



大会

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人权理事会  
第二十五届会议  
议程项目 9

种族主义、种族歧视、仇外心理和相关的不容忍现象：  
《德班宣言和行动纲领》的后续行动和执行情况

## 拟定补充标准特设委员会第五届会议的报告 \*\*\*

主席兼报告员：阿卜杜勒·萨马德·明蒂(南非)

### 概要

本报告系根据人权理事会第 3/103 号和第 10/30 号决定以及第 6/21 号决议提交。它是拟定补充标准特设委员会第五届会议期间所进行讨论及会议纪要的内容提要。在本届会议期间，委员会审议了联合国人权事务高级专员办事处根据人权理事会第 21/30 号决议发送的问卷以及主席兼报告员就各国对仇外心理、国家机制和程序性缺陷问卷所作答复编写的摘要。按照几位相关领域内专家的意见，就“仇外心理”、“建立、指定或维持有能力防备和防止一切形式和表现的种族主义、种族歧视、仇外心理和相关不容忍现象的国家机制”以及“与《消除一切形式种族歧视国际公约》有关的程序性缺陷”专题进行了实质性讨论。本届会议还听取了关于相关全球和区域事态发展的最新情况介绍。

\* 本报告附件不译，仅以原文照发。

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## 目录

	段次	页次
一. 导言.....	1	3
二. 会议组织.....	2-16	3
A. 出席情况.....	3	3
B. 会议开幕.....	4	3
C. 选举主席兼报告员.....	5-6	3
D. 通过议程.....	7	4
E. 工作安排.....	8-16	4
三. 有关根据人权理事会第 21/30 号决议第 4 段所 开展的问卷调查的讨论.....	17-36	5
四. 有关“仇外心理”专题的讨论.....	37-45	10
五. 有关“建立、指定或维持有能力防备和防止一 切形式和表现的种族主义、种族歧视、仇外心 理和相关不容忍现象的国家机制”专题的讨论.....	46-55	12
六. 有关“与《消除一切形式种族歧视国际公约》 有关的程序性缺陷”专题的讨论.....	56-62	13
七. 关于相关全球和区域事态发展的最新情况.....	63-67	15
八. 关于新专题或额外专题的讨论.....	68-74	15
九. 通过报告.....	75-84	17
附件		
I. Summary of the expert presentations and initial discussions on the topics of “Xenophobia” and “Establishment, designation or maintaining of national mechanisms with competences to protect against and prevent all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance”.....		20
II. Agenda .....		35
III. List of attendance .....		36
IV. Programme of work.....		37

## 一. 导言

1. 拟定补充标准特设委员会根据人权理事会第 3/103 号和第 10/30 号决定以及第 6/21 号决议提交本报告。

## 二. 会议组织

2. 特设委员会于 2013 年 7 月 22 日至 8 月 2 日举行其第五届会议。在本届会议期间，特设委员会举行了 14 次会议。

### A. 出席情况

3. 出席本届会议的有：联合国会员国、非联合国会员国观察员、政府间组织以及具有经济及社会理事会咨商地位的非政府组织的代表。

### B. 会议开幕

4. 拟定补充标准特设委员会第五届会议的第 1 次会议系由联合国人权事务高级专员办事处(人权高专办)反种族歧视股股长 Yury Boychenko 于 2013 年 7 月 22 日宣布开始。他指出，人权理事会在其 2012 年 9 月 28 日第 21/30 号决议中请人权高专办利用现有资源散发一份问卷，以收集关于特设委员会第四届会议期间所讨论并在其报告(A/HRC/21/59)中阐述的三个专题的信息。他提到，主席兼报告员的答复摘要以及收到的问卷答复原文已经放到人权高专办网站上。他指出，自第四届会议以来，主席兼报告员已经举行了几次区域协调员会议，以便与其进行沟通并筹备第五届会议，他还表示希望能够在本届会议期间继续开展公开和建设性对话。

### C. 选举主席兼报告员

5. 在第 1 次会议期间，特设委员会以鼓掌方式选举南非常驻联合国日内瓦办事处代表阿卜杜勒·萨马德·明蒂为其主席兼报告员。在其简短的介绍性发言中，他表示，委员会将继续采用前几届会议所采用的渐近办法就各种问题开展讨论。这为委员会进一步思考和了解所要讨论的问题以及委员会的任务授权与《德班宣言和行动纲领》第 199 段之间的联系提供了一个机会。还将介绍其他专题以供委员会审议。

6. 在上一届会议期间达成协商一致的基础上，他鼓励委员会继续重点关注受害者的困境，并确保无条件尊重人的尊严。在这方面，他认为，考虑到仇外心理具有比较好斗的表现形式，而且需要采取更加强有力的措施加以管制，故探讨建立针对仇外心理的国际监管框架的可能性是有益的。他希望，委员会能够尽最大努

力完成这一任务，并期待能够开展建设性和富有成效的讨论，以期处理摆在其面前的非常重要的主题。

#### D. 通过议程

7. 在本届会议第 1 次会议期间，特设委员会通过了第五届会议的议程。

#### E. 工作安排

8. 主席兼报告员介绍了第 1 次会议的工作方案草案。他表示，在得到其余几个提出者的最后确认之前，可能会在随后的阶段进行一些修改。工作方案(载于附件四)在第 1 次会议上获得通过。主席兼报告员邀请与会代表就本届会议进行一般性发言。

9. 加蓬代表非洲集团发言，它着重强调，作为一个高度优先的问题，需要制定额外的补充标准来加强国内和国际反种族主义法律。让非洲集团感到高兴的是，委员会将重点关注有关仇外心理、国家机制以及与《消除一切形式种族歧视国际公约》有关的程序性缺陷的特定专题。它补充说，不应该在确保国际法解决这些祸害方面感到自满，它请求国际社会加强打击种族主义、种族歧视、仇外心理和相关的不容忍现象。它遗憾地表示，自《德班宣言和行动纲领》通过以来已经有 12 年了，新的表现形式正在引起人们的忧虑，并且正在变得越来越恶劣，种族主义和仇外心理的唆使者往往是最位高权重之人，而且非洲裔往往成为受害者。正如《德班宣言和行动纲领》第 199 段所建议的，必须加强国家和区域各级的法律和法律制度，并且要有明确且准确的仇外心理定义。

10. 欧洲联盟表示，本届会议是由原定于 2014 年 4 月举行的会议改期而来，会议近来的筹备情况不利于达成一致。它指出，问卷的答复摘要已于上一周在网上公布，但在专家的推选问题上一直缺乏透明度。它还指出，欧洲联盟不能接受工作方案中关于相关全球和区域事态发展的最新情况的项目 8，因为它与委员会的任务授权没有适当的相关性。它重申欧洲联盟致力于打击种族主义、种族歧视、仇外心理和相关的不容忍现象。注意到完全执行仍在很多国家遇到障碍，应该优先重视有效执行包括《消除一切形式种族歧视国际公约》在内的现有文书。

11. 埃及指出，考虑到有新的趋势和表现形式正在对世界上很多国家产生威胁，打击种族主义、种族歧视、仇外心理和相关的不容忍现象需要采取一种综合办法，其中包括采取关键的补充措施。它指出，针对仇外心理的表现形式，需要采取保护措施，并着重强调了种族、宗教和文化偏见的存在。各国应抓住机会，打击种族主义、种族歧视、仇外心理和相关的不容忍现象，包括通过因特网。新的专题应在委员会本届会议期间进行讨论。

12. 挪威强调了勇敢面对极端主义的重要性。它指出，种族主义、种族歧视、仇外心理和相关的不容忍现象可轻易导致仇恨和暴力，在最坏的情况下，可导致

全面冲突、危害人类罪、种族灭绝罪和恐怖袭击。它回顾了 2011 年 7 月 22 日在挪威发生的恐怖袭击，有几十人在这次袭击中遇难。挪威的多元文化社会与更大程度的民主、开放和包容产生反应。它着重强调需要采取有效措施，打击仇恨言论和仇恨犯罪，并且对它们进行调查和处罚。挪威相信不需要新的标准，它指出必须加强执行《消除一切形式种族歧视国际公约》及其他相关文书。挪威愿意进一步讨论消除种族歧视委员会内部的新程序是否能够加强其作为一个监督机构的效力问题，并且指出，各种解决方案均应该基于事实且能够被所有缔约方接受。

13. 墨西哥代表阿根廷、巴西、智利、日本、瑞士和乌拉圭发言，它对闭会期间与区域和政治协调员之间的磋商被推迟举行表示遗憾。它欢迎专家伙伴以及预期有关仇外心理、国家机制以及与《消除一切形式种族歧视国际公约》有关的程序性缺陷专题的讨论，但它指出，工作方案包括议程项目 8 之下委员会尚未达成一致的话题。墨西哥指出，《公约》和《德班宣言和行动纲领》是打击种族主义、种族歧视、仇外心理和相关的不容忍现象的主要和最全面的文书，它们致力于以最有效的方式执行这些文书。

14. 巴基斯坦代表伊斯兰合作组织发言，它指出，因为种族主义、种族歧视、仇外心理和相关的不容忍现象有了新的趋势和表现形式，所以需要补充标准。它表示支持将项目 8 “关于相关全球和区域事态发展的最新情况”列入议程，并且指出了其与委员会工作的相关性。

15. 委内瑞拉玻利瓦尔共和国重申需要制定包括仇外心理的定义在内的补充标准。它还着重强调了需要加强打击煽动种族、族裔、国家和宗教仇恨行为。

16. 主席兼报告员澄清，区域协调员的四次会议已在第四和第五届会议之间的闭会期间举行。他指出，在 2013 年 6 月初，各区域协调员应邀推荐专家参加会议并就本届会议工作方案的专题提出建议；不过，并没有收到他们的答复。

### 三. 有关根据人权理事会第 21/30 号决议第 4 段所开展的问卷调查的讨论

17. 在 2013 年 7 月 22 日第 2 次会议上，主席兼报告员介绍了根据人权理事会第 21/30 号决议第 4 段所开展的问卷调查。在他关于问卷的开场白中，主席兼报告员指出，人权理事会已在其第二十一届会议通过的题为“拟定《消除一切形式种族歧视国际公约》的补充标准”的决议中请人权高专办散发一份问卷，以收集关于特设委员会第四届会议期间所讨论并在其报告中阐述的三个专题(仇外心理、国家机制以及与《消除一切形式种族歧视国际公约》有关的程序性缺陷)的信息，包括与特设委员会的任务授权一致的法律和司法框架以及各种实践、实质性和程序性措施以及各种可能的建议。在这方面，通过 2012 年 12 月 3 日的普通照会向会员国提出了 9 个问题，邀请所有常驻日内瓦和联合国代表团提供其答复意见。人权高专办共收到 30 份问卷答复。这些问卷答复不具代表性，而且从某

种程度上讲，像是在描述各种逸闻趣事。他邀请各代表团进行补充发言，详细说明其最初针对问卷提交的材料。

18. 他指出，收到的所有答复均将宪法和国内立法概述为解决种族主义、种族歧视、仇外心理和相关的不容忍现象的手段。在大多数答复中，均指出宪法和国内立法规定法律面前人人平等和(或)对防止因若干列举的原因和(或)在若干部门发生歧视的法律保护问题做出了规定。另外，种族歧视及其他形式的歧视还直接被这些法律框架禁止，此种歧视的一些要素往往被刑法定为刑事犯罪。关于批准区域和国际法律文书问题，特别是提及《消除一切形式种族歧视国际公约》，大多数答复均突出其重视在国家层面解决种族主义、种族歧视、仇外心理和相关的不容忍现象。有趣的是，只有几份答复指出现有法律框架也涉及与国内仇外心理有关的问题。问卷还邀请回答者注明可能提出的与仇外心理、国家机制和程序性缺陷有关的一切建议或补充说明或信息。在收到的答复中，对这个一般性问题的答复最少。为此，主席请所有会员国对问卷答复的摘要进行审议，以期执行人权理事会第 3/103 号决定概述的特设委员会任务授权，人权理事会在该决定中指出，委员会应该优先且必须以一项公约或《公约》附加议定书的形式制定补充标准。

19. 主席兼报告员还谈到需要优先以一项公约或《公约》附加议定书的形式制定补充标准的重要性问题。主席兼报告员提出了几个问题和议题，并请会员国予以考虑：(a) 在宪法或立法是否足以从宪法保护(法律上)向实际保护和援助受害者迈进方面，宪法的作用和影响；(b) 关于各国采取积极措施和平行权利行动的信息；(c) 关于应对仇外心理问题的国家经验，包括各国境内有关这一现象的详细情况，以便比较和对比各种经验—仇外心理与种族歧视和其他类型歧视之间的区别/不同，以及关于它是否属于安全问题，以及仇恨犯罪与仇外心理及其他犯罪之间是否有分别。他还请会员国就其如何收集数据提供资料，包括关于：分类数据；国家机制—受害者援助问题，特别是在涉及仇外心理时；以及程序性缺陷，关于消除种族歧视委员会是否有效或这些问题是否因太新而尚不需要委员会考虑。主席兼报告员还请会员国提供关于各项建议执行情况的信息，并询问列入《消除一切形式种族歧视国际公约》的保留意见是否已经在事实上成为其执行的障碍。

