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DURBAN REVIEW CONFERENCE

SUMMARY RECORD OF THE 10th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 24 April 2009, at 10 a.m.

President: Mr. WAKO (Kenya)

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The meeting was called to order at 10.10 a.m.

ISSUES ARISING FROM THE OBJECTIVES OF THE CONFERENCE (agenda item 9)
(continued)

1. Mr. LITTMAN (Observer for the Association for World Education), speaking also on behalf of the World Union for Progressive Judaism, said that paragraph 60 of the consensus document mentioned neo-Nazi, neo-Fascist and other violent national ideologies but not violent religious ideologies. Paragraph 62 of that document mentioned the transatlantic slave trade, but not the centuries of slavery of non-Muslims and black Africans in the Middle East. Paragraph 68 concerned incitement to hatred and the targeting of racial and religious communities; paragraphs 106 to 109 attempted to combat that xenophobia with human rights education. Paragraph 142 referred to the important role of the United Nations Educational, Scientific and Cultural Organization (UNESCO) in implementing an integrated educational strategy.
2. The Secretary-General of the Organization of the Islamic Conference (OIC) had spoken of the “defamation of Islam”. However, two books published by the Islamic Educational, Scientific and Cultural Organization (ISESCO), which had been established by OIC in 1981 and had close links with UNESCO, contained statements that defamed Judaism and Jews; a complaint had been made to UNESCO in connection with those publications, which were examples of rampant global “Judeophobia” in the print and other media. The time had come for UNESCO and all United Nations bodies to denounce such publications, as they could increase racial and religious tensions.
3. Mr. BROWN (Observer for the International Humanist and Ethical Union) said that many would consider that the Review Conference had failed to offer hope to the victims of racism. Trafficking had been mentioned, but not those living in chattel slavery in Africa; the transatlantic slave trade had been mentioned, but not the centuries of slave trade in North Africa, the Middle East and across the Indian Ocean. State-sponsored racism had been mentioned, but not Darfur. Discrimination against monotheistic religions had been mentioned, but not discrimination against persons with other beliefs. Nor had the question of caste been raised, although untouchability affected over 200 million people in Asia and Africa.
4. Although it had made progress, the Conference had been tainted by selectivity and bias. All Governments, the Committee on the Elimination of Racial Discrimination (CERD) and the Human Rights Council must recognize and address the issues neglected by the Conference.
5. Mr. OSHOTA (Observer for the International Youth and Student Movement for the United Nations) said that his organization had campaigned actively against racism and apartheid in South Africa and fully supported the Durban process. It had also played an active role in the Civil Society Forum for the Durban Review Conference. The final consensus document made an important contribution to the Review Conference and to intensifying the fight against racism.
6. The Review Conference would send an important message to the international community by unanimously reaffirming the Durban Declaration and Programme of Action as adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. The United Nations must now revitalize its work against racism and decide to

convene a 10-year summit to review implementation of the Durban Declaration and Programme of Action. Civil society organizations would launch a parallel review process, in solidarity with all victim groups, in order to move forward the fight against racism.

7. Mr. CHOEPHEL (Observer for the Asian Indigenous and Tribal Peoples Network) said that the decision taken by the Preparatory Committee at its third session with regard to the application by the Tibetan Centre for Human Rights and Democracy (TCHRD) to participate in the Review Conference had no legal or moral basis, as TCHRD had been accredited to the World Conference in 2001; moreover, China's objection to that application had been made almost a year after the deadline set by the Preparatory Committee itself.

8. Mr. QIAN Bo (China), speaking on a point of order, said that the speaker had strayed from the agenda item under consideration.

9. The PRESIDENT requested the observer for the Asian Indigenous and Tribal Peoples Network to take the remarks of the representative of China into account.

10. Mr. CHOEPHEL (Observer for the Asian Indigenous and Tribal Peoples Network) said that at its second session, the Preparatory Committee had failed to register the detailed information submitted by TCHRD in response to a request by the Government of India, resulting in the issuance of two contradictory documents concerning the accreditation of TCHRD at that session of the Preparatory Committee.

11. Mr. QIAN Bo (China), speaking on a point of order, said that the speaker had again strayed from the agenda item.

12. The PRESIDENT urged the observer for the Asian Indigenous and Tribal Peoples Network to heed the remarks of the representative of China.

13. Mr. CHOEPHEL (Observer for the Asian Indigenous and Tribal Peoples Network) said that the Review Conference outcome document underlined the role of non-governmental organizations (NGOs) in combating racism, yet the procedural exclusion of an organization whose name denoted its ethnic origin constituted discrimination on the basis of ethnic origin and undermined the declarations issued by various United Nations conferences, including the present one, which recognized the crucial role played by NGOs.

14. Mr. QIAN Bo (China), speaking on a point of order, observed that the speaker had repeatedly strayed from the agenda item and should not be allowed to proceed.

15. The PRESIDENT agreed that the issue of accreditation was not under discussion.

16. Ms. CAHUACHE CASADO (Observer for the Indigenous World Association) said that racism and racial discrimination were serious violations of and obstacles to the full enjoyment of all human rights. Indigenous people were nations and peoples and asserted their inherent and unrestricted right to self-determination under the Charter of the United Nations, international human rights instruments and international law. Her organization therefore rejected paragraph 24 of the Durban Declaration and Programme of Action, which stated that the term "indigenous peoples" could not be construed as having any implications as to rights under international law.

Instead, it reaffirmed General Assembly resolution 60/251, which recognized the universality, indivisibility, interdependency and mutually reinforcing nature of all human rights. The rights of indigenous people were recognized under international law, and States had obligations under the Charter to respect those rights. The action taken by the Review Conference to adopt a resolution on the rights of indigenous people was commendable, and all States were urged to implement those rights.

17. Indigenous people had a major role to play in ensuring that the Durban Programme of Action and the Programme of Action for the Second International Decade of the World's Indigenous People were implemented. States should give the rights of indigenous peoples, including the right of indigenous societies, to social, cultural and economic development, full attention and should seek to provide redress for past injustices through independent and fair procedures. Renewed will for change was needed in that domain.

