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SUMMARY RECORD OF THE 15th MEETING

Held at the Palais des Nations, Geneva,  
on Tuesday, 25 March 2003, at 3 p.m.

Chairperson: Ms. AL-HAJJAJI (Libyan Arab Jamahiriya)

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The meeting was called to order at 3.10 p.m.

STATEMENT BY THE DEPUTY PRIME MINISTER AND MINISTER FOR FOREIGN AFFAIRS OF BELGIUM

1. Mr. MICHEL (Belgium), having endorsed the statement made by the representative of Greece on behalf of the European Union, said that people throughout the world looked to the Commission to perform the task for which it had been established, namely to protect and promote human rights. In doing so, the Commission did not go in for theoretical or legalistic debates. It dealt with practical questions that had specific outcomes, its sole aim being that every inhabitant of the planet should live with at least a minimum degree of dignity. The issue was never that some States should sit in judgement upon others but the collective responsibility of the international community and of each individual State, inasmuch as only the State could ensure that its citizens enjoyed their human rights.
2. The Commission was an invaluable tool for enabling States to improve the lives of their people. It was also a useful sounding-board for the hopes and expectations of victims of human rights violations; it could not, and should not, disappoint such expectations. On the one hand, human rights were a simple, elemental concept, whereby a person could live his life to the full. At the same time, however, the actual achievement of human rights was a complex issue, since it required a political will on the part of States to provide the means required for all to enjoy their basic rights and freedoms.
3. The first step was to acknowledge that a violation had occurred. Without that, no condemnation, reparation or reconciliation was possible. Impunity would prevail; and that was unacceptable. The number of States ratifying the main human rights conventions grew every year, but the aim should be their universal ratification and he called on all States which had not ratified all the instruments to do so. The number of States issuing an open invitation for visits by special rapporteurs - as all the member States of the European Union had done - was also on the increase and he urged all States to do so. The Commission's authority would thereby be strengthened.
4. The Commission's role did not end there, however. It should also help States to assume their human rights obligations. It did not exist in isolation, removed from people's daily preoccupations. On the contrary, it must ensure that its work had a tangible effect on the ground. That was the pragmatic approach that should be adopted. He was confident that the new High Commissioner and his staff were equal to the task.
5. He wished to draw attention to seven of the major challenges confronting the international community. The first was terrorism which, with its total contempt for human life, was the most atrocious manifestation of intolerance. It posed an ever growing threat and became ever harder to overcome. It was up to all States to confront terrorism with utter determination. Only concerted action at the international level - and, above all, in the context of the United Nations - would produce tangible results.

6. In that context, the Commission had a crucial role to play in ensuring that action taken against terrorism was in conformity with the basic principles of human rights. Lasting results would be achieved only if human rights were respected. In other words, the ends did not necessarily justify the means. In combating terrorism, there was no avoiding the fact that political and economic factors played a decisive role in creating terrorists. That involved refraining from war as far as possible and maintaining a frank and open dialogue among cultures and civilizations. It also involved promoting development and economic and social reconstruction.

7. Ethnic conflicts fostered by fanatical beliefs or ultranationalist propaganda led to hate, armed hostilities and crimes against humanity, such as genocide. In that context, he was extremely disappointed that the endeavours to ensure the implementation by peaceful and diplomatic means of Security Council resolution 1441 (2002) had not been pursued to the end. He was still convinced that the diplomatic route, with continued disarmament inspections, could have achieved the desired result. An opportunity to disarm Iraq effectively but peacefully had been lost.

8. The issue, which would undoubtedly affect the reputation and the effectiveness of the United Nations, should be a matter for serious reflection. The Organization must be strengthened at all costs. It must ensure that humanitarian aid arrived on time, in the right place and under its own control. It must also ensure that, in future, Iraq would be a State that respected multiparty democracy and human and peoples' rights. It would be undesirable if, following the unnecessary rush to military action, the post-war reconstruction was left in the hands of a single State.

9. Africa, too, was affected by conflicts. His Government supported African initiatives to seek ways of re-establishing security and stability in the region, for which respect for human rights was an essential prerequisite. The progress made over the past months in both the Democratic Republic of the Congo and Burundi gave rise to hopes of a lasting peace, but the situation remained fragile. By concluding the Global Inclusive Agreement, the authorities of the Democratic Republic had opened the door to power-sharing. Each party was responsible for maintaining security and public order, and thus for preventing violations of human rights, in the areas under its control. When the transition institutions were in place, his Government would redouble its efforts to contribute to the building of a State governed by the rule of law in the Democratic Republic of the Congo.

10. His Government also continued to support Burundi, which was halfway through its own negotiated transition. Difficult decisions would have to be taken by the political class as a whole if the country was to break out of the vicious circle of civil war. He called on all the belligerents to spare their civilian populations and to put an end to the current conditions of impunity.

11. In Rwanda, meanwhile, the transition was entering its final stage. Elections would be held during 2003. His Government, which had accompanied Rwanda through its years of reconstruction and reconciliation, giving particular support to the traditional Gacaca judicial system, looked forward to that country moving finally to a more open and democratic future.

