



人权理事会

第四十二届会议

2019年9月9日至27日

议程项目9

种族主义、种族歧视、仇外心理和相关不容忍现象

《德班宣言和行动纲领》的后续行动和执行情况

拟订补充标准特设委员会第十届会议报告\*\*\*

主席兼报告员：塔翁加·穆沙亚万胡(津巴布韦)

概要

本报告根据人权理事会第3/103号决定和第6/21及10/30号决议提交，概述了拟订补充标准特设委员会第十届会议的议事情况以及会议期间开展的实质性讨论。

\* 本报告附件不译，原文照发。

\*\* 本文件迟交给会议事务部门，但没有按大会第53/208 B号决议第8段的要求作出解释。



## 一. 引言

1. 拟定补充标准特设委员会根据人权理事会第 3/103 号决定和第 6/21 号及第 10/30 号决议提交本报告。

## 二. 会议安排

2. 特设委员会于 2019 年 4 月 8 日至 18 日召开了第十届会议。委员会在本届会议期间举行了 18 次会议。

### A. 出席情况

3. 各会员国、代表非会员国的观察员、政府间组织，以及在经济及社会理事会具有咨商地位的非政府组织的代表(见附件三)出席了本届会议。

### B. 会议开幕

4. 联合国人权事务高级专员办事处(人权高专办)法制、平等和不歧视处处长宣布拟订补充标准特设委员会第十届会议开幕。

### C. 选举主席兼报告员

5. 在第 1 次会议上，特设委员会以鼓掌方式选举津巴布韦常驻联合国日内瓦办事处代表塔翁加·穆沙亚万胡为会议主席兼报告员。

6. 主席兼报告员就再次当选向特设委员会表示感谢，并再次承诺继续与所有会员国和利益攸关方合作，以履行委员会的任务。

7. 他说，本届会议期间的工作方案将大致分为两部分：头四天将是专家发言和讨论三个商定的专题，而本届会议剩余的五天时间将用于《消除一切形式种族歧视国际公约》附加议定书的初步谈判。

8. 他回顾说，人权理事会 2006 年 12 月授权委员会“作为优先和必要的事项，拟订补充标准，其形式为一项公约或《公约》附加议定书，以弥补该《公约》中的现有缺陷，并提供新的规范标准，旨在反对一切当代形式的种族主义，包括煽动种族和宗教仇恨”。

9. 主席兼报告员补充说，2016 年 12 月和 2017 年 3 月，大会第 71/181 号决议和人权理事会第 34/36 号决议分别请特设委员会主席兼报告员“确保在特设委员会第十届会议期间开始关于将种族主义和仇外性质的行为定为刑事犯罪的附加议定书草案的谈判”。此后，大会分别于 2017 年 12 月和 2018 年 12 月又通过了另外两项相关决议，即第 72/157 号和第 73/262 号决议。他指出，这些决议表明，人们对特设委员会没有取得预期进展感到沮丧，并明确要推动委员会履行其任务。

10. 按照大会和人权理事会的指示，委员会在第十届会议期间的任务十分明确。主席兼报告员说，委员会受命就构成《公约》附加议定书的要素开始谈判。

谈判在今后的届会上应继续进行，在这方面，他提议附加议定书应作为今后届会的唯一议程项目，直至最终完成该事项。

11. 他指出，世界各地可悲的现实是，许多人继续是种族主义、种族歧视、仇外心理和相关不容忍行为的受害者，特别是其当代形式和表现，其中有些还具有暴力性质，因此，委员会的工作更具现实意义。这些祸害的受害者日益增多，委员会不能继续推卸其加强保护的责任。需要法律来有效打击歧视、仇外心理和其他相关不容忍行为。虽然有关目标是将其定为刑事罪，但他认为，委员会也应对考虑补充刑事定罪的预防措施持开放态度。

12. 关于进程问题，他表示，正如秘书处分发的他早些时候的通告所述，现阶段他不会提出附加议定书案文草案。他将听取意见，看各国表示想要什么，然后规划前进的道路。他期望每个区域集团或单个国家通过提出其认为应被定为刑事犯罪的种族主义和仇外性质行为的建议，确定自己的立场并为讨论提供投入。将根据这些投入谈判一项议定书草案。

13. 他敦促委员会始终把重点放在完成任务上。重新确定或放弃这项任务并非由委员会来决定，委员会要做的是履行这项任务。他呼吁所有会员国和利益攸关方在开始其重要工作时目标一致。

#### D. 通过议程

14. 在第 1 次会议上，特设委员会通过第十届会议议程如下：

1. 会议开幕。
2. 选举主席兼报告员。
3. 通过议程和工作方案。
4. 关于保护移民免受种族主义、歧视和仇外做法侵害的发言和讨论。
5. 关于现代信息和通信技术中的种族主义(种族主义网络犯罪)的发言和讨论。
6. 关于全面反歧视立法的发言和讨论。
7. 关于项目 4、5 和 6 的一般性讨论和意见交流。
8. 关于大会第 73/262 号和人权理事会第 34/36 号决议的讨论。
9. 关于项目 8 的一般性讨论和意见交流。
10. 一般性讨论和意见交流。
11. 关于结论和建议的一般性讨论和意见交流。
12. 通过会议的结论和建议。

#### E. 安排工作

15. 在同次会议上，主席兼报告员提出了本届会议的工作方案草案，该草案得以通过。工作方案随后经过修订，载于附件二。主席兼报告员请与会者作一般性发言。

16. 各代表团热烈祝贺主席兼报告员当选并做了开幕发言。

17. 安哥拉常驻联合国日内瓦办事处代表代表非洲集团致开幕词，他说本届会议十分及时，因为它正值世界各地种族主义和仇外心理日益抬头的关键时刻，毫无疑问需要采取措施打击这些行为。种族主义涉及否认人的人性。没有人能承认表达自由应高于人的尊严，但不幸的是，有些人仍然这样认为。她补充说，新形式的仇外行为必须受到法律谴责。

18. 非洲集团认为，本届会议期间应审议以下项目，不仅因其具有相关性，而且特别因为有关研究的迫切性：(a) 移民是人，因此他们应该得到人道对待，受到保护，免受歧视和仇外做法的侵害；(b) 尽管互联网具有分散性，但必须以劝阻的方式规范和谴责网络空间的表达自由，以遏制传播仇恨言论、煽动种族歧视和基于种族优越或仇恨的思想，国家有责任对其进行适当监管；(c) 所有利益攸关方必须采取全面和整体方法制定反歧视立法，通过人权教育，促进“和平文化”和非暴力、预防冲突和宽容。

19. 非洲集团相信，特设委员会内的讨论将有助于确定拟定社会今天所需补充标准的可能要素。现在是更新标准的时候了，以明确界定个人、公司和政府的责任。该集团再次呼吁所有国家和利益攸关方为有效履行人权理事会这一重要机制的任务做出建设性贡献。

20. 巴西代表重申巴西致力于加强反对一切形式种族主义、种族歧视、仇外心理和相关不容忍行为的国际法律框架，包括为《消除一切形式种族歧视国际公约》制定补充标准。他指出，巴西敦促所有国家本着妥协的精神，致力于建立一个人人免于一切形式歧视和不容忍行为的世界。他欢迎第十届会议期间将讨论的各项专题，并呼吁所有国家加强努力，执行旨在打击一切形式种族主义、种族歧视、仇外心理和相关不容忍行为的政策、方案和活动。

21. 关于特设委员会的任务，巴西代表呼吁所有代表团和区域集团努力建立互信并相互妥协，在拟订《公约》补充标准这一敏感和重要问题上找到共同点。他期待着在本届会议期间进行建设性和公开的交流。

22. 中国代表欢迎非洲集团和委员会努力消除种族歧视，并表示中国致力于特设委员会的工作。种族主义践踏平等、自由和正义这些基本价值观，严重损害人权，威胁人类文明进步。种族主义仍然是一些国家严重关切的问题。右翼政策和新纳粹主义呈上升趋势。一些政治人物在民主和言论自由的表面名义下公开煽动种族主义和仇外心理，却未被追责。中国代表呼吁发生严重种族主义事件的国家执行《德班宣言和行动纲领》和其他国际文书，以便制定有针对性的国家法律和政策，解决种族主义的根源问题。他还强调，在执行《德班宣言和行动纲领》和相关国际文书以及指导各方就补充标准问题达成共识方面，委员会应继续发挥重要作用。

23. 津巴布韦代表表示，该国代表团赞同安哥拉常驻代表代表非洲集团所作的发言。他强调，迫切需要全面有效地执行《德班宣言和行动纲领》，履行特设委员会等所有后续机制的任务。他指出，鉴于世界各地许多人继续成为种族主义、种族歧视、仇外心理和相关不容忍行为，包括其当代形式和表现的受害者这一令人担忧的趋势，这一点更加紧迫。特别令人关切的是，其主要受害者是属于弱势群体的人，如移民、难民和寻求庇护者以及非洲人后裔。

24. 塞内加尔常驻联合国日内瓦办事处代表表示，该国代表团赞同非洲集团的发言。他指出，许多国家仇外心理的表现公然违反了《联合国宪章》的规定。仇恨言论和种族主义行为的增加，特别是针对移民、属于少数群体和弱势群体者的仇恨言论和种族主义行为，违反了平等和不歧视的基本原则。塞内加尔认为，还必须投资于教育，确保教育提供能够让人们在多元化世界中共同生活的价值观。在全球化背景下，移民提供了机会，但也带来了与脆弱性和歧视相关的挑战，因此，保护人权对促进移民工人的包容和融合至关重要。请所有行为体为执行《全球移民契约》做出重大贡献，该契约考虑了到主要利益攸关方，即移民的关切，同时兼顾出发地国、过境国和母国的利益。

25. 关于打击通过新信息技术传播仇恨言论问题，塞内加尔是《布达佩斯网络犯罪公约》的第五十个缔约国。他指出，塞内加尔有一个警察调查司和一个负责处理网络犯罪和信息技术的个人数据委员会，而且是西非第一个关于这一主题的研究和培训中心的所在地。塞内加尔还是全球网络犯罪问题扩展行动 Glacy+ 合作平台的成员。最后，塞内加尔代表指出，现在比以往任何时候都更有必要制定《公约》附加议定书来打击这些现象。