18. Mr. THOMAS (Observer for the Global Afrikan Congress) said that the international community had acknowledged its complicity in African slavery - the worst crime against humanity in history - for the first time in paragraph 13 of the Durban Declaration. As reparations formed a substantive part of the Durban Declaration and Programme of Action, the outcome should have provided for a process whereby beneficiaries of the slave trade and colonialism would have submitted a report to the Review Conference on the progress made in respect of reparations.

19. A number of steps should be taken immediately to address that issue. The United Nations should establish an international reparations commission to study and assess the damage caused by slavery and to identify a process for the distribution of reparations and determine its scope. It should also establish a permanent forum for people of African descent. A programme of action for countries that had benefited and suffered from slavery was also needed, in order to establish a multilateral institution to work out a mechanism for the immediate cancellation of debt for Latin American and African countries as an initial step in a reparation and compensation programme. In addition, States should provide resources to descendants of African slaves for sustainable economic and community development. Moreover, any notion of criminal conduct by African resistance fighters falsely charged and convicted in their struggle for freedom should be expunged from the legal record. Countries that had benefited from slavery should negotiate with those that had suffered from it in order to establish action-oriented programmes that would redress the numerous negative economic, social and cultural consequences of slavery.

20. Mr. WAREHAM (Observer for the International Association Against Torture) speaking on behalf of the December Twelfth Movement International Secretariat, said that the Review Conference outcome document represented a victory for the African victims of internationally denied crimes against humanity because it affirmed support for the Durban Declaration and Programme of Action; it had thus defeated those who had sought to erase from the memory of the international community the progress made by the 2001 World Conference, including the acknowledgement of the economic basis of racism and the statement that the transatlantic slave trade and slavery were crimes against humanity and that reparation should be made to the descendants of the victims.

21. The outcome document had been adopted by the majority of participating countries. The handful that had withdrawn from the Review Conference had been the main perpetrators and

beneficiaries of the transatlantic slave trade and slavery. They wished to avoid paying reparations and to avoid exposure and criticism of the fact that, since 2001, they had taken no actions to fulfil their commitments under the Durban Declaration and Programme of Action. The Western European and other countries had framed the concept of reparations for people of African descent solely in financial terms. However, the demand for reparations was a call to eradicate the economic exploitation and inequality that were the roots of racism and for sufficient resources to allow the groups that had remained underdeveloped as the result of racism to develop fully.

22. The outcome document represented an important break from twentieth-century colonialist attitudes to racism. The Western European and other countries could no longer refuse to uphold the same human rights standards as the rest of the world. The time was ripe to begin preparations for convening a 10-year review of the Durban Conference. A permanent United Nations forum on people of African descent should be established and reparations should be made to the descendants of victims of the transatlantic slave trade and slavery. Allegations that criticism of Zionism constituted anti-Semitism were baseless, and the withdrawal of some countries from the Review Conference would not discredit the review process.

23. Ms. DOLKAR (International Campaign for Tibet) said that her organization, which was the only Tibetan NGO accredited to the Review Conference, wished to see whether China would demonstrate the political will to change realities on the ground and create a world free of discrimination, hatred, fear and prejudice. A Tibetan blogger had recently written of a racist incident in which a friend had been refused service at a hotel solely because she was Tibetan. The situation in Tibet had been raised at various United Nations human rights conferences and forums, including CERD.

24. Mr. KE Yousheng (China), speaking on a point of order, said that the speaker had strayed from the agenda item under consideration. While his delegation actively supported the valuable participation of NGOs and civil society organizations, it considered that they should participate in a meaningful way and not use the opportunity to fabricate lies.

25. The PRESIDENT observed that the representative of China could exercise his right of reply if a falsehood had been asserted.

26. Ms. DOLKAR (Observer for the International Campaign for Tibet) said that in 2002, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance had reported that Tibetans suffered systematic and institutional discrimination in a number of areas and that Tibet's powers of self-government were restricted and closely supervised by the central authority. Repression from the State had intensified in response to popular protests during the past year.

27. Mr. KE Yousheng (China), speaking on a point of order, said that the speaker appeared to be unfamiliar with the rules of procedure of the Review Conference and had again strayed from the agenda item under consideration. The observer for the International Campaign for Tibet should emulate other NGOs and use her valuable speaking time to address the agenda item.

28. The PRESIDENT requested the observer for the International Campaign for Tibet to take the remarks of the representative of China into account.

29. Ms. DOLKAR (Observer for the International Campaign for Tibet) said that the Chinese authorities deliberately sought to portray Tibetans as violent terrorists, thereby entrenching mutual distrust, driving the two communities apart and making a sustainable solution more elusive.

30. Her organization welcomed the outcome document, which urged all Member States to address all forms of racism in all parts of the world, including those under foreign occupation, with greater resolve and political will. Millions of Tibetans had suffered under Chinese occupation for 60 years, and the international community should not forget their situation.

31. Mr. QIAN Bo (China), speaking on a point of order, said that the speaker had gone far beyond what was sanctioned under the Charter of the United Nations, since her statement constituted an attack on the territorial integrity and sovereignty of a State. The President would be well within his rights to terminate the intervention.

32. The PRESIDENT said that the representative of China had the right to reply and correct the situation if lies had been fabricated. He urged the representative of the International Campaign for Tibet to use relevant and proper terminology.

33. Mr. KAYTA (Observer for the Society for Threatened Peoples) said that an increasing number of Chinese nationals were showing interest in Tibetan Buddhism and the cultural heritage of the Tibetan people.

34. Mr. REZVANI (Islamic Republic of Iran), speaking on a point of order, said that the Bureau of the Conference had made every effort to ensure that the Conference ran smoothly. He called on the President to respect and implement the Bureau's decisions by exercising his prerogative and, in cases where speakers from NGOs failed to abide by the rules of procedure, speaking without waiting for a point of order from the floor. He suggested that the President should make a ruling in that regard.

35. The PRESIDENT said that he would not pre-empt action by States that wished to take the floor. A delegation wishing to raise a point of order was at liberty to do so. He reminded all speakers to take care over the terminology that they used.

36. Mr. KAYTA (Observer for the Society for Threatened Peoples) said that incitement was one of the greatest sources of racism and racial discrimination, especially where a State was involved.

37. Mr. QIAN Bo (China), speaking on a point of order, said that he supported the point made by the representative of the Islamic Republic of Iran. To ensure that the proceedings ran smoothly, speakers must abide by the rules of procedure and speak to the agenda item. He was confident that, under the President's able leadership, the Conference would be able to complete its discussion of the agenda item.

