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SUMMARY RECORD OF THE 15th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 21 March 2005, at 3 p.m.

Chairperson: Mr. WIBISONO (Indonesia)

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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** (agenda item 6) (continued) (E/CN.4/2005/15-17, 18 and Corr.1, and Add.1 and Corr.1, and Add.2-6, 19-21, 63 and 125; E/CN.4/2005/NGO/3, 26, 56, 66, 102, 137, 149, 176, 212, 239, 261, 280 and 315)

1. Mr. SINGH PURI (India) said that the fight against racism in all its manifestations had been an intrinsic part of his country's struggle against colonial rule, and India had played a leading role in the abolition of apartheid. The principles of non-discrimination and equal opportunity were enshrined in the Indian Constitution, and criminal justice legislation penalized any violation of those principles, as well as the dissemination of racist propaganda. His country had also shown its practical commitment to those principles in the international arena by actively supporting and ratifying the relevant international instruments.

2. The recrudescence of racism, xenophobia and racial profiling in many parts of the world were a matter of grave concern and required urgent action. States parties to the International Convention on the Elimination of All Forms of Racial Discrimination must show the political will to implement its provisions and fulfil their treaty obligations, and non-signatory States should accede to the Convention without delay.

3. The thematic approach adopted by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action constituted a durable and promising basis for consolidating the progress made at the Durban Conference. His delegation looked forward to the high-level seminar to be held during the Working Group's fourth session as an opportunity to address the issues identified in the Group's conclusions and recommendations. The convening of the fourth session of the Working Group of Experts on People of African Descent in 2004 was also commendable.

4. Sources and causes of contemporary racist manifestations must be addressed, including the glaring economic disparities in different parts of the world; the onslaught of bigotry, chauvinism and violence on diversity, pluralism and tolerance; the absence of democracy, constitutional order and the rule of law; political concepts that portrayed foreigners as a threat to local prosperity, culture and identity; racist immigration, citizenship and refugee legislation; and political platforms based on race-related hatred and discrimination. The use of modern communication technologies as a means to propagate racial hatred was also cause for concern. India firmly opposed the stereotyping of religions. As one of the most diverse countries in the world, it was firmly committed to assuming its responsibility in the global fight against racism.

5. Mr. VICTOR (Pakistan) said that the Pakistani Constitution explicitly prohibited all forms of discrimination. As a party to the International Convention on the Elimination of All Forms of Racial Discrimination, his country had been actively involved in the work of its monitoring body, the Committee on the Elimination of Racial Discrimination (CERD), and had played a leading role in the elimination of the system of apartheid. His Government was firmly

committed to the principles of the Durban Declaration and Programme of Action and welcomed the work undertaken by the Intergovernmental Working Group. He appealed to all parties concerned to take the necessary measures for prompt implementation of the Group's recommendations. Holding a seminar on complementary standards during the Group's fourth session would be particularly useful. He hoped the Working Group of Experts on People of African Descent would continue its useful work.

6. At the national level, a series of measures had been taken to promote non-discrimination and tolerance, including the creation of special welfare schemes to combat the social exclusion of minority groups and the establishment of a joint electoral system to ensure minority representation at all levels of government. Ten seats in the National Assembly, 1 seat in the Senate and 23 seats in provincial assemblies were reserved for members of minority groups. Their representation in local government bodies was a powerful tool for integration. A National Commission for Minorities had been set up to safeguard minority interests, and the principle of freedom of religion was strictly observed.

7. The concept of "enlightened moderation" propounded by the President of Pakistan implied the obligation for Muslims to invest in modern education based on tolerance and moderation and to acquire scientific and technological knowledge. Concurrently, Western and developed nations were called upon to ensure just settlement of long-standing disputes involving Muslims and to address the root causes of extremism. The implementation of the concept would create peace and security around the world.

8. Mr. NEBIE (Burkina Faso) said that his Government was deeply indignant at the recrudescence of racist and discriminatory acts at a time when the horrors of the Holocaust were still fresh in everyone's memory. States' commitment to eradicate that scourge was manifest in the relevant international instruments. However, the implementation of policies that promoted attitudinal changes and created an environment where racist acts were no longer tolerated was also required. He commended the Commission on its activities in that field.

9. Policy-making in Burkina Faso was guided by the principle of non-discrimination, which permitted the peaceful coexistence of over 60 different ethnic groups on its territory. His country was a signatory of all the major human rights instruments and had incorporated the relevant provisions, including the principle of non-discrimination, in its Constitution. The creation of the Ministry for the Promotion of Human Rights, the establishment of a National Human Rights Commission and participation in the 2001 World Conference against Racism, among others, indicated his country's commitment to promoting and protecting human rights.

10. Burkina Faso had adopted an integration policy for foreigners, and immigrants enjoyed equal rights before the law. Domestic refugee legislation guaranteed the right to equal access to education. In 1998, a pilot project had been implemented for the resettlement of refugees.

11. Poverty, socio-economic crisis and, in particular, the question of identity provided a fertile ground for contemporary racism and racial discrimination. Modern communication media, instead of bringing the peoples of the world closer together, were sometimes used as instruments for the propagation of racial hatred. To eradicate those phenomena in the long term, States must adopt and implement policies that promoted a culture of tolerance and peace.

12. Mr. ATTAR (Saudi Arabia) said that international efforts to protect and ensure respect for human rights and eradicate all forms of racial discrimination were consistent with Islamic principles. Those principles stressed the importance of respect for human rights irrespective of ethnic origin or belief, and rejected racial intolerance.

13. Saudi Arabia was a party to the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women and had incorporated the principle of non-discrimination in domestic legislation. The Durban Declaration and Programme of Action had been fully implemented. Practical steps had been taken to ensure that all legislation and State action was in strict compliance with international obligations.

14. His Government was concerned about growing anti-Islam tendencies in certain societies, attacks against Muslim places of worship and businesses and property owned by Muslims, and attempts to associate Islam with negative phenomena such as terrorism. Islam was a peaceful religion that advocated tolerance, mutual aid and solidarity, and terrorism had affected Muslims and non-Muslims alike. The discriminatory acts against Islam and its followers must be countered in order to promote a spirit of cooperation, tolerance and inter-cultural dialogue and ensure that all members of the international community could enjoy peace and security.

15. Mr. LUKIYANTSEV (Russian Federation) said his Government appreciated the fact that the fight against racism had become a priority for United Nations activity. The Russian Federation supported the activities of global and regional mechanisms to combat intolerance. It welcomed the statement by the United Nations High Commissioner that combating racism and implementing the Durban Declaration were priorities of her office (OHCHR). Although the Durban Conference had demonstrated the international community's determination to eliminate racism and discrimination, the instruments adopted were not being adequately implemented. It was symbolic that the coordination process for agreement on the relevant resolutions in the Commission and the Third Committee of the General Assembly was being led by the African Group, which included a delegation from South Africa, a country that knew better than any other the horrors of racism.