20. 让欧洲联盟感到失望的是，一些国家在答复问卷方面表现出不太感兴趣，问卷的答复数量仍然很少，而且有些区域在答复中所占的比例不足。谈到《公约》的重要性，它重申，尚未批准或加入该公约的国家应该批准或加入。它坚称，充分执行现有标准和程序极其重要，并且注意到只有一个答复者表示应该制定补充标准。它坚持其一贯立场，即充分执行现有标准至关重要。

21. 它报告称，欧洲联盟内部的数据收集工作正在取得进展，另外，尽管官方数据已经公布，但在对欧洲联盟境内种族主义犯罪发生率进行完全量化或比较长期以来的趋势方面仍然存在困难，这是因为各成员国的数据收集机制缺乏系统性。它报告称，其基本权利机构定期发布关于种族主义问题的新文件，并着重强

调了近期的一些出版物：《打击体育运动中的种族主义和歧视——有前景的做法、倡议和活动指南》(2013 年 5 月)；《获得卫生保健服务方面的不平等和多重歧视以及卫生保健服务的质量》(2013 年 3 月)；以及一份关于《欧盟境内以仇恨和偏见为动机的犯罪》的概要(2013 年 3 月)。关于国家机制，尚无法全面了解全球在这一议题上的情况，这是因为在 30 份问卷答复中有 12 份来自欧洲国家。它请求提供更多资料，以便各区域交流最佳做法和吸取灵感。它表示，摘要在某些地方过于绝对，可能是因为所收到的答复数量受限的缘故，它还补充说，在审议问卷各项专题的建议时应该考虑到这一点。

22. 巴基斯坦报告说，它已经针对问卷提交了一份书面答复。它指出，在打击种族歧视、仇外心理和相关的不容忍现象方面，巴基斯坦政府正在采取各种政治策略和预防性措施。它还指出，其《宪法》规定了种族歧视的刑事责任，并且解释称，宪法条款与消除种族歧视委员会的意见一致。

23. 美利坚合众国指出，本国《宪法》和法律禁止以仇外心理为动机的歧视，且国内法律和国际法已对此做出了充分规定。它强调，就履行打击歧视的义务而言，现有国际法文书的执行非常重要，并且补充说，需要采取实际行动，继续打击种族主义和歧视。

24. 主席兼报告员指出，虽然一些管辖区域对法律面前的平等做出了规定，但这些机制可能存在某些不足，例如，在通过机制寻求和获得救济的途径方面。各国的情况各不相同。他还指出，必须考虑到国家人权机构的作用，因为它们提供了另一种表达不满的机制。他指出，汇聚区域和国家专业知识和最佳实践以及研究现有机制的优缺点会有好处。主席兼报告员指出，虽然有些会员国能够通过现有措施处理种族主义、种族歧视、仇外心理和相关的不容忍现象，但其他会员国已经指出，仇外心理是一种尤其需要特殊机制予以解决的恶性现象。因此，必须对仇外心理做出定义，并且查明其背后的动机，包括态度、行为和后果。

25. 墨西哥注意到问卷的一般性质，它提议向会员国提出具体的问题以及可能考虑的个案研究。

26. 主席兼报告员提议第 2 次会议进行简短休会，以便就问卷的专题问题与区域协调员举行会谈。在与协调员举行会谈之后，随后在当天下午再次举行简短会议，在此期间，主席兼报告员报告说，他已经决定结束第 2 次会议，第 3 次会议将于 7 月 23 日下午举行。他敦促各代表团就问卷提供补充资料和最新情况以及所收到答复的概要，他还指出，他届时将邀请各代表团就各专题以及本届会议的工作情况作一般性发言。

27. 特设委员会于次日下午举行了其第 3 次会议。巴基斯坦代表伊斯兰合作组织发言，它说，委员会应该以《德班宣言和行动纲领》的工作以及《德班审查会议的成果文件》为基础。虽然《消除一切形式种族歧视国际公约》第六条已经涉及到国家机制问题，但需要针对新的缺陷制定新的标准。伊斯兰合作组织坚信，只靠强化有关仇外心理的国家机制而不制定规范和标准无法取得进展，并建议采

取一种双轨的做法。它突出了在一些社会中出现的当代种族主义形式的新趋势和表现形式，并且对一些社会经济领域内出现的歧视穆斯林现象表示关切。它指出，仇恨伊斯兰事件数量的惊人增长是宗教仇恨和不容忍现象的表现，是实现合作与和平共处文化的一种障碍。此种事件反映了需要通过制定规范和加强打击种族歧视和仇外心理表现形式的国家机制的方式弥补存在的立法空白。

28. 墨西哥赞成巴基斯坦代表伊斯兰合作组织所作的发言以及加蓬代表非洲集团所作的发言，并对以令人震惊的暴力和令人费解且不可接受的有罪不罚现象为特点的、针对不同种族、宗教和文化群体的仇外心理和不容忍现象的增加表示关切，特别是在当前经济和金融危机的背景之下。在这方面，委员会的工作主要是满足制定补充标准的需要，以期弥补在打击包括种族和宗教仇恨在内所有形式的当代种族主义的立法方面存在的空白。墨西哥强调必须重视一种以受害者为本的概念，包括强调由于种族歧视行为增加而产生的威胁，而这些行为继续在全球范围内侵害个人权利。移民、难民、寻求庇护者和非法移民等少数群体受这种现象的影响最为严重。因此，有必要开始制定补充标准，以期保护受害者的权利，它还补充说，必须展示出应对各种形式和表现形式的种族主义、种族歧视、仇外心理和相关的不容忍现象的政治意愿，以确保对受害者给予必要的赔偿和补偿。

29. 埃塞俄比亚建议，可将补充问题转发会员国，以便它们能够思考是否需要将对仇外心理进行定义，并思考在国家、区域和国际各级采取的措施。它还将使包括埃塞俄比亚在内未提交问卷答复的会员国能够在下届会议之前提交答复。它补充说，《公约》中没有瑕疵，但在执行方面存在问题；尽管仍然需要补充标准来应对各种表现形式的仇外心理。与会者一致认为，仇外心理的表现形式不同于种族歧视，因为前者涉及更大的敌意。在处理仇外心理的定义时必须谨慎，因为它可能过于宽泛，也有可能过于狭隘。

30. 加蓬代表非洲集团指出，是否需要制定补充标准根本不值得质疑，因为《德班宣言和行动纲领》第 199 段和《德班审查会议的成果文件》以及很多决议等共识文件已经授权制定补充标准。人们普遍认为，在文书方面存在需要填补的空白。在仇外心理的概念方面尤其如此，包括其表现形式和各种形式，应该予以定义。非洲集团认为，《消除一切形式种族歧视国际公约》的第一条未对仇外心理作出准确的定义，因此，制定补充标准以应对新的种族主义表现形式势在必行。

31. 斯里兰卡指出，世界上有很多地方都出现了新的种族主义及相关不容忍现象的趋势，它对就这些问题展开讨论表示欢迎。《德班宣言和行动纲领》和《公约》成为可以采取行动以打击种族主义、种族歧视、仇外心理和相关的不容忍现象的依据和指导原则。作为一个刚刚摆脱 30 年长期冲突且正在经历和解进程的国家，斯里兰卡敏锐地意识到寻求推进分裂议程以及煽动仇恨和不容忍的极端分子和恐怖集团可能操控种族主义的方式。该代表指出，国家人权机制和机构需要促进人权，同时要考虑到其各自国情的特殊性。斯里兰卡正在执行其国内和解进



程的各项建议，以便在冲突后背景下推动族群之间的容忍和团结，包括通过语言、体育运动、青年参与和文化表达。

32. 南非赞成加蓬代表非洲集团所作的发言，并且重申，正如人权理事会第 6/21 号决议所载，委员会的任务是应该优先且必须以一项公约或《公约》附加议定书的形式制定补充标准，并且提供旨在打击包括煽动种族和宗教仇恨在内一切形式当代种族主义的规范性标准。该代表回顾，《德班宣言和行动纲领》第 199 段查明确实存在空白，且当前摆在委员会面前的任务是填补这些空白。目前正在进行的关于是否存在空白的讨论是没有必要的。特设委员会已在其第二届会议期间就受害者要求增加保护、救济以及消除种族主义行为实施者有罪不罚现象的领域达成一致。它提醒委员会注意种族主义苦难受害者的困境，并呼吁建设性参与制定旨在打击包括煽动种族和宗教仇恨在内一切形式当代种族主义的规范性标准的进程。关于问卷，南非已经明确表明其坚信《公约》需要补充标准来应对当代表现形式的种族歧视，即仇外心理、仇恨伊斯兰、反犹太主义、通过网络空间宣传种族主义和仇外行为(网络犯罪)、种族定性和煽动种族、族裔和宗教不容忍行为。

33. 美国表示，虽然它认为该领域不需要额外的实质性国际法文书，但它认为委员会的任务包括推动涉及核心关切领域但不会产生不必要且令人混淆的新国际法文书的倡议，例如共识行动计划。虽然它不质疑按计划讨论美洲国家组织(美洲组织)近期的两项公约(《美洲反对种族主义、种族歧视和相关形式不容忍现象公约》；和《美洲反对一切形式歧视和不容忍现象的公约》)的相关性，但它已经在美洲组织内部一再表达其观点，即在这些专题上不需要额外的文书。特设委员会的工作不应扩大到执行人权理事会第 16/18 号决议及其后续决议的《伊斯坦布尔进程》或《拉巴特行动计划》等现有进程所涵盖的领域。委员会不是执行或重新解释那些正在通过其自身进程加以解决的实质性问题的地点。不过，委员会可以承认它们，且作为如何通过促进执行现有义务和承诺的共识行动计划重点关注实践结果的示范，突出在两个进程中取得进展是最好的解决办法。它表示，在种族歧视和不容忍现象方面取得类似成就的可能性是有的，美国可以支持讨论这些进程，但条件是将其作为可以帮助指导委员会未来计划的例证对其展开讨论。美国强烈反对并且拒绝任何企图让委员会直接参与其他进程，或请求委员会评估或认可在那些其他论坛中所做的实质性工作的行为。

34. 委内瑞拉玻利瓦尔共和国表示，它已在 2011 年执行反种族歧视法律，该法律建立了将一切表现形式的种族歧视视为一种犯罪予以预防、应对和惩治的机制。其中将仇外心理定义为对外国或不同族裔群体的拒绝、仇恨或敌意。它还报告了为有效执行《公约》和《德班宣言和行动纲领》各项条款而建立国家反种族歧视机构的情况。它认为《公约》和《德班宣言和行动纲领》是消除一切表现形式种族歧视斗争中的基本支柱。不过，在最近几年里，世界各地已经出现了新的表现形式的种族主义和不容忍现象，特别是包括使用因特网及其他电子媒体煽动种族、国家或宗教仇恨的种族主义和不容忍现象。

35. 塞内加尔表示，它对一些会员国继续不愿意制定补充标准感到吃惊。世界各地已经出现阴险且具有挑衅性表现形式的种族主义，并且《消除一切形式种族歧视国际公约》存在一些局限，特别是这类事件变得更加频繁。因为《公约》等现有国际规范存在空白，所以必须利用当代标准来应对这种种族主义。问卷已经收集到一些可以有助于定义这些标准内容的信息，且塞内加尔支持加蓬代表非洲集团和巴基斯坦代表伊斯兰合作组织就此所作的发言。

36. 在第4次会议上，来自巴西的民间社会活动家和记者 Daniela Gomes 就拉丁美洲区域种族歧视和仇外心理问题进行了情况介绍。她突出了种族主义、种族歧视、仇外心理和相关的不容忍现象受害者的观点。由于本报告存在字数限制，她所作情况介绍及其随后讨论的概要载于本报告附件一中。在她作完情况介绍之后，主席兼报告员重申问卷的答复率很低，只能让人对情况了解个大概。他要求委员会考虑如何获得更多信息和答复。

#### 四. 有关“仇外心理”专题的讨论

37. 从7月24日至25日，特设委员会听取了几位专家就“仇外心理”专题所做的情况介绍。7月24日的第5次会议审议了与媒体有关的仇外心理问题。媒体多样性研究所所长 Milicia Pesic 作了题为“仇外心理和(种族)歧视：媒体的作用”的情况介绍。在这次会议上，身为媒体多样性研究所记者兼顾问的 Edmundo Bracho 作了题为“新闻媒体实践中的多样性和歧视：拉丁美洲的观点”的情况介绍。欧洲反种族主义足球联盟执行主任 Piara Powar 在特设委员会第7次会议上作了题为“体育运动中的种族主义”的情况介绍。