38. The PRESIDENT said that too many interruptions for points of order consumed the small amount of time left to the Conference. He called on delegations and NGOs to adhere strictly to the principles that had been agreed, according to which NGOs must, in referring to States, do so with respect and dignity.

39. Mr. KAYTA (Observer for the Society for Threatened Peoples) said that, in March 2008, when protest had erupted on the Tibetan plateau, the Chinese Government had immediately defamed the Dalai Lama, calling him a wolf in monk's robes and a devil with a human face but the heart of a beast. The Tibetan people felt humiliated when their spiritual leader, who was the manifestation of the Buddha of Compassion, was thus traduced.
40. Mr. GRAHAM (Observer for the Becket Fund for Religious Liberty) said that racism was often so entrenched in a culture that it was hardly recognized for what it was. His organization had hoped that the Review Conference would remain focused on the topic at hand - discrimination against individuals on the basis of their skin colour - but some delegations had created a distraction by drawing attention to other issues.
41. He commended the fact that the term "defamation of religions" had been omitted from the draft outcome document. Use of that term should be abandoned altogether. Defamation laws were meant to protect individuals rather than ideas, whereas religious defamation laws were used only to silence those who did not agree with the majority. Furthermore, care must be taken not to conflate the concepts of race and religion, the most important reason being that religion was a matter of choice and race was not.
42. As the Special Rapporteurs on freedom of religion or belief, freedom of expression and contemporary forms of racism had said, the best response to hateful speech was more speech. The Special Rapporteurs had also called attention to the vague term "incitement to hostility". Incitement to violence should be limited, but the same did not apply to forms of expression that might offend or insult but did not threaten the safety of a free society.
43. Great hatred was sometimes expressed towards people of certain religious faiths. Such a phenomenon could not be dealt with simply through the law; better education and public campaigns were required to encourage a society of real respect. Respect was preferable to tolerance, since it transformed communities and recognized the dignity inherent in every person.
44. Mr. STAHNKE (Observer for Human Rights First) said that, although serious disagreements had impeded negotiations on the outcome document and the President of the Islamic Republic of Iran had made a deplorable statement promoting the hatred that the Durban review process was supposed to combat, the approval of the draft outcome document was a significant achievement.
45. He welcomed the fact that the provisions on defamation of religion had been dropped, since they could ultimately have led to norms limiting free speech, and that the document eliminated language that appeared to make the Israeli-Palestinian conflict the focus of the entire document. He also commended the statements in the document deploring anti-Semitism and declaring that the Holocaust must never be forgotten.
46. However, more needed to be done. States should act to stem the growing wave of hate-crime violence that had been documented throughout Europe, North America and elsewhere. Refugees and migrants in particular faced serious violence and discrimination. National security and counter-terrorism policies often failed to respect human rights. Human rights defenders throughout the world were subject to violence, malicious prosecution and other official efforts to repress them.

47. Ms. ORTEGA (Observer for the Urban Justice Center), speaking also on behalf of the United States Human Rights Network, which represented over 300 United States-based NGOs, expressed disappointment at the failure of the United States Government to participate in the Conference and at the manner in which some Governments and NGOs had conducted themselves at the beginning of the Conference.

48. It was regrettable that the draft outcome document had been adopted without the full participation of civil society. Her organization sought not only to support Africa-based NGOs but to remind the international community that the United States continued to be a racialized society, where one in three black men was under legal surveillance, most of the African Americans displaced by Hurricane Katrina had yet to return to their homes and black and Latina women made up 80 per cent of those living with HIV/AIDS.

49. At a time of economic crisis, the draft outcome document should pay particular attention to marginalized racial minorities and women.

50. Ms. JAPPELLI (Observer for GHERUSH92 Committee for Human Rights), speaking also on behalf of Cultural Diversity Caucus, expressed concern at the fact that the draft outcome document had been approved before the views of civil society had been heard. Such a move reflected the lack of an appropriate relationship between civil society and States. Moreover, the draft outcome document was inadequate to fight centuries of racism because it overlooked the historical context. For example, while the anniversary of Christopher Columbus's landing in America was celebrated in many countries, the reality had been that the Queen of Castile had expelled Jews, Moors and Roma from Spain and begun a campaign of genocide against the Native Americans, setting the scene for the transatlantic slave trade. More than 500 years later, the victims of racism were the same and the consequences of the original criminal acts were still felt, with the persistence of anti-Semitism, Islamophobia and racism directed at indigenous people and the shameful situation of Roma people in Europe.

51. Her organization's main activity was to maintain a database on cultural diversity, racism and human rights. It proposed that racism and discrimination could be opposed effectively with an end to celebrations of Columbus Day, the adoption of international conventions to combat anti-Semitism and anti-Roma attitudes, and the introduction of guidelines for the protection of cultural diversity.

52. Mr. MANNACCIO (Observer for Cooperativa Tecnico Scientifica di Base (COBASE)) said that the reduction of cultural diversity as a result of racism and discrimination should be a cause for alarm, since it meant the loss of knowledge, techniques and technologies that were fundamental to the eradication of poverty and the achievement of sustainable development. Cultural diversity was sustainable but also vulnerable, exposed as it was to assimilation and racism. The following five principles should therefore be observed: solidarity, reparation, negotiation, extraterritoriality (enabling every culture to keep its identity) and cultural diversity. Cultural solutions to conflict should be found and a database on best practices for fighting racism and celebrating cultural diversity should be established.

53. Mr. VARHADE (Observer for the Ambedkar Center for Justice and Peace) said that the Scheduled Castes ("untouchables" or Dalits) constituted 25 per cent of India's population and were the most marginalized people on earth. Their human rights were constantly violated. Their

personal touch was considered to pollute everything in rural India, and their work involved the dirtiest jobs, such as cleaning latrines, carrying dead animals, collecting garbage, cleaning streets or labouring on other people's lands. The majority survived on less than US\$ 1 a day. They were subjected to tens of thousands of killings, rapes, beating and other abuse every year. Provincial governments failed to implement the law.