16. His Government cooperated actively with the Special Rapporteur on racism, and was looking forward to his visit to Russia in June 2005, which it hoped would be a step towards achieving full implementation of international standards. Russia supported the resolution submitted by the Organization of the Islamic Conference (OIC) on defamation of religions, the application of which would strengthen mutual tolerance in multi-confessional societies. At its previous session, the Commission had adopted a resolution submitted by the Russian delegation, which had emphasized the danger of the increase of neo-Nazism in certain countries and the glorification of former Nazi leaders, including those sentenced at the Nürnberg trials. Such phenomena, which went hand in hand with attempts to re-write the history of the Second World War, gave rise to a variety of forms of intolerance and poisoned the minds of young people. Unfortunately, such practices were still occurring, even on the eve of the sixtieth anniversary of the end of the Second World War. His delegation would therefore submit a relevant resolution during the current session, and hoped that it would, once again, be adopted by consensus.

17. The situation of national minorities was an indicator of States' commitment to democratic standards and the provision of human rights. The infringement of minority rights and freedoms in any country could lead to ethnic and cultural conflicts and should be addressed by the international community. In that regard, particular attention must be paid to discrimination against the Russian-speaking populations of Latvia and Estonia, 50 per cent of whom did not have citizenship. The majority of those people had either been born, or lived for most of their lives, in those countries. The right to citizenship was a fundamental human right, which should be enjoyed by all. All countries must adhere to accept human rights standards in respect of citizenship, and the Commission and OHCHR must pay further attention to the issue.

18. Ms. AMERI (United States of America) said that her Government was firmly committed to combating racism, discrimination, xenophobia and related intolerance wherever they occurred. The United States itself had a history of race-related violence, but was proud of the progress made towards realizing the dream of Martin Luther King to create a society where persons were judged not by the colour of their skin, but by their character.

19. The United States was currently one of the most racially diverse countries in the world, and the principle of non-discrimination was enshrined in the Constitution. Laws and programmes designed to ensure equal opportunity were strictly enforced. For decades, successive Governments had promoted equality by enacting and enforcing legislation prohibiting racial and ethnic discrimination in housing, employment, education, elections and access to public places.

20. In spite of such progress, racially motivated economic disparities persisted, but the current Administration had made race-related issues a priority. The present Cabinet was the most diverse in the country's history and, for the first time, a black woman had been appointed Secretary of State.

21. The global battle against racism must include the fight against anti-Semitism and Islamophobia. Since the tragic events of 11 September 2001, the President of the United States had repeatedly and publicly reminded all citizens to respect and celebrate the country's diverse, multicultural and multi-ethnic society. Her Government was committed to cooperating with other Member States in eliminating racism and discrimination in all their ugly manifestations.

22. Mr. ACHARYA (Nepal) said that new guidelines must be developed to address policy and implementation lacunae relating to the elimination of racism and racial discrimination. The persistence of those phenomena made the effective implementation of the Durban Declaration and Programme of Action a priority.

23. The Nepalese Constitution prohibited all forms of discrimination and guaranteed the right to judicial remedy. Legislation also prohibited the propagation of racist ideas and the commission of or incitement to acts of violence against any race or group of persons of different ethnic origin. Sustained efforts had been made to protect and promote those constitutional rights, including the adoption of a number of relevant legal and statutory instruments. In an attempt to bring vulnerable and marginalized communities into the mainstream of national life, special measures had been taken to increase their representation at all levels of decision-making; to facilitate the allocation of adequate resources for the development of their own region; to facilitate access to civil service posts and higher education; and to reverse their economic

marginalization. Within the framework of the National Human Rights Action Plan, ministries, local bodies and NGOs had been given a clear mandate to ensure the effective protection of the Dalit community. The institutional and administrative consolidation of the Nepal Foundation for the Development of Indigenous Nationalities and the National Commission on Women had been made a priority to ensure effective protection of those vulnerable groups. Poverty alleviation, results-oriented economic management and the integration of socially excluded segments of the population were key elements of the current Tenth Five-Year Plan to address the problem of discriminatory attitudes linked to poverty, underdevelopment and social exclusion.

24. His Government attached great importance to the work of the United Nations treaty bodies. In accordance with its treaty obligations, regular reports were submitted to CERD, and serious efforts were made to implement the Committee's recommendations. His Government was committed to promoting education and economic and social progress and taking relevant administrative and legal measures necessary for the progressive elimination of racist attitudes and all forms of discrimination.

25. Mr. MELEIKA (Egypt) said that his delegation supported the statements made by the representative of Ethiopia on behalf of the African Group and the observer for the Libyan Arab Jamahiriya on behalf of the Arab Group. Throughout history, racism and racial discrimination had led to wars, violence and injustice, and in spite of the establishment of a legislative framework to combat those phenomena, racially motivated violence and injustice continued to exist.

26. His Government was deeply concerned over the increase in acts of discrimination against Arabs and Muslims in the aftermath of the events of 11 September 2001, including attacks on places of worship and Islamic cultural centres and the public defamation of Islam. Such discrimination had gone as far as the construction of a wall to isolate members of that community. In its Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, the International Court of Justice had called for the dismantlement of the wall and for compensation for the victims.

27. His delegation supported the recommendations made by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action. Particular emphasis must be placed on developing complementary standards to ensure the effective implementation of the relevant international instruments and on the role of education in fighting racism and racial discrimination.

28. Ms. MTSHALI (South Africa) said that her delegation associated itself with the statement made by the representative of Ethiopia on behalf of the African Group. Racism and its attendant evils remained a major challenge for contemporary society. The Durban Declaration and Programme of Action were useful in the fight against those phenomena.

29. The establishment of mechanisms such as the Intergovernmental Working Group on the effective implementation of those texts, the Working Group of Experts on People of African Descent and the Independent Eminent Experts illustrated the commitment of the international community to supporting the global anti-racism, anti-discrimination agenda. Her delegation welcomed the reports of the chairpersons of those mechanisms and called for urgent action on the recommendations contained therein. The recommendation of the Intergovernmental

Working Group for a high-level seminar to examine the issue of complementary standards relative to the International Convention on the Elimination of All Forms of Racial Discrimination and other relevant instruments was particularly noteworthy. She called on OHCHR to expedite the consultative process on the establishment of a “racial equality index”, as recommended by the Independent Eminent Experts, and reiterated the African Group’s recommendation for all special mechanisms to collaborate closely and build synergies to harmonize their work. All Member States had the responsibility to participate in and support those mechanisms.

30. At the national level, sustained efforts had been made to overcome past divisions. The second decade of freedom from apartheid would entail further consolidation of national reconciliation, cohesion and unity. Respect for human rights and the progressive realization of economic, social and cultural rights were the guiding principles for the establishment of a just, equitable society, and the Durban Declaration and Programme of Action played an important role in that process.

31. Ms. WHELAN (Ireland) endorsed the statement made by the representative of Luxembourg on behalf of the European Union and said that it might be useful if Member States were to share their national experiences regarding the follow-up to the Durban Conference. In her country, after 12 months of consultations involving a wide range of stakeholders, a National Action Plan Against Racism had been launched in order to promote a more inclusive, intercultural society. The plan would focus on protection against racism, promotion of economic and social inclusion, provision ensuring that public services accommodated diversity, recognition of cultural and ethnic diversity, and measures to secure the full participation of minority ethnic groups. As education had a key role to play in dealing with racism, her Government was issuing intercultural guidelines for primary and post-primary schools, which encouraged a cross-curricular approach. It had likewise published an information booklet, entitled “Schools and the Equal Status Acts”, outlining the way in which an inclusive school could prevent and combat discrimination.