12. A third essential battle was to find ways of reducing the growing disparities in the standard of living between States and individuals. People could not enjoy their civil and political rights if they lacked the rights to work, education, food, health, housing and a healthy environment. Given that globalization was an irreversible phenomenon, new forms of solidarity would need to be developed in a world marked by job losses, growing social exclusion and an increased number of people living in extreme poverty. Economic and social rights had once been the poor relation of the human rights protection system, but the complementarity of rights had become increasingly recognized and the political will to promote social progress could not but enrich humankind. For that to be achieved, however, the entire United Nations system, including the financial institutions, would have to be involved.

13. The Constitution of his country enshrined a wide range of economic and social rights and, in cases of dispute, the courts were guided by the International Covenant on Economic, Social and Cultural Rights. His delegation would thus support the establishment, at the current session, of a working group to consider how an optional protocol to the Covenant might make those rights justiciable.

14. For all its shortcomings, the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance had been the forum in which the international community had declared itself for a united, though diverse, humanity. It therefore formed a common point of reference and should be followed up with a view to implementing the commitments made. It was to be hoped that such a follow-up would be achieved at the Commission's current session. His own country had adopted a programme of action based on the Conference outcome together with two laws to tackle racism and discrimination. His Government also intended to host and finance a regional seminar, to be organized by the Office of the High Commissioner for Human Rights (OHCHR), on implementing the Durban Declaration and Programme of Action.

15. His Government fully supported United Nations policy on gender mainstreaming within the Organization as well as in the Member States. Real equality meant ensuring that policy discriminated against neither men nor women. The situation of women worldwide was of great concern. They were victims of violence and discrimination in many corners of the globe. His Government encouraged women to participate in conflict resolution and prevention, their daily proximity to the conflicts of which they were victims putting them in a unique position to do so.

16. Respect or lack of respect for children's dignity would have a major impact on how they subsequently participated in the democratic life of their country. The Convention on the Rights of the Child was thus a crucial document; it had been incorporated into his country's Constitution. In the face of the violations of children's rights - the scandals of child soldiers, sexually exploited children, working children and starving children - the international community had a duty to interfere. Children also had the human right to freedom of expression. If their voices were listened to, there would undoubtedly be an improvement in decision-making on issues concerning them.

17. Lastly, the world must take action against impunity. In that context, he welcomed the establishment of the International Criminal Court, which would not only help to ensure respect for the law and for international peace and security but would also play an important preventive role: anyone committing a crime against humanity or genocide or a war crime knew that he was liable to be tried by the Court.

18. If the international community could unite to address all those issues with determination in an atmosphere of constructive dialogue, he was convinced that it would be able to construct a common basis of universal - and universally respected - human values.

#### 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.4/2003/17, 18 and Add.1 and 2, 19 and Add.1, 20, 21, 23, 24, 122 and 127; E/CN.4/2003/G/36; E/CN.4/2003/NGO/3, 18, 32, 118, 119, 121, 123, 134, 140, 169, 185, 199, 220, 226 and 253)

19. Mr. KASRI (Observer for Indonesia), said that the high hopes initially raised by the outcome of the Durban Conference had diminished somewhat over the past 18 months. In the meantime, an international climate of fear and mistrust had developed out of the events of 11 September 2001, reflected in an irrational search for potential extremists in Islamic communities. Full and vigorous implementation of the Durban Programme of Action was the appropriate way to make progress in eradicating racism at the grass-roots level.

20. His Government was determined to combat all the prejudices that undermined the fabric of society by pitting communities against one another, and its efforts to restore trust and promote reconciliation in areas where ethnic or religious clashes had taken place had brought about some definite improvements. It was also attempting to put an end to the unfair treatment of minority groups and to uphold their right to cultural and religious expression, in part by eliminating archaic discriminatory legislation on citizenship.

21. Ms. MINA (Observer for Cyprus), having endorsed the statement by the representative of Greece on behalf of the European Union, said that her Government had demonstrated its commitment to the eradication of racism in its policies and legislation and wished to express its sincere appreciation of the work of the Committee on the Elimination of Racial Discrimination.

22. Governments had an obligation to educate and raise awareness concerning racism and racial discrimination in order to promote tolerance, non-discrimination and respect for diversity, which were the foundations of stability and social cohesion.

23. Lastly, her delegation welcomed the work of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of

Action and the Working Group of Experts on People of African Descent. It hoped that their recommendations would form a solid basis for future action by the international community.

24. Mr. CAMARASAN (Observer for Romania) said that a key element of his country's anti-discrimination legislation had been the establishment of the National Council for Combating Discrimination, an independent governmental body with three main tasks: prevention, punishment and cooperation.

25. The Council's preventive strategy took the form of a national action plan for combating discrimination, based on positive measures to be implemented in each area of discrimination with the support of civil society and competent non-governmental organizations (NGOs). It was planning campaigns to help people become aware of their rights and of the ways in which those rights might be impaired by discrimination. The Council had the power to investigate acts of discrimination on the basis of complaints or media reports, and to impose fines.