54. Accordingly, the State of India should therefore assume leadership, implement Constitutional provisions for the marginalized, provide adequate funding and establish a monitoring system for provincial governments. It should adopt programmes and policies with a gender perspective to consolidate legislation on human rights and develop or implement action plans to combat social exclusion, racism, racial discrimination and related intolerance. Lastly, it should initiate a campaign to educate the Indian public on fundamental human rights instruments. The United Nations should help India eradicate caste-based discrimination by appointing a working group similar to that on apartheid in South Africa.

55. Mr. FUA (Observer for Sikh Human Rights Group) said that at the World Conference in 2001 his organization had suggested the introduction of a paragraph in the Durban Declaration and Programme of Action expressing the hope that anti-racism would one day be history and that the world could move on to a convention on diversity, rather than being perpetually locked into racist history. Certain communities, like the Sikhs, were not adequately covered by any categories within the United Nations system or even in domestic legislation. Paragraph 67 of the Durban Declaration had therefore been inserted, requesting States to work towards removing discrimination against communities such as the Sikhs. He urged States to explore ways of implementing that recommendation.

56. Ms. JARADAT GASSNER (Observer for the BADIL Resource Centre for Palestinian and Refugee Rights) said that racial discrimination was not an abstract problem but a practical one that affected the lives of millions of real human beings. Among those, the Palestinian people were victims not only of foreign occupation but also of apartheid and colonialism. Israeli policies, such as the fragmentation of the Occupied Palestinian Territory, the construction of the wall of separation and the restrictions on freedom of movement rendered a just two-State solution impossible. The Durban Declaration and Programme of Action had failed to halt institutionalized racial discrimination against the Palestinian people, and she called on Member States to include the Palestinians in the Durban process.

57. Ms. ZOROD (Observer for Al-Haq) said that it was deplorable that Palestinian and other NGOs had been denied the opportunity to hold side events at the Conference on the grounds that the Conference was dealing with principles rather than with specific peoples or places. Racism, however, afflicted real people in real places.

58. Despite the fact that the Palestinian people were among those explicitly listed as victims of racism in the Durban Declaration and Programme of Action, Israel's policies of discrimination had proliferated since 2001. Moreover, while the draft outcome document of the Review Conference provided a valuable follow-up framework, she was concerned that reference was made to the "past" tragedies of slavery, apartheid, colonialism and genocide. That was an insult to existing victims.

59. There was evidence to suggest that Israel had introduced apartheid in the Occupied Palestinian Territory, although, as the most egregious form of racial discrimination, such a practice was clearly proscribed by international law. States should not allow political boycotts and grandstanding to undermine the collective struggle against racism worldwide.

60. Mr. MAKHOUL (Observer for Ittijah: Union of Arab Community-based Organizations), speaking also on behalf of the Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos, the International Trade Union Confederation, the International Association of Democratic Lawyers and the Arab Organization for Human Rights, commended the involvement of Arab civil society in the Conference and condemned the absence of some Governments: participation was both a privilege and a duty. He expressed concern at the racist practices of which the Palestinian people were victims; perpetrators of war crimes and crimes against humanity should be brought to justice. All the rights of the Palestinian people should be realized, including the right of return. He condemned foreign occupation in Iraq, Golan and the Shebaa Farms area. He also condemned action taken against individuals on the pretext of countering terrorism. A “Durban + 10” conference should be held in 2011, the outcome document of which would be drafted with the close involvement of civil society, especially individuals who had suffered human rights violations.

61. Ms. DUBOIS (Observer for the Mouvement pour l’Abolition de la Prostitution et de la Pornographie et toutes formes de violences sexuelles et discriminations sexistes), speaking also on behalf of the Coalition Against Trafficking in Women and the European Women’s Lobby, expressed concern at the disbandment of the Working Group on Contemporary Forms of Slavery. She also deplored the use of the phrase “forced prostitution” in the mandate of several Special Rapporteurs and the report of the Special Rapporteur of the Human Rights Council on the human rights aspects of the victims of trafficking in persons, especially in women and children (A/HRC/10/16), which ran counter to the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, the Convention on the Elimination of All Forms of Discrimination against Women and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime; such terminology infringed women’s freedom to live their lives free of exploitation. She regretted that the valuable discussion on the “demand” for commercial sexual exploitation, contained in document E/CN.4/2006/62, had not been included in the draft outcome document.

62. Political asylum should be granted to female victims of State or other policies, including those that criminalized women who engaged in sex outside marriage, “adulterous” women, lesbians, women exercising their reproductive rights and women in prostitution. Religion should not be used to diminish women’s human rights.

63. Mr. AL-QASEM (Observer for the International Organization for the Elimination of All Forms of Racial Discrimination) said that victims of racism might well feel that the Conference was a retrograde step, in that both offender and victim had been forced into anonymity. It was as if the Conference was dealing with an abstraction and not with the lives of real people who were to be denied international recognition. Such anonymity would seriously hinder the enforcement of international human rights conventions and undermine the authority of CERD, which already suffered from a lack of cooperation from some Governments. Foreign occupation, for example, was identified in the Durban Declaration as a source of racism that should not be forgotten. In

such cases, it would make sense for the occupier to be named, yet the Declaration did not identify countries suffering from occupation or from colonialism. It so happened that Palestine was the only remaining territory under foreign occupation and suffering from settler colonialism. The omission of its name, or those of its occupiers, put at risk the rights of the Palestinian people and the jurisdiction of the Geneva Conventions.

64. Ms. RALPH (Observer for Independent Jewish Voices (Canada)) said that her organization opposed all forms of racism and strongly supported the Durban process. It denounced the Government of Canada's decision to boycott such a crucial forum, as well as the campaign by pro-Israeli groups to destroy the Review Conference with intimidation and fear tactics. Their claims that legitimate criticism of Israel was anti-Semitic represented an attempt to deflect attention from Israel's war crimes and flagrant violations of international law. Her organization did, of course, oppose acts of hatred directed against Jews, but it did not believe that it was anti-Semitic to voice concerns over Israel's actions, particularly its recent assault on the people of Gaza.

65. It had been appropriate for Israel to work to ensure that the Holocaust was appropriately declared a crime against humanity, thereby providing its victims with a legal recourse for reparation. However, slavery, with its devastating, ongoing consequences for the peoples of Africa was also a crime against humanity, as was Israel's treatment of Palestinians.