32. Mr. MOHAMED (Sudan) endorsed the statements made by the representative of Ethiopia on behalf of the African Group, by the representative of Pakistan on behalf of the OIC and by the observer for the Libyan Arab Jamahiriya on behalf of the Arab Group. Unfortunately, suffering on the African continent was not part of history but was still continuing. The former colonial Powers bore the moral and legal responsibility for ending that adversity. It was therefore gratifying to note the universal unanimity on the need to end racism. The action taken by the Working Group of Experts on People of African Descent to implement the Durban Declaration and Programme of Action was most welcome. At the same time, host countries should adopt legal, social and pedagogical measures to alleviate the distress of persons of African descent in the diaspora. Regional agreements to curb migration should take basic human rights into account in order to preserve human dignity and prevent racial arrogance and discriminatory treatment. He urged the Commission to give serious consideration to the African proposal to hold an international seminar to discuss ways of rectifying the gaps in international treaties.

33. Mr. TEKLE (Eritrea) said that the bad memories of humiliation and subjugation under the colonialist yoke had left an indelible mark on the collective consciousness of Eritreans, who therefore abhorred racism and all forms of discrimination. The divide-and-rule strategies of the colonial Powers had been defeated by the sense of unity forged by the struggle for freedom and, on gaining independence, the Eritrean people had enshrined the idea of unity in diversity in their Constitution. For similar reasons, the Government had been an active participant in all regional and international conferences against racism and had signed the International Convention on the Elimination of All Forms of Racial Discrimination.

34. Despite the best efforts of the international community, racism and intolerance were on the rise again, especially in the developed countries. At the State level they were easy to fight through legal measures, but at the community level they were more difficult to combat and new strategies were necessary in order to deal with such problems as the abuse of the Internet by racists. In the Horn of Africa ethnocentrism, which was simply ethnic subjugation by an ethnic minority regime, was having dangerously divisive effects and was targeting ethnic minorities from neighbouring States, refugees and migrants.

35. Racism was the product of evil men and women who invented an enemy in order to usurp power by manipulating the baser instincts and fears of humanity and by using real or imagined historical injustices to foment violence. His Government unequivocally condemned ethnocentrism and older forms of racism and racial discrimination. It also had serious reservations about racial profiling, the stigmatization of certain ethnic and religious groups since 11 September 2001 and the association of previous victims of racism with terrorist organizations.

36. Eritrean society comprised nine ethnic groups and was almost equally divided between Christians and Muslims. It had consistently rebuffed all attempts to disrupt the solidarity and equality which were its hallmarks, and it would not permit racism or other forms of intolerance to threaten its harmony, dignity and security.

37. Mr. SOEMARNO (Indonesia) said that the recent onset of new and insidious forms of racism throughout the world made it a global phenomenon which gravely threatened human rights. That trend and a dangerous escalation of racial and religious prejudice mainly targeting Muslims increased the urgency of finding fresh and more effective remedies to discrimination and intolerance. The launching of the World Programme for Human Rights Education was therefore welcome, and it was to be hoped that the programme would break new ground in disseminating the ideals of the United Nations Decade for Human Rights Education.

38. The report of the Special Rapporteur on racism (E/CN.4/2005/18 and Addenda) pinpointed the need for a strategy extending and strengthening the legal and political responses to the problem and for an intellectual and ethical approach designed to foster a better understanding of cultural roots, as well as of ideological processes and mechanisms. His Government's policies had, in fact, tended naturally towards both strategies, and the country's Constitution had enshrined the human rights-based national philosophy of Pancasila into its provisions with a view to establishing the equal status and rights of all Indonesians.

39. As a party to the International Convention on the Elimination of All Forms of Racial Discrimination, his Government was endeavouring to promote the human rights of all Indonesians regardless of their faith or ethnic background. It had therefore embarked on a policy to instil the values of democracy and human rights in the country's judiciary and to create independent supervisory bodies.

40. As his country had always practised a moderate form of Islam, his Government attached the greatest importance to the fight against intolerance and sectarianism. Through inter-faith dialogue, Indonesia's various communities had demonstrated that faith could be a force for peace. Pluralistic education could also spread the principle of respect for other people's fundamental right to their identity. At the same time, Governments should give priority to eradicating poverty, as the frustration it caused could breed racism.

41. Ms. VADIATI (Observer for the Islamic Republic of Iran) said that it was vital to prevent racism and xenophobia, as they had a negative impact on the lives of individuals and on that of the community and also presented a serious threat to human dignity and international peace and security. Despite the international community's efforts, the scourge of racism and intolerance still posed a challenge to all societies.

42. The defamation of religions in general and Islam in particular was the most notable manifestation of contemporary forms of racism, and some laws even gave free reign to Islamophobia. The seriousness of repeated incidents involving Muslim minorities in some Western countries should be officially recognized and the appropriate action taken. Measures to counter such harmful phenomena should include education and intercultural and interreligious dialogue, since the latter would promote a culture of peace and tolerance conducive to the eradication of all forms of discrimination and xenophobia.

43. Her Government supported the efforts of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action and invited all other countries to meet their commitments in that respect.

44. Mr. AL-BADER (Observer for Kuwait) stressed that, since Islam was a religion of tolerance, it strongly advocated coexistence and disapproved of violence and intolerance. Kuwaiti society espoused the principles of justice and equality and strongly opposed all forms of discrimination based on religion or belief. His Government agreed with the Special Rapporteur on freedom of religion or belief that it was necessary to pursue dialogue between religions and beliefs in order to promote mutual respect among peoples. It concurred in particular with the appeal to Governments to take stern measures to deal with Islamophobia (E/CN.4/2005/18/Add.4, para. 32). Moreover, Islam and Muslims should not be held responsible for actions and practices that were alien to the spirit of Islam. They condemned violent movements based on extremism and xenophobia.

45. It was essential to muster efforts to combat racism and strengthen a culture of tolerance and respect.

46. Ms. HOCH (Observer for Liechtenstein) said that while the perpetrators of discriminating, xenophobic or racist activities should be prosecuted, prevention resting on mutual understanding and respect was the most effective tool for eradicating such behaviour.

Hence it was true that intercultural and interreligious dialogue must be intensified at all levels. Her Government had initiated such a dialogue in order to improve the integration of the foreign population and by hosting the European Institute for Interreligious, Intercultural Dialogue, it was providing a platform for research into that issue.

47. Fortunately, racist violence was practically non-existent in her country, and the working group for implementation of the National Action Plan had therefore concentrated on raising public authorities' awareness of human rights and on alerting representatives of the media to the latter's crucial role in contributing to mutual understanding and respect within a multi-ethnic society. The working group had also funded various projects aimed at improving civil society's ability to run integration initiatives.

48. Her Government would continue to make strenuous efforts to implement the National Plan against Racism, since it believed that it was vital to integrate all groups into society in order to avert racism and xenophobia.

