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SUMMARY RECORD OF THE 15th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 22 March 2004, at 3 p.m.

Chairperson: Mr. GONZÁLES-SANZ (Costa Rica)

later: Mr. SMITH (Australia)

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The meeting was called to order at 3 p.m.

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION:

(a) COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE DURBAN DECLARATION AND PROGRAMME OF ACTION

(E/CN.4/2004/16, 17 and Add.1-3, 18 and Add.1-4, 19-21, 112 and 120; E/CN.4/2004/NGO/5, 15, 16, 25, 26, 78, 101, 110, 140, 155, 186, 187, 191, 204, 225, 232, 244 and 255; A/CONF.189/PC.2/21 and Corr.1 and 2) (agenda item 6) (continued)

1. Ms. GUBANOVA (Russian Federation) said that the fight against racism, racial discrimination, xenophobia, and related intolerance had become one of the main concerns of the United Nations human rights protection mechanisms. It was important for all States to find effective ways to combat the serious contemporary manifestations of racism. The Russian Federation firmly rejected a type of society based on prejudice that bred political extremism and radicalism, encouraged abuses against certain groups of persons and exacerbated the social problems for which those groups were held responsible. Recent events in Kosovo illustrated the virulence of inter-ethnic conflicts, whose primary victims were civilians.

2. Legislation of the kind that had been adopted in Latvia and Estonia, which undermined the rights of the Russian-speaking population of that country, gave cause for concern. It was equally disturbing that Latvia, soon to be a member of the European Union, should pay tribute to former members of Nazi groups belonging to the Waffen SS, which the Nüremberg Tribunal had condemned as a criminal organization, responsible for the death of thousands of people of different nationalities. Those openly neo-fascist demonstrations aroused the indignation of Russian society.

3. Her Government was convinced that the fight against intolerance could not be dissociated from the struggle for human rights and that any manifestation of support for various forms of intolerance in a State must be condemned. It had done precisely that, along with other States, at the Durban Conference and by adopting legislative measures to that end. The most important task facing the States Members of the United Nations was to establish effective mechanisms to ensure adequate follow-up to the Conference. In that connection, her Government attached special importance to the work of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action and supported the extension of the group's mandate.

4. Mr. da ROCHA PARANHOS (Brazil) said that Brazil's remarkable ethnic and cultural diversity was one of its distinguishing features. That pluralism was built not only on the country's Amerindian, European and African roots, but also on different influences it had received, especially from the Arab and Asian worlds. African roots had played an important role in the formation of the Brazilian nation; over 40 per cent of the population were of African descent. Nevertheless, Brazilian society was not immune to discrimination and intolerance. The

preparatory process for the Durban Conference had allowed it to engage in in-depth discussions that had given racism and discrimination unprecedented visibility. The Durban Declaration and Programme of Action constituted a powerful tool to tackle those scourges and was a solid basis for solidarity and cooperation.

5. The Brazilian Constitution classified racism as a criminal offence punishable by long prison sentences. The first relevant legislative provisions had been introduced in 1951. Since President Lula da Silva had taken office, several measures had been adopted at the national level that underlined his historic commitment to safeguarding human rights in general and combating racism and all forms of discrimination in particular. They included the creation of the Special Secretariat for the Promotion of Racial Equality, which came directly under the Office of the President of the Republic and was headed by the Afro-Brazilian Minister Matilde Ribeiro and the establishment of a National Council for the Promotion of Racial Equality. The multi-annual budgetary plan attached special importance to race and gender; its aim was to promote a strategic reorientation of the relationship between social inclusion and the promotion of racial equality through far-reaching structural changes in Brazilian society by way of special measures designed to protect the most vulnerable segments of the population. It was worth noting that for the first time a judge of African descent had been appointed to the Supreme Court and that persons of African descent were increasingly represented in the executive branch. Racism and discrimination went hand in hand with social and economic inequality and the Brazilian Government had therefore decided to give priority to the combat against hunger and poverty by implementing the “Zero Hunger Programme”.

6. His delegation reiterated its support for all initiatives aimed at improving the living standards of Brazil’s indigenous peoples and at increasing their participation at the national and international levels.

7. Ms. FERNANDO (Sri Lanka) said that her delegation agreed with the assertion of the Special Rapporteur on contemporary forms of racism that racism, ethnocentrism, xenophobia and related intolerance had become major threats to global peace and security. It noted with satisfaction the work of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action concerning the relationship between poverty and racism.

8. Both developed and developing countries must guard against the upsurge in ethnocentric ideologies that were devoid of the values of tolerance and respect for pluralism that had inspired Sri Lanka’s political process after centuries of colonial rule and drawing on its rich multicultural heritage. In that respect, she informed the Commission of the adoption on 7 October 2003 of a law that enabled all persons of Indian origin who had been permanently resident in Sri Lanka since 30 October 1964 and their descendants to gain Sri Lankan nationality. That legislation permitted final resolution of the problem of statelessness of the descendants of Indians brought to Sri Lanka to work on plantations in the colonial era by granting citizenship of either India or Sri Lanka to nearly 1 million of those persons.

9. The development of a sense of ethnic belonging as both a legacy of colonialism and a reaction to globalization was a worldwide phenomenon with manifold consequences that made the process of nation-building a particularly difficult task for many young nations. Her

Government had concluded a permanent ceasefire agreement with the Liberation Tigers of Tamil Eelam (LTTE) more than two years previously. The peace process focused first and foremost on addressing the urgent humanitarian needs of the population in war-affected areas by integrating a human rights perspective in ongoing programmes.

10. In conclusion, she underscored the vital importance of democratic values in tackling the phenomena of racism and xenophobia, which Sri Lanka would continue to address within that framework.

11. Mr. ACHARVA (Nepal) said the Nepalese Constitution stipulated that the State should not discriminate among its citizens on any grounds. Consequently, Nepalese law prohibited all forms of racial discrimination. Furthermore, public authorities or institutions were not permitted to disseminate ideas based on racial superiority and must not incite racial discrimination. In addition, they were prohibited from committing or inciting others to commit acts of violence against persons or groups of persons of different ethnic origins or race. The Constitution also guaranteed the right to legal remedy. Nepal attached great importance to the International Convention on the Elimination of All Forms of Racial Discrimination and to the recommendations of the Committee entrusted with monitoring its implementation.

12. The Nepalese Government had taken a series of measures designed to eliminate discrimination, to bring all underprivileged and marginalized groups - including Dalits, indigenous people and women - into the mainstream of national life and to increase their representation at all levels of decision-making. The Government was aware that poverty, illiteracy and lack of opportunity perpetuated social discrimination and had made poverty alleviation the prime objective of the tenth Five-year Plan. The plan emphasized pro-poor policies, results-oriented economic management and the participation of underprivileged communities and the Dalits in the development of the country. Some \$21 million had been allocated for projects aimed at the economic and social empowerment of those population groups. The Government had recently announced proposed measures for eliminating all forms of discrimination and exploitation; increasing the representation of ethnic groups, indigenous people, Dalits and women in Parliament; and improving their access to education, health and employment. Education was an efficient instrument in combating racism and racial discrimination and several measures were being taken to strengthen cultural diversity and promote human rights in the education system.

13. Her delegation was of the view that the recommendations made by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action at its second session merited serious consideration. The enlightening discussions of the eminent independent experts on the three major issues of poverty, education and international standards had shown that the eradication of poverty; the promotion of education that was tolerant of other cultures and religions; the involvement of civil society; and strict compliance with national and international legal norms were crucial to the elimination of all forms of discrimination. His delegation welcomed the efforts made by the Anti-Discrimination Unit of the Office of the High Commissioner for Human Rights to encourage States to work in that direction. It was, however, also important to forge solid global partnerships to ensure that the fight against racism was crowned by success.