66. Canada, for its part, had demonstrated its contempt for the Durban Declaration and Programme of Action by boycotting and attacking the Conference. It should support and recognize the legitimate demands for justice of all victims of racism and apartheid, including Canada's First Nations, migrants and persons targeted by Islamophobia.

67. Ms. BLOEM (Observer for the World Alliance for Citizen Participation (CIVICUS)) said that her organization was deeply disappointed by the absence of some countries, in particular the United States of America, from the Review Conference. It was a missed opportunity for the new Administration in that country to demonstrate its support for the United Nations and multilateral processes. Her organization had participated in the World Conference and the preparatory process for the Review Conference, and was encouraged by the strong rights-based approach taken in that process. The outcome document might have been improved, however, with a recognition of discrimination based on caste. The request to all States to protect human rights defenders (para. 117) was also of paramount importance in view of increasing threats to the freedom of association and assembly in many parts of the world. Recognizing the empowering impact of human rights discourse on victims of racism, the World Alliance had participated in the "Every Human Has Rights" campaign organized by The Elders.

68. The unhindered participation of civil society in the Review Conference and its follow-up mechanisms was essential. She called upon all Member States to remain engaged in the process, with a view to building a world free of discrimination.

69. Mr. ZHU Fagen (Observer for the China NGO Network for International Exchanges (CNIE)) welcomed efforts to implement the Durban Declaration and Programme of Action. The slave trade had been a shocking tragedy in human history, while colonialism remained one of the root causes of the victimization of persons of Asian and African descent, and neither phenomenon could be allowed to occur again. The countries that had caused such human

suffering must face up to their historic responsibilities, apologize for past wrongdoings and compensate victimized countries and peoples. They should not adopt double standards on racism or link terrorism with certain religions, nor should they use counter-terrorism or freedom of expression as an excuse for defamation of religions. Every country must face up to its responsibilities, and non-participation in the Conference was a sign of extreme irresponsibility.

70. China was a multi-ethnic nation with wide disparities between urban and rural areas. The Government was making serious efforts to promote culture and education in minority ethnic regions that still lagged behind.

71. Mr. HILAIRE (Observer for the Cercle de Recherche sur les droits et les devoirs de la personne humaine (CRED)) said that the deaths, destruction and injustice resulting from restrictions placed on the freedoms of expression, association and assembly throughout the world should weigh heavily on humanity's conscience. His organization proposed the elaboration of a draft universal declaration of human responsibilities which would give hope to billions of people who no longer had confidence in the international community's efforts to combat racism and discrimination. If all individuals fulfilled their responsibilities, every objective both of the Conference and the Organization would be achieved in a matter of seconds.

72. Mr. PEROLINI (Observer for the European Youth Forum (YFJ)) expressed regret that misunderstandings and manipulation had not been avoided during the preparatory process and the Conference itself, which should not have been used as a political arena for promoting biased views. His organization welcomed the compromise reached in the text of the outcome document, however, in particular the reaffirmation of the positive role that the right to freedom of opinion and expression could play in combating racism, racial discrimination, xenophobia and related intolerance, in line with relevant provisions of international human rights law. Freedom of expression should also include the possibility for civil society to criticize government policies that did not respect international human rights norms. It was a matter of concern that some Governments and international institutions had focused on building political alliances while neglecting the suffering of victims of racism, who ought to be the Conference's primary focus. Governments that criticized other Governments should also review their own human rights records.

73. The decision of some countries not to participate in the Conference had had a negative impact on the fight against racism. The vital role played by young people and the need to support youth mechanisms and consult young people when designing strategies to combat racism should be reiterated by the Review Conference.

74. Racism, discrimination and other forms of intolerance continued to constitute a heavy burden in the lives of young people in Europe and elsewhere, with discrimination on the basis of age often aggravated by other forms of discrimination. Implementation of paragraph 85 of the final outcome document, which recognized multiple and aggravated forms of discrimination, was thus crucial to addressing the needs of vulnerable groups, such as young women and young lesbian, gay, bisexual, transgender and intersex persons as well as young migrants, members of ethnic minorities and persons with disabilities. Transphobia, homophobia, xenophobia and romaphobia should also be firmly denounced and addressed.

75. Being young did not mean being a lesser citizen. Young people and youth organizations expected effective implementation of the renewed commitments undertaken at the Review Conference and hoped not to be deceived.

76. Ms. KOMORI (Observer for the International Movement Against All Forms of Discrimination and Racism (IMADR)) said that the Review Conference represented an important milestone in the struggle against racism, racial discrimination, xenophobia and related forms of intolerance. Its boycott by several Member States, however, revealed those States' lack of responsibility towards communities they had for centuries failed to protect, namely minorities, indigenous people, the Sinti and Roma, persons of African and Asian descent, migrants and trafficked persons.

77. The outcome document lacked a spirit of commitment to face the challenges ahead and to respond to global political realities in the wake of the events of 11 September 2001, including the rise of right-wing extremism, Islamophobia and the annihilation of minorities. Many Asian countries lacked action plans to implement Durban follow-up measures and merely referred to the Durban Declaration and Programme of Action in order to prepare appropriate responses to United Nations bodies when required to do so.

78. Moreover, civil society had not been treated as an equal partner in the review process. Her organization also deplored attempts to obscure any reference to the situation of 260 million people subjected to discrimination on the basis of work and descent, such as the Dalits and the Buraku people. Such discrimination should be addressed as a global phenomenon, and the draft principles and guidelines for the effective elimination of discrimination based on work and descent should be used as an instrument for standard setting.

79. Mr. HEIDEMAN (Observer for the Coordinating Board of Jewish Organizations), speaking also on behalf of B'nai B'rith International (BBI), said that the World Conference had been marred and fundamentally discredited by the anti-Semitic outrages perpetrated by NGOs surrounding the event. However, the Review Conference would forever be remembered - and blemished - by the hate speech delivered at its podium by the President of the Islamic Republic of Iran, who had been accorded the honour of first place among high-level speakers and had been applauded by an organized clique of delegates. That Head of State had even seen fit to contravene General Assembly resolution 61/255, on Holocaust denial.

