



General Assembly

Distr.
GENERAL

A/CONF.211/SR.5
8 May 2009

Original: ENGLISH

DURBAN REVIEW CONFERENCE

SUMMARY RECORD OF THE 5th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 22 April 2009, at 10 a.m.

President: Mr. WAKO (Kenya)

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GE.09-12880 (E) 050509 080509

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GENERAL SEGMENT

The meeting was called to order at 10.20 a.m.

HIGH LEVEL SEGMENT (agenda item 3) (continued)

STATEMENT BY THE SECRETARY-GENERAL OF THE COUNCIL OF EUROPE

1. Mr. DAVIS (Council of Europe) said that in the fight against racism, racial discrimination, xenophobia and related intolerance there were no easy fixes and no quick wins. It would be naive to expect that the Conference alone would succeed in putting a rapid and irreversible end to prejudice and hate; however, it could and must make a difference. It would act as a yardstick to measure the progress achieved since the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban, South Africa, in 2001.
2. History had shown that economic turbulence could increase social tensions along ethnic, religious and other lines. The current global economic crisis increased the risk of racist intolerance and discrimination everywhere, rendering the work of the Conference all the more important.
3. The Council of Europe, for its part, had developed powerful legal instruments to combat racism in its member States, such as the Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms, which had introduced a general prohibition of discrimination, and the Additional Protocol to the Convention on Cybercrime, which was open for ratification by any country and to which several non-European nations had already acceded. The Council had also established enforcement and monitoring mechanisms such as the European Commission against Racism and Intolerance, which was mandated to combat racism, racial discrimination, xenophobia, Islamophobia, anti-Semitism and intolerance in Europe.
4. However, such instruments were only part of the solution. People could not be coerced into tolerance, mutual understanding or mutual respect; it was a change of hearts and minds that was required. Accordingly, the Council laid particular emphasis on intercultural dialogue and had introduced a set of policy measures entitled Living Together as Equals in Dignity. A “Speak out against discrimination” campaign was also being run in cooperation with media professionals across Europe.
5. Intercultural dialogue did not happen of its own accord or in a vacuum: it needed physical and virtual spaces in which to flourish. The term “intercultural dialogue” was somewhat misleading, since dialogue occurred between people, not cultures or religions. There was no point in talking only to people with whom one agreed. Dialogue meant listening as well as talking. Moreover, intercultural dialogue should not be reduced to exchanges of platitudes at international conferences; the aim should be to encourage dialogue between real people about real problems in real life. What mattered was not the number of glossy brochures or conferences, but the impact actions had on how people lived and coped with their problems at home, at work, on the street, or in their local church, mosque or synagogue.
6. The mission of both the World Conference and the Review Conference was to fight racism throughout the world. Racism was not only intolerance and discrimination based on ethnic origin. Discrimination was equally unjust when it targeted people because of their religious

beliefs, nationality, gender or sexual orientation. The terrible and still recent crimes of the Holocaust were reason enough for Europeans to avoid self-righteous attitudes, but Europe would not keep quiet if anyone anywhere preached intolerance and hate, or rejected the lessons Europe had learned from its own painful past. There was nothing ambiguous or dubious about the Holocaust. Europe would speak out whenever anyone denied the fact that millions of Jews, Roma, homosexuals and persons with disabilities had been murdered in the death camps. The only effective way to ensure that such horrors were never repeated was to insist on unconditional respect for the human dignity and human rights of everyone, by everyone, everywhere and at all times.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS AND COOPERATION
OF MAURITANIA

7. Mr. OULD MOHAMEDOU (Mauritania) said that the work of the Committee on the Elimination of Racial Discrimination (CERD) and other human rights bodies of the United Nations had spurred the modernization of Mauritania's domestic legislation.
8. The calls to reason, fraternity and tolerance that had been voiced prior to the 2001 World Conference by Nelson Mandela, the former President of South Africa, and Mary Robinson, the former United Nations High Commissioner for Human Rights, had remained timely in the wake of the events of September 2001. Racism and racial discrimination, which were vehicles of hatred and intolerance rooted in fear and bias, continued to impede progress and development, alter relations of neighbourliness and sow discord and vindictiveness at the heart of societies, targeting what people treasured most: their religions and beliefs, cultures and most intimate identities.
9. Ordinary people intoxicated by alienating discourses and dangerous propaganda adopted racist and discriminatory behaviour out of a misguided attempt to protect and preserve themselves. They succeeded only in ruining the peace they sought and inviting the insecurity they ought to avoid. The great wounds that marked human history were rooted in such negative attitudes and pathological states of mind. The world received daily testimony of the fact that no durable peace had ever been built on exclusion and rejection.
10. Mauritania was an Arab and African country proud of its diversity and long accustomed to living in peaceful ethnic symbiosis reinforced by a sense of common belonging to Islam, a tolerant religion. Mauritania was party to the main international and regional human rights instruments, had established principles of equality and non-discrimination in its domestic legislation and had outlawed racism in all its guises, as the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance had noted in 2008 following his visit to the country.
11. As part of the national transformation which would soon culminate in the holding of free elections, the Government was currently focusing on the most serious denials of human rights inherited from the previous administration, namely the humanitarian plight of Mauritanian refugees in Senegal and Mali, the disastrous economic and social conditions of the Mauritanian population, and attacks on the rule of law and participatory democracy. Efforts to repatriate Mauritanian citizens displaced to Senegal had been redoubled, leading to the return of some

10,000 former refugees. Reception conditions had also been improved thanks to fruitful collaboration with the Office of the United Nations High Commissioner for Refugees (UNHCR). On 25 March 2009, a ceremony of national forgiveness, prayer and reconciliation had been held on the banks of the Senegal River with a view to healing the wounds caused by past violations of human rights.

