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Chair: Ms. Mejía Vélez. (Colombia)

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

Agenda item 66: Elimination of racism, racial discrimination, xenophobia and related intolerance
(continued) (A/C.3/71/3)

- (a) **Elimination of racism, racial discrimination, xenophobia and related intolerance** (continued)
(A/71/18, A/71/325 and A/71/327)
- (b) **Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action** (continued) (A/71/288, A/71/290, A/71/297, A/71/301 and A/71/399)

Agenda item 67: Right of peoples to self-determination
(A/71/326 and A/71/318)

1. **Mr. Ruteere** (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance), introducing his first report (A/71/301), submitted pursuant to General Assembly resolutions 68/151 and 70/140, said that he had decided to focus on the importance of national action plans and national specialized bodies, which played a fundamental role in addressing the root causes of discrimination, racism and xenophobia and in shaping policies to combat them.
2. His second report (A/71/325), submitted pursuant to General Assembly resolutions 70/139 and 70/140, dealt with the implementation of General Assembly resolution 70/139 on combating glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance. He had reported on that same subject to the Human Rights Council (A/HRC/32/49) in June 2016, when he had also presented his thematic report on xenophobia (A/HRC/32/50) and a report on his mission to Greece in May 2015 (A/HRC/32/50/Add.1). He would be conducting country visits to Australia and Fiji in November and December 2016 and he encouraged all Governments to reply positively to pending requests for invitations.
3. **Mr. Cepeda Orvañanos** (Mexico) said that the grounds of racial discrimination, as provided for in article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination, constituted elements of various crimes, including discrimination and gender-based violence, in 28 of the

32 federal entities of Mexico. He asked how a balance could be struck in electoral legislation between allowing political parties freedom of expression and prohibiting the dissemination of discriminatory or hate messages; and also wished to hear more about the best practices and lessons learned with regard to civil society participation in the implementation of programmes or other action to prevent racial violence.

4. **Ms. Mxakato-Diseko** (South Africa) said that her delegation concurred with the Special Rapporteur on the need for States to enact national legislation to combat racial discrimination. Given South Africa's history of apartheid, its Government was working to redress the inequalities of the past, including enacting legislation to criminalize racism. Her delegation shared the Special Rapporteur's concern that societies might be growing dangerously tolerant of hate speech and extremist ideas. It noted that the Internet and social media were being used to disseminate racism and xenophobia, and was concerned about the prevailing view in some parts of the world that inciting hatred via the Internet was an acceptable phenomenon. She asked the Special Rapporteur to share more information on national mechanisms that measured racial equality and how such mechanisms could contribute to the eradication of racial discrimination.

5. **Ms. Wacker** (Observer for the European Union) said that the European Union firmly condemned all acts of racial intolerance, including those targeting migrants and refugees. The promotion of inclusive tolerance, integration and shared values, in conjunction with greater awareness of fundamental rights, were important steps in combating the rise of racism and xenophobia. The European Union stood ready to support the Special Rapporteur in his objective to streamline the reporting process of his mandate.

6. The European Union concurred that national specialized bodies played a significant role in preventing and combating racism and xenophobia. In Europe, the work of national specialized bodies was supported by a network of equality bodies funded by the European Commission. However, as the Special Rapporteur had mentioned, the effectiveness of such bodies was often constrained by a lack of visibility. She wondered whether the problem was simply a lack of financial resources and what could be done to improve the situation.

7. **Ms. Savitri** (Indonesia) said that it was the responsibility of Governments and all elements of society to combat racism and other forms of discrimination, including the glorification of Nazism, neo-Nazism and other contemporary forms of racism; States therefore needed to fully implement measures, including national action plans, to protect individuals from racism. Education and awareness-raising programmes were key to combating racism and stereotypes. It was important to bear in mind the outcome document of the Durban Review Conference, which reaffirmed that any advocacy of national, racial or religious hatred that constituted incitement to discrimination, hostility or violence should be prohibited by law. She requested the Special Rapporteur to elaborate on best practices followed by States in addressing the increasing misuse of social media and the Internet to spread hatred and intolerance, and asked what States could do to address that issue without infringing on freedom of expression and opinion.

8. **Ms. Medcalf** (United Kingdom) said that her Government's commitment to combat hate crime was set out in its "Action Against Hate" plan. In addition, in August 2016, the Prime Minister had announced an audit to tackle racial disparities in public service outcomes. The United Kingdom was concerned about the use of social media to promote and disseminate racial content; she asked how States could best counter such activities and how they could work more effectively with civil society to share best practices on the issue.

9. **Ms. Moutchou** (Morocco) said that the international framework for preventing racism remained weak and human rights violations continued to be committed. Preventive measures needed to be integrated into any national strategy to combat racism. She asked the Special Rapporteur to provide more information on his plans and recommendations for improving implementation of the Durban Declaration and Programme of Action, in light of the recent resurgence in racism and racial violence and growth in racist and xenophobic ideologies.

10. **Ms. Haflicher** (Switzerland) said that her delegation was concerned about the resurgence of racist and xenophobic violence, targeting, in particular, members of minority groups, migrants and asylum

seekers. The Committee on the Elimination of Racial Discrimination had tended to focus on combatting hate speech, but in general recommendation No. 35, it had come closer to the viewpoint of the Commission on Human Rights that the criminalization of forms of racist expression should be reserved for serious cases that clearly constituted incitement to racial violence or hatred and that the expression of opinions about historical facts should not be punished. She requested the Special Rapporteur's views on that stance. She also asked what might be the most effective format in which actors which opposed extremist political parties, movements and groups could share best practices.