26. 博茨瓦纳代表表示，该国代表团赞同非洲集团的发言。博茨瓦纳认为，人权理事会和大会的最新决议是长达十年进程中的一个重要步骤，因为它们谈到了委员会谈判任择议定书这项任务的核心问题，即继续确保国际框架涵盖新出现的问题。该国坚定地认为，谈判的结果应当符合《德班宣言和行动纲领》的原则和精神。本届会议将启动一个进程，涉及歧视的许多方面，包括移民、现代信息和通信技术中的种族主义以及全面反歧视立法，以确保委员会弥补《公约》的缺陷，实现人人平等。她呼吁所有与会者牢记委员会的主要目标，确保建设性对话所产生的成果让所有人都能在此基础上继续努力。

27. 欧洲联盟代表说，种族主义和种族歧视在世界所有地区持续蔓延，表明《公约》的执行有些滞后。《公约》是一项活的文书，能够应对《公约》通过时无法预料的各种新的和新出现的挑战。因此，重点应仍然是全面有效地执行《公约》，以实现彻底消除一切形式种族主义祸害的目标。欧洲联盟代表说，没有一致意见或证据表明《公约》存在缺陷或其未能处理当代形式的种族主义问题。

28. 她补充说，欧洲联盟认为，消除种族歧视委员会认为《公约》没有缺陷，因为专家们编写了一份关于补充国际标准的研究报告，题为“现有反对种族主义、种族歧视、仇外心理和相关的不容忍现象的国际文书中所存实质性缺陷的内容和范围”，他们得出结论认为，在执行方面存在缺陷，或其应在委员会的一般性意见中加以解决，但他们并未得出结论认为需要一项附加议定书。

29. 因此，欧洲联盟不能支持就将种族主义和仇外性质行为定为刑事犯罪的《公约》附加议定书开始谈判。欧洲联盟代表说，特设委员会内部正在讨论是否需要制定《公约》的补充标准。其他备选办法，如不具法律约束力的文书，仍在考虑之中，可在协商一致的基础上进一步探讨。

30. 欧洲联盟认为，全球反对种族主义、种族歧视、仇外心理和相关不容忍现象的斗争关系到世界每个地区的每一个人。在这一问题上，国际社会应该团结一致。本着这一精神，欧洲联盟仍然保持开放态度，愿就这一专题与所有利益攸关方开展建设性对话，并随时准备分享这方面的最佳做法。

31. 巴基斯坦代表以伊斯兰合作组织的名义发言说，世界正面临以国际冲突和日益恶化的人道主义危机为特征的各种挑战。这些情况的原因可以追溯到仇恨、仇外心理和不容忍现象的加剧。种族虐待和歧视的根源比以往任何时候都更加复杂，引起了基于种族、性别、语言或宗教等新的和当代形式的种族歧视，而现有文书并未涵盖这些形式。因此，需要在国家和国际层面制定有效的法律，以填补缺陷并为遭受不公正和歧视的受害者提供补救措施。伊斯兰合作组织成员国认为，过去不公正的影响困扰着许多人的生活，因此，要消除障碍，实现更高和平等的生活水准，就需要开展国际合作。

32. 伊斯兰合作组织严重关切的是，民粹主义政治和右翼极端主义意识形态抬头，煽动仇恨和宗教不容忍，特别是针对世界许多国家的穆斯林人口。在世界许多地方极端政治和泛民族主义的危险浪潮中，民族主义即等同于爱国主义。面对歧视和骚扰，土著人民、移民工人、难民和其他弱势群体首当其冲。伊斯兰合作组织成员国认为，委员会的工作具有相关性和重要性，并重申其承诺建设性地参与委员会的讨论。伊斯兰合作组织认为，拟议的附加议定书必须涵盖所有当代形式的歧视，包括基于宗教或信仰的任何歧视，如仇视伊斯兰教，这是目前最普遍的基于宗教或信仰的歧视形式。

33. 南非代表表示，该国代表团赞同安哥拉代表非洲集团所作的发言。她指出，由于上个月在新西兰克赖斯特彻奇发生的事件，委员会有责任充分执行《德班宣言》及其《行动纲领》。此类事件应进一步激励委员会保护、促进和尊重最弱势群体的人权，拟定《公约》的补充标准，弥补现存的任何规范和程序缺陷。

34. 南非代表进一步指出，大多数历来受贫困和不平等困扰的弱势群体都属于《德班宣言和行动纲领》的范围，如其第 104 和 105 段所详细阐述。南非颁布了宪法授权的法律，除其他外，防止和禁止不公正的歧视，保障获得信息和公正行政行为的权利。南非最近还通过了一项打击种族主义、种族歧视、仇外心理和相关不容忍行为的国家行动计划，这是一项致力于落实《公约》和全面有效执行《德班宣言和行动纲领》的行动。

35. 印度代表指出，种族主义和种族歧视是常常导致严重侵犯人权的最普遍的行为。国际社会正在目睹种族主义、仇外心理和相关不容忍现象的加剧。各项国际人权文书有效禁止种族主义和种族歧视。据报道，新的种族歧视和仇恨模式正在影响越来越多的个人，无论他们是移民、难民、返回者还是境内流离失所者。

36. 印度代表赞扬特设委员会在过去几年的工作中努力查明种族主义、歧视和仇外做法，这是弥补《公约》现有缺陷和拟定打击一切形式歧视新标准的优先事项。该发言者指出，种族主义和种族歧视损害人的尊严，这一问题需要加以解决，以确保平等并保护个人免遭一切歧视性做法。他欢迎未来几天将开展的建设性讨论。

37. 印度尼西亚代表表示，该国代表团赞同巴基斯坦代表伊斯兰合作组织所做的发言。他说，尽管有许多人权公约以及国家、区域和多边机制，但人们面临的挑战比以往任何时候都更加普遍和相关。现有文书未涵盖的基于种族、性别、语言或宗教的新的当代形式种族歧视，随着民族民粹主义、极端意识形态以及信息和通信技术的进步而开始浮现。

38. 印度尼西亚代表团不接受在言论自由的名义之下引起暴力和仇恨言论的基于种族、性别、语言或宗教的任何形式的歧视，包括对移民的歧视。他说，委员会必须致力于加强国际努力，防止仇外心理、仇视伊斯兰教和种族优越论，防止其再次出现。有必要补充现有标准，以便国家和国际两级的有效立法能够弥补缺陷，为不公正和歧视的受害者提供补救措施。

39. 埃及代表重申，埃及支持根据人权理事会第 6/21 号决议设立的委员会的任务，即拟定关于当代种族歧视《公约》的补充标准，包括煽动种族主义、仇外心理和仇视伊斯兰教。他强调，委员会必须继续举行会议，直至完成任务，起草一项将当代形式种族主义定为刑事犯罪的国际法律文书。该代表指出，近年来，世界目睹了政治、经济和社会部门的许多事态发展，导致移民、难民和流离失所者人数日增，现代形式的种族歧视和暴力蔓延，这与民粹主义团体和右翼极端主义团体传播的意识形态和思想的抬头有关。他补充说，还发生了许多侵犯人权事项、种族暴力行为和恐怖袭击事件，使许多无辜者丧生，特别是穆斯林，最近的一次是对克赖斯特彻奇清真寺的恐怖袭击。埃及代表团认为，现在是时候了，所有各方应抓住机会，做出建设性的努力，起草一份国际法律文书，将新形式的种族主义定为刑事犯罪，从而支持在全世界促进尊重和保护人权的国际努力。

40. 安哥拉常驻代表以本国代表身份发言，表示安哥拉赞同非洲集团的发言。她说，安哥拉仍然关切一些国家表示反对起草新议定书，特别是声称《公约》足以涵盖所有与种族歧视有关的问题。安哥拉准备于 2019 年批准《公约》，她借此机会表示，安哥拉谴责种族暴力、仇外心理和煽动种族仇恨的一切形式和行为，并对打击这一现象的其他想法持开放态度。安哥拉也认为，需要一份新文件来处理种族歧视的最新形式和表现，促进强有力的国际合作，落实《联合国宪章》和《公约》本身的宗旨。该国代表团期待着在委员会讨论所有务实的方法和建设性建议，这些方法和建设性建议最终将构成以议定书形式拟定补充标准的良好基础。

41. 莱索托代表表示，该国代表团赞同非洲集团的发言。该国代表团支持将所有种族主义、歧视、仇外心理和相关不容忍行为定为刑事犯罪。与性别歧视一样，种族主义和仇外心理对人民和国家经济产生负面影响。各国负有道德义务采取适当和有效的措施，制止和扭转歧视和种族主义的持久影响。他回顾说，《德班宣言和行动纲领》敦促各国采取一切必要措施，通过政策和方案解决种族主义和出于种族动机的暴力和仇恨问题。

42. 委内瑞拉玻利瓦尔共和国代表重申，委内瑞拉致力于打击种族主义、种族歧视、仇外心理和相关不容忍行为。该国重申遵守《德班宣言和行动纲领》第 199 段，即需要拟定补充规范，加强和更新国际法律框架，以应对各种形式种族主义和歧视的新表现形式和陈规定型观念，保护受害者。2018 年，该国签署了关于非洲人后裔国际十年的国家法令，以促进、尊重、保护和实现非洲人后裔的人权和自由。

43. 委内瑞拉玻利瓦尔共和国认为，鉴于种族主义和仇外心理在世界各个地区的表现，现在是解决所有这些问题的历史机遇。委内瑞拉重视委员会在推动拟订《公约》补充规范和弥补其中的缺陷，以及提供旨在打击一切形式当代种族主义，包括关于煽动种族和宗教仇恨的新规范标准方面的工作。该代表重申该国代表团支持特设委员会履行其重要任务。

44. 纳米比亚代表表示，该国代表团赞同非洲集团的发言。他指出，种族主义这一现实影响到全球无数人的生活，其表现形式正在演变。该国代表团并不信服《公约》没有缺陷的立场。该代表强调了委员会工作的重要性，强调委员会必须继续专注于完成其任务。