14. Mr. RIMDAP (Nigeria) said that in the light of its own painful experience of struggling against apartheid, racism, racial discrimination, xenophobia and other forms of discrimination, Nigeria was appalled by the increasing inhumanity in certain parts of the world, especially against migrants and asylum-seekers. His delegation had noted with satisfaction the reports prepared by the Special Rapporteur on contemporary forms of racism and welcomed the progress made by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action and the Working Group of Experts on People of African Descent. It endorsed the recommendations made by the group of eminent independent experts and its suggestion to create a “racial equality index” to measure racial inequalities.

15. Nigeria comprised over 250 languages and ethnic groups. Since President Obasanjo had taken office, considerable efforts had been made to consolidate and deepen the democratic experience. Constitutional and legislative provisions and social policies had been adopted to resolve inter-ethnic and inter-religious differences and economic reforms had been undertaken to alleviate poverty and improve the standard of living of the population.

16. Mr. SOEMARNO (Indonesia) said it was regrettable that three years after the Durban Conference, which had raised many hopes, discriminatory attitudes all over the world had hardened, largely as a result of the climate of tension induced by terrorism. That circumstance could have dire consequences for global peace and stability. His delegation therefore welcomed the fact that the United Nations mechanisms had identified as priorities, inter alia, the promotion of awareness and education of the population; poverty alleviation; the need to foster an ethic of human solidarity based on respect for human dignity and diversity; the implementation of measures to protect civilians; respect for the principle of non-discrimination in the fight against terrorism; and the establishment of complementary standards to strengthen existing instruments for eliminating racial discrimination, xenophobia and other forms of intolerance.

17. The ethnic, cultural and religious diversity that was a source of richness for Indonesia also made it vulnerable to outside factors, especially economic hardship such as that which had engulfed the country in the wake of the Asian crisis in 1997. The considerable tensions brought to bear on that occasion had tested the country’s national unity and solidarity through local inter-ethnic and inter-religious conflicts. The Government had become aware that the only way to counter the resulting threat to the country’s stability was to implement democratic reforms coupled with the promotion of human rights and tolerance. For the past five years, it had endeavoured to strengthen the country’s stability in order to rebuild the social cohesion that had been disrupted by the economic crisis and enable the country to withstand the impact of future crises.

18. Owing to President Soekarnoputri’s insistence on the ideals of pluralism and tolerance as a prerequisite for peace, stability and prosperity, significant progress had been made. The country’s two largest Muslim organizations had agreed to join forces to fight religious extremism. Those two groups were also responsible for rejecting an amendment to article 29 of the Constitution aimed at introducing the Islamic Shariah law on the grounds that its adoption would contradict the spirit of the article, which upheld the plurality of the nation. That commitment to pluralism had also been confirmed when several Muslim political parties had

nominated prominent non-Muslims in their list of candidates before the legislative elections, thus sending voters a message that they should not vote for a candidate based on his or her religious background, but based on the candidate's personal integrity and political vision. The adoption of measures enabling Indonesians of Chinese descent to exercise their political rights after having been deprived of those rights for 32 years represented another step forward in the fight against discrimination on the basis of ethnicity or political affiliation. A decision by the newly created Constitutional Court in February had restored the constitutional rights of former members of the Communist party and their families. In the future, they would be able to exercise their political rights without restriction.

19. Mr. AL SABI (Bahrain) underscored the importance of the report of the High Commissioner for Human Rights (E/CN.4/2004/16) on activities aimed at promoting the Dialogue among Civilizations. Religious intolerance had become a source for grave concern. The human rights mechanisms should reject theories that sought to establish a link between religion, especially Islam, and terrorism.

20. Bahrain's legal framework was based on Islamic Shariah law and the principles of peaceful coexistence, tolerance and acceptance of others. Pursuant to article 18 of the Constitution, the country rejected all forms of discrimination. In accordance with the belief that all human beings had equal rights, Bahrain had acceded to a number of instruments prohibiting discrimination, such as the International Convention on the Elimination of All Forms of Racial Discrimination, and had recently submitted its sixth and seventh periodic reports to the Committee that monitored its implementation. It had also acceded to the Convention on the Elimination of All Forms of Discrimination against Women and incorporated its provisions in domestic legislation. In addition, article 172 of the Bahraini Criminal Code criminalized racial discrimination and incitement to racial hatred.

21. Mr. AHMEN ALHAJ (Sudan) said that it was imperative to take all necessary measures to combat racism, because many population groups all over the world continued to be exposed to blatant manifestations of racial and other discrimination.

22. In the Sudan, cultural pluralism was a reality. The Advisory Council on Human Rights, in collaboration with the Human Rights Standing Committee of the National Assembly, was currently developing a plan of action against discrimination and to that end was conducting consultations with civil society organizations. Radio and television stations broadcast special programmes to disseminate the Durban Declaration and Programme of Action and to promote an inclusive national culture based on peaceful coexistence, tolerance and non-discrimination. Other programmes aimed at raising public awareness of the diversity of cultures in the country. National universities accorded favourable terms to students belonging to minority groups, underprivileged segments of the population and underdeveloped regions. Once the peace process had been completed and a comprehensive peace agreement had been concluded, a new Constitution would be adopted which would include provisions prohibiting discrimination. The Criminal Code contained provisions against extremism, xenophobia, intolerance and discrimination, which were scrupulously implemented. Several recommendations had been made following a conference on human rights education in the Sudan, held in Khartoum in December 2003, inter alia concerning the revision of educational curricula to cater for the social,

religious, ethnic and cultural diversity of the country; the introduction of human rights education in the school syllabus from primary to university education; and increasing emphasis on the role of the media in disseminating a culture of human rights. The steering committee entrusted with ensuring follow-up to the conference was currently engaged with the Government on considering ways and means of implementing those recommendations. In addition, the Committee on Eradication of Abduction of Women and Children had stepped up efforts to identify and report hundreds of abducted persons and to integrate them into the family or the community. Seminars and workshops had been held in different parts of the country to educate the population about the scourges of discrimination and the dividends of peaceful coexistence.

23. His delegation fully endorsed the recommendations contained in the report of the Special Rapporteur on contemporary forms of racism (E/CN.4/2004/18). It welcomed in particular the two-track strategy against racism and intolerance proposed by the Special Rapporteur, as well as the proposal to establish a close link, through reflection and action, between efforts to combat racism and to promote dialogue between cultures, civilizations and religions. His delegation had also carefully examined the report on political platforms which promoted or incited racial discrimination (E/CN.4/2004/61). It fully supported the recommendations in the report of the Working Group of Experts on People of African Descent (E/CN.4/2004/21). The outcome of the second session of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action was particularly encouraging, and his delegation was hopeful that Member States, especially developed countries, would accord greater attention to the work of the Group in the future, to ensure that tangible progress was achieved.

24. Mr. PURI (India) said that his country, which had been the first to raise its voice against apartheid and had always been at the forefront of the international fight against racism and racial discrimination, was concerned about the upsurge in racism and xenophobia in the world in recent years. It was more imperative than ever to focus on implementing the Durban Declaration and Programme of Action. India fully supported the thematic framework adopted by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action and welcomed the progress achieved during its second session. India also welcomed many of the views and recommendations expressed by the independent eminent experts in their report on their first meeting (E/CN.4/2004/112), in particular concerning the need to focus on access to education and justice, the role of young people, civil society and the media, the eradication of poverty and the importance of a “culture of compliance” as well as the need for universal ratification and full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination.