11. **Mr. Lukiyantsev** (Russian Federation), referring to the Special Rapporteur's recommendations concerning the implementation of General Assembly resolution 70/139, asked who should undertake the collection of disaggregated data on instances of racism, racial discrimination and xenophobia and what would be the appropriate procedure for doing so.

12. **Ms. Nielsen** (Denmark) said that her country had reported on its national specialized bodies and had provided examples of their work. She asked the Special Rapporteur if he had any concrete proposals on how best to measure the effects of various initiatives to combat racial discrimination without engaging in racial profiling when recording data on ethnicity. She also asked to what extent systemic racism influenced decisions regarding the land rights of indigenous peoples and gave rise to suppression of their right to free, prior and informed consent and to peaceful assembly.

13. **Mr. Ruteere** (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance) said that the right balance must be struck between freedom of expression and the need to combat hate speech and incitement to violence. While there were dangers in limiting freedom of expression, inaction was also dangerous. Arguments for freedom of speech and expression were often used as justification for not doing enough to address the problem of incitement to racial and xenophobic violence. A continuum of measures was available to States, and there was a convincing case in favour of adopting measures that stopped short of criminal penalties.

14. He had not yet been able to address the question of national mechanisms for measuring progress towards racial equality, but he was mindful that South Africa had also raised the issue in 2015.

15. The invisibility of national specialized bodies was partly due to a lack of financing and to their location in capital cities, but there were other reasons. In many cases, such bodies were invisible because the related concerns were marginalized, and that invisibility was therefore a reflection of the growing invisibility of racism itself. Racism and racial discrimination were increasingly and subtly becoming more acceptable, which made them invisible and was cause for concern.

16. The global and borderless nature of the Internet posed a problem for anyone seeking to regulate social media. He had submitted a report to the Human Rights Council on the issue, which had emphasized the need to develop mechanisms in partnership with national institutions, the State and service providers. Examples put forward in that report included hotlines for reporting hate speech, and encouraging providers to remove such content voluntarily. Criminal measures could be taken both offline and online.

17. Both in his reports and during his discussions with Member States, he endeavoured to stress the value and importance of partnerships with civil society. His work brought him into contact with the most marginalized and most invisible ethnic and racial minorities in the world, and in many cases the basic services to which they had access were provided by civil society organizations. When people migrated to a new country or arrived as refugees, members of civil society were often the first people they met. Civil society must therefore be included in any measures aimed at addressing racial discrimination.

18. The Durban Declaration pointed to the need for national action plans and the establishment of specialized bodies. National action plans were needed to bring in other sectors and were therefore very important for implementation of the Declaration. Legislative measures alone were not enough. Racial discrimination was most keenly felt in the area of access to services such as housing, education and social benefits, and therefore programmatic interventions were needed.

19. He was planning to undertake two country visits at the end of 2016 and had asked to visit several other Member States. Regrettably, he had been unable to visit a number of regions during the past five years, and he appealed to States to respond to pending requests for invitations.

20. Specialized bodies such as national statistical institutions played a vital role in the collection of disaggregated data. However, in some countries it was illegal to gather information on ethnicity or on racial categories. In such cases, the same data could be collected through other means, such as by supporting independent research institutes or universities. It was important not to rely on one type of institution, since social science data were inherently controversial.

21. **Mr. Plasai** (Thailand), speaking on behalf of the Group of 77 and China, said that resolute and reinvigorated political will at the national, regional and international levels was indispensable in the fight against racism, racial discrimination, xenophobia and related intolerance; the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action needed to carry out its role in mobilizing that political will and any vacancies in that group must be filled by the end of March 2017 in order for it to remain functional. The Group of 77 and China was also gravely concerned about the growing incitement of hatred and intolerance, as well as racial profiling and stereotyping based on religion, language and culture and the exploitation of migrants, and reaffirmed the role of education in addressing those issues. There was a need to focus on correcting misperceptions and fostering interfaith and intercultural dialogue, as well as raising global awareness of different cultures and religions, especially among young people, given the new ways of disseminating messages of racism and racial discrimination.

22. While the Group of 77 and China appreciated the continuing work of the existing mechanisms for following up on the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, it noted a lack of progress in the elaboration of complementary standards to the Convention. Those mechanisms needed adequate and sustained resources, and therefore the Group supported the reactivation of the Trust Fund for the Programme

for the Decade for Action to Combat Racism and Racial Discrimination.

23. The persistence of racism and racial discrimination was related to past conquest, colonialism, the Holocaust, slavery and other forms of forced servitude that had led to social and economic inequality and that continued to affect people of African descent. It was important for efforts to eradicate racism to provide for appropriate reparation or redress. The Group of 77 and China welcomed the 2015 unveiling of the Arc of Remembrance in honour of the victims of slavery, the slave trade and the transatlantic slave trade.

24. **Mr. Ntwaagae** (Botswana), speaking on behalf of the African Group, said that the African Group reaffirmed its support for the full and effective implementation of the Durban Declaration and Programme of Action, as the most comprehensive, action-oriented global framework to combat racism, racial discrimination, xenophobia and related intolerance; it welcomed progress made at the national, regional and international levels with respect to the commitments made pursuant to the Durban Declaration, as well as progressive legislative and administrative measures taken by Governments.

25. Bearing in mind the lasting impact of colonialism, apartheid and political injustice on Africans, people of African descent and Asians, the African Group emphasized the right to quality education for everyone, which contributed to greater inclusiveness, mutual understanding and respect for cultural diversity and human rights. Governments should reinforce protection against racism by ensuring that everyone had access to effective and adequate remedies from national tribunals and enjoyed the right to seek reparation for any discrimination-related damage.