45. 瑞士代表说，瑞士等一些代表团无法支持要求委员会在其第十届会议上开始起草一份具有法律约束力的文件的决议。她补充说，瑞士一直以务实的方式关注委员会的讨论，重点是用具体证据表明《公约》确实存在只能由国际立法填补的缺陷。虽然瑞士相信委员会届会期间将讨论的专题至关重要，但它并不相信国际立法是解决这些问题的适当方式。该代表表示，瑞士将根据这一立场继续关注讨论情况。

46. 日本代表指出，日本意识到种族歧视问题的重要性，鼓励代表们共同解决这一问题。她强调，委员会应寻求共识，因为采纳所有意见十分重要，尽管日本对引入新的具有法律约束力的文书持谨慎态度。应优先考虑落实现有法律框架。该代表还提到，消除种族歧视委员会 2018 年对日本进行了审议。她指出，日本将本着建设性的精神对待委员会的讨论。

### 三. 一般性讨论和专题讨论

#### A. 关于保护移民免受种族主义、歧视和仇外做法侵害的发言和讨论

47. 在第 2 次会议开始时，尼日利亚代表要求发言，作关于本届会议的一般性开幕发言。他赞同安哥拉代表非洲集团和巴基斯坦代表伊斯兰会议组织在第一次会议上所作的发言。他指出，尼日利亚强调必须开展真正的国际合作和建设性接触，目的是拟定《公约》的补充标准。尼日利亚认为，种族主义、种族歧视、仇外心理和相关的不容忍现象问题继续在新的趋势中表现出来，他强调拟定补充国际标准的重要性。

48. 在第 2、3 和 6 次会议上，委员会审议了关于保护移民免受种族主义、歧视和仇外做法侵害的议程项目 4。加拿大麦吉尔大学国际公法教授、前移民人权问题特别报告员弗朗索瓦·克雷波(通过视频链接)和墨西哥国立自治大学社会和政治科学学院教授兼顾问 Ariadna Estevez (通过视频链接)就这一专题作了发言。本报告附件一载有发言和随后讨论的摘要。

#### B. 关于现代信息和通信技术中的种族主义(种族主义网络犯罪)的发言和讨论

49. 在第 4 和第 5 次会议上，委员会审议了议程项目 5。纽约亨特学院社会学教授、纽约城市大学研究生中心非洲研究教授 Jesse Daniels、俄罗斯联邦外交部新挑战和威胁司科长 Ernest Chernukin 和大不列颠及北爱尔兰联合王国非政府组织 Glitch 的 Seyi Akiwowo 就现代信息和通信技术中的种族主义(种族主义网络犯罪)作了发言。本报告附件一载有发言和随后讨论的摘要。

50. 也是在第 4 次会议上，布基纳法索代表要求发言，就本届会议作一般性发言。他重申该国代表团支持起草补充标准，以打击任何在互联网上传播种族主义

内容，煽动仇恨、暴力和种族歧视的图谋，包括拟定在网络空间煽动仇恨和歧视罪的具体定义。他回顾说，种族主义和仇外心理是历史上最严重的侵犯人权行为之一的根源，包括跨大西洋贩卖奴隶、种族灭绝、种族分隔和种族隔离。尽管存在打击一切形式和现象歧视的国际标准，但仇外袭击的肇事者却往往逍遥法外，特别是在新信息技术背景下。

### C. 关于全面反歧视立法的发言和讨论

51. 在第 6 和第 7 次会议上，特设委员会审议了议程项目 6。在第 7 次会议上，人权专家、日内瓦外交学院国际法讲师 Alfred de Zayas 应邀就全面反歧视立法专题作了发言。本报告附件一载有发言和随后讨论的摘要。

### D. 关于项目 4、5 和 6 的一般性讨论和意见交流，第 8 次会议

52. 在特设委员会第 8 次会议上，主席兼报告员提议首先就议程项目 4、5 和 6 进行一般性讨论和意见交流。他请委员会发表一般性意见，并询问在每个相关议程项目下可以得出什么结论。他重申，目的是突出迄今为止各专家发言和互动讨论的要点。

53. 主席兼报告员介绍了一份文件，其中列出了专家发言中提出的若干一般主题和想法，以便利就这些专题进行一般性讨论和意见交流，文件副本已在会议室分发。他呼吁委员会成员发表意见和进行进一步分析。有几个代表团发言做了评论、确定有关专题和发言的结论，并提出了结论建议。

54. 主席兼报告员对各代表团就议程项目 4、5 和 6 所作的发言表示赞赏，并提议根据这些发言编写第十届会议的结论和建议草案。案文草案将在即将举行的会议上向委员会介绍，并将作为讨论第十届会议结论和建议的基础。主席兼报告员还要求区域协调员与各自集团合作，就有关“将种族主义和仇外性质的行为定为刑事犯罪”的问题和要素开展工作，供第二天的第 9 次会议讨论。

### E. 关于大会第 73/262 号和人权理事会第 34/36 号决议的讨论，第 9 和第 10 次会议

55. 在第 9 次会议开始时，主席兼报告员告知委员会，他收到了印度代表团的来信，对 de Zayas 先生在议程项目 6 下所作的发言表示关切。为透明起见，主席兼报告员宣读了信的内容。然后，他敦促委员会将重点放在人权理事会和大会赋予的任务上，并指出其第十届会议的报告将侧重于委员会的工作和任务，而不是发言中提出的其他问题。

56. 在委员会第 9 次会议上，主席兼报告员提议，在议程项目 8 下初步讨论大会第 73/262 号决议和人权理事会第 34/36 号决议。他解释了委员会在这方面的职权范围。他回顾说，人权理事会在其第 3/103 号决定中特别呼吁通过新的规范性标准，旨在打击一切形式当代种族主义，包括煽动种族和宗教仇恨。他指出，委员会的工作旨在加强《公约》。他回顾说，大会第 72/157 号决议要求他向大会第七十三届会议提交一份关于委员会工作的进度报告，但他未能提交，因为委员

会去年没有举行会议。大会关于这一问题的最新决议——即第 73/262 号决议——要求向大会第七十四届会议提交一份进度报告。

57. 主席兼报告员重申，这一进程应当采用自下而上的方法，并汲取各代表团的意见。他介绍了他的路线图，指出将根据第十届会议的投入编写一份初步想法和要点文件草案，他希望在第十届和第十一届会议之间举行一次闭会期间专家会议，审议该文件，随后委员会第十一届会议将审议专家会议的报告。他说，他欢迎区域协调员设立核心小组来谈判案文，并补充说，作为主席兼报告员，他不会就案文进行谈判。他补充说，今后所有谈判都将在委员会进行，他认为，不再需要邀请专家在委员会即将举行的届会上做专题发言。他还补充说，他的路线图不会约束任何未来的主席兼报告员。他请各代表团做好准备，采取务实和知情的办法开展这项工作。

58. 关于 de Zayas 先生的介绍，巴基斯坦代表说，委员会的报告应该反映会议期间所说的内容。她补充说，借助专家的投入，委员会的工作正在向前推进。

59. 印度代表重申了印度代表团在信中表示的强烈关切，即 de Zayas 先生的发言不涉及本专题，在委员会的任务范围之外。

60. 土著人民和民族联盟的代表重申了他对转交请愿书问题的观点，并表示支持 de Zayas 先生的发言。

61. 主席兼报告员重申，人权理事会和大会期望他根据委员会的任务授权报告有关问题。他补充说，在本届会议结束时，委员会应通过一份关于“将种族主义和仇外性质的行为定为刑事犯罪问题开始谈判”的文件。然后，他请委员会根据大会第 73/262 号决议和人权理事会第 34/36 号决议，就这方面的相关问题和要素发言。

62. 巴基斯坦代表以伊斯兰会议组织的名义指出，必须解决所有当代形式的歧视问题，包括基于宗教和信仰的歧视。因此，应当处理离线和在线的仇恨言论及其传播问题。其中应包括煽动，包括协助、教唆和支持煽动，以及导致种族主义和仇外仇恨的煽动。应通过这一工作，将所有此类行为都定为刑事犯罪。

63. 安哥拉代表以非洲集团的名义指出，议定书应将所有种族主义和仇外行为定为刑事犯罪，无论肇事者是国家还是地方级别，也无无论其是由个人还是团体、媒体或是政治家所为。应涵盖所有相关行为，包括传播仇恨言论、煽动、协助和教唆、促进或保护仇外行为以及通过互联网和其他平台传播；必须防止所有领域的种族主义和仇外内容。

64. 布基纳法索代表谈到相关的非洲法律框架，包括西非国家经济共同体(西非经共体) C/DIR.1/08/11 号指令和非洲联盟《网络安全和个人数据保护公约》，其中涉及统一法律规范和条例、法律合作、政府间或区域行为体之间的信息交流以及公私伙伴关系。西非经共体指令第 20 条规定：“通过计算机系统拥有种族主义或仇外的书面文件或图片，是指一个人通过计算机系统，以任何形式创建、下载、传播或提供任何种族主义和仇外思想和理论的书面文件、信息、照片、图画或任何其他描述的行为。”《非洲联盟公约》第 29 条第(3)款第(1)项(e)提到，缔约国将“通过计算机系统，以任何形式创建、下载、传播或提供种族主义或仇外性质的思想或理论的著作、信息、照片、图画或任何其他表述”定为刑事犯罪。

