



**Economic and Social  
Council**

Distr.  
LIMITED

E/CN.4/2005/L.10/Add.6  
21 April 2005

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS  
Sixty-first session  
Agenda item 21 (b)

**REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE  
SIXTY-FIRST SESSION OF THE COMMISSION**

**Draft report of the Commission**

**Rapporteur: Ms. Deirdre KENT (Canada)**

**CONTENTS\***

*Chapter*

*Page*

<b>VI. Racism, racial discrimination, xenophobia and all forms of discrimination .....</b>	
--	--

---

\* Documents E/CN.4/2005/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council, will be contained in documents E/CN.4/2005/L.11 and addenda.

## **VI. Racism, racial discrimination, xenophobia and all forms of discrimination:**

### **(a) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action**

1. The Commission considered agenda item 6 at its 14th and 15th meetings on 21 March 2005, at its 44th meeting on 12 April, at its 49th meeting on 14 April, and at its 59th meeting on 20 April.<sup>1</sup>
2. For the documents issued under agenda item 6, see annex VI to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairperson's statements, by agenda item, see annex V.
3. At the 14th meeting, on 21 March 2005, Mr. Doudou Diène, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, presented his report (E/CN.4/2005/18 and Add.1-6). During the ensuing interactive dialogue, the representatives of Guatemala and Honduras and the observers for Côte d'Ivoire and Nicaragua made statements, as concerned countries, on the report. The representatives of Argentina, Canada, China, Cuba, Nepal and the Russian Federation, as well as the observers for the Libyan Arab Jamahiriya, Luxembourg (on behalf of the European Union), Norway and Switzerland also addressed questions to the Special Rapporteur, to which he responded.
4. Also at the 14th meeting:
  - (a) Mr. Peter Lesa Kasanda, Chairperson-Rapporteur of the Working Group of Experts on People of African Descent, presented the report of the Working Group (E/CN.4/2005/21). During the ensuing interactive dialogue, the representatives of Argentina, China and Cuba addressed questions to the Chairperson-Rapporteur of the Working Group, to which he responded;

---

<sup>1</sup> See footnote 1 above (chap. III, para. ...).

(b) Mr. Juan Martabit, Chairperson-Rapporteur of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action presented the report of the Working Group (E/CN.4/2005/20).

5. In the general debate on agenda item 6, statements were made by members of the Commission, observers and representatives of non-governmental organizations. For a detailed list of speakers, see annex III to the present report.

### **Combating defamation of religions**

6. At the 44th meeting, on 12 April 2005, the representative of Pakistan (on behalf of the Organization of the Islamic Conference) introduced draft resolution E/CN.4/2005/L.12, sponsored by Pakistan (on behalf of the Organization of the Islamic Conference).

7. Statements in explanation of vote before the vote were made by the representatives of Canada, China, Costa Rica, Cuba, Dominican Republic, Guatemala, Honduras, India, Netherlands (on behalf of the States members of the European Union that are members of the Commission - Finland, France, Germany, Hungary, Ireland, Italy and the United Kingdom of Great Britain and Northern Ireland, as well as Romania, which aligned itself with the statement) Sri Lanka and United States of America.

8. At the request of the representative of the Netherlands (on behalf of the States members of the European Union that are members of the Commission - Finland, France, Germany, Hungary, Ireland, Italy and the United Kingdom of Great Britain and Northern Ireland, as well as Romania, which aligned itself with the statement), a recorded vote was taken on the draft resolution, which was adopted by 31 votes to 16, with 5 abstentions. The voting was as follows:

*In favour:* Argentina, Bhutan, Brazil, Burkina Faso, China, Congo, Costa Rica, Cuba, Ecuador, Egypt, Eritrea, Ethiopia, Guinea, Indonesia, Kenya, Malaysia, Mauritania, Mexico, Nepal, Nigeria, Pakistan, Paraguay, Qatar, Russian Federation, Saudi Arabia, South Africa, Sri Lanka, Sudan, Swaziland, Togo, Zimbabwe.

*Against:* Australia, Canada, Dominican Republic, Finland, France, Germany, Guatemala, Hungary, Ireland, Italy, Japan, Netherlands, Romania, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Abstaining:* Armenia, Honduras, India, Peru, Republic of Korea.

9. For the text, see chapter II, section A, resolution 2005/3.

**Inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance**

10. At the 49th meeting, on 14 April 2005, the representative of the Russian Federation introduced draft resolution E/CN.4/2005/L.14, sponsored by Belarus, Cuba and the Russian Federation. Kazakhstan subsequently joined the sponsors.

11. The representative of the Russian Federation orally revised the draft resolution by modifying the third preambular paragraph, operative paragraph 2 as well as operative paragraph 3.

12. Statements in explanation of vote before the vote were made by the representatives of the Netherlands (on behalf of the States members of the European Union that are members of the Commission - Finland, France, Germany, Hungary Ireland, Italy, United Kingdom of Great Britain and Northern Ireland as well as Romania which aligned itself with the statement) and the United States of America.

13. At the request of the representative of the United States of America, a recorded vote was taken on the draft resolution, as orally revised, which was adopted by 46 votes to none, with 4 abstentions. The voting was as follows:

*In favour:* Argentina, Armenia, Bhutan, Brazil, Burkina Faso, China, Congo, Costa Rica, Cuba, Dominican Republic, Ecuador, Egypt, Ethiopia, Finland, France, Gabon, Germany, Guatemala, Guinea, Honduras,

Hungary, India, Indonesia, Ireland, Italy, Kenya, Malaysia, Mexico, Nepal, Netherlands, Nigeria, Pakistan, Paraguay, Peru, Qatar, Romania, Russian Federation, Saudi Arabia, South Africa, Sri Lanka, Sudan, Swaziland, Togo, Ukraine, United Kingdom of Great Britain and Northern Ireland, Zimbabwe.