49. Ms. AOKI (Observer for the International Federation of Red Cross and Red Crescent Societies) said that the reports which had been submitted under the item under consideration should be assessed in the light of the work done by other organizations working in the same field. Her organization therefore trusted that it would be given an opportunity to share its experiences in that connection. The International Federation strove to create an appreciation of the values of tolerance and non-discrimination by stressing the value of diversity and its benefits to communities and nations. It would discuss a special report on that subject at its General Assembly in Seoul later that year. Preparatory work on the report had suggested that much more attention should be paid to community-based organizations with a mandate to promote tolerance and combat discrimination. Red Cross and Red Crescent Societies were committed to impartiality, one of the Fundamental Principles of the Movement, because many humanitarian priorities depended on building a culture free from any form of discrimination. In addition, the International Federation looked forward to contributing the fruits of its work on identity construction to a debate on that subject later in the year.

50. Mr. MURSHED (Observer for Yemen) said that his Government had fully implemented the International Convention on the Elimination of All Forms of Racial Discrimination and was working tirelessly in order to make further progress towards achieving its commitment to eradicate all forms of racism. The equality of all members of society was enshrined in his country's Constitution, and its laws prohibited the financing of any form of racist activity. The efforts of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action were commendable, and it was to be hoped that the text of the Declaration would be fully implemented.

51. Mr. YONG HO Kim (Observer for the Democratic People's Republic of Korea) said that racism, racial discrimination, xenophobia and all forms of discrimination were still prevalent.

52. His delegation wished to draw attention to Japan's denial of its past aggression against other nations and to that country's attempts to evade responsibility for its former crimes, including its heinous policy of discrimination against the Korean people. Japan also claimed dominion over Tokto Island which, however, definitely belonged to Korea. Apparently Japan did not care about the impact its contempt of other nations was having on regional peace and

security, although it dreamt of becoming a permanent member of the United Nations Security Council. Unless it changed its attitude, it would never lose the stigma of being classed as an “enemy State” in the Charter of the United Nations. The Korean people believed that it was entitled to compensation from Japan for the latter’s former policies.

53. Ms. AJAMAY (Observer for Norway) said that, although non-discrimination was a basic principle of international human rights law, the persistence of racism and racial discrimination showed that it was necessary to look for new ways to deal with the problem and to prevent racist and xenophobic discourse from entering the mainstream of public opinion. To that end, her Government had developed voluntary codes of conduct to encourage politicians not to make public statements that could fuel discrimination. Comprehensive national legislation should be combined with efficient tools like the International Convention on the Elimination of All Forms of Racial Discrimination. The work of the Intergovernmental Working Group was welcome. Priority should, however, go to the genuine implementation of existing standards, rather than to the creation of new ones. For that reason, her Government had proposed the incorporation of article 4 of the Convention into domestic law, since it viewed that provision as applying to material disseminated on the Internet. At the same time, it believed that legal and political responses to racism should be combined with an intellectual strategy for combating racism in the domain of ideas, images and value systems. OHCHR should therefore continue its valuable work in the field of combating racism.

54. Mr. AL KAABI (Observer for Iraq) said that racist policies were a flagrant violation of the Charter of the United Nations and international human rights instruments. Whereas the former Iraqi regime had perpetrated crimes of discrimination, killing people just because they were Kurds, Shi’ahs, non-Baathists or people who held different views, the new Government had adopted policies to enable persons of all faiths to participate in public life, because it believed that equality before the law was crucial. Every effort was being made to promote human rights and respect for the rights of minorities so that everyone could enjoy full political, social and economic rights and participate in drafting the Constitution and in the reconstruction of society in the democratic country that Iraq had become. It therefore hoped that the international community would support its endeavours in that connection, because the elimination of racial discrimination was the sine qua non for building an international society based on peace and security.

55. Mr. RAAD (Observer for the Syrian Arab Republic) said that new forms of racism and racial discrimination were phenomena proving that mankind did not yet understand what civilization truly meant. They were bred by ignorance and were encouraged by the fact that human rights were considered from a unilateral standpoint, testifying to narrow-mindedness and double standards. One of the new forms of discrimination was directed against Arabs and Muslims living in a world where they were involved in an imaginary conflict of civilizations, although they had thought that the disappearance of colonialism and apartheid might have marked the end of discriminatory policies. It was, however, clear that Israel was trying to revive such antiquated policies through the discrimination it was practising in the Occupied Palestinian Territory and in the Golan. His Government particularly thanked the Special Rapporteur on racism for his report on the defamation of religions (E/CN.4/2005/18/Add.4), especially the part dealing with Islamophobia and Arabophobia since Islam was one of the religions being targeted by intolerance.

56. Mr. AL-FAIHANI (Observer for Bahrain) drew attention to the fact that the report on the defamation of religions (E/CN.4/2005/18/Add.4) had not outlined any measures to counter that new form of discrimination and said that, since becoming a party to the International Convention on the Elimination of All Forms of Racial Discrimination, Bahrain had made that kind of discrimination a punishable offence. His country was also eager to fulfil its international obligations by submitting its reports to CERD on time. The high-level delegation which had travelled to Geneva to be present when the Committee considered Bahrain's sixth and seventh periodic reports had included a representative of NGOs because cooperation with civil society was extremely important.

57. The elimination of racism and racial discrimination would help to strengthen peace, security and stability in the world. Efforts in the field of education would contribute to the achievement of that goal.

58. Mr. LEVANON (Observer for Israel) said that the evils of racism and discrimination had arisen in almost every society. As victims of one form of such hatred, anti-Semitism, Israel felt a special responsibility to stand by other victims of racial discrimination. The United Nations should be mindful of the atrocity of the Holocaust which had led to its establishment and should therefore remain eternally vigilant. The ugly scourge of anti-Semitism was spreading once again. Efforts to draw a distinction between anti-Zionism and anti-Semitism should be categorically rejected. The destructive machinery of the Nazis had begun with words. That demonstrated how easy it was to move from vilification to dehumanization and destruction.

59. The holding of the special session of the United Nations General Assembly to commemorate the liberation of the Nazi concentration camps and the Berlin Declaration against Anti-Semitism issued by the Organization for Security and Cooperation in Europe (OSCE) were, however, a source of encouragement.

60. Mr. CAFAROV (Observer for Azerbaijan) said that racism, racial discrimination, xenophobia and all forms of racial discrimination constituted a negation of the principles enshrined in the Charter of the United Nations, a serious violation of human rights and a denial of the self-evident truth that all human beings were born free and equal in dignity and rights.

61. His Government shared international concern about the upsurge in racism and in defamation of Islam. Serious steps should be taken to deal with both. His country had been subjected to aggression and foreign occupation and its people had been evicted from a neighbouring country because of their language and religious identity.

62. The international community should spare no effort to combat the causes of racism and racial discrimination and, in that connection, it should be particularly vigilant during armed conflicts which often led to manifestations of that scourge.

63. Mr. BELO MANGUEIRA (Observer for Angola) said that his Government considered the Durban Declaration and Programme of Action to be particularly important in the fight against discrimination, but recognized that the principal responsibility for eliminating racial discrimination lay with Governments themselves. Much remained to be done to ensure the full implementation of the Durban principles. The Intergovernmental Working Group had proposed that a high-level seminar be held to discuss contemporary discrimination issues, such as the use

of the Internet for disseminating racial propaganda. The Internet played an important role in daily life, and was a fast and effective means of communication, which should be used to bring different peoples and cultures closer together, rather than to incite racial hatred. Regulations on Internet use should be introduced into human rights legislation. Education was one of the most important ways to eliminate negative behaviour and must start in the family.