STATEMENT BY THE MINISTER OF JUSTICE AND CONSTITUTIONAL AFFAIRS
OF SWAZILAND

12. Mr. MAMBA (Swaziland) said that the Conference would test the resolve of Governments to confront discrimination, which unfortunately existed even in the modern world. It provided an opportunity for taking stock, turning the corner and sending the right message of hope to those who were still being treated as subhuman.

13. Despite the adoption by consensus of the Durban Declaration and Programme of Action, nations had not managed to suppress acts of racism in numerous areas including organized sport and the private sector. Racism was beyond justification: as the Jewish theologian and philosopher Abraham J. Heschel had put it, racism was man's gravest threat to man - the maximum of hatred for a minimum of reason.

14. The Conference provided an opportunity for all humanity to reaffirm the principles of equality and non-discrimination and express its commitment to follow-up in the form of actions and mechanisms that would have a positive impact on people marginalized by racism.

15. Swaziland wished to pay a tribute to Australia for publicly apologizing for its past mistreatment of indigenous peoples, to the Plurinational State of Bolivia for guaranteeing the basic human rights of indigenous peoples in its new Constitution and to South Africa for dealing decisively with recent xenophobic attacks against foreigners. The world must contemplate the past, move on and clear the way for a new beginning.

16. The Conference should also be an opportunity for the world to assert with one voice that racism and its equally infectious offspring, xenophobia and related intolerance, had no place in civilized society. Such an investment would serve as an insurance policy against bigotry and prejudice for future generations. Although the international community did not always see eye to eye on every issue, it stood together on the unequivocal need to root out racism. The Government of Swaziland, for its part, was ready to engage with civil society to that end.

17. Swaziland was dismayed, however, that certain delegations had decided at the eleventh hour not to continue engaging in the drafting of the outcome document. Others had set the unfortunate precedent of summarily marching out of deliberations because they did not agree with elements of a speaker's statement. The success of the Conference, however, depended on active participation and communal support for the outcome document. As the Irish political philosopher Edmund Burke had said, evil thrived when good men did nothing. The compromise text was in fact evidence of multilateral diplomacy at work, and Swaziland was fully committed to it.

STATEMENT BY THE EXECUTIVE SECRETARY OF THE NATIONAL COUNCIL
FOR PEOPLE OF AFRICAN DESCENT, MINISTRY OF THE PRESIDENCY OF
PANAMA

18. Mr. GARZÓN (Panama) said that, with 3.2 million inhabitants, his country was a melting pot of cultures, in which indigenous peoples, mestizos, whites and people of Asian or African descent lived in harmony. Panama considered the fight against racism and racial discrimination to be a moral and ethical obligation. The recommendations of the Durban Declaration and Programme of Action had guided the Governments of Panama and other Latin American Governments in the adoption of measures to help various groups affected by racial discrimination and intolerance, including indigenous peoples, people of African descent, migrants, refugees, displaced persons, women, children, persons with disabilities and other vulnerable groups.

19. In 2007, the Government had established the National Council of the African Descendant Ethnic Group, an advisory body, and subsequently the Executive Secretariat of the African Descendant Ethnic Group, which had a mandate to implement inclusive and equitable State policy. It was the first time in history that the struggles of the Afro-Panamanian movement had been recognized at the national level.

20. Panama had made significant progress in the area of equality between the sexes, with action having been taken in such areas as human and economic development, political power and participation, family and work, health, housing, the environment, education, culture, the media and domestic violence. The Minister of Social Development had taken steps to incorporate the gender perspective in national legislation.

21. The needs of persons with disabilities had been given priority, as reflected by the establishment of comprehensive rehabilitation centres at the national level. In June 2007, legislation had been adopted to establish the National Secretariat for Persons with Disabilities with a view to improving the quality of life and ensuring equal opportunities for such persons, who accounted for 13 per cent of the population. The law, which was extremely wide-ranging, set out guidelines for the improvement of infrastructure, housing policies and other regulations. In 2008, Panama had been chosen to be the headquarters of the technical secretariat of the Programme of Action for the Decade of the Americas for the Rights and Dignity of Persons with Disabilities. The new body would be responsible for all of Latin America and had the objective of ensuring that the more than 85 million persons with disabilities in the region could exercise their rights and participate in economic, social, cultural and political life without discrimination. The secretariat would operate with voluntary contributions from members of the Organization of American States, beginning with US\$ 300,000 provided by Panama for the first two years.

22. In 2005, the Government had adopted legislation to allocate land to indigenous communities that possessed no legal title to their ancestral lands, and land had thus been allocated to members of ethnic groups who comprised 8 per cent of the Panamanian population. In support of the United Nations Declaration on the Rights of Indigenous Peoples, the Government had set up the Opportunities Protection Network or Conditional Money Transfer, which, with an initial investment of some US\$ 13 million, had helped 46,000 families living in extreme poverty in 2008.