25. However, the Indian Government could not see how the reference to the caste system in India fitted into the study by the Special Rapporteur on contemporary forms of racism on political platforms which promoted or incited racial discrimination (E/CN.4/2004/61), given that the national platform on which the Indian Constitution was based had gone precisely in the direction of proscribing discrimination on any grounds, including race and caste. It was no longer necessary to demonstrate the scale of the affirmative action taken by the Indian Government to resolve the issue of castes or the progress achieved in the educational, social and economic fields. Significant efforts had been made to address the welfare of the scheduled

castes and tribes, as was evidenced by the extent of the resources earmarked for that purpose in the country's tenth Five-Year Plan (2002-2007), and by the creation in 1999 of a separate Ministry of Tribal Affairs and, in 2001, of a Department of Development of the North-eastern Region. It bore clarification that the term "caste" denoted a social or class distinction which had its origins in the division of Indian society during ancient times, whereas the term "descent", which appeared in article 1 of the Convention, referred to "racial" descent.

26. In conclusion, he recalled that India, which was home to almost all the religions of the world, including a particularly large Muslim population, opposed the stereotyping of any religion, because respect for religions came only with genuine respect for democracy, tolerance and pluralism. India was ready to contribute to the fight against racism and to work tirelessly to translate its vision of an egalitarian world into reality.

27. Mr. TEKLE (Eritrea) said he was dismayed that racism and racial discrimination continued to exist in the world, in various forms and with varying degrees of intensity depending on the country. Such phenomena threatened the stability of societies that had seemed invulnerable and exacerbated conditions in fragile States. The Eritrean Government therefore welcomed the creation, through the United Nations, of mechanisms to combat that scourge following the adoption of the Durban Declaration and Programme of Action and the creation of an Anti-Discrimination Unit in the Office of the High Commissioner for Human Rights. However, racism could not be eliminated unless there was a real political will to eradicate it at the national, regional and international levels.

28. The Durban Declaration and Programme of Action had opened a new era in the struggle against racism and, consequently, necessitated a reorganization of priorities and the adoption of new policies and strategies. As the Special Rapporteur on contemporary forms of racism had acknowledged, the international community must address as a matter of priority the use of information technologies, in particular the Internet, to propagate racial hatred and intolerance.

29. Racism fed on perceived differences between peoples, which in some countries were used by malevolent ethnic elites to enlarge their ethnic group's territories while Balkanizing the rest of the country. That led to conflicts which had detrimental consequences for development (in particular famine and environmental disasters) and promoted an aggressive and ruthless policy of hegemony that impelled the State to violate international law. An example of such a State was Ethiopia, which had taken cynical advantage of the struggle against terrorism to annihilate all those who opposed its minority Government's racist rule. That Government's murderous onslaught, which had the appearance of a veritable genocide, had been directed against certain ethnic groups - the Oromo, Kembatta and Nuer - and its repeated invasion of Somalia with a view to destabilizing the legitimate transitional Government recognized by both the United Nations and the African Union was well documented. The Commission must condemn those atrocities and appoint a special rapporteur to investigate the situation.

30. Mr. MONTWEDI (South Africa) said that his country wished to associate itself with the statement by the Congo on behalf of the African Group. The African Group had always advocated the creation of effective mechanisms to ensure the implementation of the Durban Declaration and Programme of Action. Those mechanisms were now in place, and the South African delegation welcomed in particular the active participation of members of the

Asian Group and the Latin American and Caribbean Group, non-governmental organizations (NGOs), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the International Labour Organization (ILO) and other United Nations specialized agencies at the first session of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, but had been disappointed by the reluctance shown by the Western European and Other States Group, given that they were directly confronted with the worst forms of racism, the existence of which they were attempting to deny.

31. All South Africans would be celebrating all year long the tenth anniversary of the establishment, after years of oppression, of a genuinely free and democratic society. South African citizens were gradually beginning to be able to exercise the rights and freedoms of which they had been deprived for so long. In 2003, efforts to combat discrimination had taken the form of establishing a national anti-racism body, which would meet annually to assess the progress made in the fight against racism and in the implementation of the Durban Declaration and Programme of Action.

32. He took note of the report of the Intergovernmental Working Group, and expressed his concerns about the attitude of some participants who were trying to water down the results of its work. He hoped fervently that the Commission would adopt a constructive resolution on racism and racial discrimination.

33. Mr. MENGA (Congo), speaking on behalf of the African Group, said that having suffered slavery, the slave trade, colonialism and apartheid, Africans, whose manpower had made it possible to build sturdy economies in Europe and in North America, were at present being rejected and subjected to the worst forms of racism by those who had once reduced them to slavery. The increase in the discriminatory practices of which they were victims in Europe, in particular in the areas of education, housing and employment, was disturbing. The Working Group of Experts on People of African Descent thus provided a basic structure for tackling the historic injustices suffered by Africans and it was regrettable that developed countries were doing little to ensure the success of its work. The African Group took note however of the commitment of some developed countries, such as Switzerland, Norway and New Zealand - countries which believed that respect for the dignity of all human beings occupied a central position in international human rights concerns. In conjunction with the delegations of those countries and in partnership with the Asian Group and the Latin American and Caribbean Group, the African Group was determined to do everything possible to ensure that the Working Group of Experts achieved concrete and tangible results so as to improve the lot of victims of racism.

34. The African Group also noted with regret the inadequate participation of developed countries in the activities of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, which suggested that the statements that such countries usually made in plenary were just a matter of form. Their intentions seemed to be to discourage efforts by the international community to eradicate racism and racial discrimination.

35. The African Group welcomed the first meeting of the independent eminent experts, held in Geneva from 16 to 18 September 2003, and supported their recommendations, in particular their proposal regarding the establishment of an instrument to assess racial inequalities at the national level. The African Group urged all States to cooperate with the independent experts and

also advocated closer cooperation between the independent experts and the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action. It would also be expedient for them to work in collaboration with the High-Level Panel on Threats, Challenges and Change established by the Secretary-General, in order to assess the needs of victims of racism and to raise awareness about the importance of the work of the Working Group, the group of experts and the Special Rapporteur on contemporary forms of racism.

36. The African Group also welcomed the recent announcement by the Acting High Commissioner for Human Rights regarding the expansion of the Anti-Discrimination Unit. In that respect, adequate provision should be made in the United Nations regular budget to fund the operational activities of the Unit, which could not rely on those who donated to the Office of the High Commissioner for Human Rights, given that they did not subscribe to the spirit of Durban.

37. As the Durban Declaration and Programme of Action remained the only consensus instrument for the elimination of racism at the international level, the African Group invited all States to put in place effective mechanisms at the national level to ensure its implementation. States should consider establishing national anti-racism bodies, as South Africa had done in 2003, within which all the national partners made a commitment to promote tolerance, diversity and respect for human rights.

38. In conclusion, he said that the African Group joined the people of South Africa in celebrating the first decade of democracy and freedom after centuries of racial oppression. The United Nations had played a key role in establishing a democratic and non-racial South Africa and could do more to help the victims of racial discrimination in other regions too.

39. Mr. CERDA (Argentina), speaking on behalf of the Group of Latin American and Caribbean States (GRULAC), supported the work of the three mechanisms created by the Commission on Human Rights for the purposes of implementing the Durban Declaration and Programme of Action. GRULAC had participated actively in the work of the Working Group of Experts on People of African Descent, which it considered to be a mechanism that could make an important contribution to the promotion and protection of the human rights of people of African descent, who were often subjected to racism and discrimination. In that connection, he thanked the Office of the High Commissioner for Human Rights for having helped to organize the first regional workshop for the adoption and implementation of affirmative-action policies for people of African descent in Latin America and the Caribbean, which had been held in Montevideo, Uruguay, in 2003.