38. 在第7次会议的后半部分，主席兼报告员请与会者开始就仇外心理问题进行一般性讨论。

39. 日本代表阿根廷、巴西、智利、墨西哥、瑞士和乌拉圭发言，对各位专家就仇外心理相关问题提供的情况和发表的意见表示感谢，并且认可这是一个需要注意和采取行动的多层面世界性议题。主要国际人权文书中对仇外心理没有一般规范性的定义，“少数派”、“土著人民”和“种族主义”等其他用语也是这种情况。因此，首先应审查缺少这样的定义是否在事实上阻碍了国际人权机制充分应对与仇外心理有关的问题。日本还回顾了消除种族歧视委员会成员在前几届特设委员会中所做出的贡献。无法得出在国际一级有制定仇外心理领域补充标准的明确需要的结论。各国可以考虑将仇外心理概念纳入其国内立法，以打击其国内出现的暴力行为和歧视。日本重申了其在委员会第四届会议期间提出的建议，即消除种族歧视委员会发表一个可能的、旨在澄清如何将相关《公约》中条款适用于仇外心理相关问题以及在实践中如何处理这些问题并在以后的会议上向委员会汇报的正式意见。

40. 欧洲联盟概述了其打击仇外心理的政策，该政策是其打击不同形式和表现形式的种族主义和仇外心理一般政策的一部分，办法包括监督相关欧洲联盟法律

的执行情况、为利益攸关方活动提供资金支持以及通过与提高认识、数据收集以及交流经验和信息有关的各种活动。欧盟代表强调要在打击种族主义、种族歧视、仇外心理和相关的不容忍现象方面采取多边和多利益攸关方做法。该代表着重强调了其若干不同政策，包括《欧洲联盟基本权利宪章》第 21 条、2000 年 6 月 29 日的欧洲理事会第 2000/43/EC 号指令、2000 年 11 月 27 日第 2000/78/EC 号指令以及欧洲理事会第 2008/913/JHA 号框架决定。该代表补充说，不存在明确的仇外心理定义；可以通过其他歧视理由以及联系种族主义和种族歧视来理解这一定义。欧盟代表重申，正如消除种族主义委员会近期提出的一些建议和意见所证明的，《消除一切形式种族歧视国际公约》中提到的理由已经涵盖仇外心理。欧洲联盟认为特设委员会审议“仇外心理”的法律定义没有增值价值。

41. 捷克共和国表示，充分利用《公约》之下的现有程序足以成功打击种族主义、种族歧视、仇外心理和相关的不容忍现象。捷克共和国政府已经宣布打击右翼极端主义及相关暴力为其优先事项之一。措施包括努力镇压那些传播针对少数民族仇恨的新纳粹激进分子和政治领导人，还包括对安全部队开展教育、预防因特网上极端主义或在受社会排斥的邻里街区命令强制执行等预防性工具。

42. 美国表示，美国政府认为不需要制定新的条约，也不需要修改旧条约，建议执行现有条约就行了。关于制定新的定义以替代或补充《消除一切形式种族歧视国际公约》中所载定义的提议，美国指出，这么做不仅没有必要，而且也是危险的，因为《公约》中的现有定义禁止仇外暴力和歧视。美国同意，教育是打击种族主义和仇外心理的工具中至关重要的工具之一；不过，它不同意有关制定教育的新条约语言的提议，因为《公约》第 7 条已经对教育方面的义务做出了规定。它还坚决不同意有关加强媒体监管的若干提议。美国将捍卫其赞成保护言论自由的一贯立场，并且反对一切旨在使政府控制思想传播或向媒体施压以限制甚至是可恶的思想传播的措施。压制思想往往被用于打压少数民族和政治对手。

43. 摩洛哥表示，它对没有仇外心理的定义表示遗憾，并表示必须找到填补这种空白的方式和途径，因为打击种族主义是国际社会的一个优先事项。《德班宣言和行动纲领》获得通过已经有 12 年了，现实是种族主义、种族歧视、仇外心理和相关的不容忍现象仍在继续，而且出现了现有规范和标准无法适用的新形式。摩洛哥对仇外心理正在渗入政治话语表示关切，包括在选举和体育运动以及在媒体和因特网上。这突出了制定补充标准的重要性。

44. 委内瑞拉玻利瓦尔共和国表示，有些形式的种族歧视未在任何国际人权文书中进行定义，而这些情况却每天都在发生，仇外心理就是一个例子。同样，它支持有关对“仇外心理”用语进行定义的想法，而且这么做会对发展和有效执行特设委员会的任务授权起到支持作用，并且有助于其致力于消除种族主义、种族歧视、仇外心理和相关的不容忍现象的斗争，特别是那些煽动种族、国家、族裔和宗教仇恨的行为。

45. 南非表示，从讨论情况来看，显然尚未就仇外心理问题达成明确的谅解，因为从法律角度来讲，为了透明和保持一致性，定义至关重要。从受害者角度来

讲，制定定义也是有好处的，南非对在此方面没有取得进展表示关切。极为重要的是就《德班宣言和行动纲领》第 199 段所提各种问题举行讨论，以便委员会能够履行其任务授权。

## 五. 有关“建立、指定或维持有能力防备和防止一切形式和表现的种族主义、种族歧视、仇外心理和相关不容忍现象的国家机制”专题的讨论

46. 在 7 月 26 日其第 8 次会议期间，法国人权问题全国咨询委员会秘书长 Michel Forst 和乌克兰议会人权专员 Valeriya Lutkovska 就其各自的国家机制作了情况介绍。在 7 月 29 日第 9 次会议上，欧洲联盟基本权利机构方案主管 Eva Sobotka 作为题为“欧洲联盟境内关于种族主义、种族歧视、罗姆人以及以种族主义、仇外心理和相关的不容忍现象为动机的犯罪发展情况和趋势”的情况介绍。

47. 在第 9 次会议的后半部分，主席兼报告员请与会者开始就工作方案项目 6 之下的国家机制问题进行一般性讨论。

48. 墨西哥通知与会者，其《宪法》第一条已在 2001 年进行了修订，以便禁止一切类型的歧视行为。这一重要变化为 2003 年通过关于预防和消除歧视的联邦法律提供了便利，并且成立了预防歧视全国委员会。2012 年 4 月，对《联邦刑法》进行了修订，包括一个题为“歧视”的章节，而预防歧视全国委员会在 2010 年开展一次关于歧视问题的全国调查。2012 年，组织了一次关于非洲裔人的全国论坛。

49. 立陶宛代表欧洲联盟发言，它指出，建立国家机制对于促进平等和打击种族主义、种族歧视、仇外心理和相关的不容忍现象极为重要。有必要进一步探索国家机制在加强执行现有国际标准方面的潜力，从而确保其有效性。问卷答复没有反映全球的全面情况，因为在 30 份问卷答复中有 12 份来自欧洲国家。希望其他区域能够提供更多信息，以便各区域交流最佳实践和吸取灵感。可授权特设委员会负责起草一套既涵盖标准又涵盖此种国家机制将要发挥的职能的准则。该提案的优点在于它既面向受害者，又注重行动，而且与消除种族歧视委员会在其提交有效落实德班宣言和行动纲领政府间工作组的报告(A/HRC/4/WG.3/7)中所提出建议保持一致。

50. 捷克共和国表示，已经制定了打击国内极端主义的战略，并且每年都进行修订。政府还一直在开展一项反对种族歧视的运动。关于预防种族主义的方法，它突出了教育和提高认识的作用。

51. 摩洛哥指出，它已经采取了打击种族歧视的具体措施，包括批准各种国际文书，排在最前面的就是《消除一切形式种族歧视国际公约》。《宪法》第六条规定法律面前人人平等和公民权利平等。根据《摩洛哥刑法》，歧视是一种犯

罪，可以判处监禁和罚金，而且也被《劳动法》所禁止。《新闻法》对煽动种族歧视行为的处罚做出了规定。

52. 美国表示，国家机制是一个非常实际且非常有用的重要专题，对各国实践进行比较是值得的。

53. 西班牙指出必须全面执行现有文书。不幸的是，西班牙未提供问卷答复。2013 年，西班牙成立了一个负责促进没有种族或族裔歧视的人人待遇平等委员会。2010 年，该委员会建立了一个非政府组织网络，以加强对全国的受害者的支助，其中包括提高认识、心理支持和法律援助。该网络减轻了受害者对于走进警察局的恐惧。它对缺少其他区域状况的信息表示遗憾，并指出分享实践可以起到充实讨论内容的作用。

54. 委内瑞拉玻利瓦尔共和国指出，国际文书以及德班相关文件在执行方面不成功。该国已经成立一个负责消除公共领域内歧视现象的研究所，并且在国内各地举办讲习班以提高对这一问题的认识。它着重强调了监察员的工作，声称这项工作被排在最前面，并且强调了对歧视案件进行调查以及向受害者提供援助的重要性。分享与国家人权机构有关的经验可能有助于制定补充标准，以便执行委员会的任务授权。

55. 非洲联盟指出，还有一些形式比较恶劣的法西斯犯罪没有被考虑到。它对委员会的工作表示支持。

## 六. 有关“与《消除一切形式种族歧视国际公约》有关的程序性缺陷”专题的讨论

56. 在 7 月 29 日第 10 次会议上，身为消除种族歧视委员会成员的 Fatimata-Binta Dah 介绍了委员会的最新活动情况，包括在 2012 年 8 月举行关于仇恨言论的讨论。她提到，委员会已经查明，很多实践如果被编纂到《消除一切形式种族歧视国际公约》的一项任择议定书当中，将会改进委员会的现有程序。该结论是基于对其 40 年运作进行的分析以及缔约国对《公约》的执行情况。虽然委员会能够适应和创新，包括通过其一般性建议、紧急行动以及预警/提前行动程序，但如果采用额外的监督程序将会对委员会更加有利。委员会尤其查明，在对国家访问进行评估方面存在可供残疾人权利委员会利用的能力差距，在各种条约机构及其强化进程采取统一办法方面可能也存在这种情况。

57. 她指出，在 2012 年 8 月举行的委员会讨论侧重于种族主义仇恨言论的概念及其演变以及政治领域中和包括因特网在内媒体上的仇恨言论。委员会希望定义并概述一种仇恨言论的概念，然后从解释方面对《公约》的能力进行评估。这次专题讨论形成了全体一致的观点，即国际法中没有关于仇恨言论的定义且该概念一直在发展和演变，其强度各不相同。虽然委员会定期要求各国通过立法以便将煽动种族、族裔、国家和宗教仇恨行为定为刑事犯罪，但一些国家显然也对作为

《公约》基础的《公约》第四条表达了若干保留意见，应对仇恨言论与维护言论自由之间的冲突仍然是面临的挑战。她概述了作为支持委员会工作的一项辅助措施思考补充标准的重要性。

58. 考虑到煽动仇恨言论与种族灭绝罪存在关系，加纳问委员会询问是否注意到目前正在进行的关于保护责任的讨论。欧洲联盟询问到有效执行《公约》之下现有程序的主要障碍以及改进对各种程序利用的具体方式，包括结论性意见。它还询问引进新的程序是否有可能导致与人权理事会和人权高专办的活动产生重叠的风险。它介绍了关于欧洲联盟境内通过刑事法律打击仇恨言论的信息，并且指出，缺少关于仇恨言论的国际法律定义未妨碍对其采取行动。

59. 巴基斯坦代表伊斯兰合作组织询问仇恨言论与言论自由之间是否有可以确定的界限。巴西代表阿根廷、智利、日本、墨西哥、瑞士和乌拉圭介绍了其观点，即打击种族主义、种族歧视、仇外心理和相关的不容忍现象的主要办法是最大限度利用现有国际文书和加强其在国家层面的执行情况。Dah 女士回顾《公约》在评价和后续行动程序等领域存在程序性缺陷。通过解决这些缺陷问题，改进《公约》的执行和监督将是可能的。它还将对仇外心理和国家机制等特设委员会已经讨论过的其他专题产生积极影响。关于《公约》中的程序性缺陷专题，应在特设委员会以后的会议上进一步讨论，以便就如何更好和具体地解决可能存在的缺陷问题交换看法。

60. Dah 女士指出，消除种族歧视委员会讨论了保护责任问题，并且支持秘书长在发起有关这一问题的倡议时所持立场。她指出，为了强化对种族灭绝罪行的分析以及加强防止灭绝种族罪行特别顾问与委员会之间已经建立起来的快速联系，委员会已经通过 15 项指标，还通过另外 4 个要素。她还回答了委员会已有可用机制的数量，但她指出，委员会无法展开国家访问是一个障碍。关于界限问题，她回答说，整个国际社会已经认识到在行使权利方面有限制，而且有些国家已经制定了界限，委员会在对待仇恨言论问题时态度谨慎。她还解释说，《公约》第四条将仇恨言论定为刑事犯罪，委员会正在采取一切必要措施来应对仇恨言论问题。委员会处理了在第十四条之下涉及到仇外心理有关的问题，但新的程序将有助于调查和采取后续行动。