26. Fifteen years after the Durban Declaration, it was imperative for the international community to convene another conference to assess achievements that had been made to date and to discuss how to improve implementation of the Durban Declaration and Programme of Action. The African Group requested the Secretary-General to provide an update on progress regarding the revitalization of the trust fund for activities associated with the International Decade for People of African Descent. It appealed to the

international community and individuals to contribute generously to that trust fund, and asked the Secretary-General to undertake appropriate initiatives to encourage such contributions.

27. The African Group recognized the positive contribution that could be made to the fight against racism, racial discrimination, xenophobia and related intolerance through exercise of the right to freedom of expression in the media and on the Internet. However, it was concerned about the use of information technologies, including the Internet, for purposes of propagating racism and perpetuating forms of slavery such as child pornography and trafficking in persons. It urged the international community to support the implementation of the United Nations Global Plan of Action to Combat Trafficking in Persons.

28. **Mr. Cortorreal** (Dominican Republic), speaking on behalf of the Community of Latin American and Caribbean States (CELAC), said that sustainable development would be possible only if it could reach everyone, irrespective of their ethnic or racial origin. CELAC rejected all forms of racism, xenophobia and discrimination, especially against migrants, regardless of their migratory status. It was committed to observing the International Decade for People of African Descent, with a view to enabling people of African descent to exercise the human rights and fundamental freedoms recognized in the Universal Declaration of Human Rights, and also reiterated its support for the establishment of a forum for people of African descent.

29. Among people of African descent, special attention should be reserved for children, women, older persons, persons with disabilities and victims of multiple or aggravated discrimination. CELAC recognized the need to take affirmative action to reduce disparities and inequalities affecting such persons; accelerate their social inclusion; close gaps in their access to education or employment; and promote their access to justice. He urged the General Assembly to convene a fourth world conference against racism, racial discrimination, xenophobia and other forms of intolerance, within the framework of the International Decade for People of African Descent. CELAC members were committed to strengthening cooperation with other Member States in respect of the implementation of the Programme of Activities for the

Implementation of the International Decade for People of African Descent.

30. **Ms. Beckles** (Trinidad and Tobago), speaking on behalf of the Caribbean Community (CARICOM), said that the second year of the International Decade for People of African Descent had resulted in a greater recognition of the contributions to society made by people of African descent. However, CARICOM was concerned about the legitimization of racism and xenophobia in the media and by some politicians, and the resurgence of hate groups and extremist political groups that thrived on messages of racism and xenophobia under the guise of patriotism and nationalism. While respecting the rights of freedom of expression, association and assembly, States should work to implement the Durban Declaration and Programme of Action and ensure that discrimination, racism and xenophobia did not take root, and should revise their legislation and adopt policies to address the needs of people facing racial discrimination.

31. CARICOM noted with regret the recent resignation and withdrawal of two members of the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action, and intended to work with all Member States to clarify the expert group's understanding of its mandate, the procedure for appointing new members, and the source of additional resources. CARICOM encouraged the Working Group of Experts on People of African Descent to continue to engage with a wide range of Member States, including through country visits. It also reiterated its support for a forum for people of African descent that would serve as a place where people of African descent could be engaged around measures to halt and reverse the consequences of slavery and the slave trade. It also welcomed the completion of the Arc of Remembrance honouring the victims of slavery and the transatlantic slave trade.

32. CARICOM recognized the importance of ensuring that sustainable development benefited everyone. Every effort must be made to ensure that racial and ethnic minorities received adequate attention in the design, implementation and monitoring of all sustainable development programmes and initiatives, including for the achievement of the Sustainable Development Goals. Addressing racism and intolerance

was an integral component of poverty alleviation, improvement of health and educational outcomes, and affording access to sustainable housing, employment and justice.

33. **Ms. Wacker** (Observer for the European Union), speaking also on behalf of the candidate countries Turkey, the former Yugoslav Republic of Macedonia, Montenegro, Serbia and Albania, the country of the stabilization and association process and potential candidate Bosnia and Herzegovina, as well as Ukraine, the Republic of Moldova and Georgia, said that over the years the European Union had developed a solid legal framework to address racism, xenophobia and hate crimes. One example was the Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law., which ensured the accountability of perpetrators. Another was the Victims' Rights Directive, which paid particular attention to victims of hate crime and gave them a broad set of rights, including access to justice, compensation and restoration, and the right to receive appropriate information, support and protection.

34. Enacting legislation was not enough, however. Existing legislation needed to be effectively applied, and Governments and civil society needed to be engaged. The European Union had redoubled its efforts in that area, and was paying special attention to vulnerable groups such as the Roma; it had developed National Roma Integration Strategies to tackle the discrimination faced by Roma and to develop measures for their integration and inclusion. In June 2016, a European Commission High Level Group on combating racism, xenophobia and other forms of intolerance had held its first meeting with a view to improving coordination among various civil society organizations and European Union and international agencies in the area of countering hate crimes and hate speech. The High Level Group also held targeted discussions on specific forms of intolerance, and had convened a thematic discussion on combating anti-Semitism and anti-Muslim hatred.

35. The European Union was focusing on ways to address the spread of Internet hate speech while ensuring full respect for freedom of expression. A dialogue between the European Commission and major information technology companies such as Facebook, Twitter, Google and Microsoft had resulted in a code of

conduct in May 2016 that included commitments on the removal of illegal online hate speech and building counternarratives. The European Union also awarded grants to support projects in member States on training and capacity-building, exchange of best practices, empowering the victims of hate crimes and hate speech, and fostering tolerance, dialogue and mutual respect.