40. GRULAC took note with satisfaction of the results of the second session of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action. All Governments, those responsible for special procedures, treaty bodies and international organizations, members of civil society and other parties concerned should reflect on the Working Group's recommendations - recommendations, it should be emphasized, that had been the subject of consensus between all the members of the Group. GRULAC thanked the international institutions, specialized agencies and organs of the

United Nations, the human rights treaty bodies and special rapporteurs of the Commission, as well as various experts, for their cooperation with the Working Group, which he hoped would continue. He also encouraged the Office of the High Commissioner for Human Rights to persist in its efforts to strengthen the capacity of its Anti-Discrimination Unit to support the Durban follow-up mechanisms.

41. It was also important to ensure the broadest possible participation in the activities of the Working Group and to encourage civil society in particular to contribute actively and help States to develop the necessary strategies and programmes for effective implementation of the measures recommended at Durban.

42. Ms. HOCH (Observer for Liechtenstein) said that her country had ratified the International Convention on the Elimination of All Forms of Racial Discrimination in 2000 and in November 2003 had submitted to the Secretary-General its instrument of acceptance of the procedure for the examination of individual communications under article 14 of that Convention. Following its participation in the Durban World Conference, the Government of Liechtenstein had set up, in 2002, a working group responsible for developing and implementing a national five-year action plan to prevent and eliminate racism and xenophobia in Liechtenstein. In 2004, the activities undertaken in the context of the plan of action would focus on raising the awareness of the media about their responsibility to promote respect for all people, by taking into account issues concerning foreigners or different ethnic groups or cases of xenophobia or racial discrimination. Emphasis would be placed on data collection to determine areas where there was a risk of discrimination, such as housing, education or employment. More than 34 per cent of the population of Liechtenstein was made up of foreign nationals from some 80 different countries, and 42 per cent of the people working in Liechtenstein travelled to work across the border, from Austria, Germany and Switzerland. However, there was no political party which propagated xenophobic ideas, nor was there any anti-Semitic or racist movement in Liechtenstein. A genuinely multicultural society where respect and mutual tolerance formed an integral part of daily life could only be achieved through integration.

43. Mr. TABRIZI (Observer for Yemen) said that, since ratifying the International Convention on the Elimination of All Forms of Racial Discrimination, Yemen had been endeavouring to strengthen respect for human rights and fundamental freedoms and to put an end to all discrimination on any grounds. Yemen's Constitution and legislation granted foreigners, in particular, the same rights as Yemeni citizens to enter and leave Yemeni territory, to live in security and dignity, and to have access to justice when their rights were violated. Moreover, special projects and programmes were being carried out to meet the needs of particular sections of the population. Racism constituted a punishable criminal offence.

44. Yemen condemned all forms of discrimination at the national or international level and therefore called on the international community to assume its responsibilities and obligations by condemning Israel's construction of a wall of apartheid in the Palestinian territories.

45. Lastly, he welcomed the work accomplished by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action.

46. Mr. MEJID (Observer for Iraq) recalled that article 1 of the Universal Declaration of Human Rights, which stated that all human beings were born free and equal in dignity and in rights, had not been respected in Iraq for 30 years. The former regime had conducted mass deportation campaigns against non-Arab populations, in particular the Kurds and the Turkmen. The draining of the marshland in the south of the country had caused environmental damage and had jeopardized the survival of the population in that sizeable region.

47. Since the overthrow of that regime, the rights of minorities had been strengthened; they now participated in all the efforts being made to set up the constitutional and national institutions necessary to promote respect for human rights and democracy. The 25 members of the Interim Governing Council represented all religions, political leanings and sensitivities. For the first time, dozens of political parties and NGOs had been set up. Iraqi citizens could now exercise their right to self-determination to create a new State based on pluralism and democracy.

48. Mr. RAAD (Observer for Syria) said that systematic racial discrimination and segregation had not disappeared with the abolition of apartheid. The practices of the Israeli authorities in the Palestinian territories and the occupied Syrian Golan, which were supported by sophisticated and dangerous instruments and followed a consistent pattern, were just as reprehensible. It was paradoxical that those who had been victims of racism in the past were currently guilty of the worst forms of discrimination, in defiance of United Nations resolutions and the numerous appeals from the international community to put an end to racist policies against the Arab population. It was therefore important to strengthen the implementation of the Durban Declaration and Programme of Action, and to reaffirm the need for all States to honour their international obligations under the International Convention on the Elimination of All Forms of Racial Discrimination. It was also necessary to reject all forms of defamation of Islam, which was a religion of tolerance, justice, equality and peace.

49. Mr. SOUALEM (Observer for Algeria) said that the implementation of the Durban Declaration and Programme of Action had produced mixed results. Although the appointment of five eminent independent experts in September 2003 should be welcomed, the lack of support from donors for the Anti-Discrimination Unit of the Office of the United Nations High Commissioner for Human Rights gave cause for concern. The weak participation of certain members of the Western Group in the work of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action hardly encouraged optimism. The Algerian delegation considered that the International Convention on the Elimination of All Forms of Racial Discrimination should be adapted to the new international context in such a way as to take into consideration the new forms of racism and intolerance that transcended borders and made it imperative to codify new norms.

50. Persons of African descent continued to suffer from deplorable practices, including in certain countries where democracy was purportedly established and respect for human rights was considered to be a definitive acquisition. The dialectic relationship between the poverty and the vulnerability of that community largely explained the repeated failure of the integration policies that had been implemented up to the present time. In that regard, the Algerian delegation wished to commend the work of the Special Rapporteur on contemporary forms of racism, whose study (E/CN.4/2004/61) demonstrated, through specific examples, the resurgence of extremism,

ethno-nationalism and racist ideologies in all regions of the world, and particularly in the developed world, where they were propagated by political groups which advocated the ghettoization of minorities. It was regrettable that intellectual circles, whose role was specifically to reduce intolerance through awareness-raising, did not always react to the situation.

51. In conclusion, his delegation supported the recommendation of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action regarding the renewal of its mandate and the recommendations of the Special Rapporteur concerning the strengthening of the role of education in combating the trivialization of racist discourse and the creation of institutions and procedures for monitoring, and to analyse information on the issue.

52. Mr. JOHANSEN (Observer for Norway) said that his delegation had welcomed with interest the High Commissioner's report on the implementation of and follow-up to the Durban Conference (E/CN.4/2004/17 and Add.1-3). He noted with regret that only 28 countries had replied to the request for information addressed to them by the High Commissioner, and that very few had elaborated action plans to combat racism. Yet no region, country or community could claim to be force of intolerance. The World Conference in Durban had led to some valuable recommendations, which Governments must do their utmost to implement. Racism was a source of conflict and tension both within and between States. Urgent measures must be taken to bring an end to the suffering, inequality and sometimes extreme violence which racism engendered.

53. The Norwegian delegation, which was deeply concerned by the use of the Internet and modern communications technologies to promote racial hatred and discrimination, considered that it was essential to strengthen international cooperation, with a view to preventing the dissemination of racist or xenophobic propaganda by those means. In that regard, it welcomed the proposal made by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action to organize a thematic discussion on racism and the Internet at its third session, and would be willing to participate in that discussion.

