benin) said that considerable progress had been made in his country since the World Conference. Benin had taken action to implement various international human rights instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination. The Review Conference would enable Governments and civil society to share and profit from good practices. Action should, however, be taken at both the national and the international level.

54. Education was crucial to the struggle for a world without racism, since racism was insidious and children often naively picked up racist attitudes at school. He therefore urged that schools should teach human rights, using the services of civil society organizations and people of good will. Such teaching would be complementary to formal human rights education.

55. By the same token, the activities of human rights activists to promote a wider knowledge of human rights should be recognized and encouraged by States. Such activities were not without risk in countries where human rights violations were common because they formed part of age-old traditions. His delegation insisted that the outcome document of the Review Conference should contain a reference to human rights education, and it commended the final text of the document, which had been adopted by consensus.

56. Mr. MUTOMB MUJING (Democratic Republic of the Congo) said that the Durban Declaration and Programme of Action remained basic tools to guide all countries wishing to counter the scourge of racism. The Review Conference must therefore both assess progress made in their implementation and identify new measures to eliminate all recent manifestations of racism, racial discrimination, xenophobia and related intolerance. Member States must demonstrate genuine political will to apply such measures, particularly with regard to clearly vulnerable sectors of the population, such as migrants, refugees, indigenous peoples, minorities and women.

57. His Government was committed to combating all forms of racism. The country's Constitution of 2006 banned clannism and tribalism, seeking to promote respect for the individual identities of the peoples of the world. It also contained a number of provisions relating to the struggle against all forms of discrimination.

58. The Democratic Republic of the Congo was party to the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women. The Government sought constantly to implement the provisions of the two Conventions. At the national level, the Government supported the efforts of civil society through the Anti-Racism Network, which comprised a number of non-governmental human rights organizations.

59. His delegation commended the fact that the draft outcome document had been adopted without a vote and hoped that, in the future, countries would avoid taking up extreme positions, since such attitudes were detrimental to the common struggle against racism.

60. Mr. FEYDER (Luxembourg) commended the final text of the draft outcome document, which, after negotiations involving compromise on all sides, condemned anti-Semitism, abstained from language stigmatizing a single region, enshrined the basic principle of freedom of expression while reaffirming the need to stand out against incitement to hatred and recalled the Holocaust. The document, which also stressed the importance of women's rights and sexual equality and the need to combat trafficking in persons, discrimination against minorities or persons with disabilities or HIV/AIDS, constituted a clear response to the shocking and unacceptable statement by the President of the Islamic Republic of Iran, which had deliberately departed from the spirit of consensus observed by the Conference and the spirit of cooperation, tolerance and dialogue of the Human Rights Council.

61. The international community must show particular vigilance during the current economic crisis, which could lead to racial or xenophobic discrimination against migrants, foreigners or vulnerable groups in society.

62. Those who proclaimed a clash of civilizations in the wake of the events of 11 September 2001 were wrong: with globalization, civilizations were in fact growing closer together. It was therefore essential to intensify the dialogue between civilizations in order to prevent any turning back or any violence that might arise. States should display a sensitivity to all political and national sensibilities, for example, by looking objectively at the slave trade in all its dimensions.

63. At the same time neither the existence of the United Nations nor the entry into force of the International Convention on the Elimination of All Forms of Racial Discrimination had prevented the genocide in Rwanda or the massacres in Srebrenica, among many others. The marginalization of the most vulnerable sectors of society persisted. The international community should redouble its efforts to promote development, since poverty was one of the most frequent causes of racial discrimination.

64. Luxembourg had a total population of 485,000, of whom 42 per cent were foreign nationals; 130,000 people crossed the border every day. That situation represented a challenge but also an opportunity. Following the World Conference, Luxembourg had launched massive

annual information and awareness-raising campaigns to combat discrimination, as part of the European Union strategy. The Centre for Equal Treatment had recently been established in Luxembourg and had become a crucial player in the fight against discrimination. The Centre was tasked with publishing reports, issuing advice and recommendations and conducting studies on all matters relating to discrimination. It also helped individuals who believed that they had suffered discrimination, providing advice and guidance on rights, legislation and case law. A recent law on the reception and integration of foreign nationals included a national plan of action for integration and against discrimination. Luxembourg would also be one of the five countries participating in a pilot project for European Diversity Day.

65. Ms. Farani Azevêdo (Brazil), Vice-President, took the Chair.

66. Mr. ÜZÜMCÜ (Turkey) said that, despite continuing efforts to combat racism, new and subtle forms of racism, racial discrimination and xenophobia presented a challenge to the enjoyment of fundamental human rights and freedoms. Polarization across religious and cultural lines had grown over the past decade. The Review Conference should be viewed as an expression of international will to reverse such negative trends.