23. The current financial crisis made it essential to protect the vulnerable sectors of society. The Government was making every effort to that end, in keeping with the Durban Programme of Action, and was on the way to achieving the Millennium Development Goals relating to extreme poverty. The challenge was all the greater, since the numbers involved had increased; disaggregated data would need to be considered, and the inclusion of ethnic or racial information in the 2010 national census was being contemplated to ensure that the Afro-Panamanian population was targeted through affirmative action.

24. States might disagree about cultural diversity, legal systems or national priorities. Nonetheless, all States should participate in the Conference, engaging in intercultural dialogue in a spirit of mutual respect in order to alleviate the plight of those who still suffered from any type of discrimination.

STATEMENT BY THE UNDER-SECRETARY AND EXECUTIVE DIRECTOR OF
THE PRESIDENTIAL HUMAN RIGHTS COMMITTEE OF THE PHILIPPINES

25. Mr. CATURA (Philippines) said that the adoption by consensus of the outcome document of the World Conference in Durban had been a collective achievement of which the international community could be proud. The Philippines attached great importance to the eradication of racism, racial discrimination, xenophobia and related forms of intolerance and strongly supported the convening of the Review Conference.

26. The situation of migrants, migrant domestic workers and members of their families was also a matter of particular concern. In the global economic crisis, migrants were among the first to lose their means of livelihood, subject as they were to social exclusion, exploitation and xenophobia. In some parts of the world, extremist political platforms espoused anti-migrant sentiments, and restrictive immigration policies prevented the free movement of persons which might otherwise spur economic growth. Cases of abuse of migrants in the workplace, in immigration facilities and in society at large were numerous and well documented. The Philippines wished to appeal to all States that had not already done so to consider signing and ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, for migrants had become even more vulnerable in the global era and required additional protection. The Philippines would be presenting its initial report to the Committee on Migrant Workers the next day. It would also be presenting a periodic report to CERD, whose work it supported, later in the year.

27. The inclusion in the draft outcome document of the Review Conference of relevant provisions on migrants and on trafficking in persons was most welcome. A human rights-based approach was required in order to focus on victims' needs.

28. The Philippines was a staunch advocate of interfaith dialogue as a means of promoting harmony and understanding between States and between peoples and had been active in promoting such dialogue at all levels. It stood ready to share best practices in that area which could serve as a tool to combat racism and intolerance.

29. All nations had experienced the pain and negative effects of racism. The world must stand united against it and work collectively to overcome past mistakes such as colonialism, slavery and apartheid. International cooperation to alleviate poverty and promote equitable sustainable development was also of paramount importance, as was attainment of the Millennium Development Goals.

30. The international community owed it to the millions of victims of racism to further galvanize efforts towards the eradication of that scourge at all levels of society. The outcome document would be a central contribution to that end. The Philippines appreciated the spirit of compromise that had been shown throughout the negotiation process and commended those delegations that had chosen not to disengage from it.

STATEMENT BY THE DEPUTY MINISTER FOR FOREIGN AFFAIRS AND
CULTURE OF HAITI

31. Mr. MYRTHIL (Haiti) said that as Haiti was the product of history's first anti-slavery rebellion it attached particular importance to the follow-up of the Durban Declaration and Programme of Action. While the World Conference had recognized, in ambiguous terms, that slavery and the slave trade were crimes against humanity, it had failed to obtain universal consensus on the issue of reparations. Some participants had even been reluctant to apologize for past crimes relating to slavery and the slave trade. His Government wished to pay a tribute to the late Pope John Paul II for having asked on behalf of the Catholic Church for forgiveness for the transatlantic slave trade and colonialism.

32. The goals set at the World Conference were far from being achieved. Millions of human beings were still victims of racism and discrimination, and racist attitudes and hate speech were common currency in many countries. The spread of racial hatred had often been exacerbated by new technologies such as the Internet. The world financial crisis and economic recession had also aroused hatred towards foreigners, particularly migrant workers. His Government supported the efforts of the Group of Twenty to address the crisis, for if they did not succeed, there would surely be a resurgence of racism and discrimination throughout the world.

33. Since the holding of the World Conference, the Haitian Government had adopted several measures to combat discrimination against women, including the adoption of a national plan of action on violence against women and the enactment of legislation on gender equality. It was also addressing incitement to racial and religious hatred in a systematic manner. The Government had also organized meetings between the representatives of the various religions practised in Haiti, including traditional religion, with a view to promoting religious tolerance.

34. His delegation welcomed the adoption of the outcome document and hoped that it would be adopted by all stakeholders, including those delegations that had chosen not to attend the Review Conference.