26. The Council had formed a National Alliance against Discrimination, an open-ended forum for debate that aimed to protect human rights by preventing discrimination and promoting positive action. His delegation invited other interested parties to join Romania in its efforts and to develop similar initiatives at the European and international levels.

27. Mr. LAOUROU (Observer for Benin) said that all initiatives to combat racism, racial discrimination, xenophobia and all forms of intolerance should be supported, since everyone, whatever his or her colour, race, religion, culture or country of residence, should enjoy equal and equitable treatment. Efforts to establish the structures and institutions needed to uphold those values and to combat racism and intolerance should be supported by education, awareness-raising and information campaigns. States had the primary responsibility for promoting such initiatives and protecting vulnerable and economically disadvantaged groups.

28. Mr. SCHURTI (Observer for Liechtenstein) said that, although his Government did not agree with all parts of the Durban Declaration and Programme of Action, it was convinced that the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance had been a necessary step towards the elimination of racism.

29. Liechtenstein had prepared a national action plan that drew on the recommendations of the Committee on the Elimination of Racial Discrimination, one of which - training in human rights and non-discrimination for the National Police - had already been implemented. The plan also incorporated the findings of the European Commission against Racism and Intolerance (ECRI), whose forthcoming report on its second visit to Liechtenstein would undoubtedly help to identify further possible improvements to the country's legislative and practical framework.

30. Integration was gradually becoming part of the common consciousness in Liechtenstein, and government, private sector and civil society initiatives promoted mutual understanding and acceptance in what was effectively a multicultural "global village". His Government took the view that racism and xenophobia were defensive strategies based on the false premise that

culture was static and needed protecting against anything foreign; it thus promoted instead a dynamic concept of culture and identity. That was a formidable challenge, not least because politics and governance often relied on established positions rather than seeking change and rapprochement.

31. Following the regrettable confrontations at the Commission's previous session, his delegation welcomed the apparent resurgence of a spirit of consensus: it would be sad if consensus could not be found on an issue whose solution clearly lay in mutual understanding.

32. Mr. NETTER (Coordinating Board of Jewish Organizations), speaking also on behalf of B'nai B'rith International and the International Council of Jewish Women, said that Commission resolution 2002/9, on combating defamation of religions, referred to acts of intolerance and physical violence against Muslim minorities only. Yet, during the very month in which the Commission had adopted that resolution, nearly 200 anti-Semitic incidents had been recorded around the world. Some of the worst such incidents had taken place in Western Europe, while slogans in praise of the Holocaust and demands for visual identification of Jewish students and teaching staff had been heard on university campuses in the United States. Perhaps the most lamentable incident had been the broadcast by Egyptian State television of an "historical" 41-part drama, based on the infamous Tsarist forgery the Protocols of the Elders of Zion.

33. If the Commission's deliberations were to retain a semblance of credibility and even-handedness, resolution 2002/9 and the mandate of the Special Rapporteur should be extended to cover incidents of intolerance directed not only against Muslims but also against Christians, Jews, Hindus and Baha'is, all of whom had been victims of violence and discrimination in various parts of the world.

34. Mr. LACK (International Association of Jewish Lawyers and Jurists), speaking also on behalf of the World Jewish Congress, urged the Commission to condemn the broadcasting of an anti-Semitic television series in Arab States during Ramadan 2002, in flagrant violation of article 20, paragraph 2, of the International Covenant on Civil and Political Rights, and of article 4, subparagraph (c), of the International Convention on the Elimination of All Forms of Racial Discrimination. He called on the Committee on the Elimination of Racial Discrimination to question the representatives of the States concerned on the matter during its consideration of their next periodic reports.

35. His organization was deeply concerned to note that the anti-Semitism and politicization that had discredited the Durban Conference and its NGO Forum still continued. A specific motion introduced in the United Nations General Assembly at its fifty-seventh session by members of the League of Arab States and the Organization of the Islamic Conference (OIC) had resulted in the omission of anti-Semitism from the mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. He appealed to the Commission to ensure that that mandate remained unchanged as in the past. Secondly, Egypt and other States had once again introduced the Middle East question into the work of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action.

36. Mr. GRAVES (Interfaith International), speaking also on behalf of the African Society of International and Comparative Law and the World Federation of Democratic Youth, said that he deplored the war of aggression being waged by the United States in Iraq, which would deepen misunderstanding among nations and foster unhealthy feelings of superiority and intolerance.

37. The horrific terrorist attacks of 11 September 2001 had seriously undermined international efforts to promote a culture of peace, tolerance and understanding. Apart from the subsequent upsurge in racist and discriminatory sentiment, a particularly disturbing effect had been the discriminatory enforcement of immigration laws and the numerous human rights violations sanctioned by Governments, including arrest and detention without warrant or judicial review, and torture and ill-treatment of persons of certain racial or religious backgrounds, notably in Western countries.