80. The PRESIDENT reminded delegates to use respectful language when referring to a Head of State.

81. Mr. REZVANI (Islamic Republic of Iran), speaking on a point of order, said that the NGO whose observer had just spoken had violated established procedure by failing to use respectful language when referring to a Head of State and by mentioning a particular State by name.

82. Mr. HEIDEMAN (Observer for the Coordinating Board of Jewish Organizations) said that if any doubts persisted as to the usefulness of the outcome document or, indeed, of the Conference itself, they had been single-handedly dispersed by that speaker, who had denigrated the memory of those who had perished in the Holocaust. That speaker had justified the fears of the countries that had withdrawn from the Conference, encouraging others to do likewise. His statement had been broadly condemned by many countries and accompanied by a mass walkout.

83. The outcome document, which selectively singled out Israel, hardly merited the label of “consensus”, even if it had been railroaded through the plenary in a desperate attempt to contain the damage caused by that first high-level speaker. No victim of racism would have reason to find solace in the review process. If any follow-up to the outcome document was envisaged, it should certainly not be assigned to the Human Rights Council, which had already fallen into disrepute owing to its obsessive and single-minded focus on the tragic Israeli-Palestinian conflict to the detriment of gross human rights violations occurring in other parts of the world. The Review Conference had been grossly wronged by a Head of State who had come to hijack the Conference, to his own shame and to the international community’s loss. The Head of State in question should stop funding terrorism and violating human rights.

84. The PRESIDENT said that he would give the floor to the next non-governmental observer.

85. Mr. REZVANI (Islamic Republic of Iran), speaking on a point of order, said that certain NGOs were attempting to abuse the privileges that they had been accorded by repeatedly ignoring the President’s ruling. The previous speaker had severely violated the rules of procedure by using impolite as well as abusive language. NGOs must not be allowed to insult countries or Heads of States. The President was not handling the matter appropriately; he should reprehend the previous speaker and oblige him to apologize; he should also make a ruling to ensure that such incidents did not happen again.

86. The PRESIDENT said that a President could not guarantee that such an incident would not happen again. He could only reiterate his appeal to non-governmental observers to use dignified and respectful language and request delegations not to waste time on points of order.

87. Mr. FOTOHINIA (Observer for Youth Against Racism) said that he had addressed the World Conference in 2001 and had applauded the recognition of the contribution of young people such as himself towards the global fight against racism. Friendship, brotherhood, sisterhood and excellence would not prevail if the world continued to buy into Karl Marx’s claim that religion was the opium of the masses. As the representative of Belgium had reminded the Bureau of the Preparatory Committee, NGOs often provided an important window onto the outside world.

88. Mr. BARNES (Observer for Indigenous Peoples and Nations Coalition), speaking also on behalf of the Indian Council of South America, recalled that the Durban Declaration and Programme of Action condemned colonialism and acknowledged its continuing legacy. It also condemned doctrines of racial superiority, while reaffirming the principle of self-determination of people under foreign occupation. However, despite clear mandates to address the plague of colonialism, the Human Rights Council, its special procedures and mechanisms still failed to deal with the issue. Members of CERD had also expressed their regret that specific petitions to that end had not been addressed.

89. Doctrines of racial superiority, including high court decisions that stipulated that land was intended specifically for the white race and that the superior genius of European civilization and the Christian religion must be followed, remained the basis of law that continued to deny peoples their right to self-determination, a right that the Council was also mandated to address. The United Nations had made it clear that denial of the right to self-determination on such grounds was a crime against humanity.

90. His organization wished to issue a diplomatic protest against any attempt by the Conference to reduce the rights of peoples, including indigenous peoples. The situation of indigenous peoples in Alaska and Hawaii remained unresolved.

91. Mr. DOEBBLER (Observer for Nord Sud XXI), speaking also on behalf of the Union of Arab Jurists, said that both organizations abhorred all forms of racism and intolerance and stood in support of all vulnerable people fighting for equality, as well as those countries and NGOs that had spoken forcefully to defend their rights and ensure that the voices of victims were heard. Such had not always been the case at the Review Conference: the outcome document had not been properly negotiated by States, but promulgated by the Chairperson of the Inter-Sessional Working Group with little input from NGOs, in a process that had lacked transparency, and an environment that had been clouded by threats from a handful of States that had refused even to engage in dialogue. A common lack of courage had also prevented the Conference from producing a strong outcome document. Such inaction was deplorable in the face of intimidation from States that lacked the courage to defend their convictions at the Conference.

92. The outcome document should have referred prominently to the victims of racism and intolerance. It should also have highlighted the special situation of serious and widespread discrimination against Palestinians that two successive special rapporteurs had termed “apartheid”. There should have been a stronger commitment to ensuring compensation for centuries of State policies of slavery. A recognition not only of occupation, but of exploitation and the illegal use of force as causes and consequences of racism and intolerance should also have been included. Unfortunately, the voice of NGOs had been heard only after the text had been adopted. Further recommendations regarding the text had been submitted in writing, and the High Commissioner for Human Rights said that they could be made available on her Office’s website.

93. The organizations on whose behalf he spoke reiterated their support for the Durban Declaration and Programme of Action as well as the NGO Declaration that had been agreed at the Review Conference. Those organizations also reiterated their commitment to supporting United Nations efforts to combat racism, including through the observatory on racism proposed by the High Commissioner.

94. The Conference had been designed to give impetus to the implementation of the outcome of the World Conference, to honour the memory of past victims and to create an environment in which the international community could unite to eliminate racism and intolerance. Regrettably, the outcome document only reiterated in weaker terms what had already been stated in the Durban Declaration and Programme of Action. If nothing else, the Review Conference and its outcome document would serve as a reminder that the world had far to go to eliminate racism and other forms of intolerance.

95. Ms. OLIVEIRA (Centro Feminista de Estudos e Assesona (CFEMEA)) said that in 2001, Latin American and Caribbean movements representing black, indigenous and lesbian women, together with anti-racism groups, had begun intensifying follow-up to Durban. They had convened a Civil Society Forum of the Americas in Brasilia in June 2008, despite scarce resources.

96. Racism was a huge injustice and one of the greatest barriers that humanity had to overcome in order to put an end to violence and ensure universal enjoyment of human rights. Powerful interests in the North, including in those countries that had walked out of the Conference, would prefer to bury the Durban Declaration and Programme of Action; they did not wish to assume responsibility for inventing racism or promoting it in its more contemporary form: xenophobic policies against migrants that deprived millions of their most basic rights. Member States had, however, reaffirmed the Durban Declaration and Programme of Action without leaving any room for backtracking on what had been agreed in 2001.