STATEMENT BY THE VICE-MINISTER FOR FOREIGN AFFAIRS AND
SECRETARY FOR INDIGENOUS AND AFRO-NICARAGUAN AFFAIRS OF
NICARAGUA

35. Mr. DIXON COBAN (Nicaragua) said that although much progress had been made since the World Conference, racism, xenophobia and discrimination persisted. The main challenge for the international community was to guarantee all people a life with dignity, prosperity and hope for the future. Extreme poverty, inequality and exclusion were modern-day manifestations of discrimination, and economic and social inequality was the main cause of hunger, conflict, migration and environmental degradation. The growing gap between rich and poor was unjustifiable and must be bridged, and collective efforts must be made to bring about the necessary structural change in the international economy.
36. The current economic and financial crisis threatened security and hindered human development, and thus constituted a serious threat to human rights. Thousands of migrant workers and their families had been affected by the crisis. The lack of access to basic services of indigenous peoples, persons of African descent, women, children, ageing persons, migrants and persons with disabilities was yet another form of discrimination.
37. Disasters, whether natural or man-made, seriously undermined collective and individual rights. The financial crisis of 2008 and 2009 was the result of a toxic combination of greed and self-regulation. Poor countries had suffered most from the speculation over commodities, including food and oil, in 2007 and 2008 and would bear the brunt of the coming depression, owing to a drop in exports and increased unemployment. As the crisis affected everyone, every State had the right to participate in the search for solutions. Accordingly, Nicaragua had supported the decision of the General Assembly to convene a high-level conference on the impact of the world financial and economic crisis on development.
38. Fortunately, there appeared to be agreement on the need to address those threats in order to guarantee genuine social justice. Consensus, dialogue and cooperation would be needed to overcome the natural differences that arose in political communication processes. In addition, those who had more would be called on to help those who had less.
39. In order to ensure that all Nicaraguans without exception could enjoy their rights, his Government had been endeavouring to integrate indigenous peoples and persons of African descent into the political and economic life of the country, including through their appointment to political office. A national human development plan had been elaborated, along with a national economic programme and a plan to modernize the financial systems. As a result of these plans, fresh drinking water and food assistance had been provided to thousands of families, reforestation and road and housing construction projects had been undertaken and land rights had been restored to indigenous communities, including the Awas Tingni community. The Government had also made strides towards providing free education and health care, eradicating illiteracy and reducing maternal mortality.
40. Nicaragua reiterated its commitment to implementing the outcome document. The Review Conference offered an excellent opportunity for giving fresh impetus to efforts to promote sustainable development in the countries of the South.

STATEMENT BY THE MINISTER OF STATE FOR THE CIVIL SERVICE IN
CHARGE OF STATE REFORM OF THE REPUBLIC OF THE CONGO

41. Mr. MBEMBA (Republic of the Congo) welcomed the adoption by consensus of the outcome document and paid a tribute to the former President of South Africa, Nelson Mandela, whose struggle against all forms of discrimination was exemplary.
42. The Congolese Government had made tireless efforts to ensure that all peoples in the country effectively exercised their human rights. A bill on the promotion and protection of the rights of indigenous peoples was currently under review by the Parliament; pending the adoption of that legislation, the Government sought to ensure that indigenous peoples enjoyed the same rights as all other peoples without discrimination. Many initiatives had been taken to that end, including the provision of education for indigenous children, the hiring of indigenous persons in the civil service and timber companies and the commemoration each year of a day of national solidarity with indigenous peoples.
43. The Congo had been committed to fighting racism long before the adoption of the Durban Declaration and Programme of Action, having participated in the struggle against colonialism, racial discrimination and apartheid in South Africa. It had taken an uncompromising position on those ills in the Organization of African Unity Liberation Committee and in its struggles against the last bastions of colonialism in Africa. The Government had also shown its commitment to the protection of inalienable human rights as a member of the United Nations Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.
44. The Republic of the Congo was a country of tolerance and dialogue. The Government had therefore involved political parties, civil society and religious leaders of all denominations in a discussion of the arrangements for the presidential elections scheduled for July 2009.
45. The international community had a duty to protect all human beings from racism and discrimination in all forms. The outcome of the Review Conference offered fresh prospects for effective action. It was up to participants to act to ensure its success.

STATEMENT BY THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

46. Mr. GUTERRES (United Nations High Commissioner for Refugees) said that discrimination and intolerance affected stateless persons and persons without a nationality disproportionately. With its mandate for those people, UNHCR had a special interest in and commitment to reducing racism and xenophobia.
47. The World Conference in Durban had ended just days before 11 September 2001. The Durban Declaration had acknowledged racism as a root cause of persecution leading to displacement and statelessness. Since 2001, States had sought to enhance their domestic security by introducing tighter border controls and more restrictive migration policies, among other measures, with the result that those facing persecution found it increasingly difficult to obtain protection. States must ensure that action against criminals and terrorists was accompanied by protection for those who needed it and were entitled to it by law.

48. Since 2001, it had become difficult to challenge any measure taken in the name of security. Refugees themselves were often victims of terrorism and had valid moral and legal claims to relief. However, that reality was often outweighed by negative perceptions of the risks that refugees posed. The persistence of such unbalanced views was due, at least in part, to racism and xenophobia. Human rights were for all, including the forcibly displaced. Non-discrimination was a core human rights principle, and it was the duty of all States to give effect to it. The stateless were vulnerable; in order to reduce and prevent statelessness, then, more States needed to ratify and implement the appropriate instruments.

49. Efforts to diminish racism and xenophobia required resolve, particularly in the current economic climate. Since 2001, UNHCR had systematically incorporated anti-xenophobia efforts into its operations worldwide. In its repatriation efforts, UNHCR sought to promote reconciliation and peaceful coexistence. At the same time it had broadened the base of countries willing to resettle refugees. In parts of Africa it had succeeded in overcoming old prejudices towards refugees from other countries based on economic conditions or a fear of disrupting the ethnic balance. Combating racism and related intolerance would remain at the heart of UNHCR programmes and advocacy.