61. 针对瑞士提出的关于委员会与特别程序任务负责人之间合作水平的后续行动问题，她回答说，在与种族主义、种族歧视、仇外心理和相关的不容忍现象有关的各种问题上，委员会与相关任务负责人进行密切合作。

62. 厄瓜多尔请求作一般性发言并介绍该国的最佳实践。它报告说，该国已经出版一部由案例研究和预防性课程组成的最佳实践简编，以供公职人员和军人使用。厄瓜多尔《宪法》禁止种族仇恨，管辖公职人员行为的法律中也有涉及种族歧视问题的其他条款。

## 七. 关于相关全球和区域事态发展的最新情况

63. 在 7 月 30 日第 11 次会议上，美洲组织准备具有法律约束力的美洲反对种族主义和种族歧视文书和反对一切形式歧视和不容忍现象文书草案工作组主席 Joy-Dee Davis Lake 就近期通过的《美洲反对种族主义、种族歧视和相关形式的不容忍现象公约》及《美洲反对一切形式歧视和不容忍现象公约》作了情况介绍。人权高专办人权条约司司长 Ibrahim Salama 也在第 11 次会议期间作了情况介绍，介绍了有关煽动种族、族裔、国家和宗教仇恨的系列专家会议以及关于禁止宣传构成煽动歧视、敌意或暴力的国家、种族或宗教仇恨的《拉巴特行动计划》的概况。

64. 由于本报告存在数字限制，故这两个情况介绍以及随后与与会者进行的相关讨论的情况摘要载于本报告附件一。

65. 在就这些情况介绍交流看法之后，主席兼报告员请各代表团作一般性发言。巴基斯坦代表伊斯兰合作组织指出了该项目在工作方案中的重要性以及该项目与特设委员会工作的相关性。伊斯兰合作组织对基于宗教或信仰的不容忍、负面陈规定型观念、污名化、歧视和暴力事件增加表示关切。形成团结、容忍和多元文化需要会员国针对由宗教诽谤和负面陈规定型观念以及煽动宗教仇恨导致的仇恨犯罪、仇恨言论、歧视、威胁和强迫行为采取充分的保护措施。他指出，人权理事会第 16/18 号决议的通过是一个重要步骤，因为该决议包括一系列应由所有会员国采取的实用措施。作为伊斯兰合作组织在 2013 年 6 月在日内瓦举行的另一活动的一部分，它还突出强调了《伊斯坦布尔进程》的重要性。伊斯兰合作组织认为《拉巴特行动计划》是一项有益的贡献。

66. 印度尼西亚指出，在当今时代，信息可能迅速传播，局势可以很容易变成敌对状态。它指出了公共认识和教育的重要性，并且指出需要应对当代形式的种族主义。限制措施应该符合《公民权利和政治权利国际公约》有关条款的规定。学习《拉巴特行动计划》和《伊斯坦布尔进程》以及美洲组织的两项新的公约等其他经验和进程是有益的。它强调需要达成共识并找到共同谅解。

67. 欧洲联盟重申了其对工作方案项目 8 的立场。关于《拉巴特行动计划》和《伊斯坦布尔进程》的实质性讨论不是特设委员会工作的一部分，不应该由委员会考虑。在这两个进程中，一个是涉及打击种族主义问题，另一个是打击宗教不容忍行为，将其混在一起可能会削弱它们的效力；有鉴于此，它们应该仍然保持各自独立，并在其各自领域内加强打击不容忍现象。

## 八. 关于新专题或额外专题的讨论

68. 在 7 月 30 日其第 12 次会议上，主席兼报告员要求各代表团考虑如何推进关于问卷和所收到答复摘要的专题。他重申答复率低且收到的答复中地域分布不均，并且提出了再次发送问卷的建议，同时指出这可能不会实质性地引出更多信

息。他还要求区域协调员回顾其在请求将问卷作为第四届会议成果时的目标。经过初步讨论后，他将这一问题推迟到本届会议的最后一次会议决定，可能出现的情况是在本届会议报告的结论和建议中可能载有一项解决方案。

69. 委员会还在其第 12 次会议上审议了其第三届会议报告(A/HRC/18/36)所载或根据人权理事会第 21/30 号决议第 6 段在闭会期间提出的新专题或额外专题，在该决议中，人权理事会建议委员会在其第五届会议上讨论其第三届会议报告所载新专题或在闭会期间提出的额外专题。

70. 注意到在闭会期间且迄今为止没有收到关于专题的建议，主席兼报告员向与会者印发了第四届会议报告所载七个专题的清单。该专题清单的内容如下：

“仇外心理”；“宣传和煽动种族、族裔、国家和宗教仇恨”；“通过信息和通信技术实施的种族和仇外心理行为”；“种族、族裔和宗教定性”；“建立、指定或维持有能力防备和防止一切形式和表现的种族主义、种族歧视、仇外心理和相关不容忍现象的国家机制”；“种族主义和运动”；以及“与《消除一切形式种族歧视国际公约》有关的程序性缺陷”。

71. 注意到一项共识，主席兼报告员建议且一致同意将在第六届会议上继续审议三个专题，即“仇外心理”；“建立、指定或维持有能力防备和防止一切形式和表现的种族主义、种族歧视、仇外心理和相关不容忍现象的国家机制”和“与《消除一切形式种族歧视国际公约》有关的程序性缺陷”。主席兼报告员随后请各代表团发表意见，一些代表团提出了若干不同的建议。

72. 巴基斯坦代表伊斯兰合作组织提出了关于宣传和煽动种族、族裔、国家和宗教仇恨专题的建议。瑞士代表阿根廷、巴西、智利、日本、墨西哥和乌拉圭提出了关于人权教育专题以及关于包括平等权利或积极措施在内特殊措施专题的建议以供下一届会议讨论。欧洲联盟欢迎讨论新专题，并指出应在这些专题上采取全球统一办法且应以协商一致的方式达成协议。它指出，委员会不应该因为需要讨论的专题太多而超负荷，并且建议了两个与以下方面相关的专题：预防和提高认识以及关于执行现有规范和标准。南非建议关于仇外心理和关于国家机制的两个专题需要进一步讨论，并且指出非洲集团支持审议有关宣传和煽动种族、族裔、国家和宗教仇恨以及关于人权教育的专题。乌拉圭支持瑞士代表阿根廷、巴西、智利、日本、墨西哥和乌拉圭提出的建议，并且建议了关于多种形式歧视的专题。委内瑞拉玻利瓦尔共和国和古巴支持审议关于宣传和煽动种族、族裔、国家和宗教仇恨以及关于人权教育的专题。巴西支持所建议的关于人权教育、特殊措施(包括平等权利或积极措施)以及多种歧视的专题。美国表达了对人权教育专题的支持，并且建议了关于基于性取向的歧视的专题。

73. 在 7 月 31 日第 13 次会议上，经各代表团进一步磋商和讨论，以下 5 个专题被商定为第六届会议讨论的专题：“仇外心理”；“建立、指定或维持有能力防备和防止一切形式和表现的种族主义、种族歧视、仇外心理和相关不容忍现象的国家机制”；“与《消除一切形式种族歧视国际公约》有关的程序性缺陷”；“包括平等权利或积极措施、战略或行动在内预防、打击和消除一切形式表现形



式的种族主义、种族歧视、仇外心理和相关的不容忍现象的特殊措施”；以及“预防和提高认识，包括通过人权教育和培训，打击种族主义、种族歧视、仇外心理和相关的不容忍现象”。

74. 美国提出了关于特设委员会第六届会议持续时间的疑问，它指出，为期两周的时间或许超过了委员会工作所需的时间。古巴指出，关于委员会届会时间长短的决定只能由人权理事会在其常会期间做出决定。一些代表团表示同意，但其他一些代表团说第六届会议确实需要 10 天的时间。主席兼报告员说，本阶段没有确定的答案，委员会可考虑为此在其报告结论和建议中提到这一问题。不过，他指出，最后决定将由人权理事会在 2014 年初人权理事会第二十五届会议审议委员会的第五届会议报告时做出。

## 九. 通过报告

75. 主席兼报告员于 8 月 2 日宣布第 14 次会议开始，并宣布会议报告草案已经散发给与会者。他请与会人员审议该草案，以期确保本届会议报告的准确性，且只对其进行一些事实或技术性修订。主席兼报告员指出，为了继续本届会议期间的讨论，将重新散发问卷，以便邀请对问卷给予补充答复以及尚未答复问卷的国家提供答复。因此，在未来对摘要进行更新之前，当前答复摘要将不作为正式文件予以公布。他解释说，作为这一进程的一部分且正如一些代表团所指出的，有些国家欢迎咨询和收到其各自国家人权机构提出的意见。主席兼报告员请与会人员作一般性发言。

76. 美国解释说，它的理解是，就其中建议的一个新专题而言，特殊措施是《消除一切形式种族歧视国际公约》第一条第 4 款和《德班审查会议的成果文件》第 113 段所述种类，目的是确保平等享有或行使人权。他对举办一届有价值且各方积极参与的会议表示赞赏。

77. 欧洲联盟分享了一些关于前进道路以及关于本届会议三个专题的一些想法。因为正在通过各种反歧视措施打击出于各个理由的仇外心理行为，欧洲联盟认为特设委员会试图给“仇外心理”赋予一个法律定义没有增值价值。关于国家机制，它指出，持续需要进一步发挥国家机制的潜力，以期改进现有国际标准的执行情况，从而确保其有效性。虽然关于消除种族歧视委员会活动的最新信息是有益的，但欧洲联盟强调，委员会能够在其现有程序内有效开展其工作，这就是为什么应该首先加强执行现有程序的原因。它支持重新散发问卷，并邀请各国答复或更新已经提供的信息，以便编写订正概要。它还支持关于让国家人权机构回答问卷的提议。它重申了其立场，即由特设委员会负责的“打击种族主义”与“打击宗教不容忍行为”是应在适当论坛予以处理的两个独立文件。它还认为，10 个工作日够用，且委员会应该要求人权理事会考虑相应调整工作日数量。它对已就两个新的共识专题达成一致感到欣慰，并补充说，它希望来自各区域的国

家能够介绍其在执行现有规范和标准方面的经验。它对主席兼报告员使会议保持建设性氛围并帮助委员会找到前进道路的共同点表示赞赏。

78. 瑞士代表阿根廷、巴西、智利、日本、墨西哥和乌拉圭感谢主席兼报告员给予本届会议以出色和公平的指导，并指出其对拟供第六届会议讨论的专题感到满意。它还欢迎未来在委员会内部就其届会的时长问题展开讨论，以便达成一致并向人权理事会提出一项共识建议。

79. 巴基斯坦代表伊斯兰合作组织转达其对主席兼报告员在前两周发挥领导作用的感谢。它重申了伊斯兰合作组织的立场，指出制定补充标准将会在应对此类事件过程中进一步加强国际监管框架，程序性缺陷问题应在未来审议期间继续讨论。伊斯兰合作组织相信，如果不制定规范，就无法在国家机制方面取得进展。正如在德班审查会议上所商定的，宗教不容忍是一种当代形式的种族主义，特设委员会应该继续讨论这一专题。伊斯兰合作组织的意图是，特设委员会第六届会议应讨论委员会第三届会议商定的“宣传和煽动种族、族裔、国家和宗教仇恨”专题。不过，为了维护协商一致，它已同意两个新专题。关于三个老专题，应该给予它们同样长的时间，因为它们有重大意义，应该给予同等关注。

80. 古巴感谢所有代表团作出的努力，并指出，起草补充标准正在变得越来越重要，委员会已经在本届会议和历届会议中确定了一些领域和缺陷。在很多国家，种族主义、种族歧视、仇外心理和相关的不容忍现象的表现形式有所增加。它援引近期有关种族定性和种族主义制度化的专题，不能忽视这种现象，而且仍然需要消除这些祸害，从而体现了特设委员会工作的重要性。它同意需要提高问卷的答复率，并且指出，连同即将在第六届会议上进行审议的五个专题，它本来还将欢迎讨论媒体的作用。关于本届会议的持续时间，它指出，讨论摆在委员会面前的重要问题需要有 10 天的时间。

81. 阿尔及利亚也作了一般性发言，它在发言中对巴基斯坦代表伊斯兰合作组织所作发言表示支持。它感谢主席兼报告员高效地指导委员会的工作，进一步提示了委员会工作的实质并推动各代表团建设性参与委员会的工作。让它感到高兴的是，已在第六届会议的新专题上出现共识，并且希望在今后的会议上继续这种势头。与特设委员会实质性工作的主要问题相比，委员会的届会持续时间问题就显得没有那么重要。