97. Civil society in Latin America had played an important role in securing consensus on the relevant issues. However, the review process had not been properly democratic and the full participation of civil society had not been assured. A lack of information and resources in her region had not helped matters. Consensus represented a victory; nevertheless the outcome document contained omissions. Paragraph 4 in particular was inadequate.

98. Ms. XAVIER DE CASTRO (Observer for Criola) said that Review Conference participants should undertake to affirm the principles of secularism, human rights and religious freedom. They should also take specific measures to protect traditional African religions and oppose Catholic and evangelical fundamentalist policies that encroached on women's rights, particularly sexual and reproductive rights. Criola called on delegations to promote affirmative action programmes for women.

99. Effective tools for monitoring the implementation of the Durban Declaration and Plan of Action, including the collection of data disaggregated by race, ethnicity and gender, should be developed. The rights of domestic workers should be recognized. Women must be given greater access to land ownership, and the land rights of indigenous peoples must be protected. Above all, Member States must make a commitment to combating all forms of discrimination. The challenge of eliminating racism could best be met through enhanced democratic debate and the active participation of citizens, civil society organizations and women's and social movements.

100. Ms. WILSON DE BONILLA (Observer for the Red de Mujeres Afrolatinoamericanas, Afrocaribeñas y de la Diáspora) urged States to do the following: maintain the commitments undertaken at the June 2008 Regional Conference for Latin America and the Caribbean Preparatory to the Durban Review Conference; defend all aspects of the Durban Declaration and Programme of Action; use indicators disaggregated by gender, race and ethnicity in national censuses; recognize the existence of multiple discrimination; and involve civil society organizations in carrying out, assessing and monitoring the implementation of the Durban Declaration and Programme of Action. The Durban review process, which had ignored many of civil society's demands, must go beyond the mere issuing of a declaration. For its part, her organization would continue to work towards a common agenda that addressed the concerns of Governments and civil society alike.

101. Mr. ALARCÓN EYZAGUIRRE (Observer for the Comisión Jurídica Para el Autodesarrollo de los Pueblos Originarios Andinos) said that the indigenous peoples of the Andes preserved the environment and contributed to the prevention of climate change. Yet, colonial intolerance persisted, and Latin American Governments practised a covert form of racism against indigenous communities by allowing companies to plunder natural resources under the pretext of bringing progress and a superior way of life. Indigenous peoples were

excluded from the decision-making process on projects affecting them. They were accused of ignorance simply because they chose to remain true to the values of their ancestors. The Governments in question were thus failing to honour their commitments under paragraphs 36 and 111 of the Durban Declaration and Programme of Action in particular. He called on States to overcome such hidden racism and to treat indigenous people with dignity.

102. Mr. PARY (Observer for the Indian Movement Tupaj Amaru), speaking also on behalf of the World Peace Council, said that the European colonialist system would remain the major cause of racism and racial discrimination. The carnage wrought by that system constituted history's most extensive holocaust. Wars of conquest had led to the genocide of entire communities and disrupted the delicate balance between the Andean people and nature, while the so-called New World became an inexhaustible source of wealth for Old Europe. More than five centuries following the first conquests, ideologues from Europe still pretended that the slave trade and the extermination of aboriginal people in silver and gold mines were part of a God-given and natural order.

103. New forms of racism and racial discrimination directed against Muslims, Arabs, Latinos and indigenous peoples had arisen following the tragedy of 11 September 2001. The United States Government and others had enacted laws that authorized torture, and suspected terrorists had been denied due process. Counter-terrorism crusaders had conflated terrorism with national liberation movements and the just struggles of the Palestinian people and of indigenous peoples.

104. The former colonial Powers owed a debt to indigenous peoples, persons of African descent and minorities throughout the world. The Review Conference was a missed opportunity for restoring the historical truth and apologizing for past crimes against humanity. Invoking the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, he said that there could be no reconciliation among cultures and civilizations until the former colonial Powers acknowledged their crimes and apologized to the victims. Similarly, there would be no peace or security in the world so long as the foreign occupation of Palestinian lands continued. He therefore called for the transformation of the current international economic order, which was profoundly racist, unsustainable and morally reprehensible.

105. Ms. JOMAA (Observer for the Women's International League for Peace and Freedom) said that her organization would continue to work for the implementation of the Durban Declaration and Programme of Action and for the rights of the Palestinian people to self-determination. The Women's International League for Peace and Freedom would also advocate for the recognition of other, new and emerging forms of discrimination that were not included in the Programme of Action.

106. An investment of financial and human resources was needed to make progress towards the elimination of racism and all forms of discrimination, including by recognizing that the transatlantic slave trade was a crime against humanity for which reparations must be paid. Reducing poverty and redressing the unfair distribution of wealth also required substantial resources. The League strongly urged all Governments to shift spending from the military to social programmes.

107. Ms. GAJAPATHYNAIDY (Observer for the International Women's Rights Action Watch (IWRAP) Asia Pacific), speaking also on behalf of the Asia Pacific Forum on Women, Law and Development (APWLD), said that the Review Conference outcome document signalled a commitment by all States to the elimination of racism, racial discrimination, xenophobia and related intolerance. She noted with concern, however, that key issues, such as discrimination based on descent and sexual orientation, had not been addressed. She urged all States to address multiple discrimination against women and to incorporate a gender perspective in their policies.

108. Paragraph 85 of the outcome document should be given the widest and most progressive interpretation possible. The organizations on whose behalf she spoke also called for the elimination of entrenched discrimination against sexual minorities, particularly lesbian, gay, bisexual, transgender, intersex and queer persons. Lastly, they called for the implementation of international human rights law, including the Convention on the Elimination of All Forms of Discrimination against Women and the International Convention on the Elimination of All Forms of Racial Discrimination.