64. Angola supported the Intergovernmental Working Group's request for increased funding, since its lack of financial resources had adversely affected the Group's work. It also supported the proposal to establish a racial equality index, which should provide important statistical information that could be used in policy-making.

65. Mr. BITETTO (Observer for Venezuela) endorsed the statements made by the representative of Mexico on behalf of the Latin American and Caribbean Group and by the representative of Brazil on behalf of MERCOSUR and its associated States. His Government was committed to the complete eradication of all forms of discrimination, and hence the Venezuelan Constitution contained provisions banning them. The Government had battled with poverty and exclusion and had introduced programmes to guarantee the right to health, education, housing and food of wide sections of the population who had traditionally been excluded.

66. Despite those efforts, racist attitudes had been displayed by some sectors of the political opposition, but the Government would take the appropriate measures to deal with them and was confident of success in securing the respect of democratic values by all sectors of society.

67. Mr. TUCKER (Canadian HIV/AIDS Legal Network) said that his predecessor, who had addressed the Commission during its previous session, had been murdered in September 2004 while working at the office of the Sierra Leone Lesbian and Gay Association. Sexual orientation was as much a part of human identity as race, faith and gender, and since human rights were indivisible and interrelated, it was meaningless to strive to combat only certain types of discrimination. His organization noted with dismay that some States retained laws that criminalized homosexual activity and non-normative sex and gender expression. Some such laws had been extended in the name of religion and culture, in an unacceptable move to enforce colonial and patriarchal values that promoted fundamentalism and extremism. Although there was a rich and diverse global advocacy on sexual and gender diversity, there was also a climate of hatred targeted at marginalized groups. Lesbian, gay, bisexual and transgender people faced harassment from police, abuse by their neighbours and families, violence and brutality, including punitive rape. Such groups must be recognized as full and equal members of the human family. The diversity of humankind must be acknowledged, embraced and celebrated, and to do less was an insult to the foundations of the United Nations system.

68. Ms. HADJ-SAHRAOUI (International Commission of Jurists and International Federation of Human Rights Leagues) said that a debate on the draft resolution on human rights and sexual orientation should take place in the context of human rights principles and States' obligations to eliminate discrimination. Discrimination on the grounds of sexual orientation or gender identity gave rise to serious human rights violations. In some countries, sexual relationships between same-sex consenting adults were criminalized and even punishable by death. Measures must be taken to prevent and punish murder committed on the grounds of sexual orientation or gender identity, and put a stop to the imprisonment of persons to "cure"

them of their sexual orientation. Lesbian, gay, bisexual and transgender prisoners were often sexually abused by other inmates and prison staff. Transsexual and transgender persons, especially male-to-female, were particularly vulnerable when placed in men's prisons. Further attention must be paid to the prevention of multiple discrimination. Discrimination on the grounds of sexual orientation or gender identity resulted in the deprivation of all other human rights, and the social stigmatization of persons on those grounds increased the climate of impunity and indifference to violations of their human rights. The Commission must stop turning a blind eye to the serious human rights violations that occurred on grounds of sexual orientation or gender identity, and should not allow a group of persons that were particularly vulnerable to fall outside the scope of human rights protection.

69. Ms. KHALLIL (Franciscans International) said that discrimination based on work and descent was closely linked with the denial of the right to land, which was often the root cause of human rights violations. The Scheduled Castes and Scheduled Tribes of India were socially marginalized and dispossessed, despite national legislation to abolish that phenomenon. Gaps in legislation and development policy threatened their rights and their survival. They were denied access to land, as a result of which they were forced into bonded labour, extreme poverty, exclusion and violations of their human dignity. Legislation for the prevention of land alienation and the Kerala Land Reform Act intended to restore alienated lands to Scheduled Tribes had not been fully implemented and had been of limited effect. The United Nations Special Rapporteur on indigenous people had noted that development projects threatened the Scheduled Tribes. Franciscans International urged the Commission to approve the decision of the Sub-Commission on the Promotion and Protection of Human Rights to appoint two Special Rapporteurs on discrimination based on work and on descent. The organization also urged the Indian Government to ensure the full implementation of legislation for the prevention of land alienation, issue a standing invitation to all United Nations Special Rapporteurs, particularly the Special Rapporteur on racism, submit its overdue periodic reports to CERD and to the Committee on Economic, Social and Cultural Rights, and ratify and fully implement International Labour Organization (ILO) Conventions Nos. 169, 138 and 182.

70. Mr. KAPLAN (Coordinating Board of Jewish Organizations and B'nai B'rith International) said that although the Coordinating Board of Jewish Organizations applauded the recommendation by the Special Rapporteur on racism that the Commission should condemn anti-Semitism in a stand-alone resolution, it found some aspects of his report to the Commission troubling. The report contained a variety of definitions of anti-Semitism that had been put forward by unnamed experts. No attempt was made to determine the weight that should be attached to the various conflicting definitions, and outdated historic views were presented as current, widely accepted definitions, particularly in respect of the relationship between anti-Zionism and anti-Semitism. The assertion that those opposing anti-Semitism might only be doing so lest they were accused of anti-Semitism themselves, was particularly worrying. Questioning the motives of the Jewish community's friends isolated Jews and dishonoured opposition to anti-Semitism. The Commission must look to the Berlin Declaration of OSCE as an example of how international organizations could advance legal, educational and cultural remedies for anti-Semitism.

71. Ms. BEN-HAIM ROSEN (International Association of Jewish Lawyers and Jurists) said that the recognition by the Special Rapporteur on racism of the resurgence of anti-Semitism emphasized the urgent need to combat that form of racism. Her association endorsed the Special Rapporteur's recommendation that the situation of anti-Semitism should be regularly reviewed, and urged the Commission to adopt the recommendation for the creation of a unit responsible for assessing data on manifestations of racism. The Special Rapporteur's decision to visit the Russian Federation was particularly welcome, since the recent wave of anti-Semitic attacks in the country had reached a dangerous peak: a defamatory letter had been sent to the Procurator General by 19 deputies of the State Duma, demanding the elimination of all Jewish organizations on the grounds that they incited hatred to mankind. Such a demonstration of unbridled anti-Semitism should be addressed by the competent Russian authorities at the highest level, and should be brought to the urgent attention of CERD.

72. Anti-Zionism constituted anti-Semitism when it denied the right of Jews to consider themselves as a people, on the grounds that Jews were not entitled to the right to self-determination. Such was an exercise in sheer prejudice and blatant discrimination. The Special Rapporteur's report did not mention recent cases of the dissemination by State-controlled organs in Arab countries of classic anti-Jewish propaganda, such as the Syrian-sponsored revival of the 1840 Damascus Blood Libel that had been screened during Ramadan by a Lebanese licensed television channel used by the Hizbollah terrorist group. Despite the submission of documented evidence of such expressions of extreme racial hatred, neither the Commission, nor any other human rights body, had taken remedial action.