GENERAL SEGMENT

50. Mr. MAIMESKUL (Ukraine) said that racism and xenophobia persisted despite efforts to combat them; however, awareness of the need to enhance international cooperation in that regard was growing. The challenge before the international community was to make those efforts effective and identify concrete measures to combat and eliminate racism. He emphasized the importance of universal adherence to the International Convention on the Elimination of All Forms of Racial Discrimination and called on all States parties to comply fully with their obligations under that instrument.

51. Strengthening national efforts was also a decisive factor in combating racism. Tolerance was central to stability and peaceful development in Ukraine; no effort was spared to combat racism and xenophobic crimes, which were atypical and strongly condemned. Domestic legislation and the regulation of ethnic issues in education were consistent with international norms and human rights instruments. Practical steps had been taken in law enforcement bodies, in particular, to counter xenophobia and violence, including the establishment of specialized units within the Ministry of the Interior and the National Security Service. Steps had also been taken to prevent the dissemination of racist material through computer systems.

52. Progress in combating racism was a shared responsibility and depended on mutual respect and tolerance. His delegation condemned any extremist statements made at the Review Conference that denied past historical tragedies and undermined the spirit of the Durban process. The common efforts of Member States through negotiation should lead to a balanced approach based on consensus that would make extremism impossible.

53. Mr. DUMONT (Argentina) said that the Review Conference gave the international community an opportunity to assess the progress made in implementing the Durban Declaration and Programme of Action. Concerted international action was effective in reinforcing national measures. It was therefore essential that the United Nations should be at the forefront of the struggle against racism, racial discrimination, xenophobia and related intolerance, providing

coordinated responses to regional and worldwide challenges through cooperation and dialogue. For that reason, his delegation had played an active part in the preparatory work of the Conference. Discrimination and intolerance could be countered only through mutually agreed solutions and the progressive strengthening of values shared by the whole of the international community.

54. It was encouraging that the outcome document recognized that poverty and exclusion were intimately linked with racism and racial discrimination, which in turn led to yet greater poverty and marginalization. Such recognition was crucial at a time when the global economic crisis threatened to increase poverty and exclusion. In that context, his delegation particularly commended the fact that the outcome document urged States to prevent manifestations of intolerance and racism against immigrants and refugees. It was also important to recognize that the rights of indigenous peoples should be guaranteed in accordance with international law and to urge States to adopt measures against the rise of extensive and aggravated manifestations of discrimination.

55. Argentina had set up a comprehensive National Action Plan, which proposed specific measures to combat racism and all forms of discrimination affecting the most vulnerable sectors of society, including indigenous people, persons with disabilities, migrants, refugees, persons of different sexual orientations, persons of African descent, persons with HIV/AIDS, persons subjected to deprivation of liberty and persons suffering from poverty.

56. As a signatory of the Declaration of the Stockholm International Forum on the Holocaust and a member of the Task Force for International Cooperation on Holocaust Education, Remembrance and Research, Argentina viewed education as essential to the fight against anti-Semitism and related intolerance. Denial of the truth about the Holocaust was unacceptable to his delegation, which was why Bishop Richard Williamson, who had made anti-Semitic statements, had been expelled from Argentina. The Argentine delegation also rejected the statement by the President of the Islamic Republic of Iran, which was particularly irresponsible since it was delivered at a gathering dedicated to combating racism.

57. While much remained to be done to implement the Durban Declaration and Programme of Action, Argentina remained committed to working with other States, international organizations and civil society to combat racism, racial discrimination, xenophobia and related intolerance.

58. Mr. PONCE VIVANCO (Peru) said that the Latin American countries had long fought for human rights; it was they who had called for the inclusion of the subject in the Charter of the United Nations in San Francisco in 1945. The World Conference against Racism and the Durban Declaration and Programme of Action constituted a significant point of reference for improving the situation of victims of racial or any other forms of discrimination. Racism was particularly deplorable, as was discrimination against women.

59. Peru's ethnic, linguistic and cultural diversity was a source of wealth but also posed challenges for integration and social cohesion. The national human rights system was based on the moral imperative to respect the rights and dignity of individuals as persons. Men and women were equal under the Constitution, and discrimination in any area was prohibited and punished by law. Nevertheless, discriminatory attitudes against certain sections of the population, in particular the indigenous, mestizo and Afro-Peruvian communities, persisted.

60. Poverty posed a challenge to combating racism and should be addressed as a cause and consequence of discrimination. Peru therefore sought to promote equal economic, social and political opportunities and had identified in its National Human Rights Plan the need to establish affirmative policies to benefit vulnerable segments of society. A series of national programmes and strategies had been designed to that end in such spheres as health, poverty relief and education, all of which had had a real impact: poverty in Peru had decreased by 16 per cent over the past seven years.

61. Peru had taken a lead role in negotiating the United Nations Declaration on the Rights of Indigenous Peoples, which was an important element in the fight against discrimination. His delegation believed that the international community should also focus attention on the question of migration and show solidarity with the many who were driven by poverty to new horizons where they faced rejection and intolerance.

62. The fact that the review process had come to a positive conclusion with the adoption of a balanced final document demonstrated that mutual understanding and harmony, rather than extremism, were the way to solving the problems of discrimination and intolerance.