36. The European Union fought racism, racial discrimination, xenophobia and related intolerance in its multilateral and bilateral relations and cooperation. Its funding instrument, the European Instrument for Democracy and Human Rights, provided grants to civil society and other human rights actors worldwide for the promotion and protection of human rights. In United Nations forums, the European Union focused on national implementation of existing commitments and recommendations; in that regard, it called on States to fulfil their reporting obligations, take advantage of the simplified reporting procedure and support universal ratification of the Convention.

37. The European Union took positive note of the Special Rapporteur's remarks on streamlining reporting processes. For its part, the European Union had consistently argued for the efficient use of time and resources in the Durban follow-up mechanisms, and for proactive engagement in the development of the Programme of Activities for the Implementation of the Decade for People of African Descent. It was regrettable that the consensus decision to establish the Forum for People of African Descent had not yet been implemented. The European Union encouraged all Member States to remain focused on the implementation of existing commitments at country, regional, and international levels and to make effective use of the tools offered by United Nations mechanisms and processes.

38. **Ms. Brooke** (United States of America) said that nearly all the issues related to the Committee's work involved respect for human rights and human dignity, including the ability of people to take full part in society and the economy, to exercise their rights and to access justice. As President Obama had recently said, racism and xenophobia remained all too prevalent; no person was entirely innocent and no institution was immune. Human rights and fundamental freedoms were basic principles and universal to all nations.

Combating racism meant rejecting hatred, abandoning violence and considering the humanity of those who were different. It also meant exercising the freedom of speech and expression to challenge and condemn expressions of racism and xenophobia.

39. Her Government had made efforts to promote best practices in law enforcement and community-based policing; to advance diversity in law enforcement and equality in the workplace; to promote ethnic and racial equality in housing, education and health care; and to promote tolerance through sport. The United States Department of Justice had opened numerous civil rights investigations into police departments that might have engaged in conduct that deprived persons of their rights. The United States had therefore made significant progress towards countering racial discrimination, but much remained to be done. Her Government encouraged all States to join efforts to combat racism and xenophobia not just by finding policies that worked but also by forging consensus, fighting cynicism and mustering the political will to change for the better.

40. **Mr. Moussa** (Egypt) said that the establishment of the normative foundations of the human rights system had paved the way for the promotion and protection of rights and fundamental freedoms at the international level. However, that system was coming under increasing pressure as a result of a resurgence in xenophobia, intolerance, racism and discrimination in many parts of the world. Radical and extremist movements and parties sought to build their political platforms on incitement, hatred and the social exclusion of particular religious, ethnic, national or other groups. Refugees were also being subjected to xenophobia, exploitation and discrimination, as well as restrictions on entry, in direct contravention of international law. His delegation was also concerned about the negative stereotyping of persons on the basis of their religion or belief, increasing religious hatred, and attempts to conflate counter-terrorism with discrimination against individuals or groups on ethnic or religious grounds.

41. The denial of fundamental rights and freedoms and of human dignity was a challenge for international peace and security, development and social stability. Democracy and the rule of law were incompatible with discrimination and intolerance. The international

community should therefore make concerted efforts to prohibit the dissemination of racist and xenophobic ideas, including through the media and education, and to prevent the misuse of technologies, particularly social media and the Internet, to spread incitement and hatred.

42. The right to self-determination was enshrined in the International Covenants on Human Rights and in the Charter of the United Nations. It was therefore distressing to see that the Palestinian people continued to be denied that inalienable right. Since 1967, they had been living under a perpetual state of occupation that systematically denied them their human rights and dignity, confiscated their land and demolished their homes. Meanwhile, Israeli settlement activity had continued unabated in an attempt to change realities on the ground, in spite of condemnations from all Member States, even Israel's staunchest allies.

43. Pressure must be brought to bear to end the occupation. The plight of the Palestinian people was an inevitable consequence of the Israeli occupation of Palestine and would persist as long as the occupation continued. The United Nations should ensure the full and unconditional enjoyment of the right to self-determination, including for the Palestinian people, and should uphold its responsibilities in that regard. Peace should be secured while recognizing the right of both the Israeli and Palestinian people to live side by side in peace. Peace should not mean the continued denial of the right to self-determination of a long-suffering people.

44. **Ms. Mxakato-Diseko** (South Africa), speaking on behalf of the Southern African Development Community (SADC), said that 2016 marked 15 years since the adoption of the Durban Declaration and Programme of Action, which remained the only outcome document of a major conference prescribing measures and remedies for the elimination of racism and the atonement of historical injustices. Its implementation was critical for the eradication of racism. The resurgence of contemporary manifestations of racism and racial discrimination in many parts of the world required the international community to muster the political will to address challenges in that area and reaffirm its commitment to the implementation of the Convention. Member States should also work towards the universal ratification of the Convention and remove

any reservations, in particular to article 4 of the Convention, since the continued maintenance of reservations defeated the purposes of the Convention.

45. In the spirit of paragraph 199 of the Durban Declaration and Programme of Action, substantive and procedural gaps in international law must be filled. Complementary standards were needed to address, *inter alia*, xenophobia, anti-Semitism, Islamophobia, incitement to hatred and racial profiling, and should ensure maximum protection, adequate remedies for victims, and zero impunity for perpetrators.

46. One year after the launch of the United Nations Decade for People of African Descent, it was regrettable that little progress had been made in achieving the objectives of the Decade. The forum for people of African descent must be established to serve as a consultative mechanism for the African diaspora and provide a platform for the attainment of equality by people of African descent. States should move from rhetoric to reality in combating racism and its lasting effects.