65. 巴西代表指出，非洲集团的提案指出了一些方向，并指出需要仔细考虑有关措辞。她补充说，非洲集团提出的要素看来回应了人权理事会以及《德班宣言和行动纲领》关于民主和种族主义之间兼容性问题的决议。
66. 印度代表建议，首先应确定普遍存在且未被《公约》涵盖的所有当代形式种族主义和仇外心理和问题的清单，然后委员会应研究将这些行为定为刑事犯罪的问题。
67. 哥斯达黎加代表说，该国代表团可以支持非洲集团的提议，因为现有国际标准没有涵盖仇恨言论及在线或离线歧视的问题。重要的是消除在社交平台和在线歧视的可能性。还需要在表达和意见自由与处理仇恨言论问题之间取得平衡。
68. 欧洲联盟代表指出，委员会的任务从《德班宣言和行动纲领》第 199 段持续演变为人权理事会和大会目前的任务授权。她还指出，欧洲联盟认为，《公约》没有缺陷，并主张消除种族歧视委员会也指出了这一点。她警告说，起草一份附加议定书会损害该委员会的工作。随着特设委员会继续推进新的任务授权，欧洲联盟将重申这一立场。
69. 土著人民和民族联盟的代表同意欧洲联盟的发言，即《德班宣言和行动纲领》第 199 段提出了广泛的任务授权，但他说，他认为这并不排除拟定一项附加议定书。因此，他将为特设委员会起草关于程序和实质性缺陷的建议。
70. 瑞士代表同意欧洲联盟的发言，说《公约》的缺陷并不很明显，消除种族歧视委员会成员正在以务实的方式处理相关问题。她补充说，非洲集团提议的文书要素可能与《公民权利和政治权利国际公约》第十九条和第二十条不符。
71. 安哥拉代表说，被容忍的言论与各大洲现实生活中明显的负面影响之间确实存在差距，这是对人的尊严的侵犯。此外，1965 年制定的《公约》无法预见在互联网上或通过互联网消除种族主义问题，因为这在当时不是问题。她补充说，信息技术公司必须对仇恨言论的传播负责。
72. 南非代表说，自 1960 年代以来，种族歧视受害者的情况变得更加糟糕，殖民主义继续发生变异。他补充说，人权空间正在缩小，应对种族主义的开创性努力不应受到损害。重要的是要加强《公约》和《德班宣言和行动纲领》，并继续以开放的态度考虑可能构成附加议定书的要素。
73. 日本代表说，日本代表团赞同欧洲联盟和瑞士的立场，指出《公约》没有缺陷，并补充说，解决种族主义问题的最有效方式是执行《公约》。
74. 尼泊尔代表指出，种族主义问题在人类漫长的历史中一直存在，而有关数字空间的问题仅可追溯到大约 30 年前。他补充说，重要的是以谨慎的方式采取行动，在委员会的工作中应咨询信息技术专业人员和专家。
75. 冈比亚代表说，由于种族歧视带来的危害，需要一项附加议定书。他补充说，可以预期，未来可能会有进一步的伤害。
76. 欧洲联盟代表说，从消除种族歧视委员会的报告中可以看出，该委员会正在处理若干种族歧视问题，如仇外心理和仇恨言论。
77. 在第 10 次会议上，在关于谈判将种族主义和仇外性质的行为定为刑事犯罪的《公约》附加议定书草案的大会第 73/262 号决议和人权理事会第 34/36 号决

议的议程项目 8 下，委员会根据从区域集团和代表团收到的建议和案文汇编，开始审议一份会期文件草案。这份工作文件在会议室用投影仪播放。

78. 主席兼报告员表示，该文件仅载有提议或“要点”，分组提出需要定罪的领域和预防措施。这是一份非常初步的文件草案，将随着委员会会议的进展加以完善和修正。主席兼报告员指出，这是启动关于项目 8 讨论的一揽子建议。他回顾说，在第十届会议一周前，他通过秘书处向所有区域协调员和所有代表团发出了电子通知，请其就项目 8 提出书面建议，关于将种族主义和仇外性质的行为定为刑事犯罪的大会第 73/262 号决议和人权理事会第 34/36 号决议。

79. 委员会讨论了这样一个事实，即在现阶段，该文件是各代表团和区域集团迄今为止的提案汇编，欢迎进一步提出提案。主席兼报告员鼓励各代表团参考《公约》、《欧洲委员会网络犯罪公约》和其他文件，以找到适当的措辞和案文列入汇编草案。他鼓励各代表团向秘书处提交更多意见，以便纳入文件草案。

80. 墨西哥代表要求澄清，询问在没有就这一问题达成共识的情况下，谈判如何进行。她询问主席兼报告员将如何指导委员会达成共识。

81. 主席兼报告员说，就文件草案案文达成共识无疑是这项工作的目的，这就是为什么他请所有区域集团和代表团提供投入。他补充说，通过谈判，委员会将达成共识。他承认存在差异，但鉴于人权理事会和大会的投票模式，这些差异在其他地方也存在。他重申，他的目标是让委员会共同达成共识。

82. 安哥拉代表说，该国代表团理解墨西哥代表的关切；然而，尽管是表决通过，但人权理事会和大会的决议十分明确：授权主席兼报告员在第十届会议上开始谈判《公约》附加议定书草案，将种族主义和仇外性质的行为定为刑事犯罪。

83. 主席兼报告员鼓励进行基于文本的讨论，鼓励委员会着手审议在会议室投影播放的文件文本。主席兼报告员说，随着委员会讨论的进行，将定期向所有区域协调员发送工作案文的电子副本，以便分发给各个集团，还将在会议室提供副本。

#### F. 关于大会第 73/262 号和人权理事会第 34/36 号决议的讨论，第 11、12、13 和 14 次会议

84. 在委员会第 11 次会议开始时，主席兼报告员告知委员会，他收到了巴基斯坦代表团的一封信，内容也涉及 de Zayas 先生在议程项目 6 下所作发言。主席兼报告员向委员会宣读了这封信的内容。他重申，委员会将侧重于其任务和工作，而不是联合国其他部门正在处理的问题。

85. 委员会第 11 次会议继续审议议程项目 8 之下的会期文件草案。主席兼报告员请各方通过秘书处提交进一步补充材料和建议。他说，委员会应努力消除文件中的重复，消除任何不能被视为拟议要素的案文。他澄清说，在委员会审议该文件时，所有案文都将开放，以对其进行完善和修正，直至委员会最终通过。

86. 主席兼报告员敦促委员会成员相互协助和说服以达成共识。他认为，应该听取所有意见，并将其摆上桌面，以便委员会能够共同前进。他说，在全部达成一致之前不商定文件中的任何事项。他鼓励所有代表团和区域集团建设性地参与。委员会第 11 次会议继续审议议程项目 8 下的文件草案。

87. 在第 12 次会议上，委员会继续审议会期文件草案。反映第 11 次会议讨论情况的最新案文已分发给委员会。

88. 委员会第 13 次会议继续在会议室屏幕上就会期文件草案开展工作。文件副本在会议室分发，并通过区域协调员以电子方式分发给各代表团。

89. 在第 14 次会议上，委员会继续就文件草案案文开展工作。主席兼报告员请各方提出进一步的意见、分析、补充和建议，并请各方以书面形式向秘书处提交具体建议。

#### G. 一般性讨论和意见交流，第 15 和 16 次会议

90. 在第 15 次会议上，委员会继续审议关于项目 10 的结论和建议案文草案。委员会审议了题为“促进对会议结论和建议的讨论和意见交流的文件”的文件，该文件是委员会根据专家介绍和互动讨论得出的主题和结论的案文。

91. 第 8 次会议开始审议初步案文草案，委员会在会议室屏幕上后续就该文件案文开展工作。还在会议室分发了文本副本。主席兼报告员请各方就结论和建议文件草案提出进一步的意见和建议。

92. 在第 16 次会议开始时，印度尼西亚代表要求并做了发言。他指出，该国代表团一直密切关注委员会第十届会议，同时铭记委员会在《公约》方面的任务。该代表团认为，根据人权理事会第 34/36 号决议，委员会的工作是相关的，必须集中于谈判一项附加议定书或新议定书，将种族主义和仇外性质的行为定为刑事犯罪，涵盖所有当代形式的歧视，包括基于宗教或信仰的任何歧视，如仇视伊斯兰教，并查明和分析《公约》中的缺陷。在这方面，最近克赖斯特彻奇发生的攻击事件在集体记忆中仍然记忆犹新，该国代表团认为，现在是时候了，委员会的工作应该按照伊斯兰会议组织的要求，处理所有当代形式的歧视问题，包括基于宗教和信仰的歧视。

93. 印度尼西亚代表指出，令人遗憾和不可接受的是，在委员会的工作中，一些专家和小组成员试图偏离任务授权，使特设委员会的工作从讨论全面反歧视立法转向讨论自决问题，特别是在议程项目 6 之下。这超出了委员会的任务范围，因此不应被审议或列入最后报告。

94. 印度尼西亚代表团认为，委员会应审议和详细阐述各项创新措施，例如“特别措施，包括扶持或积极措施”，作为弥补《公约》在打击一切形式当代种族主义，包括煽动种族和宗教仇恨方面现有缺陷的例子。印度尼西亚完全同意对委员会的任务授权，其中包括立即查明并迅速终止继续表明仇恨犯罪、种族优越感、仇视伊斯兰教和其他当代形式的在线或离线种族主义有理的歧视行为、做法和政策。

95. 在第 16 次会议上，委员会继续审议议程项目 10 下的文件草案。在会议期间，委员会还继续审议议程项目 8 下的会期文件草案。

#### H. 关于会议结论和建议的一般性讨论和意见交流，第 17 次和 18 次会议

96. 在第 17 次会议上，委员会继续审议关于结论和建议的会期文件草案(项目 10)。

97. 在第 18 次会议上，委员会继续讨论议程项目 8 之下关于大会第 73/262 号决议和人权理事会第 34/36 号决议的文件草案，以及议程项目 10 之下关于结论和建议的文件草案，以期通过关于这两份文件的商定措辞。

98. 第 18 次会议暂停，以便区域协调员和各代表团就关于议程项目 8 的会期文件草案进行额外的非正式磋商，以期达成协议。在这些非正式磋商之后，向委员会介绍了议程项目 8 之下会期文件草案的订正商定案文，现标题是“与执行大会第 73/262 号决议和人权理事会第 34/36 号决议，开始就《公约》附加议定书草案进行谈判，将种族主义和仇外性质的行为定为刑事犯罪相关的问题和讨论的可能要点摘要”。