63. Mr. DAHLGREN (Sweden), speaking on behalf of the European Union, firmly rejected the statement delivered by the President of the Islamic Republic of Iran, which ran counter to the scope and objectives of the Review Conference and violated the dignity of the United Nations. The persistence of racism and intolerance and the fact that many individuals and groups continued to be subjected to discrimination, often in multiple or aggravated forms, were regrettable, as such discrimination not only prevented the full enjoyment of human rights but represented a threat to democratic societies and values. Discrimination was incompatible with the founding principles of the European Union. Racism and related intolerance must be fought while respecting other human rights and fundamental freedoms, notably freedom of expression. Free debate and the dissemination of information and ideas in the media played an important role in the fight against racism and intolerance. While incitement to hatred or the targeting of certain groups could never be tolerated, freedom of expression was an essential foundation of any tolerant, democratic society.

64. European integration was based on respect for equality in diversity. Significant progress had been made in combating racism at both the normative and policy levels as a result of the determination of the Union's institutions to act against it. That determination, combined with strong consensus among national Governments, had led to remarkably rapid progress in some areas. The European Union favoured reinforcing regional and international cooperation in the fight against racism and discrimination. The Council of Europe, through the European Court of Human Rights and the European Commission against Racism and Intolerance, played an important role in that effort, as did the Organization for Security and Cooperation in Europe (OSCE). The European Union was actively involved in the efforts of OSCE to prevent violent conflicts by promoting inter-ethnic relations and tolerance, and considered that the organization's field activities and the work of its High Commissioner on National Minorities played an important role in the fight against discrimination, especially that based on ethnicity.

65. International cooperation, in close cooperation with civil society, was essential in combating racism and xenophobia as part of the global struggle for human rights. Moreover, it confirmed the European Union's belief that the international community was working for a just and common cause and that all countries could learn from one another in that endeavour.

66. Mr. GOODERHAM (United Kingdom) said that, as a multiracial, multi-faith society, the United Kingdom was firmly committed to the elimination of all forms of racism and intolerance. Although the Conference had the primary objective of furthering the global fight against racism, it could in itself only set a benchmark. Action must be taken to implement the commitments that had been painstakingly negotiated, in which all sides had shown a commendable willingness to compromise. His delegation agreed with the Secretary-General that the statement by the President of the Islamic Republic of Iran was the opposite of what the Conference sought to achieve. The United Kingdom delegation had left the hall in protest at a statement that was unacceptable at an anti-racism forum and also in solidarity with those targeted by the President's hateful anti-Semitic words.

67. His delegation was determined to face down the forces of intolerance and to work with partners from around the world to find solutions to the problems faced by victims of racism and discrimination. In 2005, the United Kingdom had launched its race equality and community cohesion strategy, in implementation of its commitment at the World Conference to address inequality for different ethnic groups in such areas as education, employment, health, housing and the criminal justice system. Three progress reports had been issued, the most recent in February 2009. They showed encouraging signs of progress but also revealed much that remained to be done. A public discussion had been launched, involving communities across the country. In 2001, legislation on racially aggravated violence had been extended to include religiously aggravated offences, and penalties had been increased. Penalties for incitement to racial hatred, for example, had risen from two to seven years' imprisonment. In 2006, the new offence of incitement to religious hatred had been introduced. European Union Directive 2004/43/EC (the "Race Equality Directive") had been incorporated into domestic law and discrimination on the grounds of religion or belief or of sexual orientation or age had been outlawed. The Government would soon introduce a new Equality Bill to strengthen and simplify anti-discrimination. In order to foster understanding between the country's diverse communities, the Government had launched an inter-faith framework in 2008. It had also marked the two hundredth anniversary of Parliament's abolition of the slave trade.

68. He hoped that the Conference would be seen as a turning point in efforts to confront all forms of intolerance. British-based non-governmental organizations had stated clearly that they expected more from both the United Kingdom and the international community. The Durban Review process had been dominated by certain issues to the detriment of others. Such politicization must end if the United Nations was to be seen as a force in fighting racism. Racism was too important a cause to be hijacked by those who sought to promote hatred.

69. Mr. MATTÉI (France) said that France wished to appeal to a sense of dignity and unity. The scourge of racism concerned the entire international community, which must address victims' suffering by joining its efforts and showing resolve. For the fight against racism also had a moral dimension; it must not be held hostage to another cause, nor must the Conference be allowed to become a platform for hatred. Those who, like the President of the Islamic Republic

of Iran, chose to speak in such terms only discredited themselves, as France had made clear at the highest levels. His own delegation had decided to remain at the Review Conference in order to ensure that the voice of tolerance and responsibility was heard.

70. At Durban, unacceptable statements had undermined the Conference's just cause, provoking indignation, unhelpfully dividing nations and leaving scars that had yet to heal. It was to be hoped that such behaviour would not be repeated. Over several months of negotiation of the outcome document, France and its European partners had imposed certain requirements based on three convictions. Firstly, stigmatization of one State was unacceptable when addressing an issue as serious and as universal as racism; secondly, freedom of speech, the basis of all freedoms, must be central to common efforts to combat racism, a phenomenon that fed on ignorance and contempt for others; thirdly, all forms of racism and xenophobia must be combated, including anti-Semitism, of which the Holocaust served as a constant reminder. Denial of the Holocaust was unacceptable. Fortunately, under the able guidance of the facilitator, the draft outcome document had taken France's requirements into account, and he commended all delegations who had worked to achieve that compromise.