38. More time, effort and resources should be devoted to the follow-up of the Durban Conference. The question should therefore be considered as a separate agenda item, and the Commission should also consider extending the mandate of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action.

39. Ms. MAN (Lutheran World Federation), speaking also on behalf of the International Movement against All Forms of Discrimination and Racism and Minority Rights Group International, said her statement had also been endorsed by Anti-Slavery International.

40. Caste-based discrimination and similar forms of inherited social exclusion continued to affect an estimated 250 million people, despite efforts on the part of some Governments. The Committee on the Elimination of Racial Discrimination, in its General Recommendation XXIX, condemned such descent-based discrimination as a violation of human rights law, and made a series of specific recommendations in such areas as prevention, justice, housing, education and employment, and on the prevention of multiple discrimination against women members of descent-based communities.

41. The organizations she represented called on the members of the Commission to acknowledge the challenge to human rights posed by the institutionalized violence of such centuries-old systems and attitudes: their impact was too grave and they affected too many human beings to be allowed to persist for another generation. She hoped that the Commission would support and advance the Committee's recommendations and include the issue in its own work and in the mandates of its relevant mechanisms.

42. Mr. PONCI (International Young Catholic Students), speaking also on behalf of New Humanity and the International Organization for the Development of Freedom of Education (OIDEL), said that the promotion of civil and political rights separately from economic, social and cultural ones ran counter to the principle of the indivisibility of human rights. That principle was not just a legal convention designed to harmonize the various rights, it constituted a legal recognition of the unity of the human person. Civil and political rights were not an end in themselves but a means to the exercise of economic, social and cultural rights: the right to life, to food, to water and to housing were meaningless except insofar as they applied to a full



member of civil society. Those who believed otherwise were guilty of a form of discrimination, denying to others the rights they accorded to themselves or to the citizens of their own countries. It was particularly sad to see developed countries making every effort to implement economic, social and cultural rights themselves, while maintaining that civil and political rights alone would suffice for the poorer countries.

43. In his report, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance emphasized the need to promote dialogue among cultures, civilizations and religions, and to foster reflection on their shared values. That would only be possible, however, if people had sufficient understanding of their own cultures, civilizations and religions, an understanding that could come about only through promotion of the right to education and economic, social and cultural rights in general.

44. Mr. GARAÏ (World Union for Progressive Judaism) said that religions were often defamed. That was why representatives of the world's different faiths had, in 1999, disseminated the Geneva Spiritual Appeal calling on the leaders of the world not to invoke a religious or spiritual power to justify violence, not to invoke a religious or spiritual power to justify discrimination or exclusion and not to exploit or dominate others by means of strength, intellectual capacity or spiritual persuasion, wealth or social status. His organization hoped the time would come when religion would no longer be used as an instrument and God would not be kidnapped by political, civil or religious leaders. All religions should be respected and everyone should respect one another's beliefs.

45. Mr. LITTMAN (Association for World Education) said that although anti-Semitism was recognized as endemic in the Arab-Muslim world and in parts of Europe, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance had devoted only nine lines to the issue in his 43-page report (E/CN.4/2003/24). He called upon the High Commissioner for Human Rights, the special rapporteurs and all the competent United Nations bodies to act urgently to promote education for interfaith understanding.

46. Ms. NAIK (South Asia Human Rights Documentation Centre) said that, although the holding of the Durban Conference had been a major achievement, the implementation of the Programme of Action had been disappointing. The Working Group of Experts on People of African Descent had met twice since its establishment but the Group of Western European and Other States had yet to nominate its expert. It was also regrettable that NGOs were excluded from direct participation in the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action.

47. The Commission had established a voluntary fund for the implementation of the Durban Programme of Action, but it was noteworthy that no contribution had been made to the Voluntary Fund for the Third Decade. Only 16 States had replied to the OHCHR questionnaire sent out in May 2002 as a follow-up to the Durban Conference. States must show greater commitment if they were to establish the necessary legal and educational standards to combat racism in all its forms. She asked the Commission to add two paragraphs to the resolution on racism, the first stating that the Commission should take note of the General Comment on descent of the Committee on the Elimination of Racial Discrimination and the second calling on States to implement that General Comment.

48. Mr. JATOI (International Institute for Peace) said that the Sindhi nation was denied political, social, cultural and economic rights on racial grounds. The declaration in 1947 of Urdu as the sole national language in Pakistan had alienated the vast majority of Pakistanis speaking other languages. Education was being eroded in Sindh and the Sindhi press muzzled. Moreover, the Sindhi people had been deprived of water through the diversion of the Indus River into the Punjab. The international community must urge the political leadership in Pakistan to stop the military intervention that had thwarted the building of a viable civil society and undermined the rule of law and democracy there.