99. 会期文件草案还纳入了欧洲联盟和伊斯兰会议组织代表提出的两个案文。折衷案文草案涉及纳入两个脚注，一个解释欧洲联盟、日本、瑞士和乌克兰对正在审议的议程项目 8 之下会期文件草案的立场，另一个解释伊斯兰会议组织、多民族玻利维亚国、古巴、俄罗斯联邦和委内瑞拉玻利瓦尔共和国的立场。

#### 四. 通过第十届会议的结论和建议

100. 在第 18 次会议上，特设委员会协商一致通过了两份文件：“第十届会议的结论和建议(项目 10)”和“与执行大会第 73/262 号决议和人权理事会第 34/36 号决议，开始就《公约》附加议定书草案进行谈判，将种族主义和仇外性质的行为定为刑事犯罪相关的问题和讨论的可能要点摘要”(项目 8)。

101. 主席兼报告员还在会上宣读了他的提议，即人权理事会请人权高专办举行一次为期两天的闭会期间专家磋商，由来自每个区域相关法律领域的两名法律专家、消除种族歧视委员会的一名成员和种族主义、种族歧视、仇外心理和相关不容忍现象问题特别报告员与会，以便根据大会第 73/262 号决议和人权理事会第 34/36 号决议，审议委员会第十届会议编写的关于“将种族主义和仇外性质的行为定为刑事犯罪的《公约》附加议定书草案”的要点草案，并提供专家意见/评论，供委员会第十一届会议审议。

102. 主席兼报告员请与会者最后作一般性发言。

103. 南非代表和巴基斯坦代表(以伊斯兰会议组织的名义)发言，对主席兼报告员的领导和奉献以及委员会所有成员努力致力于委员会的工作表示诚挚感谢。

104. 主席兼报告员在总结发言中感谢委员会所有成员的合作、感谢他们对本届会议讨论所做的贡献以及愿意做出妥协以使本届会议达成协商一致的文件，并宣布会议闭幕。

#### 第十届会议的结论和建议(议程项目 10)

105. 保护移民免受种族主义、歧视和仇外做法侵害(议程项目 4):

(a) 在世界各地，移民在移徙途中处于岌岌可危的境地，包括在原籍国、过境国和目的地国。由于法律身份不确定，财务状况不佳以及人身不安全，移民容易遭受虐待。这导致移民权力丧失、被剥夺和保持沉默。他们遭受歧视、仇外心理和暴力侵害；

(b) 移民身份方面还有一个额外的脆弱性，因为他们遭受多重和交叉形式的歧视。移民妇女和儿童，特别是女童，容易遭受性剥削和暴力；

(c) 建议各国采取下列措施，对移民的困境采取基于人权的办法：

(一) 起诉散布仇恨言论和煽动种族、宗教和仇外仇恨、仇恨犯罪和暴力侵害移民的个人、政治家、政党、运动和团体；

(二) 制定教育和提高认识措施，促进有关移民的积极话语，以培养对移民的容忍精神；

(三) 促进有序、安全和负责任的人口迁移和流动，包括实施有计划和良好的移徙政策；

(四) 采取必要措施，包括国家和国际一级的准则，确保《消除一切形式种族歧视公约》第五条(子)、(丑)、(卯)、(辰)和(巳)款适用于所有移民，不论其身份如何；

(五) 通过采取社会文化融合政策促进多样性；

(六) 除其他外，通过在与国民相同的条件下平等获得基本社会服务和诉诸司法，保护所有移民的人权，不论其身份如何；

(七) 促进与移民磋商的进程，包括允许移民工人成立工会。

#### 106. 现代信息和通信技术中的种族主义(种族主义网络犯罪)(议程项目 5)：

(a) 现代信息和通信技术中的种族主义跨国出现、飘忽不定、日益增加、十分有害和普遍。数字平台的扩散加剧了有针对性的网上虐待和犯罪行为，这些数字平台遍及全球且政府控制有限。特别是，优越主义极右个人和群体在网上传播他们的歧视性思想，煽动种族主义、仇外仇恨和暴力，犯罪团伙和恐怖分子还正在利用黑网实时招募和培训成员。这些行动的影响然后又可通过在线或离线加以放大；

(b) 这不仅对在线骚扰和虐待所针对的个人和社区造成伤害，而且还通过造成不和谐和影响凝聚力影响整个社会，从而可能导致冲突；

(c) 各地区各行其是，各自设法解决网络犯罪问题；

(d) 提出以下要点：

(一) 处理在线仇恨犯罪问题，特别是种族主义和仇外犯罪；

(二) 起诉散布优越主义言论、煽动种族、宗教和仇外的仇恨言论、煽动仇恨犯罪和暴力的个人、政治家、政党、运动和团体，包括利用在线方式；

(三) 通过国际监管框架等手段，根据国家立法，对未能评估和消除其平台上的仇恨言论以及种族主义和仇外内容的技术公司进行刑事处罚；

(四) 使有关离线犯罪的现行法律一致适用于在线犯罪，以确保人们离线拥有的相同权利在线也得到保护；

(五) 如果存在互联网审查委员会，使其文化构成多样化，以简化受害者的举证责任；

(六) 提高信息和通信技术部门的种族问题识别能力和认识，提高其抗御力。

(e) 人们承认，表达自由权的行使伴随着特殊的义务和责任，其中不传播种族主义思想的义务特别重要，表达自由应只受法律规定的某些限制，为尊重他人权利或声誉所必需，包括平等和不歧视原则；

(f) 委员会承认，行使表达自由权、特别是媒体和新技术包括因特网行使这一权利，以及充分尊重寻求、接受和传播信息的自由可以对反对种族主义、种族歧视、仇外心理和相关的不容忍现象的斗争做出积极贡献。

107. 全面反歧视立法(议程项目 6):

敦促各国:

(a) 颁布全面反歧视立法，以确保采取全面和综合办法，有效保护歧视受害者；

(b) 确保落实歧视和平等方面的人权规范和义务，包括颁布法律和制定公民、政治、经济、社会和文化权利以及发展权方面的政策；

(c) 在所有公共生活领域，禁止国家或非国家行为者歧视和煽动歧视；

(d) 促进采取措施，通过正规和非正规教育、媒体和体育活动，制止出现并反对新法西斯主义、助长仇恨和歧视的暴力民族主义意识形态，以及种族主义和仇外情绪，包括采取措施，打击此种意识形态的负面影响，特别是对年轻人的影响；

(e) 纳入专门机构，使其有权协助受害者并促进平等权利的文化；

(f) 制定国家行动计划，采取措施执行《消除一切形式种族歧视公约》，包括制定授权立法和预防措施，以便在国内法律秩序中执行《公约》。

**与执行大会第 73/262 号决议和人权理事会第 34/36 号决议，开始就《公约》附加议定书草案进行谈判，将种族主义和仇外性质的行为定为刑事犯罪相关的问题和讨论的可能要点摘要<sup>1</sup> (议程项目 8)**

108. 缔约国承诺将以下针对特定个人和特定群体在线和离线所犯种族主义和仇外性质行为定为刑事犯罪，不论其为何人所犯:

(a) 传播仇恨言论；

(b) 煽动、协助和教唆犯下种族主义和仇外仇恨犯罪；

<sup>1</sup> 欧洲联盟的 28 个成员国、日本、瑞士和乌克兰坚持其立场，认为《公约》并无实质性或程序性缺陷。在这方面，他们提及 A/HRC/4/WG.3/6 以及委员会第十届会议期间一些专家表达的意见，认为《公约》并无实质性或程序性缺陷。这些与会者认为，《公约》是一部能够适应当代现实的活的工具，唯一存在的缺陷是在执行《公约》方面，重点应放在普遍批准《公约》上。

- (c) 传播倡导和促进种族优越、不容忍和暴力的思想和材料；
- (d) [基于宗教或信仰的所有当代形式的歧视]；<sup>2</sup>
- (e) 根据国家立法，迫使社交媒体网络迅速消除在线媒体平台(包括社交媒体)的种族主义和仇外内容；
- (f) 追究传播种族主义和仇外内容或材料的信息和通信技术部门责任人或公司的责任或赔偿责任；
- (g) 缔约国承诺采取以下预防措施，打击种族主义和仇外歧视：
- (一) 通过教育和提高认识促进文化多样性；
  - (二) 反对当代形式种族优越意识形态的扩散，包括提高对这种意识形态过去可怕后果的认识；
  - (三) 结束各种形式的歧视性种族和族裔定性及贬低丑化；
  - (四) 确保不受歧视地享有所有人权，如出生登记、获得保健、教育、就业和住房；
  - (五) 向司法、民事服务、移民、海关、执法和社会服务领域工作的公务员提供人权教育和培训；
  - (六) 为执法官员提供适当行为的指导；
  - (七) 建立数据收集系统，监测和跟踪执法情况和警察活动；
  - (八) 建立执法人员内部和外部问责机制；
  - (九) 确保社区更多地参与制定执法政策和做法；
  - (十) 改进执法人员的培训和招聘；
  - (十一) 设想建立一个数据收集系统，以便根据国家立法更好地打击种族主义和仇外行为，在受害者明示同意下，按照他们的自我认同并根据有关人权和基本自由的规定——如数据保护和隐私保障的规定——适当收集数据。不得滥用这些信息。
- (h) 附加议定书应呼吁各国加强国际合作，包括统一打击种族主义方面的法律规范和条例；
- (i) 序言部分将提及涉及种族主义和仇外歧视的现有相关框架。

<sup>2</sup> 伊斯兰会议组织的 57 个成员国、多民族玻利维亚国、古巴、俄罗斯联邦和委内瑞拉玻利瓦尔共和国提及 A/HRC/4/WG.3/6，其中提到，种族虐待、歧视和仇外心理的根源十分复杂，表现为各种当代形式，如仇视伊斯兰教、仇视基督教和反犹太主义。它们坚持其立场，认为拟议的附加议定书必须将所有当代形式的歧视定为刑事犯罪，包括基于宗教或信仰的歧视和仇恨，作为“种族歧视”一词的扩展。

## Annex I

### Summaries of the expert presentations and initial discussions on the agenda topics

#### Protection of migrants against racist, discriminatory and xenophobic practices

1. At its 2nd meeting, on 8 April, the Committee considered the issue of the protection of migrants against racist, discriminatory and xenophobic practices. François Crépeau, Professor of Public International Law at the Faculty of Law of McGill University in Montreal, Canada and former United Nations Special Rapporteur on the Human Rights of Migrants gave a presentation on the topic.