82. 南非重申，加蓬在本届会议开始时代表非洲集团进行了发言，并指出非洲集团的立场是特设委员会的任务授权是制定《消除一切形式种族歧视国际公约》的补充标准，以期解决《公约》中在当代表现形式的种族歧视方面存在的缺陷。它指出，非洲集团各代表团及其他代表团已在本届会议期间重申了这一点。非洲集团呼吁所有代表团在本届会议期间都能采取建设性态度，并对事实上已经采取这种态度的代表团表示衷心感谢，并希望在今后的届会中继续采取这种积极态度。非洲集团支持重新散发问卷，并且很高兴能够为了种族主义、种族歧视、仇外心理和相关的不容忍现象受害者的利益而一致同意讨论两个新专题。

83. 特设委员会第 14 次会议商定：

(a) 特设委员会第六届会议将讨论以下五个专题：

- “仇外心理”；“建立、指定或维持有能力防备和防止种族主义、种族歧视、仇外心理和相关的不容忍现象的国家机制”；“与《消除一切形式种族歧视国际公约》有关的程序性缺陷”；“包括平等权利或积极措施、战略或行动在内预防、打击和消除一切形式表现形式种族主义、种族歧视、仇外心理和相关的不容忍现象的特殊措施”；“预防和提高认识，包括通过人权教育和培训，打击种族主义、种族歧视、仇外心理和相关的不容忍现象”；

(b) 主席兼报告员将在闭会期间通过重新散发问卷的方式，寻求对现有问卷的补充答复。还将印发所收到答复的最新概要。

84. 在这次会议上，通过了第五届会议的报告以待进一步审议，达成的谅解是各国代表团将在 2013 年 8 月 21 日前以书面形式提交对其发言内容的技术性修正。主席兼报告员在宣布会议闭幕时指出将在闭会期间与区域协调员举行会议，他请所有与会人员考虑以上专题以及如何推进这些专题。他还感谢一些与会者在发言中向他表示感谢，并指出，本届会议期间所取得的进展是各代表团尊重、容忍以及在第五届会议期间辛苦工作的一种体现。

## 附件

*[English only]***Annex I****A. Summary of the expert presentations and initial discussions on the topics of “Xenophobia” and “Establishment, designation or maintaining of national mechanisms with competences to protect against and prevent all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance”**

1. At the 4th meeting on 24 July, Ms. Daniela Gomes, a civil society activist and journalist from Brazil, gave a presentation on racial discrimination and xenophobia in the region of Latin America. She highlighted unequal socio-economic situation, marginalization and disparities particularly affecting people of African descent and indigenous peoples in the region and that racism existed in all spheres of life. Ms. Gomes noted that it was usual for people to deny that racism and xenophobia existed in the region, while there were victims in each country. She noted that even sport could present a stage for xenophobic manifestations in Latin America. Ms. Gomes stated that xenophobia and racism had a tendency to intersect and that most of the victims are people of African descent and indigenous peoples who face racial discrimination and social exclusion.

2. She pointed out that following the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban in 2001, Governments of the region started creating national mechanisms to combat racial discrimination. She highlighted that laws could not be considered effective, if they are not implemented. Ms. Gomes emphasized that racial crimes should be processed as such, and not presented by state authorities and the judiciary as simple injuries which disregarded racist motivation as a factor. Ms. Gomes stated that laws against discrimination should be combined with public policies, which could assist the population in understanding the importance of equal rights. She highlighted the important role of public awareness-raising campaigns, including on positive measures and affirmative action programmes. She noted the responsibility of civil society in the region to actively participate and demand more from their governments and to learn to use strategically human rights mechanisms. Ms. Gomes also stated that it was important to ensure free legal aid and psychological support for victims. She stated that it was important that the police services receive training in order to abolish the practice of racial profiling.

3. Ms. Gomes noted the governments should increase awareness of the history of people of African descent and ensure that education officers monitor the implementation of laws regarding the African diaspora history and culture in the educational curriculum at schools. Media should also reflect diversity in a positive way and people of African descent and indigenous peoples should be represented in the media profession. She noted that many of the issues that she had raised and recommendations which she was making had previously been addressed and included in the UPR and CERD recommendations to countries in the region. She concluded that it was time for change and to ensure that people of African descent and indigenous peoples participated equally in the job market, education, media, law enforcement and all other domains.

4. The delegate of Brazil noted that historically Brazil had not acknowledged racism in the country, which was noticeable even in its former reports to the CERD Committee. The

World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance of 2001 was important for the country and civil society. The Government now recognized that structural discrimination exists, rooted in its slavery in the past and also linked to poverty and social exclusion. She added that most people of African descent suffer exclusion and the Government was working to address this through the adoption of laws and other public policies which were having a positive impact on people of African descent. The previous year, the Supreme Court ruled that affirmative action policies instituted by the Government are constitutional. These affirmative action policies have proven successful, however the Government has challenged to convince a sceptical public. She added that a Statute for Racial Equality had also been adopted in Brazil impacting several spheres including cultures, health, and education.

5. The Ambassador of Morocco expressed his support for the Chairperson-Rapporteur and expressed appreciation to Ms. Gomes for her presentation which provided a comprehensive snapshot of racism and xenophobia in the region of Latin America. He added that her presentation gave a broader perspective of xenophobia and racism in the world and pointed to the universality of these scourges that were not confined to a single country or region. He congratulated Brazil for the progress it was making and noted that there are other countries which deny the existence of these problems. He stated that if current laws had not remedied the situation, then it was only logical to consider new laws. He expressed disappointment at the disdain with which the Committee was treated adding that there was no hierarchy to rights and that any and all violations of human rights must be condemned. He emphasized that education and leadership were very important factors, which included a role for political, religious and academic leaders. He stated that discrimination based on religion of belief against followers of religions are amongst the worst forms of discrimination as they attack the core beliefs of people, which could lead to violence and terrorism. He noted that racism persisted as there were not strong laws to criminalize such behaviour and there was no clear definition of xenophobia. International human rights law had not been able to eradicate these problems; therefore further actions should be undertaken to combat racism and xenophobia. He stated that history would not judge kindly the Ad Hoc Committee if it was silent. Stating that the evolution of international human rights law does not end with the ICERD and Durban related documents, it was time for the Ad Hoc Committee to come together, take its responsibility and fully implement its mandate to elaborate complementary standards to the ICERD.

6. The delegate of Uruguay thanked Ms. Gomes for her presentation and reaffirmed that racism and xenophobia are indeed everywhere. He noted that in the Latin American region was still challenged by racism, often not acknowledging its existence. It was important to be self-critical and recognize that people face discrimination. He stated that Uruguay had only recently taken actions to recognize the existence of the phenomenon of racial discrimination in the country. He stated that about 10% of the population of Uruguay are people of African descent and they face social rather than structural discrimination. He highlighted a recent campaign about the positive attributes of immigration which was taking place in Uruguay. He queried how it was possible to distinguish xenophobia from racial discrimination.

7. Ms. Gomes emphasized that human rights instruments and mechanisms were important, as that without them the situation would be far worse. With regard to immigration, she noted that while new immigrants brought new issues to countries of the region, xenophobia clearly had a colour and that colour more than nationality was the factor. She reiterated the importance of raising the awareness of people about xenophobia, racial discrimination and history and culture of different communities and groups, especially since surveys in Brazil effectively showed that while there was racism, no one would admit to being a racist. She noted that affirmative action policies had always existed for others groups, such as farmers, however the reluctance seemed to have arisen with respect to affirmative action for people of African descent. While the Government was supportive of affirmative action programmes, much work remained to be carried out to

convince the public. She emphasized that improved purchasing power and decreased poverty did not eradicate racial discrimination and exclusion, as it was also a deep exclusion of people of African descent and indigenous peoples.

8. The delegate of the European Union shared recent developments with regard to assistance to victims in EU countries. She noted that in October 2012, Directive 2012/29 was adopted establishing minimum standards on the rights, support and protection of victims of crime, replacing Council Framework Decision 2001/220/JHA. It was a significant step forward in the level of protection of victims throughout the Union, in particular within the framework of criminal proceedings. The individual protection needs of victims are taken into account as well as the nature or circumstances of the crime. This Directive is part of a horizontal package of measures where any victim can rely on the same basic level of rights. Some of the elements in the Directive include access to support in accordance with victims' needs, special protection measures, assessment of vulnerability to secondary and repeat victimisation. It also takes into consideration the higher vulnerability of children. She noted that particular attention is to be paid to victims of hate crimes. Information about their case is to be provided to victims and privacy of victims and their family should be respected. The Directive contains more rights for victims, concrete steps that should take place and the deadline for its implementation is November 2015. She asked Ms. Gomes whether there is more room for the improved implementation of existing laws and policies.

9. The delegate of the Czech Republic highlighted the importance of implementation. She stated that if laws are not sufficient to eradicate racism, then more laws were unlikely to be the answer. She thanked Ms. Gomes for her presentation and expressed appreciation for the openness of the discussions during that meeting but regretted that while there was more information provided on some regions of the world, the Committee had not heard from other regions. She noted the need for greater geographic balance in the presentations and exchange of information during the sessions of the Ad Hoc Committee. Welcoming the concreteness of the presentation, she noted that challenges with respect to xenophobia and racial discrimination, i.e. on data collection and educational curriculum, coincide across regions.. She emphasized that the limited number of responses to the questionnaire did not reveal a universal interest in the subject matter and it did not provide sufficient information for the Committee's work

10. The delegate of Argentina pointed out that his Government had created a national human rights institution and adopted a national action plan, following up the World Conference against Racism in Durban in 2001. In addition, Argentina and Brazil had recently commenced bilateral and regional cooperation on policies with regard to people of African descent. He highlighted specialized programmes, such as an internet and television awareness-raising campaign on people of African descent.

11. The delegate of Angola said that given the large Angolan population in Brazil, it found Ms. Gomes' presentation especially interesting. He noted that Angola had several legal provisions in its criminal and civil laws and procedures addressing discrimination, noting that victims could file complaints and that police could take actions, including investigations. The Angolan Constitution also prohibited discrimination. He noted that the population of his country was diverse and that people were well integrated. He inquired about a public case of an Angolan student killed by a group in Brazil the previous year.

12. The delegate of the United States of America welcomed the presenter's frankness and openness and the focus on the victims. . He noted that there were similarities between the situation in Brazil and the United States of America with respect to a past history of slavery and colonialization. Similarly, affirmative action was also a subject of debate in the United States, and racially motivated crimes presented a challenge to Governments. He noted that it was important to acknowledge problems; however, it was also important to recognize that progress has been made. He highlighted a joint action plan with Brazil to address racism and discrimination. He also pointed out that if existing laws and institutions

were not being adequately implemented, whether the solution to this was necessarily new laws and institutions.

13. Ms. Gomes welcomed the victim's assistance initiatives being implemented by the European Union. She reiterated that Brazil's Law 10639 on diversity in the education curriculum was an excellent law on the books, however it required effective implementation. She gave the example of Palmares College which provided an Afro-descendant curriculum and exposure to its predominantly Afro-descendant school population since its establishment ten years ago. She commented on the importance of census as respondents were increasingly declaring themselves as Afro-descendant and indigenous and also welcomed Afro-descendant public information campaigns being undertaken by Argentina.

14. The Chairperson-Rapporteur thanked Ms. Gomes for her presentation noting that human struggles build a sense of solidarity even for people who have never met. He highlighted the situation of South Africa after apartheid and emphasized that in setting a vision for a non-racial society, it realized that laws are needed as laws govern behaviour and ensures respect for human rights. He noted the importance of statistics, categorizations and South Africa's experiences with affirmative action. He underlined that that inequality and discrimination affects social cohesion and it may lead to security problems.

## **B. Expert presentations and initial discussion on "Xenophobia"**

15. The 5th meeting on 24 July considered issues of xenophobia related to the media. Ms. Milicia Pesic, Executive Director of Media Diversity Institute (MDI), gave presentation entitled "Xenophobia and (Racial) Discrimination: The Role of Media." She introduced the work of MDI, which involved mobilizing the power of media for deeper public understanding of diversity through a bottom-up approach involving civil society organisations and media educators. She underlined the principles of freedom of expression and opinion, participatory democracy and diversity. She noted that after education and the family, media is the third largest source of attitudes towards others. She gave examples of ongoing activities such as training for journalists in Egypt, as well as examples from the United Kingdom, where the organisation is based. She pointed out that there was, in general, a great deal of discussion in media circles in the UK for the need to institute self-regulation, although she expressed scepticism about the effectiveness of such a framework. She also stated that it was important for the media to lead the debate amidst growing right-wing sentiments across different parts of Europe, while also referring to the general silence on multiculturalism following statements in recent years by several European leaders on the "failure" of multiculturalism. She outlined what MDI thought makes good journalism, including bringing diversity into the mainstream.