49. Mr. BOLZE (Agir Ensemble pour les Droits de l'Homme) said that, each year, over 1,000 non-French nationals, whose families and ties were all in France, were subjected to discriminatory legislation described as "double jeopardy", involving their expulsion from France and, in some cases, a term of imprisonment. Such expulsion measures were presented as a legitimate means of protecting public order but were actually a form of discrimination. The persons expelled were French in everything but name, with no links to their countries of origin, having been born or brought up in France where their families remained. His organization therefore appealed for an amendment to articles 26 of the Order of 2 November 1945 and 131-30 of the Criminal Code to prevent the expulsions of non-French nationals with personal and family ties in France.

50. Mr. KIRKYACHARIAN (Movement against Racism and for Friendship Among Peoples) said that the Durban Conference had highlighted the plight of the victims of racism but action to combat racism must go much further. It was very worrying, therefore, that only 16 Governments had replied to the questionnaire sent out in May 2002 on the implementation and follow-up to the Conference. Racism was a reaction by those who were statutorily superior to a threat from those regarded as essentially inferior. As such it threatened the whole of society, because inequality could not be confined to a single segment of the population; there would always be some who were less equal than others.

51. Ms. FARDUTTI (World Federation of United Nations Associations) said that, although the International Convention on the Elimination of All Forms of Racial Discrimination had received a great many ratifications, it had not yet come into force. A significant number of States had still not made the declaration under article 14. It was also disturbing that very few State parties had paid much attention to the obligation in article 7 to adopt immediate measures in the fields of teaching, education, culture and information to combat prejudices which led to racial discrimination. The Declaration on Race and Racial Prejudice of the United Nations Educational, Scientific and Cultural Organization (UNESCO) also placed responsibility for the elimination of racial prejudice on the teaching profession. OHCHR should thus seek the assistance of the teaching profession and enter into partnership with teachers' organizations to promote the elimination of all forms of racism and racial discrimination.

52. Mr. PARY (Indian Movement "Tupaj Amaru") said that, since the events of 11 September 2001, racism and racial discrimination had reached dramatic proportions under the guise of a crusade against terrorism. The notion of "an eye for an eye" had merely led to the domination of the world by one military super-Power. The illegal war against Iraq would generate a vicious spiral of violence and State terrorism.

53. The colonial powers, particularly Spain and the United Kingdom, had an enormous debt to pay to the peoples of the aboriginal nations, the peoples of African descent and other minorities. The victims of racism had gone to Durban seeking justice and reparations. The former colonial powers had shown no remorse whatsoever, expressed no regret for their crimes against the native civilizations and were even less willing to render posthumous tribute to the memory of the millions who had perished as the victims of slavery. The Western States still had a historical and political responsibility to make reparations for the material and moral damage caused by colonialism and slavery. There was no statute of limitations for crimes against humanity, and those States thus had a political responsibility to pay reparations, as stipulated in international law.

54. Mr. McDOUGALL (International Human Rights Law Group) said that the Afro-Colombians - the black communities of Colombia - far from benefiting from the legal progress vaunted by the Government, faced increasing racial discrimination and exclusion from effective participation in national life, with the result that many of them had fallen into dire poverty. Colombia's internal war had extended across the whole country and armed groups were constantly declaring that Afro-Colombian territories were of strategic importance or were the setting for planned mega-projects. Moreover, their young men were used as cannon fodder by all the parties to the conflict. The social conditions of Afro-Colombians were also made more difficult by the weakness of the State and its authoritarian brand of democracy.

55. He, therefore, called on the Commission to adopt the recommendations by the Committee on the Elimination of Racial Discrimination and the Special Rapporteur on racism, racial discrimination, xenophobia and related intolerance that Colombia should go beyond formal legal efforts to guarantee the human rights of indigenous peoples and Afro-Colombians. The Commission should also establish a voluntary trust fund for people of African descent, similar to the Voluntary Fund for Indigenous Populations. It should also give full support to the Working Group of Experts on People of African Descent.

56. Ms. O'NEAL (International Possibilities Unlimited) said that the atmosphere in the poorer schools in the United States, overwhelmingly attended by blacks and Latinos, was becoming increasingly prison-like. Children of colour made up 15 per cent of the population aged between 10 and 17 but 44 per cent of the inmates of juvenile facilities and 58 per cent of all juveniles in adult prisons. If current trends continued, nearly two thirds of the black men between 18 and 34 would be in prison by 2020. The criminalization of young people of colour - with racial profiling, police brutality, difficulty in securing jobs, loans or insurance and, most recently, the threat to affirmative action - had created a climate of mistrust towards authority.

57. Black people were also disproportionately affected by the application of the juvenile death penalty. Currently 67 per cent of juvenile offenders on death row were people of colour, almost half being African American. The continued use of the death penalty for juveniles was in direct violation of the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child and, given its racist application, the International Convention on the Elimination of All Forms of Racial Discrimination.

58. The Commission mechanisms on all the related topics should investigate the situation and the Commission should give the Working Group of Experts on People of African Descent a permanent mandate. The United Nations should declare an international decade for people of African descent in order to sensitize the world to their situation.