2. In his presentation, François Crépeau argued that facilitating regular mobility, notably through long-term, sustainable and human rights-based mobility strategies and diversity policies, is the best way to ensure the human rights of all migrants. He explained that prohibiting means, such as anti-immigration policies and practices, not only fail to prevent cross-border mobility but also push many migrants in situations of precarious or absent administrative status where all discriminations and human rights violations are possible. He noted that, in contrast, States should seek to govern mobility, in order to legalize, regulate and tax mobility.

3. Mr. Crépeau discussed how the Global Compact for Safe, Orderly and Regular Migration (GCM), as well as the UN Agenda 2030, contribute towards achieving this objective. He noted that the GCM, which embraces the spirit of target 10.7 of the UN Agenda 2030, provides a remarkably coherent, if incomplete, conceptual roadmap for facilitating mobility and fostering diversity. He highlighted several specific objectives of the GCM, including objectives 5 and 7 by which States committed to ‘enhance availability and flexibility of pathways for regular migration’ and ‘to implement processes allowing undocumented migrants to regularize their situation. In this regard, he noted the importance of facilitating the movement of people who seek work and putting in place quick processes for obtaining work permits when a foreigner secures a work contract. He also stated that facilitating the regularization of undocumented status should become a major policy tool and that, in the long-term, the objective should be that most migrants are provided with travel documents.

4. He noted that the GCM recognizes that migrant children deserve protection as children, and that their migration status or that of their parents should never interfere with such protection. The GCM also recognizes that the principle of the ‘best interests of the child’ should always be a primary consideration and that the right to family unity and family life should be enforced.

5. He discussed objective 15 by which States committed to “ensure that all migrants, regardless of their migration status, can exercise their human rights through safe access to basic services” and objectives 16 and 18 that aim at facilitating the labour and social integration of migrants. He recalled that access to basic services for ‘all’ is key and that one important aspect for protecting such rights is the establishment of ‘firewalls’ between immigration enforcement and public services.

6. Mr. Crépeau also discussed objective 6 of the GCM by which States committed to facilitating “fair and ethical recruitment and safeguard conditions that ensure decent work.” On this subject matter, he regretted that the GCM does not mention the need for destination countries to reduce their underground labour markets, which act as a major pull factor for undocumented migration. He explained that the precariousness of the undocumented or temporary migrant worker condition is socially constructed through the interaction of their absent or precarious legal status and the lack of government enforcement of labour law against unscrupulous employers. As long as millions of employers across the world will offer jobs in exploitative working conditions without fear of being held accountable, smuggling rings will offer means to bypass migration controls, and several industry lobbies will continue defending the status quo. According to him, sustained political will to develop an economic, social and political conversation on this issue over a generation will be

required to implement effective reforms and transition those industries towards a non-exploitative economic model.

7. He noted that, unfortunately, mobility facilitation is not the direction that most destination countries are currently taking. In fact, a majority of their political leaders seem especially hostile to such a vision. The toxic nationalist, populist, prohibitionist discourse is dominant and risks remaining so for quite some time. He stressed the need to mobilise all forces to change the mindset towards migrants.

8. Mr. Crépeau concluded by stating that empowering people to defend their own rights is the only strategy that has ever worked for protecting human rights. Migrants need empowerment and this will only be possible when a regular administrative status will be available to them, as it will mean the elimination of the constant fear of being arbitrarily detected, detained and deported. He recommended increasing the possibilities for migrants to have their voice heard by, for example, facilitating the consultation of migrants every time the legislator discusses immigration or labour laws; facilitating the creation of migrants' associations and the unionisation of all migrant workers; facilitating access to justice for all migrants; ensuring effective labour inspections and audits; and ensuring that employers are not abusing their position of authority. Over the long term, he recommended redirecting the vast resources dedicated to preventing people from crossing the border, towards policies that will help migrants integrate and find or create jobs, and towards ensuring that local populations are not afraid of the newcomers.

9. During the interactive discussion, the Chairperson-Rapporteur asked Mr. Crépeau whether the GCM fills the gaps in the existing international protection framework and when anti-migrant attitudes and sentiments become racism and xenophobia. To the first question, Mr. Crépeau replied that the GCM lays the ground of what needs to be done for the next ten years. He explained that gaps in the protection of the rights of migrants are often the result of their precarious administrative status. Therefore, there is a need to facilitate access to legal documents in order to ensure better integration of migrants; to avoid disempowering migrants; to make sure that migrants are less vulnerable to abuses and exploitation, as well as to racism and xenophobia; to facilitate access to all basic services and respect of the human rights of migrants; to ensure better labour inspections; and to train police to protect migrants and their rights. To the second question, Mr. Crépeau replied that the distinction between anti-migrant attitudes and sentiments, on the one hand, and racism and xenophobia, on the other hand, must be established by court decisions. He noted that the doctrine on the subject matter is evolving.

10. The representative of Zimbabwe was interested to hear about the ways in which a change of mind-set regarding negative stereotypes against migrants can be achieved. Mr. Crépeau replied that there are already several initiatives, notably from non-governmental organisations, aiming at changing the mind-set towards migrants. However, this is a difficult task. In his view, what is missing in public debate today is the voice of the migrants themselves and, therefore, more efforts should be put on helping migrants to speak up for their rights.

11. The representative of South Africa requested the expert's perspective on whether there are gaps in the International Convention on the Elimination of all forms of Racial Discrimination concerning migrants and what complementary standards to put in place. In response, Mr. Crépeau noted the importance that all laws protecting workers and against discrimination are applicable to all, including migrants. He stated that the new instrument should draw the attention of existing institutions to the vulnerability of migrants and ensure that existing human rights and labour norms and standards are implemented for migrants.

12. The representative of Angola on behalf of the African group noted that negative stereotypes and perceptions against migrants continue to prevail and have consequences for the migrants themselves and their access to their rights. She noted the need to promote positive aspects of migrations, notably the role of migrants in development and economic prosperity. She inquired about the main measures to be taken to achieve this goal. In response, Mr. Crépeau indicated three main measures to be taken by States, namely to reduce precariousness of migrant; to ensure the implementation of labour standards for migrants, including by strengthening labour inspection and facilitating regularisation of

foreign workers; and to ensure non-discriminatory access to all services, including access to education and health services for migrants and members of their families regardless of their migrant status.

13. During the 3rd meeting on 9 April, the Committee met in small groups in an informal session to consider questions and issues relating to migration, protection gaps regarding migrants and asylum seekers, national mechanisms, stereotyping, non-citizens, the Migrant Workers Convention, Global Compact on Safe, Orderly and Regular Migration, and the role and impact of the ICERD in this regard.

14. At its 6th meeting on 10 April, the Ad Hoc Committee continued its consideration of agenda item 4 on the protection of migrants against racist, discriminatory and xenophobic practices. Ms. Ariadna Estevez, Professor and Advisor at the UNAM School of Social and Political Sciences, Mexico gave a presentation (via video link) on this topic.

15. Ms. Estevez noted that international migration was increasingly forced rather than voluntary. Migrants left their countries for economic, environmental, political or other reasons. The expert first described manifestations of racist, xenophobic and discriminatory practices directed against migrants in the region of Latin America. She explained why she thought it would be important that the Committee endorsed an Additional Protocol and thirdly, she explained why it seemed important that the Protocol focused on the phenomenon and the concept of xenophobia rather than on racism and racial discrimination.

16. In the first part of her presentation, the expert focused on the situation of Hondurans in Tijuana and then Venezuelans in Cúcuta, who have fled the violence and fear in their countries to encounter xenophobia abroad. She then argued that an additional Protocol could counteract the growing hegemony of fascist politics around the world, and addressing xenophobia was a way to reverse racism, xenophobia and discrimination against migrant men and women. She argued that current international legislation was not sufficient as could be seen in the racist legislation of the European Union on migrants. She noted that the EU's racist approach to migration and refugees was institutionalized by the Dublin III Regulation, which came into force in 2014 and is based on the Convention Dublin 1990, Regulation I and the Dublin II Regulation of 2003. Such racist perspective had also been globally reinforced by the Global Compact for Safe, Orderly and Regular Migration, and the Global Compact on Refugees, adopted in December 2018, the expert stated.

17. The purpose of these regional and international instruments was to prevent asylum seekers and migrants from reaching the West. Prosperous countries would only accept refugees and migrants through "legal" and limited means, such as family reunification, scholarships for students or humanitarian visas. An Additional Protocol could counteract measures such as those adopted by several Western countries to prevent migrants from entering.

18. In response to the presentation of Ms. Estevez, the representative of the Bolivarian Republic of Venezuela noted that Venezuela adhered to the CELAC agreement on migration and the Global Compact for Migration. The representative stated that his country did not accept what in his view were false and inaccurate versions of the facts which were disseminated about the country and that misinterpreted the movement of Venezuelans as resulting from a humanitarian crisis. He added that external humanitarian interventions in the country were contrary to international law, and were aimed destabilizing the country and political interference. He informed that Venezuela had enacted a "return to the homeland" programme that would enable Venezuelans who had left to voluntarily return to the country.

#### **Racism, in modern information and communication technologies (racial cybercrime)**

19. At its 4th meeting on 9 April, the Committee considered the issue of Racism, in modern information and communication technologies (racial cybercrime). Ms. Jesse Daniels, Professor of Sociology, Hunter College & Professor Africana Studies, The Graduate Center, CUNY, USA, and Mr. Ernest Chernukin, Chief of Section, Department for New Challenges and Threats, Ministry of Foreign Affairs, Russian Federation gave presentations on the topic.