16. On addressing xenophobia, Ms. Pesic, suggested that in addition to being fair, accurate and balanced, journalism needed to espouse principles of inclusiveness and sensitivity as well. In conclusion, Ms. Pesic shared studies undertaken by the Media Diversity Institute entitled "Getting the Facts Straight: Reporting Ethnicity and Religion" and "Media4Diversity: Taking the Pulse of Media for Diversity" on media and diversity which included a number of recommendations aimed at different stakeholders (government and policy makers, civil society and media) about what they could do to enhance media diversity and promote tolerance and diversity through media in Europe.

17. The delegate of Pakistan on behalf of the OIC asked whether the media, in its role as a watchdog could, at times, usurp the roles that belonged to the executive or the judiciary. He also asked about the role of the media in eliminating racism and discrimination and as to whether the media required direction in combating racism.

18. The delegate of Egypt inquired about the impact of media on decisions of policymakers at the level of regional and international politics, as well as its role in dealing

with hatred and incitement, and whether the media felt the need for common code of conduct in tackling such issues. The delegate of Switzerland asked the presenter about her views with regard to self-regulation of the media.

19. Morocco commented that some media outlets lacked sensitisation about minority groups and encouraged xenophobia through tendentious reporting, resulting in tragic consequences. The delegate stated that journalists could be advocates for equitable societies. She asked Ms. Pesic whether it was possible to develop a code of conduct for cultural diversity in and by the media and how the media could play a role in highlighting the value of multiculturalism in European Union, given the general situation that the presenter alluded to in earlier presentation. Ms. Daniela Gomes commented on the role of online social media including blogs and websites in Brazil as a new platform that countered the often exclusionary media environment in the country.

20. The delegate of the United States of America expressed concern over increased media regulations and stated that they were contrary to the culture of freedom of expression in his country, noting that “best way to counter bad speech was with more speech.” The delegate asked about the presenter’s impression of the US approach in comparison with various approaches in addressing such issues. The delegate of South Africa commented that the presentations through the day were interesting and thought-provoking and had emphasized the need for more training and education at various levels to combat xenophobia. The delegate added further that the issue may not have been sufficiently addressed by Article 7 of the ICERD which provided for “effective measures, particularly in the fields of teaching, education, culture and information.”

21. The delegate of Japan stated that regulatory mechanisms could be counterproductive as the inherent role of the media was a check on governments to ensure that they were “doing the right thing”. The delegate pointed out that giving more power to the state by instituting more legislative measures could contradict or undermine the role of media, while self-regulation was a more suitable approach. The delegate of Japan concurred with the earlier comments made by the delegate of the USA that education and freedom of expression, as well as awareness raising activities on developing tolerance of diversity, were more effective tools in countering xenophobia and acts of violence, than regulation.

22. In response, Ms. Pesic pointed out that in democratic societies it has been the duty of media to watch the activities of the authorities and discrepancies on this role existed in non-democratic countries. In response to the role of the media in regard to the events in Egypt, she said that as in most conflicts, media has taken different sides and hoped that the monitoring of events closely will be able to provide further information on the evolving situation. The presenter emphasized that although self-regulation often did not function well, it was considered by the media as a suitable framework. She further pointed out that there existed different frameworks throughout the world as evidenced by those in the USA and Europe. The respective and appropriate model was informed by culture, history and development of a given country. She underscored the importance of training for journalists, especially since journalism in recent times had become simply storytelling. Journalists required educations about how to report, how to diversify newsrooms, in terms of media professionals, sources and perspectives. In terms of enhancing multiculturalism, Ms. Pesic stated that public debate on the issue was important and that it was important to share examples and good practices from other societies in such debates. On the issue as to whether an international instrument was needed, Ms. Pesic replied that any such document would have to be turned into application or it would become just another document. She pointed out the relative lack of information among journalists in EU about human rights instruments, further to the research that the Media Institute had conducted. The presenter concurred with the growing space of online social media for vulnerable communities and education and awareness-raising not only for the public, but the mainstream journalists was equally important.



23. The Chairperson-Rapporteur, in thanking the presenter stated that different countries had varying experiences and that national contexts were also important on the need to develop regulatory mechanisms. He gave the example of South Africa where racism is illegal, and is not be allowed to be propagated as freedom of expression, as it would only create more potential for conflict. As rights entail responsibilities, he added that evolving issues and context needed to be understood to address complex issues such as hate speech and xenophobia. He gave an example of the functioning of the banking sector under a self-regulatory framework, which lead to problems in recent years, and thereby commencing an introduction of regulatory frameworks. He stated that that the question might be: What amount of state intervention is required, so as not to damage community and society by its consequences?

24. Mr. Edmundo Bracho, journalist and consultant also with the Media Diversity Institute, gave a presentation on “Diversity and discrimination in news media practice: views from Latin America.” Mr. Bracho stated that MDI had been in contact with journalists and media scholars in Colombia, Cuba and Venezuela to assess and improve journalistic practice by looking at the perceptions and opinions news practitioners have of their own work, the national media, and cultural industries and by also looking into minority and interest groups, based on gender, race, ethnicity, religion, age, sexual orientation, language, nationality, political and ideological inclinations, cultural origins and practices, and other less traditional categories of diversity. Based on the research, Mr. Bracho pointed out that their findings suggested that one aspect that stood out as quite specific to the region when observing issues such as race, ethnicity and nationhood identity in relation to the news media is the strong presence in the majority of Latin American countries of a numerous indigenous population and of Afro-descendent groups.

25. However, Mr. Bracho elaborated that they are positioned by the media as essentially marginal with regards to citizen participation and as such they still needed to be represented in the media and in the socio-cultural narratives with a more intense, plural and positive presence. He also added that while the news and community media have made the minorities more visible and participative than before, racial and ethnic minorities are not represented adequately and that when so, they often fall into stereotypical prototypes with negative connotations in the publicity and the entertainment businesses, and in non-news broadcast media content. While legal frameworks set forth in the last 15 years by some of Latin American governments have favored the participation of indigenous and Afro-descendent representatives in institutional and official spaces, more inclusive shifts are still limited and partial.

26. Ms. Daniela Gomes, commenting on the presentation, stated that often it was not the absence of racial vocabulary by the media but the manner and context in which certain issues and words were being expressed that still gave the impression of racial prejudice. She also noted the limited impact of community television in comparison to mainstream media. The delegate of Argentina inquired about the study methodology and the delegate of the United States of America stated that denial of the prevalence of racism in societies is a significant concern that recurred in the presentations.

27. The delegate of the Bolivarian Republic of Venezuela highlighted the issue of visibility and the pluri-ethnic and multicultural character of the country and also outlined its on-going efforts to criminalize racism and hear the concerns of the people of African descent. The delegate added further that the category for people of African descent was included in Venezuela’s latest census and the government had supported people of African descent with resources and to raise the profile of their communities. He noted that while there was freedom of expression and opinion, there was also responsibility for what was said. In this regard, it was important to address issues of incitement.

28. In his closing comments, Mr. Bracho stated that the methodology of the research was essentially a qualitative approach with interviews with journalists from different outlets, backgrounds, categories of age, gender and ideological positions to arrive at a

balanced opinion. Given the regional context of denial of racism and xenophobia, he considered that it would be challenging to create guidelines of protocols. He welcomed the boom of community media in Venezuela adding that MDI would like to see this strengthened as it served as a model for other countries in the region.

29. Due to a logistical issue with the arrival of an expert presenter on the morning of 25 July, the Chairperson-Rapporteur proposed that the 6<sup>th</sup> meeting be devoted to an informal meeting. The participants discussed informally issues relating to xenophobia, affirmative action, data collection and replies to the questionnaire.

30. Mr. Piara Powar, Executive Director of the Football against Racism in Europe (FARE), delivered a presentation on Racism in sport at the 7<sup>th</sup> meeting of the Ad Hoc Committee. Mr. Powar stated that racism was rife in sport and that while expression of nationalism in sporting events signified unity, it has increasingly spilled over into various forms of hatred, racism, xenophobia and other manifestations in sporting events. He noted that the fault lines or spectator sports like football, racism, xenophobia and nationalism tended to overlap. He attributed the increase in racism and racial hatred to increasing migration flows, re-emergence of far- right youth movements, local, national and regional rivalries as well as social and urban conflicts spilling over into the sporting arena. He said while recent incidents involving the walkout by AC Milan player Kevin Prince Boateng and other players in Europe highlighted the situation, monitoring of sporting events had shown that racist activities in sporting events had taken place in 28 countries outside of Europe and in all parts of the world. He explained that due to a glass ceiling in sports, while the flow of talent was from the South to the North, very few people of African descent or from other groups held top level managerial or senior corporate level positions in the football world. According to Mr. Powar, the xenophobia and racism in sport was often built on the mythologies of the “other” and stereotyping. He also highlighted the lack of gender diversity in sports management. He proposed that mobilization at the street level in creating awareness about racism was important in addressing the issue of racism in sports. Similarly, it was essential that icons of sports led initiatives to highlight the situation as well as awareness campaigns aimed at countering racism. Mr. Powar also proposed that better data collection and sharing of good practices on countering racism in sports, together with the UN Office on Sports for Development was important.

31. The delegate of Switzerland inquired as to whether low representation of women in sports or discrimination against women in sports was a subject matter that had been researched by the FARE Network. The representative of the European Union asked about the success of training programmes, whether it was possible to change behaviour through training and also requested information on FARE campaigns as well as the sharing of good practices with other regions of the world. She also inquired how discrimination on multiple grounds was being addressed by FARE.

32. The delegate of the USA highlighted the role of race in sports in the United States, such as in major league baseball, and also noted the issue of diversity in the management structures of sports. Pakistan inquired if there was a difference between xenophobia and racism in sports activities. In addition, he stated that for spectators and viewers who watched sports on the basis of national affiliation, where did nationalism cross over into racism and hatred? The delegate of Greece commented that racism had always been prevalent in sports. The delegate of South Africa asked whether Mr. Powar’s organisation had encountered racist attitudes in countries where people were of similar ethnic backgrounds. The delegate of Mexico asked about the mechanisms that the FARE Network used in establishing dialogue with local authorities. The delegate of Morocco highlighted the prevalence of discrimination of women in sports and also posed the question as to whether an institutional mechanism to monitor racial discrimination in sports could be established as international governing bodies such as the International Olympic Committee did not appear to have such a monitoring body or lacked the capacity to monitor. Ethiopia stated that contemporary forms of racism and particularly xenophobia were issues not

envisaged when ICERD came into existence in 1969, and therefore it was essential to address issues, and hence it expressed its support for complementary standards.

33.. Mr. Powar responded to the queries stating that gender-based discrimination was indeed prevalent in sports and that the culture around mass spectator sport engendered multiple forms of discrimination and intersectionality. He also referred to the ongoing cooperation between OHCHR, FIFA, UEFA and other sports related organizations to tackle the issue of racism in football. In terms of mechanisms of cooperation with local authorities, Mr. Powar stated that preventative measures aimed at enforcing and strengthening the ability of governing bodies to regulate and combat racism in sport was the key.

35. The Chairperson-Rapporteur thanked the speaker for his presentation and also spoke about the South African experience on sports as a uniting element as evidenced in its nation building process and including the successful holding of the FIFA World Cup in South Africa in 2010. He then invited general statements from the participants on the topic of xenophobia.

### **C. Expert presentations and initial discussion on the topic of “Establishment, designation or maintaining of national mechanisms with competences to protect against and prevent all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance”**

36. During the 8th meeting, on 26 July, Mr. Michel Forst, Secretary General of the French National Consultative Commission on Human Rights (CNCDH) focused his presentation on three main areas: i) the Commission and its role in the fight against racism, anti-Semitism and xenophobia; ii) the French National Action Plan against Racism; and, iii) some observations and ideas on the work of the Ad Hoc Committee.

37. He stated the Commission was created in 1946 it was again accredited in 2013 by the International Coordinating Committee of national human rights institutions in conformity with the Paris Principles. Its functions, composition and operation have been clarified and extended by a law passed in March 2007. The CNCDH has a broad mandate on all matters relating to human rights and international humanitarian law. It monitors and proposes initiatives for follow up; undertakes quantitative and qualitative research and survey; and it provides advice and also has a reporting obligation.

38. He informed that the Commission is preparing the 25th annual report for 2013 on racism, anti-Semitism and xenophobia. Mr. Forst explained that the title of the report clearly distinguished racism and anti-Semitism, as whereas anti-Semitism is a special form of racism, to which particular attention should be paid. Xenophobia is also a specific phenomenon, which is often racist in nature.