59. Mr. SHARAFEDDIN (International Organization for the Elimination of All Forms of Racial Discrimination) said that the appearance of millions of demonstrators on the streets of over 600 cities throughout the world was proof of the wrong approach taken by evil and arrogant elements in the United States, United Kingdom and Israel, which were obsessed with pushing the world towards war and destruction. It was clear that the citizens of those countries were firmly opposed to their Governments' aggressive policies.

60. Iraq had been proved to have no weapons of mass destruction. Israel, on the other hand, had stockpiled nuclear, chemical and biological weapons that threatened the whole region. It also used all its might against the helpless Palestinians. Yet no word to stop the massacres or disarm Israel was heard from the leaders of the United States or the United Kingdom. The United States was challenging the world, contemptuously overruling the will of the nations, ridiculing the legitimacy of international law and trying to destroy the United Nations, the last obstacle to its aim of controlling the world. The Commission must halt the warmongers and their satanic schemes of evil.

61. Ms. NHAN (Pax Romana) said that her organization welcomed the report (E/CN.4/2003/24) by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, particularly the paragraphs emphasizing the importance of identity. Identity politics in many parts of the world led to new forms of discrimination and racism, the victims including minorities, indigenous peoples, migrants, refugees and asylum-seekers. Cultural pluralism as a governing principle was disappearing and the tolerance of diversity was being replaced by discriminatory citizenship based on differences. She thus invited the Special Rapporteur to study discrimination related to the enjoyment of and access to the right of self-determination; to include the economic and social dimensions and to integrate gender perspective into his next report. He should also pay attention to the interaction between local and global identities in the context of globalization.

62. Discrimination based on work and descent also singled out certain groups considered inferior and peoples of lower castes were marginalized and subjected to severe forms of violence. Her organization, which much appreciated the work done by the Sub-Commission on the Promotion and Protection of Human Rights on issues relating to discrimination based on descent and work, called upon the Commission to urge the Governments concerned to invite the Special Rapporteur to report on discrimination based on work and descent, to acknowledge existing discrimination and to adopt and implement measures to advance the equality of the people known as Dalits.

63. Ms. PLUMMER (December Twelfth Movement International Secretariat) said that the ultimate goal of promoting the human rights and fundamental freedoms of all, without distinction of race, had been the goal of 40 million African Americans for three and a half centuries; yet racism and racial discrimination still persisted. Her organization had thus been

outraged that the United States Government had failed to apply the Durban Programme of Action as a means of correcting the country's long-standing systemic racism, thus showing its contempt for the African American people and for the organs of the United Nations.

64. Of the 2 million people in United States prisons, at least 60 per cent were black or Hispanic, while more than half the prisoners on death row were black. Every social index attested to the persistence of systemic racism. Affirmative action programmes had, for example, been rolled back in many instances.

65. Mr. WAREHAM (International Association Against Torture) said that the battle to eliminate racism would never succeed until those who had given rise to it and continued to benefit from it were held accountable for their deeds. Yet it had become clear, in the aftermath of the Durban Conference, that the members of the Group of Western European and Other States invariably united in defence of racism and white supremacy. They had attempted to prevent any discussion of the three key issues: the trans-Atlantic slave trade and colonialism as a crime against humanity; reparations for African people, both on the continent and in the diaspora; and the economic basis of racism. They had also attempted to rearrange the language of the Durban Declaration after the Conference ended, refused to provide for a follow-up five years later, established an anti-discrimination unit rather than an anti-racism unit in the Secretariat and boycotted the Working Group of Experts on People of African Descent. Their acknowledged ringleader was the United States of America.

66. The Durban Declaration and Programme of Action, while far from perfect, represented an important advance in the struggle against racism, particularly in respect of the possibility of obtaining reparations from corporations that had profited from slavery. As for the boycott of the Working Group of Experts, its opponents aimed - not surprisingly, since it was their greed that had created the conditions for the African diaspora - to destroy its credibility. It was regrettable that the Secretariat should have colluded in such activities.

67. Ms. ABDULLA (General Arab Women Federation) said that, as her organization included Iraqi women among its members, she wished to draw the Commission's attention to the Iraqi people's suffering due to military aggression as well as the long-standing embargo. The United States and United Kingdom Governments were denying that people many fundamental human rights. The United States was committing yet another act of foolishness in perpetrating the crime of sadistic annihilation. She failed to see how freedom and democracy could be attained through the killing of 2 million Iraqi citizens, most of them children, and wondered whether the United States Administration was not simply using its war machinery to seize control of Iraqi resources. Throughout Iraqi history, its religious and ethnic communities had lived in peace together, but the United States Government was taking advantage of that ethnic and cultural diversity to apply a policy of divide and conquer. The United States administration's attitude to other countries, including those in the developed world, was one of superiority and arrogance. She appealed to the Commission to condemn United States aggression and demand an end to the military operations.