20. In her presentation, Ms. Jesse Daniels illustrated how the rise of the popular Internet since the mid-1990s has facilitated the globally networked spread of white supremacy. The confluence of global linkages facilitated by information and communication technologies means that true believers in white supremacy can connect a white identity across national boundaries. The recent massacre in Christchurch, New Zealand, for which the shooter drew inspiration from white extremist terrorism attacks in other parts of the world, illustrated how the connections between perpetrators of those attacks span continents and highlighted how the Internet and social media facilitate the spread of white supremacist ideology and violence.

21. Ms. Daniels further insisted on the importance of distinguishing between different dynamics in the spread of hateful ideology online, namely the dynamic of being inspired to violent action, the dynamic of being recruited into a social movement organization, and the dynamic of encountering white supremacist content online. Though it may not lead to violence, the latter dynamics encourages the mainstreaming of white supremacy into national politics. According to her, all three dynamics are equally concerning.

22. Ms. Daniels described two main transition phases in the spread of white supremacy rhetoric through the new information and communication technologies. First, the mid- and late-1990s were marked by the transition from the print-only era, characterised by the “one-to-many” paradigm of broadcast news and print media with its gatekeepers, to the early Internet, characterised by the “many-to-many” media paradigm without gatekeepers. Ms. Daniels observed that white supremacists had demonstrated a great ability at exploiting this paradigm shift to further their ideological goals. The early Internet era facilitated the global networking of white supremacists, but also eased the broadcasting and dissemination of their hateful rhetoric, notably through the development of what she called “cloaked sites,” i.e. websites that intentionally disguise authorship in order to conceal a political agenda.

23. She further explained that the second transition phase begun in 2008 with the emergence of social media platforms operating algorithmically. On each of these platforms, white supremacists have found opportunistic ways to exploit them to spread conspiracy theories and racist propaganda. By creating a reverberating feedback loop that systematically spreads white supremacy propaganda through social media, algorithms have become a key feature of the way racism spreads online. In addition, the social media platforms have made easier targeted abuse online by white supremacists. Because the platform puts the burden on the user who is being harassed to block people, it creates a differential cost to the victims relative to the perpetrators.

24. Ms. Daniels discussed the central role of US-based tech industry in facilitating the spread of the hateful ideology. There are currently five undisputed rulers of the ICT industry that are all based in the United States: Amazon, Apple, Facebook, Google/Alphabet and Microsoft. Grounded in Barlow’s “cyberlibertarianism,” the dominant view in this industrial sector is that freedom of speech is absolute. This echoes the prevailing view in the US towards white supremacy online. There is also a strong belief in colour-blindness, which is the belief that there is no racism operating in algorithms, platforms or tech companies. This shows a general lack of awareness about both the history and contemporary reality of racial inequality in the US in an industrial sector dominated by White men and in which the inequalities of race, class and gender that prevailed in the industry’s social context were reinscribed. She stressed that this industry exerts an outsized influence over the rest of the world and, therefore, the disregard on the part of the United States dramatically reduces the likelihood that nations who wish to regulate white supremacy online will be able to do so. She added that the United States also undermines international efforts by operating as a “safe heaven” for white supremacy online as well as primary creator of this content available globally.

25. She highlighted several features of the economics of the global spread of the Far Right. One important element is the “dark money” that refers to funds raised for the purpose of influencing elections by non-profit organizations that are not required to disclose the identities of their donors and, therefore, that are difficult to trace. Billionaires have allegedly used this avenue to fund the promotion of the far-right agenda. Some studies show that cryptocurrencies are being used by the alt right. Ms. Daniels also pointed out the

influence of media conglomerates, as well as the hands-off approach of social media platforms as enabling factors in the spread of white supremacist rhetoric.

26. Ms. Daniels presented policy recommendations for concrete actions to be taken in five main areas: a) to specifically name white supremacy, a form of racial supremacism, as an imminent threat to human life, dignity and rights as an additional iteration of article 9 of the on the Elimination of All Forms of Racial Discrimination of 1963; b) to establish a global database to document white supremacist violence in order to track white supremacist violence and advance our understanding of the scope of this problem; c) to create international regulation that holds tech companies accountable for contributing to the spread of white supremacy, including by imposing fines. To combat the spread of white supremacy online, we need regulation of tech companies that reaches beyond the borders of individual nation-states; d) to develop literacies of racism, antiracism and social justice for those working in the tech industry, to be able to recognize and impede with white supremacy online when they see it; e) to create de-radicalization protocols for those who have been exposed to white supremacist content and are vulnerable to its influence.

27. The Chairperson-Rapporteur asked Ms. Daniels what aspects of racial cybercrime can be effectively criminalized. He further inquired about the kind of regulations that could be adopted at international level and how effective these regulations would be.

28. The representative of European Union sought the expert's perspective regarding criticisms raised in some countries that new laws adopted to criminalize certain behaviours online may be used to close down human defenders' websites or to criminalize behaviours that are beyond the scope of the issues addressed by the Committee.

29. The representative of Morocco noted the importance of racial literacy and of having people of diverse background in the information and technology sector. He further emphasized the need to educate and to put forward the contributions of individuals from different ethnic groups and from different countries in the pursuit of scientific and cultural advancement. In this regard, he asked Ms. Daniels whether, in her view, education and putting forward the positive contributions of people from diverse background in the development of new technologies are effective tools to contain the development of white supremacy.

30. The representative of Angola raised concerns about the rapid spread of racial content online and the lack of effective measures to prevent it and inquired about what States must undertake to address collectively the spread of White Supremacist ideology online.

31. The representative of the African Union noted the peculiar nature of the cyberspace, which is a space that extends beyond national borders. Because of its specific nature, the regulation of the cyberspace requires the development of an international instrument that covers all acts, whether they are perpetrated. He further asked Ms. Daniels about what kind of responsibility Internet stakeholders, such as Internet providers, webmasters and software developers, should be liable.

32. In response to the questions posed by the Chairperson-Rapporteur, Ms. Daniels indicated that incitement to violence and language that may lead to genocide are elements that can be criminalized. Regarding the question of what regulations are most effective, especially at international level, she noted that technology companies appear to be more responsive to fines, than to other types of sanctions.

33. In response to the concerns raised about the use of legal provisions that aim at regulating online content against human rights activists, she explained that part of the vulnerability in these regulations comes from the fact that they define their object in generic terms rather than specifying the kind of racial superiority targeted. This is why she recommended specifically naming white supremacy, as a form of racial supremacism.

34. She agreed with the representative of Morocco regarding the importance of racial literacy, education and putting forward the contributions of other people and groups from different regions of the world, including people of African descent and others, in the

development of new technologies. She also indicated that individuals who come from outside to work in the Silicon Valley represent the ideal audience for racial literacy.

35. In response to the concerns raised by the representative of Angola, she explained that she has been observing a shift in the discussion in recent years with increased attention given to the question of what are people's responsibilities and of what States and tech companies can do to address this issue at stack.

36. In response to the question posed by the representative of the African Union, Ms. Daniels stated that it is possible to have some international regulations that will be recognised in all countries. In this regard, she indicated that one of the main challenges is if a major player, like the United States that has a peculiar view on the right to freedom of speech as being an absolute right, does not take action within the international context. She added that Internet service providers and other stakeholders must be held accountable and that regulations like the European Unions' General Data Protection Regulation (GDPR) and other regulations are important for the way forward.

37. The representative of Angola on behalf of the African Group stated that the decentralised nature of the Internet must not be an excuse not to take action. On the contrary, freedom of expression has to be contained when it comes to the dissemination of violent content, incitement to hatred and xenophobia, which undermines human rights. It is by establishing the framework for fundamental freedoms that other rights can be respected. The dissemination of racist content must be subject to control and liabilities clearly defined. She added that the information and communication technology sector, including webmasters and platforms, should be on-board when it comes to combating racism online.

38. The representative of Burkina Faso supported the statement made by Angola on behalf of the African group and asked Ms. Daniels to explain what avenues could be pursued with a view to drafting complementary standards.

39. The representative of Gambia raised concerns about the difficulty to draw the line between freedom of expression and the need to ensure that incitement through language that is not appropriate in the digital space is subject to some control. He added that those defending the absolute right to freedom of expression should engaged in the discussion. He noted the need to strengthen national regulatory authorities and the importance of exerting continuous pressure and some form of control over the five major firms of the ICT sector who are based in Silicon Valley.

40. In response to the questions raised by the representatives of Burkina Faso, Ms. Daniel indicated that there is a large body of research on language that leads to genocide that could serve as a source of reference for drafting legal definitions of what needs to be criminalized in the view to develop complementary standards.

41. She agreed that the persons who are defending freedom of expression need to take part in the discussion on regulating racist content online. She added that, in recent years, the ICT industry has started to show more openness to regulations but claimed not to know how such regulations would work.

42. During the 4th meeting, the representative of the European Union made a statement on countering illegal hate speech online.

43. The representative of the European Union stated that the European Commission had over the past years worked intensively to ensure that the internet remains a free, safe and tolerant space where EU laws are enforced, in full respect of the right to freedom of expression. Significant efforts have been made in particular to counter the proliferation of illegal hate speech online, as defined by national laws implementing the Framework Decision on Racism and Xenophobia. A major flagship initiative led by the Commission in this area is the Code of Conduct on countering illegal hate speech online. In addition to progress in terms of removal of illegal hate speech, the Code of Conduct has fostered synergies between the IT companies, civil society and Member State authorities in the form of a structured process of mutual learning and exchanges of knowledge. The Code of Conduct also recognises the value of independent counter-narratives and support to educational programs fostering positive narratives. In the area of media policy and the

digital single market, the revised Audiovisual Media Services Directive adopted in 2018 aligned its existing provisions on ‘hate speech’ with the relevant definition in the Framework Decision on Racism and Xenophobia while extending its remit to cover all the discriminatory grounds listed in Article 21 of the Charter and to cover ‘video sharing platforms’. A set of operational measures to be taken by companies and Member States, was set out in the 2018 Recommendation on measures to tackle effectively illegal content online. Furthermore, a number of key actions were put forward and are being implemented with regard to media literacy and critical thinking.