39. Mr. Forst noted that data provided by the Ministry of the Interior on the acts and threats of a racist, anti-Semitic and anti-Muslim character mark, once aggregated, a sharp increase. For 2012, the sum of acts and threats of a racist, anti-Semitic and anti-Muslim character totaled 1,539, representing an increase of 23%. A detailed look at the figures revealed that the anti-Semitic and anti-Muslim increased by the greatest number: anti-Semitic acts and threats reached 58% and anti-Muslim acts and threats increased by 30%, confirming the upward trend recorded in 2011. He also pointed out that for the third consecutive year the survey indicated a growing intolerance in France. While the early 2000s was marked by a continuous movement toward greater tolerance, since 2010 there has been an increase of racism and intolerance, which was particularly worrying. Furthermore, 94% of the respondents also believed that it is essential that foreigners who come to live in France adopt the habits of French life. Problems with integration are also

significantly attributed to foreigners and not to society in general. He stated that taken in the broader context of negative climate and strong socio-economic degradation, there is an increasing overall tolerance for racism, anti-Semitism and intolerance, assisted by internet and political actors.

40. For many years CERD had recommend to France to develop and implement a national action plant against racism. The Commission has welcomed the development of this plan and was pleased to be consulted on the draft, hoping that its adoption would inform, sensitize and mobilize all concerned stakeholders, including government and citizens. The Commission regrets that the draft plan does not include additional financial resources to support ongoing or new activities.

41. During the last part of his presentation, Mr. Forst offered some observations and ideas about the work of the Ad hoc Committee. He stated that from the perspective of the Commission, the focus should be on the implementation and application of existing norms. The Commission, also within the broader debate on the reform of treaty bodies, was attentive to any proposals for better management of individual communications and, in this respect, the old proposal for an international court on human rights, which would deal with individual communications from all treaty bodies, could present a solution. He also noted the Commission's interest in the general comments and recommendations of CERD that would gradually refine the interpretation of the Convention and according to the Commission, this dynamic interpretation of ICERD was, in his view, the best way to make it live and adapt to the changing world and society.

42. The delegate of Switzerland thanked the presenter and inquired about the reasons behind increasing intolerance in France. She stated that her government is also concerned with migration issues and asked about good practices that were in place in France, noting that dialogue was important to her country.

43. The delegate of Pakistan asked if, according to Mr. Forst there was a link between the French law banning the hijab/veil and the recent violence against women wearing the veil/hijab. He also raised a question on racial profiling about racial profiling by the police and if there are training courses and directives targeted at its prevention.

44. The delegate of the European Union agreed that the implementation of existing standards was key and asked about how to ensure efficiency in access of victims to remedies.

45. Bangladesh asked if integration measures could infringe upon the right of freedom of religion and belief and cultural practices and questioned whether integration policies could cause fear and gaps which required filling.

46. In reply, Mr. Forst highlighted the important role of human rights defenders and NGOs that follow up on cases. He stated that he did not have a proposal for a definition of xenophobia, stating that in general it is rejection of aliens, blaming them for problems in France, including security. He noted that rejection of differences leads to racism and anti-Semitism. There were also prejudice and negative attitude towards Roma in France. He noted "unacceptable" statements by politicians, Ministers, parliamentarians and other state officials which encourages the same discourse by the general public. Such kind of behaviour of state officials encouraged the public to make racist statements.

47. With regard to the link between law prohibiting the veil/hijab and violence, Mr. Forst stated that the French law had a balanced approach as it was not aimed at the Muslim population. In many cities, women wore veils and the problem only arose when the face was covered, contrary to the law. Notwithstanding, the police may demand that the woman reveal her face and they sometimes they overstepped their authority. Police were encouraged to organize trainings on racial profiling. One suggestion was to issue receipts to those who were stopped and searched by the police, allowing for a control or investigation as to why a person was checked several times.

48. Mr. Forst emphasized that implementation of standards was of greater importance than the development of new norms. There were ways to ensure better implementation such as country visits by the treaty monitoring bodies which might be costly, but effective. If more country visits were carried out, better information about what is happening on the ground will be gathered. In this context, the old proposal for an international court on human rights might be considered. There is a legislative process to integrate aliens and foreigners in France. Despite existing legislation and other measures, it was proving challenging in some areas to accept of foreigners and different cultural practices.

49. The Ukrainian Parliament Commissioner for Human Rights, Ms. Valeriya Lutkovska also gave a presentation during the 8<sup>th</sup> meeting of the Committee. She said that the Commissioner's mandate on equality and non-discrimination was envisaged in article 3(6) of the Law on Parliament Commissioner for Human Rights which refers to prevention of any forms of discrimination in exercise of rights and freedoms and article 10 of the Law "On Fundamentals of Preventing and Combating Discrimination" refers to control over observance of the principle of non-discrimination in various spheres of public relations, monitoring of observance of the principle of non-discrimination in various spheres of public relations, review of individual and group petitions/complaints on discrimination, elucidation of issues concerning prevention and combating of discrimination and observance of the principle of non-discrimination in the Commissioner's Annual Report. With regard to the structure of the Secretariat she noted that it includes Commissioner's Representative on Child Rights, Non-Discrimination & Gender Equality, Department on Child Rights, Non-Discrimination & Gender Equality, Non-Discrimination Division, Expert Board on Non-Discrimination and Gender Equality.

50. She pointed out that in 2012, 792 complaints were received: 56 proceedings were initiated, 675 explanations and advice were given and 61 were unacceptable. These complaints include 3 based on Race/Color of skin, 49 on Ethnic/National origin and 682 on Religion and belief. With regard to monitoring draft laws and governmental legal documents for discriminatory provisions, in 2013 the Commissioner provided 8 expert opinions and recommendations submitted to Parliamentary Committees, worked closely with civil society organizations on joint monitoring efforts (e.g. Centre for Civil Liberties, Coalition Against Discrimination) and provided analysis of laws in force (e.g. Commissioner's opinion on Law "On Fundamentals of Preventing and Combating Discrimination in Ukraine", provisions of the Criminal Executive Code of Ukraine that discriminate on the ground of sex, etc.). Various awareness raising initiatives were also organized, including conferences and trainings.

51. With regard to legal challenges, Ms. Lutkovska highlighted the limited scope of competence in article 2 of the Law on Parliament Commissioner for Human Rights, which is not sufficient for an effective work in the field of non-discrimination, article 161 of the Criminal Code of Ukraine, lack of key competences such as ability to initiate Action Popularis Cases and Amicus Curiae is not institutionalized. She also noted that legislation on equality and non-discrimination requires further improvement (e.g. principal laws, secondary normative acts, anti-discrimination assessment procedures). There are also organizational and operation challenges, such as specialized expertise on equality and non-discrimination and human resources.

52. The Ukrainian Commissioner also pointed out that legislation on non-discrimination was quite new in Ukraine. The general public did not have an understanding of the possibilities provided by the new law. In 2012 and 2013 there were few applications regarding discrimination. She explained that more education and awareness-raising was needed by the general public. More capacity-building work is also required for civil society organizations, Ministries, state agencies, and local administration to prevent human rights violations. She briefly referred to challenges posed by legislation on data protection and non-discrimination.

53. With regard to a question posed by a participant on freedom of religion and belief, the Commissioner noted that while in the past, the Church was prohibited it now plays a very important role in the society, with implications for the political and legal situation in the country. She explained that people were facing problems with legislation regarding data protection, due to religious belief and could contact the her office which could discuss it with the respective state body in order to solve the problem. She said that there had been positive experiences with regard to this issue.

54. At the 9th meeting on 29 July, Ms. Eva Sobotka, Programme Manager at the European Union Agency for Fundamental Rights (FRA) gave a presentation entitled “Developments and Trends on racism, racial discrimination, Roma, and crimes motivated by racism, xenophobia and related intolerance in the EU”. She provided an overview of the mandate of FRA, as contained in primary and secondary legislation, including article 3, paragraph 3 of the Treaty on the European Union (TEU), articles 10 and 19 of the Treaty on the Functioning of the European Union (TFEU), article 21 of the EU Charter of Fundamental Rights, the Racial Equality Directive (RED) 2000/43/EC. She also referred to Communication COM (2011) 173 on the EU Framework for National Roma Integration Strategies up to 2020.

55. With regard to key developments in the area of racism and ethnic discrimination, Ms. Sobotka noted the persistence of mainstreaming of elements of extremist ideology in political and public discourse and ethnic discrimination in healthcare, education, employment and housing, throughout the European Union (EU). She said that Member States had made efforts to develop comprehensive approaches to Roma integration. Nevertheless, more has to be done in order to secure sufficient funding for Roma inclusion and ensure that it benefits the targeted groups, put in place robust and effective monitoring mechanisms, and fight discrimination and segregation. She highlighted that several Member States had addressed crimes motivated by racism, xenophobia and related intolerances, by redefining what constitutes such crimes, and changing and enhancing their data collection systems. Some Member States had taken steps to enable the collection of data disaggregated by ethnicity, thereby allowing for better recording and identification of potentially discriminatory practices.

56. Ms. Sobotka pointed out that when considering trends, it was important not to confuse the rate of recorded incidents of racist, xenophobic and related crime with the actual rate of such crimes, as it is widely acknowledged that this type of crime is grossly under-recorded. Moreover, variations observed within EU Member States from one year to the next could be the result of: (1) how these crimes are defined in criminal law; (2) changes in how (the characteristics of) incidents are recorded; (3) the willingness of victims and/or witnesses to report incidents; and, (4) the actual occurrence of racist, xenophobic and related crime.

57. She also presented results from the 2012 survey, which included Roma and non-Roma respondents, in the areas of poverty, housing, education, employment and discrimination. She noted that 60% of the Roma respondents identified members of the majority population as being the perpetrators with regard to the last incident of assault, threat or serious harassment they had experienced, which makes it clear that ‘racist’ perpetrators are not only a product of extremist ‘racist’ gangs but also from the general population. The results indicated that reasons for non-reporting are less often to do with the trivial nature of an incident (32%) and more to do with lack of confidence in the police and law enforcement (72%).

58. She concluded that making hate crimes visible and acknowledging the rights of victims of crimes entails taking action at three levels: legislation, policy and practice. She said that with regard to legislation, it means recognising hate crime, the bias motivations underlying it and the effect it has on victims in both national legislation and European law. At the policy level, it means implementing policies that will lead to collecting reliable data on hate crime that would record, at a minimum, the number of incidents of hate crime

reported by the public and recorded by the authorities; the number of convictions of offenders; the grounds on which these offences were found to be discriminatory; and the punishments served to offenders. At the practical level, it means putting instruments in place to encourage victims and witnesses to report incidents of hate crime, as well as mechanisms that would show that authorities are taking hate crime seriously.

59. Replying to the questions of the delegates from Ghana and the United States of America, Eva Sobotka noted that there was a survey in 2007, which collected data on people with different background, including people of African descent and of 1st, 2nd and 3rd generation immigrants. This survey will be repeated in 2014. With regard to legal instruments, she said that in addition to the EU surveys, FRA considered United Nations and Council of Europe (CoE) standards and approaches to issues, which does not lead to any conflict, and provides continuity. She noted that FRA approaches discrimination against Roma as ethnic/racial discrimination and there can be also multiple forms of discrimination for example with regard to Roma women and children. Nationality is also taken into consideration, depending on the situation.

60. The delegate of Ghana expressed concerns regarding the treatment of African migrants in Europe, in particular mass deportation and expulsion of aliens and foreigners from European countries. He noted the need for respect for dignity of those who are deported, giving them reasonable time to collect personal items. He stated that in cases of mass deportation, court cases are considered on the basis of merit; however dignity and due process tended to be compromised in the administrative processes. He mentioned that people with pending cases before courts should not be deported; yet immigration officials exercised pressure on embassies rather than await the outcome of the court processes.

61. In her reply to the delegate of the Republic of South Africa, Ms. Sobotka stated that racist incidents have to be addressed more broadly as national human rights institutions (NHRIs) could not address the entire scope of such crimes. Improvements were required in police and prosecution services and NHRIs should raise awareness about hate crimes; however, it was the responsibility of the justice system to address these crimes.

62. In her reply to the questions of the Chairperson-Rapporteur, Ms. Sobotka noted that the difference between good and bad data was primarily linked to the data collector and standardization of the process. She highlighted the importance of prosecution, as it was not enough to solely register a hate crime. Proper training and procedures had an impact on the prosecution of hate crimes and the collection of data. With regard to victims-friendly mechanisms, she said that in the United Kingdom victims could report crimes online, avoiding the need to interact directly and attend the police station as the online submission is re-routed to the responsible police station. She stated that it was not possible, at this juncture to make a comparison of data collection as practices vary between Member States and within States. She added that sometimes victims could approach civil society organizations, ombudsman office or NHRIs, to assist with the filing of a complaint and follow up on their case.