109. Mr. SCHECHLA (Observer for the Habitat International Coalition (HIC)) said that persistent and new patterns of housing and land discrimination must be rectified before the Durban Declaration and Programme could be truly effective. The current mortgage crisis and undisciplined market forces were exacerbating discrimination. Nevertheless, international financial institutions, development agencies and private banks continued to call for deregulation and non-intervention in the economy. Since 2001, minority communities across Europe continued to be victimized. During the previous century, black American farmers had lost almost all of their land because of institutionalized discrimination. A State in the Middle East established by the West and settled by colonists denied full citizenship, property and land to the indigenous peoples living there. Untouchability remained a grave problem in certain countries, and the eviction and dispossession of the most disadvantaged persons continued.

110. Meanwhile, some States had been beacons of good practices. Latin American Governments had applied the principle that property had a social function. However, the Durban review process had been silent about the consequent improvement in the living conditions of the vulnerable and impoverished. Accordingly, he wished to draw attention to the response that his organization had submitted to the questionnaire prepared by the Review Conference secretariat, and he urged participants to take up the housing and land rights issues that had been ignored.

111. Mr. VALBUENA GUAURIYU (Observer for the Organización Nacional Indígena de Colombia), noting with satisfaction the change in the Colombian Government's position regarding the Universal Declaration on the Rights of Indigenous Peoples, said that Colombia must address the displacement of and attacks on the country's indigenous peoples. His organization supported dialogue, open negotiation and consultation between the State and indigenous peoples. It called for compliance with higher court rulings relating to the rights of the country's indigenous peoples who were affected by armed conflict and development plans that denied them their territorial and cultural autonomy. There was a need for a new framework to address human rights problems based on a non-racist, non-discriminatory and non-exclusive State vision and on respect for the rights and cultures of indigenous peoples.

112. Ms. PARSONS (Observer for the African Canadian Legal Clinic (ACLC)) said that the African Canadian Legal Clinic (ACLC) had been actively involved in efforts to implement the

Durban Declaration and Programme of Action. It was deeply concerned about the Canadian Government's decision to disengage from the Review Conference, which demonstrated its lack of commitment to combating racism.

113. The situation for African Canadians was critical and had worsened since 2001. While African Canadians were disproportionate victims of hate crimes, the Canadian Government remained silent. There were shocking levels of poverty among African Canadians; half of all African Canadian children lived below the poverty line, they were grossly overrepresented in the child welfare system and they were exposed to systemic racism in the education system. African Canadians were targets of racial profiling and were shot, killed and jailed in high numbers. They had unequal access to health services. Although African Canadian women made up a very large percentage of persons living with HIV/AIDS, they remained invisible to the Government.

114. As anti-black racism was a legacy of the transatlantic slave trade, reparations must be a part of any effort to redress that racism. Her organization strongly supported the work of the Working Group of Experts on People of African Descent and called for the establishment of a permanent forum for people of African descent.

115. Ms. ABU ATA (Observer for the Arab Organization for Human Rights) said that the Arab Organization for Human Rights pledged to support the participants in the Review Conference in the fight against racism, racial discrimination, xenophobia and related intolerance. She came from a region that experienced many forms of discrimination, including discrimination based on gender, race, religion, language, nationality and ethnicity. The organization focused its activities on raising awareness about human rights issues and promoting respect for equality and the inherent dignity of all human beings. However, its efforts were hampered by double standards that existed with regard to the region. The human rights situation in Arab States was affected by foreign occupation and internal armed conflict in Darfur, Somalia, Iraq, the Syrian Arab Republic and Lebanon. The indiscriminate global war on terrorism also undermined human rights and fuelled national strife.

116. The message that her organization wished to send to the delegations that had boycotted the Review Conference was that it could not accept any compromise of laws that it had fought hard to uphold merely for the sake of consensus. Its message to participants was that the exclusion of civil society organizations from the Durban review process should not be repeated, as those organizations had an important role to play in building peace and prosperity.

117. Mr. ANANDARAJAH (Observer for the Bexley Council for Racial Equality) said that the Bexley Council for Racial Equality had done much to promote the objectives of the Durban Declaration and Programme of Action, and he wondered how many delegations could say the same. Indeed, some States had acted against those objectives: many perpetrators of hate crimes were high-level State officials who had committed such crimes against humanity with impunity. Forced disappearances and starvation and the denial of justice and basic human rights were the norm in such States. His organization called on the Conference to intervene immediately in those States to stop State-sponsored terrorism and end the massacre of ethnic minorities and to engage more actively with NGOs like his own that defended victims of inequality, marginalization, exclusion and racism.

118. Mr. SCHAEFER (Observer for the Heritage Foundation) said that his delegation shared the view of many in the NGO community that the Review Conference had been a disappointment. The outcome document had been hastily adopted before any NGO had been given an opportunity to provide valuable input. While the outcome document was better than earlier drafts, many concerns had not been addressed.

119. His delegation supported the United States Government's decision to boycott the Review Conference over the outcome document's unqualified endorsement of the Durban Declaration and Programme of Action, which unjustly singled out Israel and alleged that Palestinians were victims of Israeli racism. It strongly opposed at least six paragraphs calling for constraints on the freedom of opinion and expression and, in a few instances, freedom of assembly in order to combat so-called defamation of religions. While the phrase "defamation of religions" had been omitted, the doctrine remained intact. Freedom of speech and assembly meant very little unless they applied equally to everyone, even to groups that might be political or moral pariahs.

120. The Review Conference had not confronted a single instance of State-sanctioned racism, racial discrimination or religious intolerance, despite ample evidence of such in China, the Islamic Republic of Iran, the Sudan and many other States in attendance. However, the outcome document had provided justification for States to constrain freedom of opinion, expression and assembly. Constraining fundamental freedoms would not stop racism - more open dialogue, not less, was necessary.

121. Mr. CLIFFORD (The Equal Rights Trust) drew the attention of stakeholders to the Declaration of Principles on Equality, adopted in October 2008 by 128 prominent human rights and equality advocates and endorsed by hundreds of experts and organizations from around the world and said that the Declaration sought to make the right to equality a basic human right and to address different types of discrimination in a consistent manner.

122. He drew attention also to a written statement that his organization had submitted to the Review Conference secretariat on 20 April 2009, which contained proposed amendments to the draft outcome document aimed at bringing it more closely into line with the Declaration. He urged the High Commissioner for Human Rights to show support for the Declaration and called on States and civil society to formally endorse it.

The meeting rose at 1.05 p.m.