54. Mr. KIM Yong Ho (Observer for the Democratic People's Republic of Korea) noted that despite the international community's efforts to implement the Durban Programme of Action, intolerance and racial discrimination had far from declined. The fact that certain past injustices had still not been redressed and that their perpetrators were refusing to assume legal responsibility for their actions represented not only an injustice, but also the perpetuation of crimes against humanity. The colonialist past and discriminatory practices of countries such as the United Kingdom and the United States had engendered exclusion based on race, nationality and religion, as well as such serious events as the illegal invasion of Iraq, which constituted a violation of the principle of State sovereignty.

55. His delegation wished to take the opportunity to draw the Commission's attention to the discrimination exercised by the Japanese authorities against Korean residents in Japan. The Committee on the Rights of the Child and the Committee on the Elimination of Racial Discrimination had both expressed their concern regarding the acts of harassment and discrimination of which Koreans had been the victims in Japan, in particular in respect of education, employment and access to social services. Encouraged by the systematic

discriminatory practices of the Government, far right militants had gone as far as to attack Korean institutions and schoolchildren. In over 40 years occupying Korea, Japan had pursued a heinous policy for eradicating the Korean identity, inter alia by prohibiting the use of the Korean language and “Japanizing” Korean names. Rather than accepting its responsibility and giving an official apology, the Japanese Government was continuing to foster a feeling of revenge among the younger generations, to justify its past actions and to distort history, and was maintaining its openly hostile policies in respect of the Democratic People’s Republic of Korea. It was time for Japan to renounce that anachronistic hatred towards other nations, and finally come to terms with its past.

56. Mr. ALBORZI (Observer for the Islamic Republic of Iran) noted with concern that racism and xenophobia were currently finding a certain political, and even legal legitimacy, which was demonstrated by the programmes of certain political parties and organizations that conveyed openly racist ideas. The dissemination of racist propaganda had only been facilitated by the development of the Internet. New and often insidious forms of racism had emerged in recent years, particularly directed against Muslims in certain Western countries. All Governments and non-governmental bodies concerned should unite their efforts to promote better understanding of different cultures and civilizations through cooperation and dialogue. European countries must pay particular attention to respecting the rights of Muslim citizens, including the right to freely practise their religion, and must revise the laws and regulations that led directly or indirectly to discrimination against Muslims.

57. His Government was actively involved in the fight against racism and racial discrimination, at both the national and international levels. It hoped that the recommendations of the Durban Conference would be applied in a spirit of solidarity and cooperation, and that they would be followed up effectively. Iranian society was an example of successful cohabitation between different ethnic groups. The adoption of specific measures to strengthen that situation, inter alia by improving economic, social and cultural conditions in the areas occupied by nomadic and other minority groups, remained a government priority. Those measures were described in detail in his country’s seventeenth periodic report to the Committee on the Elimination of Racial Discrimination.

58. Mr. OELZ (International Labour Office - ILO) said that the fight against discrimination in the workplace had been an essential ILO objective for a considerable period. In June 2003, the International Labour Conference had examined a global report on equality in the workplace. As a follow-up, in November 2003 the ILO Governing Body had adopted a Plan of Action aimed to assist countries in establishing their own policies and strategies for combating discrimination in the world of work, and particularly discrimination based on race, ethnic origin or sex. ILO placed increasing importance on the relation between the fundamental rights of workers, including the right to be protected against all forms of discrimination, and their socio-economic situation. The Office had undertaken to study in greater depth the links between discrimination on the labour market and forced labour or debt bondage, child labour and sexual or economic exploitation. Rapid assessment studies had been carried out in 10 countries in Western, Central and Eastern Europe, regarding trafficking in persons for purposes of sexual or economic exploitation. Those surveys had shown clearly that the groups that were victims of discrimination on the labour market, and that were the most vulnerable, such as indigenous peoples, migrant workers and members of castes, were the most likely to fall into the hands of traffickers.

59. ILO had also continued to cooperate with the Office of the United Nations High Commissioner for Human Rights, UNESCO and the United Nations Global Compact, notably by organizing forums and other events to address the issues of racial discrimination and equality. The ILO Committee of Experts had continued its systematic examination of the situation of the Roma in employment, and studies on discrimination against members of castes, such as the Dalits, had also been carried out.

60. Mr. WAINWRIGHT (International Federation of Red Cross and Red Crescent Societies) said that one of the seven fundamental principles on which the action of the International Red Cross and Red Crescent Movement had been founded was that of impartiality, which prohibited all discrimination based on nationality, race, religion, social status or political beliefs. The main theme of the International Conference of the Red Cross and the Red Crescent, held in December 2003, had been the protection of human dignity. In their joint declaration, the participants at that conference had committed themselves to protecting human dignity by strengthening partnerships, reaffirming and applying the principles of international humanitarian law, and promoting tolerance, non-discrimination and respect for diversity. The National Societies of the Red Cross and the Red Crescent throughout the world were implementing programmes to combat discrimination against ethnic, racial and national minorities, and against the different forms of discrimination connected with HIV/AIDS. In 2003, the Federation secretariat had organized a variety of training activities for key individuals in Asia, Africa and Europe, as well as workshops at regional conferences and an inter-agency think-tank. The participants in the International Conference in 2003 had also adopted a declaration and a programme for humanitarian action, one of the objectives of which had been specifically to integrate the principle of non-discrimination into all of the Federation's main areas of activity. The Federation would organize hundreds of events across the world on 8 May 2004, World Red Cross and Red Crescent Day, on the theme "Stop Discrimination".

61. Mr. VILLAPAREDES (Observer for Venezuela) said that his delegation endorsed the statement made by Argentina on behalf of the Latin American and Caribbean Group. Venezuela's commitment to combating all forms of discrimination had been reaffirmed in the 1999 Constitution, which prohibited all discrimination based on race, sex, religion and social class, and all restrictions on the exercise of human rights and freedoms. Venezuela had never experienced slavery, ethnic conflicts or racism against indigenous peoples and communities, nor had it known discrimination based on religion, race or sex. In order to preserve that situation, the Government had undertaken, in cooperation with the Office of the Ombudsman, to implement promotion, protection and monitoring measures, aimed mainly at security bodies, health and educational establishments, which had contributed to the development of a culture of respect for the human person and tolerance. Certain sectors of political opposition had unfortunately attempted to disseminate racist ideas, including through the media. Determined to take all necessary measures to preserve the good relations between Venezuelans and foreigners living in the national territory, the Government, in cooperation with civil society, had begun a wide range of monitoring and analysis activities, on the basis of which it had drafted public policies that aimed to respond to the needs of the most vulnerable groups of society. The Government hoped that the leaders and supporters of opposition groups would respect those policies.

62. The Venezuelan delegation informed the Commission that during the previous annual session of the United Nations General Assembly, Venezuela had submitted to the Secretary-General, a declaration made by the Government under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, recognizing the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals.

63. Ms. ADRIANJAKA (Observer for Madagascar) said that thousands of people were continuing to suffer each day from the harmful consequences of racism and racial discrimination all over the world. The three Decades to Combat Racism and Racial Discrimination proclaimed by the United Nations had not achieved their goal. Three World Conferences had been organized to seek ways of combating the problem, which, rather than having been alleviated, was continuing in new, more subtle and diffuse forms. The international community, which was aware that the action that had been taken thus far in that regard had been insufficient, had made the fight against racism a very high priority. The World Conference in Durban had been an occasion for all States and actors concerned to consider methods of implementation more carefully, and hence to take effective measures to eliminate racism and all forms of racial discrimination.