47. **Mr. Ruiz Blanco** (Colombia) said that the Constitution of Colombia, adopted in 1991, acknowledged that the country was multi-ethnic, multilingual and multicultural. Nearly 30 of its articles referred to ethnic groups and their various cultures. It emphasized not only formal equality but also material equality, equality of opportunity and affirmative action to benefit disadvantaged groups. The Colombian State therefore guaranteed the right to equality as the framework for combating all forms of discrimination. In 2014, it had signed the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance and the Inter-American Convention Against All Forms of Discrimination and Intolerance.

48. His country was committed to advancing the implementation of the United Nations Decade for People of African Descent, which was an opportunity for Governments, civil society and the international community to join forces and make a difference over the next 10 years by means of a plan of action intended to guarantee the rights of people of African descent. Act No. 1482 of 2011 criminalized acts of racism or discrimination and harassment on grounds of race, religion, political ideology or ethnic, cultural or national origin. His Government was committed to

recognizing people of African descent and rejecting xenophobia, racism and discrimination. Diversity enriched all societies and contributed to social cohesion.

49. **Ms. Thomas** (Cuba) said that racism, racial discrimination and xenophobia continued to occur in many regions and countries, including in new and more sophisticated forms. Such discrimination must be ended through effective measures that addressed the root causes of those problems. Specifically, racial and ethnic profiling by law enforcement agencies should be prohibited; cold-blooded murders committed by police officers and attacks on persons because of their race or ethnic origin should not go unpunished. States and relevant United Nations bodies should devote more attention to those issues and promote activities that prioritized them in the worst-affected countries.

50. The United Nations Decade for People of African Descent was an opportunity for all States to focus on racial discrimination challenges. Her Government would continue to support efforts to implement activities related to the Decade for People of African Descent and would prioritize the elimination of any discriminatory prejudices that might remain in her country. It would also continue to combat racism beyond its borders by extending the hand of international solidarity to people regardless of their skin colour or social status.

51. Her Government was again introducing a draft resolution on the use of mercenaries as a means to violate human rights and hamper the exercise of the right of peoples to self-determination, and invited other delegations to support that initiative. Terrorists such as Luis Posada Carriles, the mastermind behind the mid-air explosion of a Cuban aircraft in October 1976, remained at large and had yet to face justice for their crimes. Such practices must end.

52. The objective of saving succeeding generations from the scourge of war and guaranteeing the right to self-determination and full respect for the sovereignty of States had yet to be achieved. A just and lasting solution to conflict in the Middle East would require the exercise of the inalienable right of the Palestinian people to build their own State and choose their own political and economic system. Her Government also reiterated its solidarity with the people of Puerto Rico and its support for their right to self-determination.

53. **Mr. Lukiyantsev** (Russian Federation) said that Member States, international bodies and civil society organizations were adopting very divergent approaches to racism, racial discrimination, xenophobia and related intolerance, and the resulting lack of coherence was severely hindering efforts to combat those phenomena. It was crucial to enhance coordination between all relevant stakeholders to that end. Recently, including in the context of the migration crisis in Europe, racism, xenophobia and intolerance were becoming increasingly prevalent, openly racist slogans were being heard, and extremist ideas were proliferating almost without hindrance. States which considered themselves to be mature democracies committed to human rights were doing practically nothing in response, under the pretext of freedom of expression, which they viewed as sacrosanct. A clear distinction must be made between the fundamentally flawed approach which those countries were taking and the conventional interpretation of freedom of speech. The idea that mature democratic societies would reject racist ideas themselves was wishful thinking; it was therefore unwarranted to grant racist and extremist groups even greater freedom. Individuals and entities disseminating such views must be prosecuted, in accordance with article 4 of the Convention, and all States which had made reservations to that article were strongly urged to withdraw them.

54. Meanwhile, in the very centre of Europe, former members of the Waffen SS and others who had collaborated with the Nazis and committed war crimes and crimes against humanity were honoured in rallies and marches every year and held up as national heroes while at the same time, monuments to those who saved Europe and the entire world from Nazism and fascism were being desecrated. Attempts to falsify history by whitewashing the evil that had ultimately led to the foundation of the United Nations could not be tolerated and set a deplorable example to young people. As the world commemorated the seventieth anniversary of the Nuremberg verdict, it was crucial to consolidate the outcome of the victory in the Second World War, as enshrined in the Nuremberg principles and in the Charter of the United Nations.

55. The regime of the Convention, and the work of the Committee on the Elimination of Racial Discrimination, must be strengthened; any attempts to limit the jurisdiction of that Committee, including in

the settlement of disputes among States parties, were unacceptable. The provisions of the Convention concerning the Committee's attributes must be respected just as strictly as the provisions concerning specific human rights.

56. The situation of so-called "non-citizens" and the ongoing discrimination faced by national minorities in Latvia and Estonia were matters of grave concern; it was unacceptable that nearly 330,000 people were being denied their fundamental human rights and freedoms. The Governments of those two States continued to make exaggerated and cynical claims regarding their progress in reducing the number of non-citizens, whereas the figures were decreasing largely through natural processes such as death and migration. At current rates of naturalization, the problem of non-citizenship was unlikely to be resolved for decades.

57. **Mr. Sobral Duarte** (Brazil) said that the increased number of national specialized bodies devoted to the elimination of racism had raised awareness, mobilized resources and promoted legislative and social change. In Brazil, there had been an intense political dialogue between Government officials and civil society, resulting in the establishment of a federal secretariat for the promotion of policies on racial equality. Afro-Brazilian history had been added to the mandatory elementary and middle school curricula, and affirmative action had been broadened in the areas of higher education and civil service employment. Social spending on cash transfer programmes, the universal health care system, and the affordable housing programme had primarily benefited people from marginalized groups and those in vulnerable situations.