71. The fight against racism and discrimination was a priority for France at the national, regional and international levels. Important progress had been made in that regard at the European level, while in France, the establishment of the High Authority to Combat Discrimination and Promote Equality (HALDE) and of anti-discrimination units in every district court were but some of the major strides that had helped reduce the incidence of racist acts. The fact that sentences were increasingly being imposed for racist and anti-Semitic offences was proof of greater diligence on the part of the courts.

72. The Conference and its outcome constituted a step in the right direction, but the international community must be more ambitious in the future. The fight against racism was inextricably linked to freedom of conscience and belief, to full equality between men and women, to efforts to combat Holocaust denial and to the fight against impunity, especially when it was waged by international courts, whose jurisdictions and procedures should be universally respected.

73. The most extreme form of racism led to genocide, as the history of the twentieth century had shown. Europe, including France, had suffered unforgettable exposure to racial theories, and that tragedy had been repeated in Rwanda. The international community had a common responsibility to protect all peoples of the world from such a fate. In the months ahead, France would be helping to mobilize political will around the responsibility to protect.

74. Attention should also be paid to multiple and aggravated forms of discrimination that could lead to situations of particular vulnerability and prevent victims from full enjoyment of their rights. The international community must in future work together to enhance criminal and civil legislation, for example by decriminalizing homosexuality in line with the declaration submitted to the General Assembly at its sixty-third session, which had been signed by 67 countries.

75. The fight against racism required vigilance, vigour and resolve to affirm the universal human rights of every human being. It was a battle that was never over, in France, Europe or elsewhere. France was participating in the work of the Conference in a spirit of openness and cooperation, and was firmly committed to making progress.

76. Mr. ÁRNASON (Iceland) said that as no country in the world had fully succeeded in overcoming racial discrimination, the international community should work towards universal adherence to the International Convention on the Elimination of All Forms of Racial Discrimination and full implementation of the commitments made at the World Conference in 2001. Governments must take the lead in combating impunity for acts of racism and in ensuring expeditious access to justice for victims. Since discrimination and related intolerance affected women and men in different ways, it was essential that all relevant policies should take the gender perspective into account.

77. The struggle to eradicate racism should also highlight and support its opposite: tolerance, understanding and human dignity, which should be instilled through education and awareness-raising. States should implement cultural and educational programmes aimed at countering racism while at the same time ensuring freedom of opinion and expression.

78. His delegation had participated fully in the preparations for the Conference and had remained present throughout, convinced that it was not in the best interests of the struggle against racism to abandon the Conference to a few extremists. Governments and other stakeholders must avoid mutual recrimination. It was regrettable that a few States had decided not to attend the Conference. He urged the international community to be guided by two great heroes of the struggle against racism, former President Nelson Mandela and Dr. Martin Luther King.

79. Mr. LI Baodong (China) said that the Durban Declaration and Programme of Action had not been satisfactorily implemented, and there was little cause for optimism in the future. The people of Asia, Africa and Latin America had undergone untold suffering as a result of the slave trade, colonialism, foreign invasion and apartheid, yet some countries were unable to face up to their historical responsibilities, and there had been no improvement in the quality of life for many victims of racism. The stigmatization of certain groups and the defamation of religions had negative repercussions for world peace, stability and development. Neither efforts to combat terrorism nor the freedom of speech should be used as an excuse for racism or defamation of religion; on the contrary, a zero-tolerance approach to racism should be adopted at both the national and international levels.

80. Since the World Conference, a number of mechanisms had been established by the General Assembly and the Human Rights Council, but they were uneven in quality. Action should be taken to review their work and enhance their effectiveness through greater coordination and complementarity, and they should be provided with the necessary resources.

81. Since the adoption of the International Convention on the Elimination of All Forms of Racial Discrimination, new manifestations of racial discrimination had emerged. It was thus time to consider updating and amending international standards in that area in order to address such phenomena. At the same time, the definition of racism should not be expanded too far, so as not to undermine the effectiveness of the international community's efforts to combat it.

82. China was a multi-ethnic nation whose 56 ethnic groups had lived together in peace and harmony for generations. The Chinese Government's concern to promote and protect the rights of ethnic minorities was reflected in the 2009-2011 National Human Rights Action Plan, which aimed to improve education, training opportunities and living standards for ethnic minorities.

83. Mr. Ó CEALLAIGH (Ireland) welcomed the adoption of the outcome document, which reflected careful compromises and balances. It was the duty and the challenge of the United Nations and its Member States to lead the way in working towards societies free of inequality and discrimination. It was therefore regrettable and unacceptable that the Conference should be used as a platform to promote intolerance or even hatred and to call into question established historical facts.

84. Over the past decade, Ireland had undergone phenomenal demographic and social change: whereas in 2002, approximately 5.7 per cent of the population had been immigrants, in 2006 that proportion had risen to 10 per cent. Some 10 per cent of the primary school population and 8 per cent of the post-primary school population were non-Irish nationals.