68. Mr. SAMUELS (Simon Wiesenthal Centre) said that the Commission was not treating the victims of racism equally. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance had devoted only one paragraph of his reports

to anti-Semitism and, while his report on the situation of Muslim and Arab peoples in various parts of the world in the aftermath of the events of 11 September 2001 (E/CN.4/2003/23) emphasized the veracity of the incidents it listed, his other report on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/2003/24) spoke only of allegations of the large-scale distribution of the Protocols of the Elders of Zion in the Middle East and Europe. Such expressions of doubt were in the spirit of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which had triggered a new upsurge of hatred against Jews worldwide.

69. To do justice to equality and human dignity, the report should have highlighted the common features of the insecurity being experienced by Muslims and Jews and thus helped to improve relations between the two diasporas. He therefore urged the Commission not to adopt the report contained in document E/CN.4/2003/24 until it had been corrected to give a more balanced account of resurgent anti-Semitism. His centre was ready to assist the Special Rapporteur to address the challenges of racial discrimination by providing an early warning system for all groups targeted by racism.

70. Mr. SENGELE (International Committee for the Respect and Application of the African Charter of Human and Peoples' Rights) said that new, more subtle and pernicious, forms of racism were springing up all over the world. In Europe, undocumented Africans were encountering humiliating treatment reminiscent of the days of the slave trade. There was also discrimination against Africans in the workplace and in housing policies.

71. The African continent was facing one of the worst tragedies in its history in the shape of the HIV/AIDS epidemic, which was decimating entire peoples, yet some industrialized countries were cynically treating that humanitarian emergency as a trivial matter and refusing access to generic medicines. African civil society was therefore very worried about the double standards applied by certain countries.

72. During the civil war in Angola, lavish funds and highly sophisticated weaponry had flooded into the country but, once hostilities ceased, the civilian population had been abandoned to its fate and people who were totally destitute had been exposed to the curious gaze of worldwide television channels. Money to rebuild hospitals, schools and infrastructure was lacking but the oil companies on the Angolan coast continued their business as usual. Selective indignation and cynicism were not sound foundations for the humane, just and caring world so ardently desired by all peoples at the beginning of the third millennium.

73. Mr. GILL (Asian Legal Resource Centre) said that, in May 1998, thousands of Indonesian citizens had been murdered or raped and vast amounts of property had been destroyed during race riots against the Chinese community in Jakarta. Five years later, the persons responsible for those atrocities were still at large and some of the officers of the security forces and army who had played a role in that violence had been promoted. The Joint Fact-Finding Team had established that serious and systematic human rights violations had occurred all over Jakarta, findings which had been corroborated by the Special Rapporteur on violence against women, its causes and consequences in her report (E/CN.4/1999/Add.3).

74. No punishment had been meted out to the perpetrators of that massacre, or of the earlier massacres of 1965/66, and that impunity sent out a strong message that crimes against humanity were acceptable in Indonesia. The Government of Indonesia clearly lacked the political will to prosecute those implicated in those criminal acts, possibly because they were still in positions of power. The recent initiative of the Indonesian Human Rights Commission to open an inquiry into past human rights abuses, while commendable, would be mere window-dressing without the full cooperation of the Government. Without international pressure, the guilty parties would continue to operate with impunity and gross violations of human rights would continue unabated.

75. The Commission must therefore insist that the Government of Indonesia give effect to the recommendations of the Special Rapporteur on violence against women, its causes and consequences, and must permit further international investigations of both massacres; it must press the Government to halt parliamentary and military interference in the application of human rights law and it must condemn any failure to bring those responsible for the May 1998 riots to justice.

76. Ms. FERRY (Cairo Institute for Human Rights Studies) said that, although for many people involved in the anti-apartheid struggle against the former South African regime, the term “apartheid” represented a special set of facts, human rights abuses and a political meaning specific to South Africa, that term had been legally defined, with a broader meaning and applicability, by a number of international treaties as a war crime and a crime against humanity. Israeli actions and policies matched those definitions. Israel’s brand of apartheid was strikingly similar to the system used by South Africa, in that it resorted to dispossession, denationalization, separation and diverse inhuman acts and means of control, such as murder, torture and mass arrests and the suppression of human rights movements.

77. Ms. GENCIANOS (Migrants Rights International) said that her organization was particularly concerned about the rise of racism and xenophobia following the attacks of 11 September 2001. In many parts of the world migrants, one of the most vulnerable groups of human beings, were being victimized by discriminatory policies and practices and subjected to hate speech that led to racist violence and crimes. Her organization had embarked upon a civil society programme of action predicated on the Durban Declaration and Programme of Action and directed towards building an anti-discrimination agenda designed to secure the protection and respect of the human rights and dignity of migrants. She welcomed the creation of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action because the States, together with civil society, bore the primary responsibility for the full and effective implementation of the Durban outcome and all States should consequently participate actively in the Intergovernmental Working Group. National action plans and strategies were of the utmost importance for the realization of the Durban recommendations.

78. Mr. DIENE (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance) said he welcomed the consensus that had emerged from the wide-ranging and substantive debate. It had highlighted the persistence of traditional types of racism and the genesis of new and more subtle varieties. It was imperative therefore to take action to combat all the forms that scourge might take on.