58. In Brazil, there was still a historical and social deficit with regard to people of African descent, who were a majority among the poor and a minority among the rich, and were disproportionately affected by urban violence. Where gender and age intersected with race, those groups suffered cumulative social and economic disadvantages, but efforts to achieve greater racial inclusion would continue. Indeed, during recent major sporting events in Brazil, efforts had been made to promote tolerance and combat racism, and such high-profile events should be used more often to promote racial equality.

59. In December 2015, a Latin America and the Caribbean meeting on the Decade for People of African Descent had issued a declaration that reaffirmed the regional commitment to the full implementation of the Durban Declaration and Programme of Action and supported the establishment of a forum for people of African descent and a fourth World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. In the context of the recent upsurge in xenophobia, discrimination and racism, and the increase in divisive and discriminatory rhetoric, vulnerable groups, in particular people of African descent, migrants, refugees and other minorities, had suffered the most. The New York Declaration for Refugees and Migrants was therefore a step in the right direction. The Second International Decade of the World's Indigenous People was a model to follow and joint efforts should be made to ensure that the International Decade for People of African Descent would be similarly successful. Member States, the United Nations system could and civil society should engage more actively for that purpose.

60. **Mr. Roet** (Israel) said that diversity in race, religion, culture, gender identity and sexual orientation should not just be tolerated, but should be celebrated. The Jewish people had known racism in the form of anti-Semitism for thousands of years. The Iranian President, in an address to the General Assembly, had recently claimed that "Zionist pressure groups" had contaminated the United States Congress and forced the highest judicial institution in the United States to violate international law. The spectacle of an Iranian leader bringing up centuries-old canards about Jewish control over foreign Governments, financial institutions and the media was hardly new. Indeed, anti-Semitism was the most durable and pliable of conspiracy theories. Jews were too often afraid to be identified as Jews outside their homes and communities. After such incidents as the murder of four people outside the Jewish Museum in Belgium and in the context of the hatred spread through cyberspace, on university campuses and even in the halls of the United Nations, there was a need to take a stand against what one Secretary-General had called the oldest living hatred.

61. Anti-Semitism did not need a reason, it merely needed an excuse. Jews had gone from being hated for their religion or their race to being hated for their

nation. Anti-Semitism did not exist because of what Jews did, said or believed or because of what the State of Israel did. The international community should agree on a clear definition of anti-Semitism so that advanced technology could be used to stop online hatred while also preserving the freedom of speech and expression that democracies held dear. The United Nations should lead the efforts to eradicate the world's oldest hatred without excuses and without fear. Unfortunately, some in the United Nations, including the Department of Public Information, feared that confronting anti-Semitism was too political or might antagonize a certain group of countries. Israel called upon the United Nations to appoint a special representative to combat anti-Semitism and for the Department of Public Information to organize an educational seminar on that issue.

62. Anti-Semitism, like all forms of intolerance, did not stop at its intended target; it spread hatred to everything it touched, including refugees and migrants, people of colour and religious minorities. Developing ways to counter anti-Semitism would make it easier to address all forms of racism, racial discrimination, xenophobia and related forms of intolerance. Bigotry was an assault on the core values of the United Nations and should be rejected. Instead, human rights should be protected and bridges should be built across communities.

63. **Archbishop Auza** (Observer for the Holy See) said that the adoption of the Convention had been a landmark reflecting the conviction of the international community that racism of any kind could not be tolerated. However, in the modern world, especially in the context of displacement and migration, much of the progress on the elimination of racism, racial discrimination and xenophobia was in danger of being eroded. The report of the Special Rapporteur outlined the threat posed by the spread of extremist political parties and movements to the realization of peaceful, just and inclusive societies through the implementation of the 2030 Agenda for Sustainable Development and the New York Declaration for Refugees and Migrants. According to the report, there had been a marked increase in the number of racist and xenophobic incidents, in many cases politically motivated, driven by fear of the other and, in particular, the fear of taking responsibility for caring for the marginalized and vulnerable.

64. The Office of the United Nations High Commissioner for Refugees had estimated that the number of deaths of refugees and migrants crossing the Mediterranean would reach record highs in 2016, in spite of the decrease in the number of people seeking to take that route. For both migrants and residents, human dignity was not negotiable or determined by national laws. The human rights of every individual were inviolable and constituted one of the founding principles of the Charter of the United Nations, affirmed in the Universal Declaration of Human Rights. Pope Francis had said that migrants should be viewed not only on the basis of their regular or irregular status, but above all as people whose dignity had to be protected and who were capable of contributing to progress and the general welfare. The human family should reaffirm its common determination to fight all forms of discrimination and intolerance and resolutely adopt all necessary measures to eliminate those phenomena.

65. **Ms. Savitri** (Indonesia) said that Indonesia strongly condemned all manifestations of religious intolerance, incitement or violence against persons or communities on the basis of ethnicity, religion or beliefs. The spread of extremist political parties, movements and groups around the world had led to an alarming increase in the number of acts of race-based violence and hate speech. All countries should increase their vigilance in that regard and step up efforts to address those challenges. Fostering intercultural dialogue and encouraging tolerance and respect for diversity were fundamental means of combating racial discrimination and related intolerance.