64. Having read with great interest the reports of the United Nations High Commissioner for Human Rights and the Working Groups for the implementation of the Durban Declaration and Programme of Action, the Malagasy delegation wished to emphasize a number of issues: firstly, States should strengthen their domestic legislation and take all measures considered effective in favour of education and eradicating poverty in their national programmes; secondly, all concerned parties should pay particular attention to the most vulnerable groups and strengthen their activities in raising public awareness through the use of new information and communication technologies. The international community should promote universal accession to international human rights instruments, and should become more involved by increasing international cooperation and mobilizing both human and financial resources.

65. The Malagasy Government, within the limits of its means, was making its contribution to the fight against racism. It had ratified a number of international human rights instruments, adopted special constitutional and legislative provisions, and established education programmes. It had also participated in the work of the Working Groups on the Effective Implementation of the Durban Declaration and Programme of Action, and on Persons of African Descent, the recommendations of which it fully endorsed.

66. Mr. Smith (Chairperson) took the Chair.

67. Mr. TOMASI (Observer for the Holy See) expressed his concern regarding the new forms of racism, which were sometimes officially tolerated or institutionalized. Intolerance based on the idea of superiority was a source of violence and untold misery. Immigrants, who were increasing in number, were particularly vulnerable to discrimination and forced marginalization, particularly when they were in an irregular situation, even if their presence was needed for economic or demographic reasons. Decisive measures had been taken over the past few decades against intolerance and racism. Many international instruments had been adopted. The challenge that currently faced the international community was to guarantee the implementation of the principles and rules set forth in those instruments. The Working Groups

that had been established to follow up the Durban Conference were continuing to search for concrete ways to achieve that objective and to engage the political will of States in that regard. The Durban Declaration and Programme of Action recognized the need to adopt special measures for victims of racism. The success of the struggle against all forms of intolerance and racial discrimination would depend on human dignity and equality being recognized as the true foundation of social relations.

68. Mr. MALEMPRE (United Nations Educational, Scientific and Cultural Organization) said that UNESCO had always been committed to combating racism, discrimination, xenophobia and intolerance. The organization's initial task, which had been based on research, had consisted of mobilizing the scientific community to refute racist theories. A number of texts, including the Declaration on Race and Racial Prejudice, which had been adopted in 1978 by the UNESCO General Conference, had contributed to demonstrating the futility of racial prejudices. UNESCO had then turned its activities towards drafting international instruments that defined a set of universal principles, concepts and criteria, notably the Convention against Discrimination in Education (1960), the Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms (1974), the Recommendation on Participation by the People at Large in Cultural Life and their Contribution to It (1976), the Declaration on Fundamental Principles concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and to Countering Racism, Apartheid and Incitement to War (1978), the Declaration of Principles on Tolerance (1995), the Universal Declaration on the Human Genome and Human Rights (1997) and the UNESCO Universal Declaration on Cultural Diversity (2001).

69. The Durban Conference had taken place at a time when the international community must face up to new threats of exclusion and discrimination, which had been born of the upsurge in fervid nationalism and intolerance. UNESCO had adopted a strategy with a view to implementing the specific recommendations of the Conference that had been outlined by Mr. Pierre Sané, Assistant Director-General for Social and Human Sciences, at the high-level segment.

70. Ms. FORERO UCROS (Observer for Colombia) said that racism was not an unknown problem in Colombia. The integration of diversity was still a challenge for the State and the whole of Colombian society. On 21 March 2003 the Government had created a working group to monitor the fulfilment of the commitments undertaken by Colombia at Durban, and particularly to study specific measures for the elimination of racism, notably prevention, education and protection measures, and means of redressing the social wrongs that had been committed against victims, such as affirmative action. The Working Group would draft a national plan of action against racism and racial discrimination which would be coordinated with the National Human Rights Action Plan. It was also planned that the National Economic and Social Policy Council, chaired by the President of the Republic, would adopt a directive that examined more closely the situation of the Afro-Colombian population, which was the group most seriously affected by violence, and the situation of indigenous persons, for whom special programmes had been developed. Public debates in which representatives of the Afro-Colombian and indigenous communities took part were also broadcast on television.

71. The report submitted by the Special Rapporteur on contemporary forms of racism did not seem to have properly grasped the significance of the democratic security policy that had been established in Colombia. The policy did not refer to security in the military sense, but rather defence of the right to life of all Colombians, since it was armed conflict, as the Acting High Commissioner himself had recognized in his report, which was aggravating the violations of human rights suffered by civilians and perpetrated by illegal armed groups.

72. Mr. DIACONU (Observer for Romania), after recalling that his delegation had endorsed the statement made by the European Union, drew attention to the fact that the Commission dealt with racism, racial discrimination, xenophobia and intolerance in an overall perspective, without specifically defining any of those concepts. The same was true of the Durban and Vienna Declarations and Programmes of Action.

73. Racial discrimination had been defined in the 1965 International Convention on the Elimination of All Forms of Racial Discrimination, but there was no real universal definition of the concepts of xenophobia and intolerance. Intolerance had been indirectly defined in the UNESCO Declaration of Principles on Tolerance and in the Declaration regarding Intolerance adopted by the Council of Europe in 1981. Xenophobia constituted a serious hindrance to the full exercise of human rights. It would be advisable to consider whether there existed a link between racism, racial discrimination and xenophobia, or between those attitudes and intolerance, and also, whether all means of response were equally appropriate. That would make it possible to see how those phenomena were manifested in practice and find the means to eliminate them.

74. On the basis of the principle that people were not born xenophobic or intolerant, it would be interesting to consider how they became xenophobic or intolerant and what role the society, the State and other social actors could play in preventing that from happening. The Romanian delegation believed that a report on that issue, resulting in practical conclusions, could be useful. It would make it possible to examine the deep roots of intolerance and xenophobia, to analyse the progression from those attitudes to discrimination and violence based on race or ethnic origin and to identify means of preventing those phenomena and rooting out the evil.

75. Ms. ADJANONHOUN (Observer for Benin) said that all initiatives and actions designed to combat racism, racial discrimination, xenophobia and all forms of related intolerance should be supported, because all human beings, regardless of colour, race, religion, culture and geographical location, should be treated equally. Education played a central role in that respect, as had been emphasized in the United Nations instruments. During its second session, the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action had also stressed the need to educate the population on fundamental human rights principles. Thus, to combat all forms of racism, States, their various component structures and institutions, social groups and individuals must first of all introduce human rights education, awareness and information policies.

76. National and local government policies should also be reviewed and any law or regulatory provision giving rise to or perpetuating discrimination should be amended or repealed. States should also promote public and private investment in the framework of national action and

in cooperation with other States, organizations and regional and international financial institutions, in consultation with the communities concerned, with a view to eradicating poverty, in particular in zones where there were the largest number of victims of racism, and reduce the existing technological gap between developed and developing countries.

77. As a sovereign State, Benin had elaborated and implemented its own immigration policies, but had made sure that they were in conformity with applicable human rights instruments and standards, and were free of racism, racial discrimination, xenophobia and intolerance. In 2003, it had also submitted its initial and periodic report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women.

78. Mr. LEVY (Observer for Israel) said that in the previous 10 years, the world had continued to witness terrible acts of violence and vandalism resulting from racial hatred and other forms of prejudice and intolerance. In addition, extremist groups increasingly exploited the mass media, including the electronic media, to incite even more hatred and violence. To facilitate the fight against racial prejudice, racism should not be defined in an overly broad manner. Experience had shown that conflicts, whether national, religious, territorial or military, should not always be perceived as manifestations of racism. Once racism had been clearly defined, it would be possible to work towards the creation of a culture of tolerance and respect for human rights.