73. Ms. KOHN (Al Haq and Adalah) said that for three years, Israel had been separating thousands of Palestinians from the occupied Palestinian territories from their families in Israel, solely on grounds of their ethnic origin. Israel's law on nationality and entry into Israel specifically excluded residents of the Israeli settlements in the occupied Palestinian territories. It was discriminatory and prevented the consideration of new nationality and residence applications. The law was applied retroactively, thus negating previous judgements that had granted nationality or residence permits, with no right to appeal. Such a law could not be justified by Israeli security claims, which only mentioned a few individual suspects out of the thousands who had been granted status. The whole Palestinian population was considered a security threat, and family unification in Israel was prevented on grounds of ethnic origin. The law also discriminated directly against Arab citizens and residents of Israel who married Palestinian residents of the occupied Palestinian territories. Such a discriminatory and disproportionate measure could not be justified. Israel had renewed the law twice, most recently in January 2005. The international community must address the issue, and the Commission must urge Israel to revoke the law.

74. Mr. KIRKYACHARIAN (Movement against Racism and for Friendship among Peoples) said that although racism was frequently condemned, it had a tendency to reappear and take on new characteristics, stemming from social problems, conflict and insecurity. Thought must be given to addressing such changes. A contemporary problem was that anti-racist measures could be guilty of destroying social peace, encouraging violence and setting peoples against each other. Laws that criminalized incitement to racial hatred must be fully implemented. Although efforts to educate, both in schools and through the media, were laudable, such measures had limited and sometimes even negative effects. In many countries, society was a picture of discrimination, inequality and injustice.

75. Recent events, such as the aggressive attitude of French school pupils who visited the site of the Auschwitz concentration camp, had attracted considerable attention. So much consideration was given to the Holocaust that the other atrocities committed by Western civilizations were not mentioned. Education was the key to real politics. Citizens must recognize themselves as having been born into, and summoned to, different destinies. It must not be forgotten that the most cultivated people of Europe had been responsible for the most terrible of crimes.

76. Ms. FERNANDO (International Movement against All Forms of Discrimination and Racism) said that, as a result of the tsunami that had hit Asia in December 2004, hundreds of thousands of people had perished and several thousand had been displaced. The Sri Lankan Government's failure to establish a joint mechanism with the Liberation Tigers of Tamil Eelam for the distribution of tsunami relief was tantamount to non-recognition of the needs of the Tamil and Muslim communities in the east of the country. The Government's reconstruction and housing plans would benefit the Sinhala majority, but would be seriously detrimental to the economic and social status of the minority Muslim community. Although reconstruction had begun in the south of the country, many Tamil and Muslim people in the north and east were still living in tents. Government policies on the relocation of persons who had lived within 100 metres of the seashore had caused anxiety and further displacement for the Muslim population.

77. Thousands of documented and undocumented Burmese migrant workers had been left stranded in Thailand following the disaster, since their Government had not assisted them, and had failed to acknowledge the full scale of the crisis. The Indian Government must investigate the cases of Dalit human rights violation in relief operations that had been documented by NGOs. Her organization urged the Governments of the affected countries, NGOs involved in rehabilitation and reconstruction, and international aid and United Nations agencies to ensure that relief and reconstruction efforts were conducted without any discrimination.

78. Mr. SÁNCHEZ THORIN (Colombian Commission of Jurists) noted that the report by OHCHR on implementation of the recommendations of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action (E/CN.4/2005/16) stressed the importance of educating young people in human rights because of their potential as catalysts for change. Initiatives such as "Young people drawing for human rights" in countries like Colombia helped to promote the right to education in indigenous communities and communities of African descent.

79. As noted by the Special Rapporteur on racism in his report on his mission to Colombia (E/CN.4/2004/18/Add.3), the Government's "democratic security" strategy was determined more by security considerations than by a concern for democracy. The priority accorded to a military solution and the systematic violation of the basic rights of the population had led to a dramatic increase in discrimination - particularly racial and ethnic discrimination - against indigenous peoples and Afro-Colombian communities. Their presence in regions of major economic and strategic importance and in conflict zones made them extremely vulnerable to such violence. The Special Rapporteur had recommended the adoption of a general act prohibiting racial discrimination, and the establishment of a national commission to combat racism and discrimination with a view to promoting democratic and interactive multiculturalism with the participation of the indigenous, Afro-Colombian and Roma communities and of civil society.

80. He urged the High Commissioner's Office to pursue its integrated approach to implementation of the recommendations adopted by the Working Group at its second and third sessions.

81. Mr. LITTMAN (Association for World Education) said that the ongoing plague of anti-Semitism in the Arab and Muslim world had not received sufficient international attention. The struggle to combat racism, including anti-Semitism, must not be curtailed in the United Nations by self-censorship as a result of doctrinal accusations of blasphemy. Reports on such anti-Semitism remained few, while accusations of blasphemy and defamation of Islam were frequently heard. During the fifty-sixth session of the Sub-Commission on the Promotion and Protection of Human Rights, his organization had been accused of blasphemy by the observer for the Sudan, for having cited an example from a religious textbook used in Egyptian schools, of the ritual beheading of infidels. The member from Pakistan had accused the NGO of defamation of Islam, and had announced that steps would be taken to protect United Nations bodies from being thus abused in future. Such statements, involving terms such as "blasphemy" and "defamation of Islam", which were intended to intimidate or impose censorship, should be ruled "out of order" in all United Nations bodies.

82. Mr. VALDEZ AGUAYO (American Association of Jurists) said that in the recent commemoration of the liberation of the Nazi concentration camp at Auschwitz, little reference had been made to the fact that big companies and financial institutions had helped to bring Hitler to power and that the concentration camps had provided those companies with slave labour. Many of the same companies were now represented at international meetings, influencing decision-making in the United Nations system, financing foundations and subsidizing NGOs, but they refused to compensate the survivors of the forced labour regime. Their former practices lived on and, together with more recently formed transnational corporations, they continued to promote coups d'état and wars of aggression, to support dictatorships, and to violate the right to health, labour rights and environmental law, giving priority to profit maximization and the "liberalization" of labour markets.

83. To combat such evils and those of human trafficking for labour or sexual exploitation, it was necessary to probe deeply into their roots.

84. Mr. CASTILLO BARROSO (Movimiento Cubano por la Paz y la Soberanía de los Pueblos) said that it was over three years since the first prisoners had arrived at the international prison camp in the United States naval base in the Cuban territory of Guantánamo, occupied illegally and against the will of the Cuban people. The detainees, now numbering about 600, were not recognized as prisoners of war by the United States Government but had been given the status of "illegal combatants" and were denied the legal safeguards set forth in the Third Geneva Convention.

85. Although the United States was a party to the Convention against Torture, interrogations at the detention centre were reminiscent of those in Nazi concentration camps, with torture sessions involving beatings, chaining, indecent posing of detainees, electric shocks and exposure to extreme temperatures. Extrajudicial killings had also been reported. The detainees were held in cages with only 45 minutes' exercise per week. They were denied access to their families, who in many cases did not know whether they were dead or alive. The detainees also included children.

86. The racist and xenophobic treatment of the detainees, including sexual abuse, was coldly calculated to inflict the greatest possible mental suffering on persons of Islamic faith. In their shame and distress, some detainees had confessed guilt or even opted for suicide.

87. He called on the Commission to condemn the racism, xenophobia and hypocrisy of the United States Administration, which tried to pass itself off as a champion of human rights in the world.