63. With regard to the practice of racial profiling, Ms. Sobotka stated that there existed various studies, proving that the practice is counterproductive and that the cost and adverse effects are disproportionate to the results. She noted that police protocols for investigation of hate crimes have proved to be very useful and they are usually present in Member States with comprehensive data collection. On the issue of racism in football, she did not consider it a new phenomenon. According to her the new element was the increased expression of extremist views in parliaments and political discourses.

## **D. Summary of the presentations and initial discussions on the updates on relevant global and regional developments**

64. At the 11th meeting, on 30 July, Ms. Joy-Dee Davis Lake, Chair of the Organisation of American States (OAS) Working Group to Prepare an Inter- American Convention on Racism, Racial Discrimination and Related Forms of Intolerance and an Inter -American Convention against All Forms of Discrimination and Intolerance gave a presentation on the recently adopted Inter-American Convention against Racism, Racial Discrimination, and Related Forms of Intolerance as well as the Inter-American Convention against All Forms of Discrimination and Intolerance.

65. She noted that since 2000, the OAS General Assembly and successive Summits of the Americas, the highest policy-making bodies of the Inter-American system, have repeatedly raised concerns and reiterated a determination to combat the phenomena of racism, discrimination and intolerance. She said that it was felt that a convention such as this would reflect and project concrete steps, legally enforceable, that would contribute to Member States collaborating to give effect to the principle of equality among human beings.

66. She stated that in addition to the migratory phenomena of the present time, there are new forms of intolerance, no longer only concerning race and ethnicity, but involving much other human diversity. Intolerance had moved beyond an individual's phenotypical characteristics to encompass other characteristics such as social condition, health, gender identity, national identity and religion. Therefore, the purpose of the Inter-American Convention was to improve, strengthen, and enlarge the margins of protection already offered by the ICERD.

67. She said that after a thorough examination of how the Inter American Convention would look, a Working Group was installed in 2005, by General Assembly Resolution AG Res 2126 and negotiations began on the Draft Inter American Convention against Racism, Racial Discrimination and All Forms of Intolerance. The negotiations took eight years, and on many an occasion the process was beset with acrimony and stagnation. She noted that there were two notable impediments to the process: the non-participation of the US and the withdrawal of Canada, and the ideological difference that led to the split of the draft into two draft conventions.

68. With regard to substantive outcomes, she highlighted that the two conventions together represent the most ambitious catalogue of prohibited bases of discrimination under international law, including a binding definition of racism, a requirement that States Parties undertake affirmative measures, and for the first time, in the hemisphere there will be legal reprieve for groups that continue to experience multiple or extreme forms of racism, discrimination and intolerance that are driven by a combination of factors. These Conventions have expressly bound States Parties to ensure that security measures do not discriminate directly or indirectly against any person or group of persons, based, among other factors, on their race, ethnicity, culture or religion. For the first time, the categories of sexual orientation and gender identity and expression are included in a binding international instrument for the protection of human rights.

69. The delegate of Brazil noted that the OAS could serve as an example for this Committee, and how it developed complementary norms. Although negotiations took 8 years, it managed to fulfil the commitment made in 2000. Morocco noted the need of the OAS to adopt new complementary standards, which is echoed by practices in other regions, and presents additional proof for the need for such norms and standards at the international level. Uruguay stated that the OAS experience provided a good example about how sensitive issues could find consensus. He noted that any form of discrimination should be considered equally.



70. In her reply to several questions, Ms. Davis Lake stated that approaches such as national measures as well as complementary international standards should not be seen as mutually exclusive. A legal basis or framework could give effect to national processes. She said that the OAS Conventions provide for establishment of a Committee to monitor their implementation and that this will be the place where States Parties will share good practices.

71. Mr. Ibrahim Salama, Director of Human Rights Treaties Division at OHCHR, also gave a presentation during the 11<sup>th</sup> meeting of the Ad Hoc Committee, providing an overview of the series of experts meetings on incitement to racial, ethnic, national and religious hatred and the Rabat Plan of Action. In his presentation, he referred to the general context and history of the exercise which reflected the subject matter, the substance and the potential it constituted. He noted that there were political and intellectual tensions and underlined that there was a false dichotomy with regard to freedom of religion and freedom of expression and opinion. There were indeed legitimate and perceived risks linked to the issue of incitement to hatred, which was considered a grey zone and risky area. To deepen the understanding of the subject matter, the first meeting was held in October 2008, focusing on the relationship between articles 18 and 19 of the ICCPR. He said that during the Durban Review Conference, the High Commissioner promised to launch a process of reflection. The meetings considered State practices, national mechanisms and empirical evidence on effective measures. He noted that it was based on a bottom up approach. There were expert discussions, which were opened to Member States that took the opportunity to enrich the discussions. The legislative approach included comparisons, case law and policy analysis. For each workshop there were about 20 experts from the region; participants included Special Rapporteurs, treaty-monitoring bodies, NHRIs, NGOs and Member States.

72. He explained that the Rabat Plan of Action was based on a comparative analysis and it draws on common ground. At a political and intellectual level, it is an expert-driven process, though still open to Member States. He explained that there was *de facto* complementarity with Human Rights Council resolution 16/18 and the Istanbul process. The plan of action created double monitoring processes and included thresholds for speech that need to be adapted to the national context. The Plan is not limited to legal measures as it includes recommendations on media, education, but also to governments. It offers a platform for action that Member States can consider voluntarily and being outside of the inter-governmental process it diffuses the political context and there is no compelling force. Based on the knowledge that was generated during these meetings, it extended beyond rhetoric thereby improving reality.

73. The delegate of the United States noted that the Rabat Plan of Action is different from HRC resolution 16/18 with its related Istanbul process, as Rabat was developed through expert meetings, while 16/18 and Istanbul are State-led processes. The Czech Republic also noted that the Rabat process and the Istanbul process are separate from the mandate of the Ad-hoc Committee. She noted that there is discrepancy among participants of the Committee, reflected in the will to share national policies and national experience and abstract calls about the need to draft international instruments. It was still not clear what are the universal challenges that needed to be overcome: who has a problem; where exactly; and, what are the obstacles in practice?

74. Mr. Salama referred to the 'politics of rights' and stated that demystifying the issues at stake was the beginning of the solution. Unfortunately, misuse of words and misuse of religions cost the lives of so many people. He explained that threshold was an important consideration: What is that constitutes advocacy of hatred? The answer was extremely difficult and complex. He added that, in his view, between a normative and an implementation gap, there were shades of other gaps, such as interpretation gaps, multi-stakeholders gap, and understanding gaps. With regard to follow ups to the Plan of Action, he stated that this was a work in progress. The Ambassador of African Union noted the

importance of school programmes and curriculum to prepare young people for adopting a responsible attitude. He highlighted the role of UNESCO in this regard.

75. Mr. Salama replied that it was perplexing how the discussion remained mired in ideology. He agreed that more had to be done with regard to education, which also included religious authorities and leaders who need to educate and raise awareness of their constituents and followers. He underscored that training and capacity building, in this regard, could also prove difficult.

76. With regard to some questions, Ms. Davis Lake clarified that during the preparatory work for the OAS Convention, there were two schools of thought on the issue of race: one that stated that there is one human race and the other which stated that there were many races, and that all are equal. The compromise was to include a definition of racism that satisfied both constituencies.

77. The delegate of Ghana raised a question with regard to the presence or lack of definition of ethnic cleansing in the OAS Conventions. The delegate of the United States of America noted with interest that there was one treaty body for the implementation of the two OAS instruments.

78. Ms. Davis Lake said that the idea of one monitoring body for the two OAS conventions was due to the fact that initially the negotiations started with one instrument, and that in effect it was advisable to have only one monitoring body for financial reasons. She noted that OAS did not elaborate a definition on ethnic cleansing. There is not yet an educational and awareness-raising programme for schools, as the Conventions had only been signed two months ago.

79. Brazil explained that all States Parties could have a representative on the envisaged monitoring body. If a given State did not recognize the Inter-American Court of Human Rights, they could still participate through the Conventions.

## **Annex II**

### **Agenda**

1. Opening of the session.
2. Election of the Chairperson-Rapporteur.
3. Adoption of the agenda and programme of work.
4. Presentations and discussions on the topics.
5. General discussion and exchange of views.
6. Adoption of the report.

## **Annex III**

### **List of attendance**

#### **A. Member States**

Algeria, Angola, Argentina, Austria, Bahrain, Bangladesh, Benin, Brazil, Bulgaria, Chile, China, Colombia, Cote d'Ivoire, Croatia, Cuba, Czech Republic, Denmark, Ecuador, Egypt, Ethiopia, Finland, France, Gabon, Germany, Ghana, Greece, Honduras, India, Indonesia, Iraq, Italy, Japan, Lithuania, Malaysia, Mexico, Monaco, Mongolia, Montenegro, Morocco, Netherlands, Nigeria, Norway, Pakistan, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Senegal, South Africa, Spain, Sri Lanka, Sudan, Switzerland, Timor Leste, Togo, Turkey, Ukraine, United States of America, Uruguay, Venezuela (Bolivarian Republic of)

#### **B. Non-Member States represented by observers**

Holy See, Palestine

#### **C. Intergovernmental organizations**

African Union, European Union, Organisation internationale de la Francophonie, Organization of the Islamic Cooperation

#### **D. Non-governmental organizations in consultative status with the Economic and Social Council**

Ariel Foundation International, Espace Afrique International, Federation of Environmental and Ecological Diversity for Agricultural Revampment and Human Rights (FEEDAR & HR), IGFMSuisse, Youth Crime Watch Nigeria

#### **E. Non-governmental organizations not in consultative status with the Economic and Social Council**

Villages unis pour le développement, Zagros Human Rights Center

## Annex IV

### Programme of work

<i>1st week</i>				
Monday 22.07	Tuesday 23.07	Wednesday 24.07	Thursday 25.07	Friday 26.07
00:31 – 00:01	Item 1 Opening of the Session	Item 4	Victims' advocate/perspective	Item 6 Establishment, designation or maintaining of national mechanisms with competences to protect against and prevent all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance
	Item 2 Election of the Chair	Ms. Daniela Gomes, Brazilian civil society advocate/journalist	Xenophobia	Mr. Piara Powar, Executive Director, FARE Network dealing with discrimination in sport
	Item 3 Adoption of the Agenda and Programme of Work	---	---	Mr. Michel Forst, Secrétaire Général, La Commission nationale consultative des droits de l'homme (CNCDH), France
		Questionnaire [presentation and discussion]	Questionnaire [presentation and discussion]	
		Questionnaire [Conclusions]		
00:81 – 00:51	Item 4 Questionnaire [introduction of the summary and discussion]	Questionnaire [Expert presentation/discussion: Constitutions/ Legislation]	Item 5 Xenophobia	Establishment, designation or maintaining of national mechanisms with competences to protect against and prevent all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance
		Ms. Milicia Pesic, Executive Director; Mr. Edmundo Bracho, Journalist/Consultant, Media Diversity Institute	Ms. Milicia Pesic, Executive Director; Mr. Edmundo Bracho, Journalist/Consultant, Media Diversity Institute	Ms. Valeriya Lutkovska, Ukraine Parliamentary Commissioner/Ombudsman Office

<i>2 st week</i>				
<i>Monday 29.07</i>	<i>Tuesday 30.07</i>	<i>Wednesday 31.07</i>	<i>Thursday 1.08</i>	<i>Friday 2.08</i>
<p>Item 6(continued)</p> <p>Establishment, designation or maintaining of national mechanisms with competences to protect against and prevent all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance</p> <p>Ms. Eva Sobotka, Programme Manager, Equality and Citizens' Rights Department, EU Fundamental Rights Agency-FRA</p> <p>---</p> <p>General discussion and exchange of views</p>	<p>Item 8</p> <p>Updates on relevant global and regional developments</p> <p>Ms. Joy-Dee Davis-Lake, Chair of the Organisation of American States Working Group to Prepare an Inter-American Convention on Racism, Racial Discrimination and Related Forms of Intolerance;</p> <p>Mr. Ibrahim Salama, Chief HRTD, OHCHR;</p> <p>Mr. Slimane Chikh, OIC Ambassador in Geneva – tbc</p>	<p>Item 10</p> <p>Conclusions and Recommendations</p> <p>---</p> <p>General discussion and exchange of views</p>	<p>UN Holiday</p>	<p>Item 10(continued)</p> <p>Conclusions and Recommendations</p> <p>---</p> <p>General discussion and exchange of views</p>
<p>Item 7</p> <p>Procedural gaps with regard to the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)</p> <p>Ms. Fatimata-Binta Dah, CERD member</p> <p>---</p> <p>Update on CERD activities, including August 2012 discussion on hate speech</p>	<p>Item 9</p> <p>Discussion on the introduction of new/list topics...consideration of new/list topics</p>	<p>Compilation of the Report</p>	<p>UN Holiday</p>	<p>Item 11</p> <p>Adoption of the report of the 5th session</p>