79. Anti-Semitism was an ancient and persistent form of racism that humanity had still not managed to eradicate. Traditionally, anti-Semitism had targeted Jews individually and collectively and, at the same time, had led to discrimination and religious intolerance. There currently existed a new form of anti-Semitism resulting from an organized hate campaign, accompanied by incitement to discrimination against Jews in general and a denial of their right to a nation among nations. Since mid-2000, there had been a rise in anti-Semitic acts around the world, such as the torching or bombing of synagogues and Jewish community centres, the desecration of Jewish cemeteries, the harassment and persecution of Jews and anti-Semitic propaganda inciting to violence against Jews. In some regions, that culture of hatred against the Jews appeared in the mass media, including television and radio, books and school textbooks, and pervaded sermons delivered in mosques.

80. Anti-Semitism undermined the very foundations of democracy, decency and humanity. Taking into account the scope and severity of anti-Semitic manifestations in recent years, it was imperative for the Commission to focus on the problem and to make a proper reference to it in its resolutions under the agenda item being discussed.

81. Mr. VIGNY (Observer for Switzerland) said that, although racism was universally condemned, too many individuals were still “victimized” as a result of their origin, race, age, language, social situation, way of life, or religious, philosophical or political convictions. Switzerland was particularly concerned by the scale of the phenomenon of arbitrary deprivation of nationality or denial of citizenship. In several regions of the world, ethnic minorities were denied the right to citizenship and other relevant civil rights, or their citizenship was revoked as a result of their race or national origin, sometimes despite the fact that they had been living there

for generations. Sometimes, as a result of outdated laws and administrative obstacles, women could not pass their nationality to their children, which meant that the children became stateless and did not have the right to vote, work, own property, receive social benefits, study, marry or travel.

82. In view of the scale of the new wave of anti-Semitism and anti-Islamism, further exacerbated by the recent tragic attacks, emphasis must be put on the fundamental role of education in combating those phenomena, while encouraging tolerance, the acceptance of diversity and respect for others. For that reason it was important to implement the Programme of Action adopted in Durban and to ensure cooperation among Governments with a view to eliminating racial discrimination and xenophobia. The second session of the Intergovernmental Working Group had reflected the difficulties that lay ahead. The recommendations which it had adopted had been the result of sometimes difficult compromises, in particular with regard to the elaboration of additional standards for combating racism. Those proposals deserved to be carefully examined. However, the Swiss delegation believed that all the existing rules should be kept in mind before rushing to elaborate new ones.

83. Mr. MARIASCHIN (B'nai B'rith International and Coordinating Board of Jewish Organizations) expressed the concern of the two organizations which he represented with regard to the deletion of the paragraph on the increase in anti-Semitism and Islamophobia in various parts of the world from the draft resolution on racism, prior to its adoption by the Commission at its fifty-ninth session, as a result of pressure from States members of the Commission that were radically opposed to the very mention of the word "anti-Semitism" in any United Nations resolution. The anti-Semitic attacks that had been witnessed in 2003 in many parts of the world resembled those carried out at the beginning of the twentieth century, that had served as the precursor of the Holocaust.

84. Luckily, the danger of that phenomenon had been recognized by many independent observers, including some who were close to the Commission. Thus, the High Commissioner for Human Rights had declared that it was essential for European political and opinion leaders to do everything in their power to combat anti-Semitism. He also quoted statements to the same effect by the President of the French Republic and Cardinal Roger Etchegaray, a senior Vatican official. The most flagrant example of "classical" anti-Semitism not linked to the conflict in the Middle East had been given by the Prime Minister of the country hosting the summit of the Organization of the Islamic Conference, who had declared that Europeans had killed 6 out of 12 million Jews but that Jews currently ruled the world by proxy and sent others to fight and die in their place. None of the 57 countries present had protested against that declaration.

85. If the Commission wished to retain a semblance of credibility in its treatment of racism, racial prejudice and xenophobia, it must classify anti-Semitism as a form of racism that warranted consideration by the Special Rapporteur on contemporary forms of racism, and condemn it like other forms of racism directed against other groups.

86. Ms. SAHRAOUI (International Commission of Jurists - ICJ - and International Federation of Human Rights Leagues - IFHR) said that ICJ and IFHR were very concerned about people being subjected to discrimination as a result of their real or assumed sexual orientation or identity, as it followed from the jurisprudence of the treaty bodies. Such discrimination could be seen in the criminalization of sexual relations between two consenting adults of the same sex; or

the use in some countries of corporal punishment or the death penalty to punish transsexual behaviour; and in discriminatory practices with regard to victims or perpetrators of offences or crimes resulting from their sexual orientation or identity. Thus, criminal complaints by victims, in particular for ill-treatment, torture, cruelty, including rape or sexual aggression, would not be examined, while the perpetrators would be subject to summary criminal proceedings without guarantees of a fair trial and would receive heavier punishment.

87. The ICJ and IFHR recalled that non-discrimination was a fundamental principle that formed the basis of the United Nations system for the protection of human rights. The Human Rights Committee and the Committee on Social, Economic and Cultural Rights had recognized that the prohibition of all forms of discrimination, as envisaged in the Covenants the implementation of which they monitored, related also to discrimination based on sexual orientation. In addition, the universality of human rights had been recognized by all States at the World Conference in Vienna. Thus, if the Commission was not to fail in its mission, it should support a resolution reaffirming those principles.

88. Mr. RAJKUMAR (Pax Romana), also speaking on behalf of the International Anti-Slavery Society, the World Lutheran Federation, the International Movement against All Forms of Discrimination and Racism, the Minority Rights Group and the Asian Forum for Human Rights and Development (Forum-Asia), said that those organizations were concerned that the problem of discrimination based on caste membership and similar forms of inherited social exclusion persisted, despite the efforts of some Governments to remedy it. The phenomenon currently affected about 250 million people. Nevertheless, they were encouraged by the heightened attention accorded to that question by the Committee on the Elimination of Racial Discrimination in its General Recommendation XXIX on descent-based discrimination, and by the Sub-Commission on the Promotion and Protection of Human Rights.

89. In his study on political platforms which promoted or incited racial discrimination (E/CN.4/2004/61), the Special Rapporteur on contemporary forms of racism also looked into that persistent global problem, mentioning the caste system in India (para. 37) and the marginalization of certain groups and communities such as the Buraku in Japan (para. 40). According to him, the argument that those were purely internal matters was inadmissible on the basis of accepted international principles. In reality, caste or similar systems constituted human rights violations and must therefore be condemned. States that had taken measures to eliminate such discriminatory systems should be congratulated and encouraged and those that had not yet acknowledged that form of discrimination should be exhorted to do so. Precisely because of the deeply entrenched nature of the problem, the enormous numbers of people affected, and the global dimensions of the phenomenon, the international human rights community and the Commission must take cognizance of the existence of that institutionalized violence.

90. Ms. BEN-HAIM ROSEN (International Association of Jewish Lawyers and Jurists and Women's International Zionist Organization) denounced the intensification of anti-Semitism around the world, as evidenced, inter alia, by attacks on Jewish people and property and the delegitimation of Israel as a Jewish State in the media. Even more worrying was the rise of genocidal anti-Semitism: certain terrorist groups, backed by some Governments, openly announced their intention to remove all Jews from Israel; and a martyr cult was being taught to Palestinian children, with members of the Palestinian Authority driving young people to commit suicide attacks against Israelis and Jews.