88. Mr. MALEZER (Foundation for Aboriginal and Islander Research Action) said that CERD had found Australia repeatedly in breach of the International Convention on the Elimination of All Forms of Racial Discrimination for enacting legislation that extinguished or otherwise impaired Aboriginal land titles. The Committee had also voiced its concern over the absence of explicit legal guarantees against racial discrimination and the pending abolition of the Aboriginal and Torres Strait Islander Commission. That Commission had since been abolished, and his organization had referred the matter to the Special Representative on Human Rights Defenders.

89. He called on the Commission to act upon the commitments made in the Durban Declaration and Programme of Action and in the framework of the second International Decade of the World's Indigenous Peoples and condemn such overt acts of racial discrimination and the offending State. Commission resolution 2004/62 on human rights and indigenous issues merely requested States to cooperate with the Special Rapporteur on indigenous people and to ratify ILO Convention No. 169. It was important to place greater emphasis during the Commission's current session on the blatant violations of indigenous peoples' rights.

90. Mr. BHATTI (Interfaith International) said that the Pakistani Government pursued a policy of discrimination against Sindhi people and other national minorities. Practical examples of that policy included the obstruction of crime investigation involving Sindhi victims and large-scale military and paramilitary operations in the Sindh and Balochistan provinces.

91. Also, acts of police brutality against Sindhi political activists, harassment and arbitrary detention by intelligence agencies and torture were common occurrences. On 4 March 2005, a Sindhi political activist had died in hospital after being tortured by Pakistani security forces. Recently eight Sindhi activists - Fayaz Janwari, Asghar Shah, Mazhar Bhatti, Imran Laghari, Rafiq Laghari, Sikandar Soomro and Munwar Mari - had been detained on false charges of sedition. They had reportedly been tortured and denied access to a court of law. His organization feared for their lives and appealed to the Commission to intervene.

92. He also appealed to the United Nations to encourage the Pakistani Government to recognize the rights of the Sindhi people and other minorities who had joined or been forced to join Pakistan.

93. Mr. FABREGUES (Pax Romana and UNESCO Centre of Catalonia (UNESCOCAT)), said that religious phobias had been discussed at a seminar in Barcelona entitled "Defamation of Religions and the Global Combat against Racism" organized by the Special Rapporteur on racism and UNESCOCAT, with the support of the Catalan Government and the Barcelona City Council. Political conflicts sparked off religious phobias and vice versa. Phobias against religions were often directed against cultural, economic or political elements or identities but not

spiritual ones. It was important to denounce such phobias. Moreover, religious rhetoric and documents should offer a positive vision of other religions and should not justify any form of discrimination or intolerance.

94. He recommended that the Special Rapporteur probe in greater depth the relationship between discrimination and defamation of religions by broadening the analysis to include non-Abrahamic religions; that he collaborate with the Special Rapporteur on the right to education and the Special Rapporteur on freedom of religion or belief on a study of religious defamation in school textbooks; that OHCHR encourage States Members of the United Nations and national human rights institutions to pay special attention to racial discrimination based on religious defamation and to promote mechanisms for a dialogue among civil and religious international institutions; and that OHCHR continue to develop a racial equality index.

95. Mr. PARY (World Peace Council) said that racial discrimination, hatred and violence against Muslims, Arabs, indigenous peoples, emigrants and national minorities had attained dramatic proportions in the global “anti-terrorist crusade”.

96. The rich countries of the North were dividing up international markets among themselves, building a wall to protect their interests against the world’s poor, who were excluded from the benefits of the new international economic order. Indigenous communities were deprived of their ancestral lands and natural resources by transnational corporations that also exploited their genetic resources and traditional knowledge.

97. Social resistance to neo-liberal policies was ruthlessly repressed by the security forces. The leaders of protest movements were criminalized and accused of terrorist acts. In Bolivia there had been death threats against the indigenous leader of the opposition “Movement towards Socialism” party. The United States Government had compared him and his coca farmer followers to “Andean Taliban”. In Chile, leaders of the indigenous Mapuche community had been sentenced to long prison terms for having tried to defend their land and forests from the depredations of transnational corporations. The Commission should urge the Chilean Government to release unconditionally the Mapuche prisoners who were currently on hunger strike.

98. Ms. OLIVER (European Union of Public Relations) said that the ruling classes in nation States played a critical role in defining not just institutional, constitutional and legislative structures but, most importantly, the educational and social environment in which citizens were nurtured. Educational structures were of critical importance, since the inculcation of the right values in young and impressionable minds could go a long way towards fashioning future generations that shunned intolerance and discrimination. It was now universally recognized that individual capabilities had little to do with descent but were largely determined by an individual’s environment.

99. In the fight against discrimination and the intolerance that bred xenophobia, States should enact laws that were implemented effectively to discourage age-old prejudices. Unless all citizens were treated on an equal footing, the forces that believed they were justified in using oppression, discrimination and the fragmentation of society for the maintenance of power would be strengthened. The international community should launch a campaign targeted at nations whose wealth or strategic utility allowed them to dismiss peoples’ aspirations with impunity.

100. Mr. BENNET (Afro-Asian Peoples' Solidarity Organization) said that, while fighting wanton violence was a noble endeavour, the methodologies used in the global campaign against terrorism were aggravating tensions between groups and communities. Religious intolerance was becoming engrained in the psyche of nations as a consequence of the events surrounding the war on terrorism, which was being perceived as a clash of civilizations on account of its use of discriminatory terminology with obvious overtones of "us" against "them", the latter being made to feel guilty for the depredations of a few.

101. Rich societies had the institutions and resources to be able to absorb the impact of such negative developments, but they were barricading themselves behind increasingly draconian immigration and terrorism laws. The adverse impact was being felt in the multi-religious, multi-ethnic and culturally pluralist developing and poorer nations of the world.

102. Ms. AMADOR (Federación de Mujeres Cubanas) condemned the double standards employed by the world's major Powers, which posed as the custodians of peace but imposed racist and discriminatory neo-liberal policies that left most of the rest of the world impoverished.

103. While the United States waged a costly war against Iraq, its Government's social welfare cuts condemned 30 million of its citizens, especially the Hispanic and African American minorities, to live in poverty. Officially sanctioned torture had been used at the Guantánamo naval base and Abu Ghraib, allegedly to advance freedom and curb terrorism, but in fact motivated by racism and hatred based on a person's physical appearance or origin.

104. The European Union's migration policy was also restrictive and discriminatory. It ignored the tragic fact that poverty, for which the Union was itself largely responsible, was the force that drove people to emigrate.

105. By contrast, the Cuban revolution had made great strides in promoting social and gender equality in the areas of education and health, even beyond its own borders, thereby contributing to peoples' fight against colonialism, racism and apartheid.

106. Mr. REMANADHA BABU (International Humanist and Ethical Union) said that the caste system, sustained by Hindu religious orthodoxy, was discriminatory and oppressive and its worst effects were felt by nearly 200 million Dalits in India who were considered untouchable. They lived in segregated colonies and were traditionally excluded from sacred rites and from social contact with higher castes. Discrimination against them had been outlawed by the Indian Constitution and legislation, and programmes of affirmative action had been introduced. While there had been some practical improvements, bonded labour, scavenging and religious prostitution still existed. Criminalizing untouchability had proved inadequate. Creative initiatives were required to eliminate the entire caste system. He urged the Government of India to enter into a partnership with progressive NGOs and to accept international discussion of the issue, which fell within the scope of the Commission on Human Rights.