67. Hate speech targeted vulnerable groups in particular. There was no contradiction in protecting people against racist discourse and incitement to racial and religious hatred on the one hand and protecting freedom of expression on the other.

68. The most serious manifestation of racism was genocide. It was essential, however, to avoid using the word loosely: its precise meaning had been defined in the Convention on the Prevention and Punishment of the Crime of Genocide. In determining the crime of genocide and the criminal responsibility of its perpetrators, two essential requirements must be met. First, the material and mental elements must be proved under article 2 of the Convention; secondly, a competent tribunal must ascertain that genocide had in fact been perpetrated. Characterization of the killing of Armenians by Turks in 1915 as genocide was therefore invalid and amounted to calumny, since such characterization had not been endorsed by a competent tribunal. The events of 1915 should not be a factor in any question relating to denial of history.

69. Discrimination and violence against migrants continued to pose a serious challenge, as xenophobic public discourse gained ground. Migrant workers often served as scapegoats for society's ills; with 4 million of its citizens working abroad, Turkey had gained first-hand experience of that dangerous phenomenon. It shared the High Commissioner's perspective that migrant workers made a positive contribution to host communities and was therefore active in efforts to combat misconceptions.

70. Tolerance, dialogue and respect for other cultures and religions were deeply rooted in the country's traditions. Turkey had also co-sponsored the United Nations Alliance of Civilizations and had hosted its second Forum in Istanbul earlier that month.

71. It was his delegation's hope that the Review Conference would enable the international community to take a significant step forward in combating racism. The consensual and carefully balanced outcome document would help raise stakeholder and public awareness and provide an important reference tool to that end.

72. Mr. TARZI (Afghanistan) said that the unifying focus of the Conference was sacred and universal human values, including people's right to live in peace and good neighbourliness. To protect those values humanity had succeeded in devising laws and rules deriving from its best practices of tolerance, mutual respect and hospitality.
73. Afghanistan was a multifaceted country that had always, until the recent past, lived in peace and equilibrium. To promote social harmony, his Government had ensured that those traditional values were reflected in its new Constitution, which had made it possible to incorporate numerous provisions of international instruments in domestic legislation. The Constitution guaranteed human dignity, freedom of expression and equality of rights, and prohibited discrimination. It also promoted the protection and advancement of women in several domains, including education. Women were regaining the place in political life that they should never have lost: they now accounted for 27 per cent of all members of parliament and were carrying their responsibilities out well. The Ministry for the Status of Women was also headed by a woman. The re-emergence of civil society in Afghanistan had resulted in the establishment of several women's organizations.
74. Minorities, persons with disabilities and children also benefited from the protection of the Constitution, which guaranteed tolerance towards them. The Constitution also committed the State to ensure national unity and equality among all ethnic groups and provide for balanced development in all parts of the country.
75. Mr. DO NASCIMENTO (Angola) said that Angola's struggle for equality, justice and human rights had contributed to the defeat of apartheid in southern Africa. The Durban Declaration and Programme of Action had not, however, had the expected impact on the lives of victims of racism owing not to the instrument, but to a lack of political will to implement preventive measures, including measures relating to education.
76. His delegation regretted that the draft paragraph on the creation of a racial equality index had not been included in the final text of the outcome document, since it represented an important tool for addressing issues faced by victims.
77. Freedom of expression should not be interpreted as freedom to incite racial hatred, discrimination or violence, but should instead be used to expose racist ideology and hate speech.
78. Angola had been a victim of colonialism and slavery, which had cost millions of lives, destroyed the fabric of society and adversely affected the country's development. It was for that reason that it saw a need for further debate on the issue of appropriate reparation by those responsible for historical injustices, for with such reparation their scars might finally be healed.
79. Mr. CHOE Myong Nam (Democratic People's Republic of Korea) said that the World Conference had been an important occasion on which to promote dignity, equality, justice and the development of all races and nations. Follow-up at the national, regional and international levels had resulted in significant achievements, including the creation of a number of legal and institutional tools and implementation mechanisms. However, there was still a long way to go; racism persisted in new manifestations, such as the defamation of religion characterized by Islamophobia.

80. Past abuse that was not addressed became a source of current as well as future abuse, hence the importance of addressing it. Contemporary forms of racism were rooted in such injustices as colonialism, slavery and apartheid based on doctrines of racial superiority. The World Conference had appealed to all States to recognize their responsibilities for the past, provide due reparation and undertake corrective history education.