*Against:* None.

*Abstaining:* Australia, Canada, Japan, United States of America.

14. For the text, see chapter II, section A, resolution 2005/5.

**World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action**

15. At the 59th meeting, on 20 April 2005, the representative of Ethiopia (on behalf of the States members of the African Group) introduced draft resolution E/CN.4/2005/L.13/Rev.1, sponsored by Ethiopia (on behalf of the States members of the African Group). Cuba, the Islamic Republic of Iran and Uruguay subsequently joined the sponsors.

16. Statements in connection with the draft resolution were made by the representatives of Cuba and the Netherlands (on behalf of the States members of the European Union that are members of the Commission - Finland, France, Germany, Hungary, Ireland, Italy and the United Kingdom of Great Britain and Northern Ireland, as well as Romania, which aligned itself with the statement).

17. The representative of the Netherlands (on behalf of the States members of the European Union that are members of the Commission - Finland, France, Germany, Hungary, Ireland, Italy and the United Kingdom of Great Britain and Northern Ireland, as well as Romania, which aligned itself with the statement) proposed amendments to the draft resolution as follows:

- (a) The sixteenth preambular paragraph, subparagraph (b), to read as follows:

“The last three days of the seminar focusing on the IGWG efforts on strengthening the implementation of existing instruments by identifying gaps in international human rights law, with a view to preparing complementary standards to address them, recognizing that any complementary standards should strengthen the existing norms and bring added value.”;

- (b) Operative paragraph 28 to read as follows:

“Welcomes the second meeting of the Group of Independent Eminent Experts, held at Geneva on 21 to 23 February 2005, in particular its work programme as requested in United Nations General Assembly resolution 59/177.”;

- (c) Operative paragraph 29 to read as follows:

“Takes note of the report of the High Commissioner on the possibility of the development of a racial equality index as proposed by the Group of Independent Eminent Expert in its first meeting and requested by the Commission in its resolution 2004/88 (E/CN.4/2005/17).”

18. The representative of Ethiopia (on behalf of the States members of the African Group) made a statement in connection with the proposed amendments.

19. Under rule 65, paragraph 2, of the rules of procedure of the functional Commissions of the Economic and Social Council, the representative of Ethiopia (on behalf of the States members of the African Group) moved that the Commission take no decision on proposed amendments to the draft resolution.

20. Statements in explanation of vote before the vote on the proposed motion were made by the representatives of Cuba, Japan, Mexico, the Netherlands (on behalf of the States members of the European Union that are members of the Commission - Finland, France, Germany, Hungary, Ireland, Italy and the United Kingdom of Great Britain and Northern Ireland, as well as Romania, which aligned itself with the statement) and Zimbabwe.

21. At the request of the representative of Ethiopia (on behalf of the States members of the African Group), a recorded vote was taken on the motion, which was adopted by 27 votes to 23, with 3 abstentions. The voting was as follows:

*In favour:* Bhutan, Burkina Faso, China, Congo, Cuba, Egypt, Eritrea, Ethiopia, Gabon, Guinea, India, Indonesia, Kenya, Malaysia, Mauritania, Nepal, Nigeria, Pakistan, Qatar, Russian Federation, Saudi Arabia, South Africa, Sri Lanka, Sudan, Swaziland, Togo, Zimbabwe.

*Against:* Argentina, Armenia, Australia, Canada, Costa Rica, Dominican Republic, Finland, France, Germany, Guatemala, Honduras, Hungary, Ireland, Italy, Japan, Netherlands, Paraguay, Peru, Republic of Korea, Romania, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Abstaining:* Brazil, Ecuador, Mexico.

22. Statements in explanation of vote before the vote on the draft resolution were made by the representatives of the Netherlands (on behalf of the States members of the European Union that are members of the Commission - Finland, France, Germany, Hungary, Ireland, Italy and the United Kingdom of Great Britain and Northern Ireland, as well as Romania, which aligned itself with the statement) and the United States of America.

23. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications<sup>2</sup> of the draft resolution.

24. At the request of the representative of the United States of America, a recorded vote was taken on the draft resolution, which was adopted by 38 votes to 1, with 14 abstentions. The voting was as follows:

---

<sup>2</sup> See footnote 2 above (chap. III, para. ...).

*In favour:* Argentina, Armenia, Bhutan, Brazil, Burkina Faso, China, Congo, Costa Rica, Cuba, Dominican Republic, Ecuador, Egypt, Eritrea, Ethiopia, Gabon, Guatemala, Guinea, Honduras, India, Indonesia, Kenya, Malaysia, Mauritania, Mexico, Nepal, Nigeria, Pakistan, Paraguay, Peru, Qatar, Russian Federation, Saudi Arabia, South Africa, Sri Lanka, Sudan, Swaziland, Togo, Zimbabwe.

*Against:* United States of America.

*Abstaining:* Australia, Canada, Finland, France, Germany, Hungary, Ireland, Italy, Japan, Netherlands, Republic of Korea, Romania, Ukraine, United Kingdom of Great Britain and Northern Ireland.

25. For the text, see chapter II, section A, resolution 2005/64.

-----