107. He called for the appointment of a United Nations commission of experts to examine the plight of lower-caste peoples, particularly in India but also in Pakistan, Nepal, Bangladesh and Sri Lanka, and for consideration to be given to the appointment of a special rapporteur on the abuse of the human rights of the lower castes throughout the subcontinent.

108. Mr. KUMAR (Voluntary Action Network India) said that Dalit rights, like the rights of other marginalized groups, needed to be addressed in a human rights context. However, progress could not be achieved by using the wrong premises and faulty explanations. Since Indian independence, the nature and scale of Dalit marginalization had substantially changed, especially in the context of globalization and privatization, which had lessened the role of the State and increased that of private actors.

109. Some people from the so-called backward castes who had risen in status through, for example, State affirmative action programmes had themselves begun to oppress Dalits. Oppression of one group of Dalits by another had been a characteristic of relief operations in the wake of the recent tsunami disaster. The dynamics of oppression must therefore be understood from the class perspective as well as the caste perspective. The Government of India should invest energy and resources in building an effective partnership between the State, civil society and business to implement legislative and affirmative action programmes in line with the Constitution and the Durban Declaration and Programme of Action.

110. He welcomed the OHCHR proposal to develop a racial equality index and hoped that the Commission would start the preparatory process for a five-year review conference against racism at the current session.

111. Ms. PÉREZ GUTIERREZ (National Union of Jurists of Cuba) said that the Cuban people and their Government had repeatedly affirmed their support for all actions aimed at implementing the Durban Declaration and Programme of Action.

112. The United States, however, the self-styled defender of freedom, was the most flagrant violator of human rights. Internally, racism against African Americans, Hispanics and Arabs was institutionalized, while abroad economic domination was coupled with support for Israel's genocidal war against the Palestinian people, pursuit of the war in Iraq and the detention of prisoners in subhuman conditions at the illegal naval base in Guantánamo, Cuba.

113. With racial discrimination and xenophobia on the rise, it was time for an uncompromising response from the Commission in order to end all forms of discrimination once and for all.

114. Mr. BARNES (Indigenous World Association) said the fact that there had never been a treaty of cession or an agreement to relinquish indigenous sovereignty or territory should be a strong indication that sovereign equality existed between indigenous peoples and colonizing States.

115. Institutionalized racial discrimination would be perpetuated unless the right of self-determination was fully recognized for indigenous peoples. Such discrimination could easily be masked so that agreements were concluded without the consent of the indigenous peoples most affected and without taking their best interests into account. Consent was manufactured through a process that avoided dissemination of information and left indigenous peoples unprotected. Institutions created by the State called for consent by non-profit-making organizations and other bodies which used quislings for the purpose.

116. He called on the Special Rapporteur on racism, to undertake a special study on political platforms of racism against indigenous peoples in the light of the International Convention on the Elimination of All Forms of Racial Discrimination. The indigenous peoples of Alaska and Hawaii, and other indigenous nations of the United States, also invited the Special Rapporteur to visit the United States.

117. Mr. LITTMAN (World Union for Progressive Judaism) said that Judeophobia, under the guise of anti-Zionism, was generally recognized as endemic in the Arab and Muslim world, being nourished by a culture of hate that was creeping into Europe and beyond. The annual adoption since 1999 of a Commission resolution, sponsored by the 56 Muslim States members of OIC, against any “defamation of religions” had in no way affected those dangerous attitudes. There had been no official reaction from any United Nations official to the Judeophobic diatribe delivered by the Malaysian President of the tenth OIC summit in 2003 in his farewell address, although Malaysia was a member of the Commission on Human Rights.

118. His organization had drawn attention in 2003 (E/CN.4/2003/NGO/4) to the fact that anti-Semitism in the Arab and Muslim world had been totally ignored by the Special Rapporteur on racism. The same document had contained an appeal to the High Commissioner for Human Rights regarding the serialization in 2002 on an Egyptian television channel of a melodrama based on the 100-year-old forgery, The Protocols of the Elders of Zion. The genocidal dangers of such racist manifestations should not be underestimated.

Statements in exercise of the right of reply

119. Mr. NTWAAGAE (Observer for Botswana), responding to allegations by the NGO Women’s International League for Peace and Freedom regarding the eviction of Basarwa from the Central Kalahari Game Reserve, said that he was quite familiar with that kind of malicious propaganda designed to damage Botswana’s international reputation. In accordance with its democratic tradition, the Government engaged in consultations with individual communities on any matters affecting them. The relocation of the Basarwa, called “Bushmen” by the NGO, had been undertaken in full consultation with the community concerned. There was therefore no truth in the statement that the Basarwa had been forcibly evicted from the game reserve and consigned to resettlement camps. Allegations about “cultural genocide” and cases of beating and torture prior to the “evictions” were also totally unfounded. Moreover, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people had not corroborated alleged human rights violations in the Game Reserve following his visit to Botswana. There was also no truth in the statement that two thirds of the Game Reserve had been leased to mining companies.

120. The Government had issued a standing invitation to anyone with an interest in the subject to visit Botswana and verify the situation of the Basarwa. He urged the Commission to dismiss the NGO’s unsubstantiated allegations with the contempt they deserved.

121. Mr. SOBASHIMA (Japan), responding to the statement by the observer for the Democratic People’s Republic of Korea, said that Japan had already expressed its position on the issues raised. Moreover, territorial issues were totally unrelated to agenda item 6.

122. Mr. BALA CHANDRAN (Malaysia) said that the representative of the World Union for Progressive Judaism had taken a statement by former Malaysian Prime Minister Mahathir Mohamed out of context, with little or no reference to the former Prime Minister's main message.

123. Mr. YONG HO Kim (Observer for the Democratic People's Republic of Korea), responding to allegations by the representative of Japan, said that the crimes against humanity committed by Japan in Korea in the past should be considered as a matter of priority by the Commission. They had been a manifestation of extreme xenophobia and contempt for another nation. Until those past crimes had been atoned for, there could be no talk of prevention of the recurrence of such crimes or of reconciliation among nations.

124. The Tokto Island issue was related to Japanese hatred of the Korean nation and its expansionist ambitions. Tokto had been an integral part of Korea from ancient times, and claiming sovereignty over another country's territory was an extremely serious human rights violation.

125. He urged Japan to accept legal responsibility for its crimes against humanity, namely the forcible drafting of 8.4 million Koreans, the genocidal massacre of 1 million and the military-sexual slavery of 200,000 women and girls during its occupation of Korea, to apologize sincerely and to compensate the victims. The Commission should instruct Japan in how to atone for the past and behave as a member of the international community.

126. Mr. SOBASHIMA (Japan) said that his delegation had already expressed its position on all the issues raised by the previous speaker.

127. Mr. YONG HO Kim (Observer for the Democratic People's Republic of Korea) stressed that the issue of Japan's past crimes had not been resolved and that Japan had as yet failed to accept legal responsibility for them.

The meeting rose at 6.15 p.m.