81. The Democratic People's Republic of Korea had suffered severe repression, discrimination and humiliation under Japanese military occupation for over 40 years, and those past crimes against humanity had yet to be addressed. Nor had texts justifying Japan's colonial past and glorification of war criminals been removed from Japanese school textbooks, giving rise to concern that the past could be repeated. Korean descendants of colonial victims who were resident in Japan continued to be subject to repression and discriminatory policies. His delegation thus strongly urged Japan to restore justice for all victims. The Democratic People's Republic of Korea would continue to build the people-centred socialist system of its choice and participate in international efforts to build a world free from racism and discrimination.

82. Mr. DE FINE SKIBSTED (Denmark) said that the focus of the Review Conference should be combating racism in all its forms. It was a matter of deep concern, therefore, that the Conference was being used as a platform for racism and intolerance. Denmark wished to dissociate itself from the statement made by the President of the Islamic Republic of Iran, in particular his abominable and outrageous remarks concerning Israel, which constituted incitement to hatred. That statement should not, however, be allowed to divert the focus of the Conference away from the many men, women and children who were still subject to racism and looked to the international community to alleviate their sufferings.

83. Denmark had always been committed to making the Conference a success. It rejected some delegations' attempts to use it to restrict the fundamental right of freedom of opinion and expression. Freedom of expression was one of the cornerstones of human dignity and the basis of any democratic society. It was essential to the exercise of all other human rights and played a pivotal role in combating racism and related intolerance, as the outcome document had recognized. The notion of "defamation of religion" entailed a prohibition of any criticism directed against religions and was thus unacceptable to Denmark. It was also alien to the very concept of human rights.

84. That did not, however, mean that Denmark was not committed to combating discrimination against individuals on the basis of their religion. His delegation was satisfied that the outcome document focused on the rights of individuals, that it stressed the importance of combating trafficking in persons and modern forms of slavery and that it underlined the rights of various minorities, particularly the rights of indigenous peoples.

85. His delegation regretted, however, that discrimination and intolerance based on sexual orientation had not been mentioned explicitly, since the rights of sexual minorities were non-existent in many parts of the world. That issue merited the international community's attention.

86. Dialogue, cooperation and cultural understanding were extremely important at the international level. States might not always agree and consensus might not always be achievable, but Member States had a duty to work for compromise, provided it did not undermine human

rights and fundamental freedoms or their universality. The forward-looking and balanced outcome document would benefit all victims of racism, discrimination and related intolerance.

87. Mr. ALFARARGI (Observer for the League of Arab States) said that hostility to religions, particularly in the form of Islamophobia, went beyond ethnic and moral bounds. The Prophet Mohammed had stated that nobody should die as a result of fanaticism.

88. The Arab Charter of Human Rights adopted by the League of Arab States condemned racism and racial discrimination. It also condemned Israel's practices in the Occupied Palestinian Territory, which were a violation of international human rights law. Palestinians living in Israel were also repressed daily and driven from their homes. The Conference should condemn current Israeli policy, which was a matter of great concern to the League. It should also give new impetus for eliminating traditional as well as contemporary forms of racism, and follow-up mechanisms should be strengthened. Issues would only be resolved through interactive dialogue, not the absence of certain delegations.

89. Mr. TARARAS (Observer for the United Nations Educational, Scientific and Cultural Organization (UNESCO)) said that the fight against racism, discrimination, xenophobia and intolerance lay at the heart of the UNESCO mandate. The commitment of UNESCO to that effort had been reflected in the role it had played in deconstructing pseudoscientific theories of racial superiority, in the unconditional stand it had taken against apartheid and in the adoption of important normative instruments, such as the Declaration on Race and Racial Prejudice and the Convention against Discrimination in Education.

90. The Durban Declaration and Programme of Action had provided strong impetus for renewing the commitment of UNESCO in that regard. A long process of broad consultations had led to the adoption in 2003 of an Integrated Strategy to Combat Racism, Discrimination, Xenophobia and Related Intolerance covering all areas of his organization's competence. UNESCO had also played a key role in the elaboration and implementation of the World Programme for Human Rights Education, the development of international standards on cultural diversity and the creation of initiatives to promote intercultural dialogue. It had also worked to safeguard freedom of opinion and expression and promote free and pluralistic media.

91. UNESCO had further sought to involve local governments and municipalities, whose potential contribution to the fight against racism could not be overestimated. Such involvement occurred chiefly in the context of its International Coalition of Cities against Racism and Discrimination project.