79. The Durban Declaration and Programme of Action constituted benchmarks for countering racism and racial discrimination. The political and legal dimension of the struggle should also pay due heed to cultural and ethical influences. For that reason, a strategy dealing with the root causes of a racist and discriminatory mindset was needed. It was also necessary to accompany the fight against racism and discrimination with a more intense dialogue between cultures, civilizations and religions.

80. He assured the representative of the Simon Wiesenthal Centre that he intended to carry out his mandate with complete objectivity and honesty and to resist pressure from any source whatsoever. When confronted with reports of discrimination, racism or xenophobia, he treated them as allegations until he had contacted all the parties concerned to ascertain the truth of the matter. As soon as he had been told about the television series in question, he had asked the Egyptian authorities for their account of the situation. He would cover their reply and state his own position on the case in his next report. It was dangerous to measure the urgency and degree of discrimination by the number of lines or paragraphs devoted to it in a given document.

81. He had been requested to draft a preliminary report on the situation of Muslim and Arab peoples in various parts of the world in the aftermath of the events of 11 September 2001, and he had done so. If the Commission considered that a study of Islamophobia and anti-Semitism was also necessary, he was prepared to draw up an absolutely objective report on that subject. It was high time that the Commission openly debated the topic on the basis of an unbiased document, the more so because the issue had enabled certain quarters to endeavour to call into question the legitimacy of the Durban Conference at which a Declaration and Programme of Action constituting a point of reference for all Member States had been adopted.

82. Mr. KASANDA (Chairperson-Rapporteur of the Working Group of Experts on People of African Descent) said that his Working Group had been encouraged by the support it had received from many delegations. It was taking its mandate very seriously and would propose practical steps for making a difference to the lives of people of African descent. The appointment of an expert from the Group of Western European and Other States was absolutely necessary, because that Group had much to offer and contribute in view of its historic experience. Peoples of African descent were a vulnerable group whose human rights required promotion and protection in every region.

83. The political will of Governments would be the biggest single determinant in the fight against racism and it was often observed that the best results were achieved at the national level. In that respect, the statement by the representative of Brazil had been most encouraging and the Working Group urged other Governments to emulate Brazil's measures to improve the economic and social standing of people of African descent.

84. The question of reparations was frequently debated and he had been unable to prevent members of the Working Group from raising it, but any decision on that issue had in fact been postponed to a future session of the Commission.

85. Mr. CHOC Myong Nam (Observer for the Democratic People's Republic of Korea), speaking in exercise of the right of reply, said that his delegation was disappointed by and indignant at the groundless accusations made by the Ministers of Foreign Affairs of Portugal and



Germany concerning the human rights situation in his country. He strongly rejected those politically motivated allegations, which were prompted solely by a desire to damage his Government's reputation. Certain European States were in favour of interfering in the internal affairs of other countries and of accusing them of human rights violations as a smokescreen for their own racial discrimination, xenophobia and unemployment problems. Those States always asserted that they made no distinction between friends and enemies when it came to denouncing human rights abuses but they were nevertheless silent about the gross human rights violations committed by big countries and allies.

86. If the speakers had been genuinely interested in the promotion of human rights, they would have referred to the huge human casualties caused by military action and asked for the halting of such action. There was a serious danger that the Commission might become a place where big countries attacked small ones and the North accused the South. All attempts at the politicization of human rights should be firmly rejected and the principle of objectivity and impartiality should be preserved.

87. Mr. ROUSHDY (Observer for Egypt), speaking in exercise of the right of reply, said that anti-Semitism was a purely European concept rooted in the psychological and social circumstances of Europe at a certain period of its history. It did not exist in the Arab world. Jews and Arabs were all descended from Abraham and were all Semites, so no one could accuse Egyptians of being anti-Semitic since that would be a contradiction in terms.

88. Allegations that the television series "Horseman without a Horse" was anti-Semitic had been made before it was viewed, on the grounds that it was based on the Protocols of the Elders of Zion. In fact, the series concentrated on the Ottoman period in the Arab world and dealt with Egyptian resistance to the British occupation. It did not refer to Judaism or the Jews, apart from one allusion to the Protocols, and it did not imply that the content of the Protocols was true.

89. His country's Minister of Information had issued an official statement prior to the showing of the series, in which he had affirmed that Egyptian information policy was designed to ensure complete respect for all religions and did not permit any references in dramatic, artistic or other works that would undermine religious beliefs. Nevertheless, Egyptian information policy guaranteed freedom of expression as a basic human right. The writer of the series had announced at the beginning of each episode that it was a work of fiction and not based on historical fact. Afterwards numerous critics had drawn attention to the fact that the Protocols had been the product of an atmosphere of suspicion in Tsarist Russia in the early twentieth century and that they defamed the Jews for economic reasons. No accusations of anti-Semitism had subsequently been levelled at the series and no such sentiments had been intended.

The meeting rose at 6.05 p.m.