66. Indonesia attached great importance to the full implementation of the Durban Declaration and Plan of Action, as well as the outcome document of the Durban Review Conference. Member States should be especially attentive to advocacy of national, racial or religious hatred that might incite violence, including the promotion of racist values and intolerance on social media and Internet platforms. Those challenges should be dealt with in an inclusive manner, with the participation of all relevant stakeholders, including the media and society. Whereas Governments were responsible for formulating legislation that reflected the multicultural character of their societies and complied with international human rights law, each

individual had the critical role of promoting a culture of peace and tolerance.

67. Indonesia was continuing to strengthen national mechanisms to protect all citizens from acts of discrimination, including by mandating the National Human Rights Commission to identify potential breaches of Indonesia's obligations under the Convention and investigate allegations of acts of discrimination. Her Government had facilitated the establishment of a forum to promote harmony among followers of different religions and to discuss and promote solutions regarding issues that affected them. It had also partnered with many Governments to conduct interfaith dialogues at the bilateral level and at regional and interregional levels.

68. Indonesia was a strong supporter of the Working Group of Experts on People of African Descent. It welcomed steps taken by all major stakeholders in that regard and looked forward to further measures to promote knowledge of, and respect for the heritage, culture and contributions of people of African descent to the development of societies.

69. **Mr. AlHarbi** (Saudi Arabia) said that, since its establishment, his country had steadfastly supported colonized peoples in their struggles to achieve independence and realize their right to self-determination. All forms of colonialism and associated discrimination and segregation were prohibited under international law and no State had the right to deprive a people of its freedom. The international community must not stand idly by while certain countries used force or terrorism against other States or against civilian populations. In particular, it must denounce the killings, expulsions, arbitrary detentions and other brutal crimes that had been perpetrated over many decades by the Israeli occupation authorities against the Palestinian people, who were exercising their legitimate right to self-defence and striving to expel an occupying Power from their homeland.

70. Saudi Arabia categorically rejected the actions of the Israeli occupation authorities, and would continue to work closely with the international community with a view to ending the Israeli occupation and ensuring that the Palestinian people exercised their right to self-determination. Since the launch of the Middle East peace progress at the 1991 Madrid Peace Conference, Saudi Arabia had steadfastly sought to facilitate

bilateral negotiations between the parties to the Arab-Israeli conflict, and had participated actively in numerous multilateral peace initiatives. Furthermore, with a view to achieving a comprehensive, just and permanent settlement to the conflict and promoting the security and stability of all States in the region, Saudi Arabia had proposed the Arab Peace Initiative, which called on Israel to withdraw fully from all the territories it had occupied since 1967, achieve a just solution to the Palestinian refugee issue to be agreed upon in accordance with General Assembly resolution 194 (III), and accept the establishment of an independent Palestinian State with East Jerusalem as its capital. Regrettably, Israel had obstinately ignored that and other international peace initiatives and continued to perpetrate acts of violence and terrorism against the Palestinian people. Moreover, on baseless pretexts, Israel was moving forward with its colonialist agenda and refusing to end its occupation of Arab land, thereby exacerbating Palestinian suffering.

71. Saudi Arabia would continue to support all efforts to facilitate the peace process, and called on the international community to take urgent and determined action to achieve a permanent settlement of the Arab-Israeli conflict. It also welcomed the recently-adopted decision of the United Nations Educational, Scientific and Cultural Organization (UNESCO) affirming the status of the Al-Aqsa mosque as an Islamic holy site of worship. Saudi Arabia hoped that the incoming Secretary-General would give priority consideration to the Palestinian issue and would do everything possible to resolve the conflict, in which so many innocent civilians had lost their lives.

72. **Mr. Nardi** (Liechtenstein) said that, ever since joining the United Nations in 1990, Liechtenstein had explored innovative approaches to the implementation of the right to self-determination. Too often the right was equated with secession, which was more likely to create problems than to offer solutions. Liechtenstein had identified the need for a multi-stage solution that complied with international law and entailed various forms of self-administration and self-governance; that approach could offer new perspectives on the peaceful coexistence of communities within States, without involving secession and separate statehood. Following an initial discussion of that initiative by the Committee, the Liechtenstein Institute on Self-Determination had been established at Princeton

University as its academic standard-bearer. The Institute aimed to foster an objective and non-political environment for discussing the root causes of why people sought increased autonomy or independence and to reduce the tumult and violence which often ensued.

73. The Permanent Mission of Liechtenstein to the United Nations in New York worked closely with the Institute. In March 2016, it had invited an eminent group of experts to a colloquium in Liechtenstein on the practical application of the principles of self-determination and territorial integrity and the reconciliation of those two principles through innovative application of the right to self-determination. Participants had agreed that the colloquium could spell the start of renewed efforts to grapple with the concept of self-determination and its implications for European and international peace and security.

74. **Ms. Kupradze** (Georgia) said that, 15 years after the adoption of the Durban Declaration and Programme of Action, Member States should renew their efforts to implement its provisions. In May 2016, the Committee on the Elimination of Racial Discrimination had considered Georgia's combined sixth to eighth periodic reports. Acknowledging the importance of a comprehensive approach to combating racism, racial discrimination, xenophobia and related intolerance, her Government had formulated an anti-discrimination law to ensure equal enjoyment of rights by all. It was also consulting stakeholders about the establishment of specialized police units for investigating hate crimes, including racially-motivated crimes.

75. Her Government was gravely concerned about ethnically-targeted violations perpetrated against Georgians residing in the Russian-occupied Georgian regions of Abkhazia and Tskhinvali, who were being deprived of their rights to free movement, education in their mother tongue and access to health care. Given the absence of international monitoring mechanisms, the humanitarian and human rights situation in Georgia's occupied regions was particularly alarming, as the practice of illegally detaining people for crossing the so-called border continued.