85. The Office of the Minister for Integration had been established in June 2007 with a mandate to develop and coordinate integration policy across other Government departments, agencies and services. The National Action Plan against Racism had been launched in January 2005 and provided strategic direction for combating racism and promoting the development of a more inclusive society. A number of strategic programmes had also been established by such national institutions as the Police Service, the Health Service Executive and local governments. The accommodation of different cultures was also encouraged through sport and the arts, through an intercultural education strategy and through strategies in the workplace. Ireland's third and fourth periodic reports to CERD were nearing finalization and would be submitted in 2009.

86. A robust equality infrastructure had been put in place, consisting of the legal prohibition of discrimination based on nine specified grounds: sex, marital status, family status, sexual orientation, religion, age, disability, race and membership of the Traveller community. A complaints mechanism for individuals who suffered discrimination and two specialized equality bodies - the Equality Tribunal and the Equality Authority - had been established. Ireland would do its best to continue to use the tools provided by the Durban Declaration and Programme of Action.

87. Mr. GARRIGUES (Spain) said that the negotiating process that had led to the adoption of the outcome document had not been entirely smooth. That it had been successfully concluded was due to the flexibility of Governments and civil society, which had demonstrated their capacity to reject radical positions in search of a balanced compromise solution. His delegation welcomed the fact that the outcome document recognized the right to freedom of opinion and expression as essential factors in combating racism and intolerance and recalled the Holocaust and crimes of genocide to ensure that history did not repeat itself. His delegation also welcomed the references to women's rights and sexual equality, trafficking in persons and non-discrimination against disabled persons.

88. The Conference should not hark back to the past, thus losing sight of a common future, or politicize efforts to eliminate areas of discrimination persisting in all societies. The Conference should not be party to incitement to hatred, to the singling out of one State for criticism or to messages of intolerance, which ran counter to the aims and the dignity of the Conference.

89. Spain advocated international relations based on mutual tolerance, understanding and respect. Indeed, equality would be one of the pillars of its forthcoming Presidency of the European Union. The most direct path to equality was the complete elimination of all forms of discrimination.

90. In 2004, Spain had proposed the Alliance of Civilizations, which had since been embraced by the United Nations, as a means of eliminating tensions created by cultural or religious diversity; it was thus a crucial instrument in implementing the Durban Declaration and Programme of Action. The present Review Conference presented a unique opportunity for reviewing and drawing lessons from the progress made since the World Conference. Spain had implemented the recommendations contained in the Programme of Action with initiatives on education, awareness-raising, legal assistance and monitoring of communication media.

91. Challenges arising out of ignorance and lack of understanding persisted, however. The need was not for new tools to meet those challenges but for a better application of existing tools, such as the International Convention on the Elimination of All Forms of Racial Discrimination. The treaty body associated with the Convention, CERD, must be used to the fullest extent possible in order to help Governments comply with the obligations that they had freely assumed. His delegation welcomed the progress that had been made and was fully committed to contributing to further advances along the road to universal equality and respect for human rights.

92. Mr. AL BADER (Kuwait) said that his country was committed to the implementation of numerous human rights instruments to which it had acceded, in particular the International Convention on the Elimination of All Forms of Racial Discrimination. Human rights and freedoms were provided for clearly and without discrimination in his country's Constitution; Kuwait also provided substantial financial support to the Office of the United Nations High Commissioner for Human Rights, in particular for efforts to combat racism. Racism was a flagrant violation of human rights, and measures were needed at the national and international levels to ensure the enjoyment by all of their fundamental rights.

93. There was a need to end impunity in respect of human rights violations. The Palestinian people continued to live under occupation, which was a form of racism, although they had the right to self-determination and to an independent State with Jerusalem as its capital. A just peace in the Middle East would not be achieved until Israel applied all the relevant United Nations resolutions, ceased to violate Palestinian rights, revoked discriminatory legislation and withdrew from the occupied Golan Heights.

94. Islam rejected violence and discrimination. His delegation was concerned by the growth of Islamophobia and the emergence of new movements that incited hatred of Islam. He therefore appealed to all to ensure that Muslims were not condemned for offences that they had not committed. The media must reflect cultural diversity; the circulation of negative stereotypes in the media did not serve the objective of respect, tolerance and non-discrimination and was to be regretted. Political will at the national level and international cooperation were essential if racism was to be overcome.

95. Mr. AL ZAABI (United Arab Emirates) said that his delegation was deeply committed to human rights. The country's Constitution was based on the Universal Declaration of Human Rights and the Government's opposition to racial discrimination, the scourge of every society in the world, was reflected in its accession to the International Convention on the Elimination of All Forms of Racial Discrimination in 1974. The United Arab Emirates had also acceded to the Convention on the Elimination of All Forms of Discrimination against Women, having a strong commitment to equality between men and women and respect for the dignity of women. The Government had also signed the Convention on the Rights of People with Disabilities and ratified the main conventions of the International Labour Organization (ILO). His Government was also active in combating trafficking in persons, which was akin to the slavery suffered by untold numbers of Africans over the centuries, and opposed incitement to hatred.

96. The Palestinians continued to live under the yoke of occupation, subjected to the excessive use of force, the loss of their lands and a lack of job opportunities. His delegation wished to reiterate its commitment to the establishment of an independent Palestinian State.

97. He reminded the Conference that the outcome document was just the beginning of a long process. The international community would be judged by the extent to which it honoured its commitments to eliminate racism.

The meeting rose at 1.05 p.m.