91. Outside the Commission, the world was well aware of the problem: for example, the European Monitoring Centre on Racism and Xenophobia had prepared a report on the clear resurgence of anti-Semitism in the European Union, and the Organization for Security and Cooperation in Europe had held a conference on the subject. On the other hand, in the United Nations, at the General Assembly and at the Commission, in particular, constant efforts were being made to avoid any reference to anti-Semitism and prevent the Special Rapporteur from reporting on that phenomenon, whereas the issue of Islamophobia had received the closest attention. Yet, it would be appropriate for the Special Rapporteur to deal with the two equally serious problems in the same manner.

92. The Commission must address the alarming rise in anti-Semitism, vigorously condemn all anti-Semitic acts, establish appropriate mechanisms to monitor all forms of racial discrimination, including anti-Semitism, and urge all States to adopt legislation banning the use of the media as a means of mass incitement to hatred and violence.

93. Mr. CORBYN (Liberation) drew the Commission's attention to the fate of refugees and asylum-seekers in Europe and in the developed world, in general, who were victims of discrimination and subjected to a new form of institutionalized racism, "xenoracism", that led to their demonization by the media, that referred to them, for example, as "bogus", "illegal" or "economic" migrants. Policies designed to exclude them from the social welfare system were on the rise. Denying them the right to work opened the door to their exploitation. The "war against terrorism" had reinforced that discrimination. Certain States reserved the right to detain indefinitely foreigners accused or suspected of involvement in terrorist activities, and denied them access to justice and legal aid, as at Guantánamo, where the United States had held many people without trial for over two years. In those conditions, the very notion of justice was distorted.

94. The very act of seeking asylum was often considered a crime. Thus, special border controls were being justified, in violation of article 31 of the Geneva Convention and the Universal Declaration of Human Rights. In Europe, asylum-seekers were routinely arrested, placed in detention and expelled to dangerous conflict zones, with no regard to their human rights. The fight against xenoracism went hand in hand with the protection of human rights. It was essential for the Commission on Human Rights to look into the issue and vigorously defend the right to asylum enshrined in the 1951 Geneva Convention.

Statements in exercise of the right of reply

95. Mr. TRUONG Trieu Duong (Observer for Viet Nam) recognized that, as the Vietnamese-born representative of the United States had proudly declared at the previous meeting, many Vietnamese had been successful in the United States. However, that was not the only country where the Vietnamese had found success. They could pride themselves on having reduced poverty and hunger in their own country; on having fought against foreign aggression for independence and freedom; and on having rebuilt their country, that had been devastated by successive wars. While welcoming the commitment of the representative of the United States to the promotion of human rights in other countries, including Viet Nam, the Vietnamese delegation recalled that many Vietnamese-born Americans had not had the opportunity to

receive the same education as he had; they continued to be the victims of xenophobia and racial discrimination and might very well disagree with his rosy vision of the United States. A number of them had in fact returned to Viet Nam where they would certainly not have wanted to resettle had they not found advantages there and had their rights and freedoms not been protected by law.

96. Mr. KIM Yong Ho (Observer for the Democratic People's Republic of Korea) rejected the allegations made by the representative of the United States for political purposes and to mislead the Commission. He wondered why, having boasted of the freedom he had enjoyed in the United States, that representative had said nothing about the systematic and consistent human rights violations which took place on a daily basis in that country, in particular about the racial discrimination against coloured persons, including 40 million African Americans. Why, moreover, if the United States representative really strove to promote human rights in the world, as he claimed, had he said nothing about the death of thousands of innocent civilians who had been killed as a result of the illegal invasion and occupation of Iraq by the United States and its allies? His behaviour seriously damaged the Commission's credibility and should be categorically condemned.

97. Mr. MATSUURA (Japan), replying to the representative of the Democratic People's Republic of Korea (DPRK), said that the Pyongyang Declaration, which had been signed in September 2002 by Japan and the DPRK, dealt with issues related to Japan's colonial past. Thus, there was no need to repeat what had already been said in that joint declaration. With regard to the situation and resident status in Japan of persons from the Korean Peninsula, the Japanese Government was doing everything it could to improve matters from the humanitarian point of view.

98. With regard to the dispute between Japan and the DPRK concerning assets, it was indicated in the Pyongyang Declaration that the two parties would discuss that issue and the question related to their nationals during the process of normalization of their relations.

99. Mr. SHEHADA (Observer for Palestine), referring to the respective statements of the International Association of Jewish Lawyers and Jurists and the representative of Israel, said that the Palestinian resistance was not conducted against Jews, but against occupation and humiliation and for the exercise of the right to self-determination. Israel was the occupying power and its policy with regard to the Palestinians was discriminatory. For example, a crime would be punished differently depending on whether it had been committed by an Israeli or a Palestinian: the former could receive a mere fine, while the latter could be sentenced to life imprisonment. Some roads were reserved for the Israelis and others for the Palestinians, which constituted discrimination. Some Palestinian prisoners could not receive family visits, while Israeli detainees could sometimes return home for the weekends. The Palestinians' right to travel and their right to own property were subjected to discriminatory restrictions. Palestinian families were sometimes prohibited from travelling and some villages did not receive food or medication. Palestinian resistance targeted solely the Israeli occupation.

100. Mr. LEVY (Observer for Israel) said that several speakers had described as "racial" or "racist" the security measures taken by Israel to defend its own civilians against terrorist attacks. As an example of the racism which underlay the terrorist attacks on Israel, he mentioned the case of the young, 20-year-old Israeli Arab student who had been attacked and killed the previous week by several Palestinians who had probably come from one of the Palestinian villages located

close to Jerusalem. After first claiming responsibility for the assassination of “several Zionist settlers” in Jerusalem, Fatah and the Al-Aqsa Brigades had discovered the following day that the innocent victim was an Israeli Arab and not a “Zionist settler”, had apologized to his family and called the young man a “martyr”.

101. He wondered whether the observer for Palestine would list that innocent Israeli Arab victim among the martyrs alleged to have lost their lives in clashes with the Israeli army.

102. Mr. KIM Yong Ho (Observer for the Democratic People’s Republic of Korea) asked why if, as claimed, it was willing to respect the Pyongyang Declaration, Japan opted for confrontation with the DPRK instead of seeking to forge relations with that country, in conformity with the Declaration, and had even, inter alia, taken sanctions against ships of the DPRK that had anchored in Japanese ports. If Japan really wished to implement the bilateral agreements signed, it should try to make amends for its criminal past, involving 8.4 million forced disappearances and 1 million Koreans who had been killed or reduced to sexual slaves for the Japanese army.

103. Mr. SHEHADA (Observer for Palestine) said he could understand that the Israelis should act in the name of security on their territories but wondered whether they had to occupy another territory when theirs was threatened and whether, on that reckoning, they should not also occupy France, for example. He believed that Israel did not have the right to kill innocent people in order to reinforce its security. By withdrawing its occupation forces from the Palestinian territories, Israel would be able to defend its security as it wished.

104. Mr. MATSUURA (Japan) deplored the fact that the representative of the DPRK had quoted unsubstantiated numbers with regard to Japan’s colonial past. It was mentioned in the Pyongyang Declaration that the two parties, Japan and the DPRK, would discuss all those issues during the process of normalization of their relations. The Japanese Government intended to respect the planned arrangements and embark on that process.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued)

105. The CHAIRPERSON announced that Pakistan, on behalf of the States members of the Organization of the Islamic Conference (OIC), had requested a special sitting on the situation in the occupied Palestinian territory following the assassination of Sheikh Ahmed Yassin on 22 March 2004. He suggested that, for the time being, the Commission should take note of that request and entrust the Bureau with the task of examining it within 24 hours and submitting a recommendation for consideration by the plenary Commission.

106. It was so decided.

The meeting rose at 6.05 p.m.