76. **Mr. Al-Hussaini** (Iraq) said that, in accordance with its obligations under the Convention, Iraq had submitted its initial report to the Committee on the

Elimination of Racial Discrimination in 2013 and was striving to implement all of the recommendations made by the Committee in that regard. Iraq would submit its second periodic report in accordance with the established timetable.

77. The Constitution of Iraq and the country's laws enshrined the principle of equality among all Iraqis, prohibited all forms of discrimination and incitement to hatred or violence on the basis of religion, and affirmed the right of Iraqis to freedom of expression and worship, both as individuals and in groups, and their cultural, property, employment and educational rights. Iraqis also enjoyed the right to establish religious, charitable or humanitarian institutions, and the right to publish and distribute religious publications. His country was also doing everything possible to safeguard the country's religious sites and places of worship, many of which had, regrettably, been desecrated or vandalized. Furthermore, Iraq had established the Christian and Other Religions Endowment to promote the interests of Iraqis who adhered to religions other than Islam, while the Constitution provided, *inter alia*, that all Iraqis enjoyed the right to freedom of thought, conscience and belief.

78. Iraq had also adopted policies to promote social justice and to combat discrimination in the civil service, and official job announcements were published to inform the public about vacancies at Iraq's Ministries and Government agencies. His Government was, moreover, striving to appoint suitably-qualified individuals from all the communities that made up Iraqi society to senior positions of responsibility in the country.

79. **Mr. Ugurluoğlu** (Turkey) said that Turkey upheld the principle of equal human rights for all with no discrimination, as enshrined in its Constitution. His country had ratified the Convention in 2002 and domesticated its provisions. It was party to all relevant international instruments and cooperated closely with special mechanisms tasked with combating intolerance and discrimination. At the national level, it had taken legislative and administrative measures in the fields of education and law enforcement; established a number of bodies to combat discrimination; and expanded the mandate of the Turkish Human Rights and Equality Institution to include anti-discrimination efforts.

80. The common struggle against racism, xenophobia, anti-Semitism and Islamophobia was currently more relevant than ever, owing to increasing instances of hostile attacks against members of religious or ethnic groups, stigmatization and racist propaganda in politics. Members of the Turkish community, especially those living in Europe, had been directly affected by those adverse trends. Moreover, the recent influx of displaced persons, whether refugees or migrants, increased the risks of racism, xenophobia and Islamophobia; migrants were particularly vulnerable to becoming targets of hostility, harassment and hate-motivated crimes. He urged the international community, especially receiving countries, to redouble their efforts to prevent migrants from falling victim to Islamophobia and other forms of intolerance, discrimination and exclusion.

81. **Mr. Neow Choo Seong** (Malaysia) said that his Government believed that the pursuit of democracy was crucial to the realization of the right to self-determination of all peoples, including the people of Palestine. It had always been a proponent of the two-State solution based on the 4 June 1967 borders, with East Jerusalem as the capital of the State of Palestine. His Government would continue to advocate for the establishment of a sovereign Palestinian State that would exist alongside Israel in peace and security. In that respect, it supported all efforts by the international community to find a just, lasting, comprehensive and peaceful settlement to the Israeli-Palestinian conflict.

82. His Government was deeply concerned that the situation on the ground was moving further and further away from the two-State solution, in view of the expansion of illegal settlements in the Occupied Palestinian Territory and the continued shelling and bombardment of Gaza. As a member of the Security Council, Malaysia had recently co-organized an Arria Formula meeting on illegal Israeli settlements, at which various experts had provided factual analyses on settlement expansion in the Occupied Palestinian Territory; the resounding conclusion had been that the settlement expansion and repression of the Palestinian people must stop. Malaysia was committed to a just and peaceful resolution of the conflict. The only way forward was to ensure that the Palestinians were afforded their basic rights as human beings, including their right to self-determination.

83. **Ms. Chand** (Fiji) said that her Government had initiated a reform process in 2013 to incorporate a number of fundamental principles into the Constitution, including equal citizenship, a secular State, an independent judiciary, the elimination of discrimination and the repeal of legal enforcement of ethnic voting. No previous version of the Constitution had included provisions prohibiting unfair discrimination on grounds of sex, gender identity and expression, pregnancy, marital status, culture, religion, social origin, conscience and social or health status. One crucial provision granting all citizens the right to be identified as Fijian rather than by their ethnicity had sparked an outburst of racist comments.

84. Racism in Fiji was often disguised by assertions that a community's cultural identity was being subordinated to the cause of national unity; such assertions were frequently made on the basis of the United Nations Declaration on the Rights of Indigenous Peoples. However, indigenous people were not a marginalized minority in Fiji, but constituted over 60 per cent of the population. Their rights to land, minerals, fishing and cultural succession were protected under the Constitution, they had a proud and active culture and they were well represented in Parliament. Her Government recognized that the rights of minorities and vulnerable populations must be upheld and considered that disadvantage should be measured not by ethnicity but in terms of access to health, education, social services, housing, food and water.

85. Fiji had embarked upon a path of substantive equality and was endeavouring to identify the barriers preventing equal access to goods and services, water, the right to vote and justice, based on a recognition that poverty and disadvantage existed in all cultural groups. It was, however, painful and difficult to extirpate the institutionalized racism of the past from national policies and relationships and to ensure that governmental appointments were made on the basis of merit, rather than ethnicity. To achieve that goal, it was imperative to remove racism from the minds of public officials, politicians and community leaders, and even United Nations officials.

The meeting rose at 5.50 p.m.