92. Ms. OLNEY (Observer for the International Labour Organization (ILO)) said that racism, racial discrimination, xenophobia and related intolerance were contrary to human rights and dignity and serious obstacles to social cohesion, peace and stability. Those unacceptable practices must be understood and addressed both as causes and as consequences of exclusion and poverty.

93. The ILO Decent Work Agenda was based on the conviction that social justice could become a reality only when men and women, irrespective of race, colour or creed, enjoyed equal opportunities and treatment in the world of work. Decent work for all was essential to the elimination of racism and empowered those affected by discrimination and marginalization.

With 16 new ratifications obtained since the World Conference, ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation was close to ratification.

94. Governments had a duty to honour their international commitments. However, day-to-day action to eliminate racial discrimination was a collective responsibility, and workers and employers had a key role to play in that regard. Since 2001, a great number of positive steps had been taken to bring an end to racism in the workplace; however, there was no reason for complacency in the current economic climate.

95. Migrant workers tended to remain outside the effective protection of the law, making them vulnerable to discrimination and abuse, while indigenous peoples were often the poorest of the poor, with their rights and aspirations frequently disregarded.

96. Racism was most difficult to challenge when it was subtle and hidden. ILO testing studies conducted in a number of European countries since 2001 had shown that notwithstanding the existence of anti-discrimination legislation, ethnic minorities continued to be excluded from employment opportunities. Smarter laws were needed to offer effective legal protection from racial discrimination, and workers, employers and public authorities must be equipped to use and implement those laws. However, legal protection alone was insufficient. Skills training, education and employment promotion must be made available to all men and women, with targeted affirmative action where necessary. The collection and analysis of relevant statistical data must also be rethought, and the efforts of workers and employers to combat racism should be encouraged. Her organization would continue its efforts to bring an end to racism and racial discrimination in the world of work and stood ready to cooperate with all stakeholders to that end.

97. Ms. MASRI (Observer for the African Union) said that the fight against racism, racial discrimination, xenophobia and related intolerance was the responsibility of all Member States, regional organizations, intergovernmental organizations, communities, non-governmental organizations and individuals the world over. All must shoulder their collective and individual responsibility to combat those most serious forms of abuse and degrading treatment. International dialogue and cooperation was vital in that connection, as was the exchange of best practices in combating racism. The African Union, for its part, had always promoted respect for human rights and taken a strong stance against all forms of racism.

98. The Conference must not forget that the world had only recently commemorated the abolition of slavery and the sixtieth anniversary of the Universal Declaration of Human Rights, to which the principle of non-discrimination was central. The African Union wished to reaffirm its commitment to the Durban Declaration and Programme of Action and other relevant international instruments which constituted an important milestone in the effort to combat racism and racial discrimination.

99. Progress since the World Conference had been somewhat disappointing, making the Review Conference all the more pertinent. Follow-up must, however, be strengthened at every level. The African Union would be mobilizing efforts through relevant regional structures.

100. The entire world was following the Conference closely, and the millions of people who continued to suffer the debilitating effects of racism and other forms of discrimination expected concrete results. The fact that consensus had been reached over the outcome document and that the voice of reason had finally prevailed was thus most welcome.

101. Mr. GAMALELDIN (Observer for the Pan-African Parliament) said that the Pan-African Parliament fully endorsed the Durban Declaration and Programme of Action and the outcome document of the Review Conference. The Parliament called on the international community to urge those States that had colonized Africa and plundered its resources to help African countries with their economic development efforts. Former colonial Powers must also cease interfering in the internal affairs of African States, as such interference thwarted development, reinforced discrimination and fuelled political and ethnic conflict in many countries.

102. The Pan-African Parliament called on States to abolish the current restrictions on migration and to uphold the right of freedom of movement and freedom of migrants to live in the country of their choice. States must stop the persecution of migrants, which had in many cases led to loss of life. Developed countries should cancel the debt of African States in compensation for the centuries of exploitation of African riches.

103. All States must reaffirm the need for a dialogue among civilizations and religions. The defamation of religions was unacceptable and could not be justified by invoking the right to freedom of expression. All rights should be exercised in a way that did not encroach on the rights of others.

104. Regrettably, the end of apartheid in South Africa did not signal the end of all forms of racial discrimination. The recent, brutal aggression against the Palestinian people of Gaza in 2008 constituted the worst form of racism and racial discrimination. The Review Conference must not remain silent with regard to those crimes against humanity.

The meeting rose at 1 p.m.