44. Also at the 4th meeting Mr. Ernest Chernukhin, Chief of Section, Department for New Challenges and Threats of the Ministry of Foreign Affairs of the Russian Federation gave a presentation entitled “Countering the use of information and communication technologies for criminal purposes”. He noted that twenty years since the inclusion of the issue of information security into the global agenda, the issue of combating unlawful use of information and communications technologies (ICT), in terms of its scale and coverage, has become a real threat for both developing and developed countries. He emphasized the tendency to conflate terrorism and cyber-criminality and pointed out that social media, communication applications and other internet channels are actively used by terrorists for recruiting, fund raising and organisational coordination of terrorists attacks through the establishment of communication channels and real-time control of the actions carried out by terrorists or individuals.

45. In the coming years, cyberattacks and cybercrimes both on state and commercial networks will be organised with the assistance of robotics and smart attacking instruments according to Mr. Chernukhin. Both software and hardware will make it possible to scale up the level of attacks significantly. He underlined that in the absence of a genuine political legal discussion within the United Nations in the quest for a resolution of this problem, it has not been currently possible to work out a universal approach to combat this global phenomenon. He noted that this is something that works to the benefit of the cybercriminals, who have for some time felt to be impervious online.

46. Mr. Chernukhin stated that the Russian Federation believes that there is a need to strengthen the international cooperation and harmonize the national legislations of States in this sphere. He added that at the international level, the situation is complicated not only by the absence of the fully-fledged international legal basis, but also by the lack of a single conception framework. He underlined that even with the existing bilateral mechanisms of partnership it is not possible to say that there is a panacea for the problem of cybercrime. Since even with these bilateral agreements, States may refrain from providing the necessary information, citing specificities of national legislation in terms of cross border information exchange or simply by replying with a delay. It can also be the case that information exchange is not possible because of real technical reasons, for example, in case of expiry term of the IT data retention under the national law.

47. The Russian Federation together with a group of like-minded States favours the development of universal principles and standards which should be shared by all interested parties and which would establish the basis for effective and transparent international cooperation in combating this threat. Such an instrument could take the form of a United Nations convention on countering crime in information and communications technologies use, which would take into account the current situation, faced by all countries without exception and would be based on principles of sovereign equality of States, non-interference in the internal affairs of States and respect for human rights.

48. Mr. Chernukhin underlined that in this connection the Russian Federation considers it has made an intellectual contribution to these discussions by introducing the draft universal convention on cooperation in combating cybercrime on the 28 December 2017, which became an official document of the 72nd session of the United Nations General Assembly. The idea behind the preparation of the universal convention is also reflected in the outcome declaration of the 10th BRICS summit in Johannesburg on 25–27 July 2018. The five leaders underscored in particular the importance of international cooperation in combating the use of ICT for terrorist and criminal purposes and in consequences of this, once again affirmed the need for the preparation under the auspices of the United Nations

of a universal legally binding regulatory document countering the use of information and communications technologies in criminal purposes. Mr. Chernukhin also reminded that at 73rd session of the United Nations General Assembly the project of the Russian Federation resolution A/RES/73/187 “Countering the use of information and communications technologies for criminal purposes” was approved by the majority of votes. He emphasized that the main idea of the document on the initial level is to start relevant wide political discussion within the United Nations General Assembly in New York on the issue of misuse of ICT. The resolution provides an inclusion of the issue “Countering the Use of Information and Communication Technologies for Criminal Purposes” on the provisional agenda of its 74th session and requests the Secretary-General to present a report to the General Assembly at its 74th session.

49. In conclusion, Mr. Chernukhin stressed that publication and dissemination of extremist statements as well as holding racists or xenophobes flesh mobs, cross-border computer attacks on critical infrastructure can be used to heat up the situation in any county to the point of “social explosion”. He concluded that the ability to uphold human rights in the information sphere is being held hostage to the absence of universal international legal basis under the United Nations auspices. Such a globally reaching problem should be resolved by the whole international community under the auspices and leading discussion forum of the United Nations, where all States will be able to speak and to bring their proposals with the consideration to the sovereign rights and peculiarities of their legal systems. In this way, it would be possible to set up a reliable platform for discussion of the conceptual aspects of international cooperation in countering cybercrime on the basis of the world wide use of pre-existing specialised regional legal instruments as well as exchange of best practices in this sphere. Mr. Chernukhin expressed hope that all this will serve as a next step towards a world without cybercriminals.

50. During the interactive discussions, the representative of the Republic of the Gambia thanked Mr. Chernukhin for the presentation and pointed out few questions. Firstly he wanted to clarify how the figure of mentioned in the presentation forty millions of cybercriminals existing nowadays has been got, weather it is any specific criteria that was used to label them as cybercriminals and is there any segregated data on how these forty millions of cybercriminals are divided into categories. The delegate also noted that the Russian Federation is a member of the United Nations Security Council and wondered why the five permanent members could not lead on the issue of cybercrime, which is in such an importance. He clarified that he is talking not only about the crime committed but also about the various forms of crime in terms of reputation and in terms of inciting hate and developing another lay of racism, that as they thought had been denounced. The Chair-Rapporteur raised the question about the successful examples of combating terrorists and pulling down their websites, wondered how successful it was with the ISIL and weather this experience can be extended to other organisations and the cyberspace in general.

51. In response, Mr. Ernest Chernukhin noted that as to the figures, this is an information from independent professional organisations that adopt their professional statistics gathering approach. He continued that according to independent experts of Interpol and Europol the economic crimes are in the heart of all of cybercrimes, therefore the challenge faced before our law enforcements is to identify, arrest and retrain the cyberhooligans. Answering the second question Mr. Chernukhin expressed regret that the question of ICT security has never been included into the agenda of the United Nations Security Council and recommended to the representative of Gambia that his State could raise an issue of ICT security to be considered by the UN Security Council. He underlined that this is a topic that has a long deserved consideration as a standalone political issue. In his response to the Chairperson-Rapporteur Mr. Chernukhin emphasised that the terrorist organisation ISIL and other organisations operated on certain territories have raised this problem to the highest level. Terrorists themselves have found new ways of using internet for their own ends. He noted that terrorist cells are very effective in recruiting. Terrorists have started to encrypt their own networks, their own cells and therefore in countering terrorist activity the security services of many States have united and showed a good example of how to work. He concluded that, in view of the reports of security services, the

trend is that we are unlikely to see any significant improvements soon however, an effective cooperation on this basis need to be achieved.

52. At its 5th meeting on 10 April, the Ad Hoc Committee continued its consideration of agenda item 5 on “Racism, in modern information and communication technologies (racial cybercrime).”, during which Ms. Seyi Akiwowo, Executive Director of the non-governmental organization, Glitch based in the United Kingdom presented on this topic.

53. Ms. Seyi Akiwowo, presented on Fix the Glitch – End Online Abuse. Ms. Akiwowo commenced by telling the Committee about her personal experiences relating to online abuse. She then told the Committee about her organisation “Fix the Glitch” and said that the organisation was built on three pillars: awareness, advocacy and action.

54. Ms. Akiwowo noted that Internet companies were often unaware of the nuances of racial and other discrimination. She stressed, that Fix the Glitch – End Online Abuse was mostly about finding solutions since online abuse was according to her definition, a glitch that did not allow the Internet to work properly. An important part of Glitch’s work was “digital resilience”. Glitch supported persons who had a public (online) presence and taught them how to stay safe online. Glitch’s vision was to make the online space safer for all.

55. Glitch campaigned for a stop of online abuse. The presenter noted that it had only recently been accepted by the public that online abuse had turned into a major problem threatening the Internet. However, tools to intervene in the case of abuse did not exist yet. International frameworks might be of use. Such frameworks should respect the freedom of expression. Self-regulation by Internet companies had in the past not been efficient. The more the Internet expanded – and that was a fantastic development, the presenter noted – the more important such tools would become.

56. Too few cases of abuse were going too court, Ms. Akiwowo said and presented examples. She also reported that the UK police had not the capacity to support her when she had faced online abuse, instead the police recommended her to stay offline for some time. The presenter said that her organisation supported the idea to educate young people on how to face online abuse and how to deal with the Internet. The presenter then told the Committee about the Fix the Glitch tool kit that had become popular among online users on a global level. Ms. Akiwowo introduced her organisation’s workshops that educated young people, in particular women, on the risks of the Internet and on how to overcome those. The workshop had to date been delivered to 50 participants and could be delivered in a Webinar.

57. Ms. Akiwowo showed the Committee statistics that showed the size of online abuse. She underlined that online hate groups worked in echo chambers that strengthened hateful messages. Much of the online activity that was hateful was, she noted, organised by groups. Past events had shown that those online activities have had a profound impact on real life. Past and recent terror attacks were gruesome reminders of that fact.

58. She then told the Committee about “dead naming” that targeted the trans-sexual community. Dead naming occurred when someone, intentionally or not, referred to a person who was transgender by the name they used before they transitioned. The practice could be seen in the context of extortion. In that practise parents, relatives and friends of LGTB people were being informed about their – not yet public – sexual orientation. Blackmailing based on sexual images was another major problem for many youth.

59. The presenter underlined that Committee had an important role to play, by drafting an intersectional international treaty that considered all forms of online discrimination and abuse in the context of cybercrime. The presenter said that it was very clear what constituted abuse and where freedom of expression began, freedom of expression should therefore not hinder the development of further work in that area. The Committee could also encourage investment in the area of education. Young people needed to learn about the concept of digital citizenship and on how to become “active bystanders”, who could intervene in the case of abuse. The Committee could also consider how to internationally enforce anti abuse regulation. She mentioned best practice examples from Austria and Australia on how such regulation could be implemented. She was in particular impressed by the e-security commissioner of Australia and recommended the replication of the

Australian experience. Finally, the presenter underlined how important it was to empower civil society groups and other stakeholders that worked in the area of online abuse, so they could continue their work.

60. During the interactive discussions which followed, the representative of Ghana noted that the countries could use artificial intelligence to track abuse. Social media platforms needed to update their engagement and ensure that abusive material was taken down. International social media companies should also partner with countries and report online abusers to the respective authorities.

61. The representative of Ethiopia commended the presenter on her presentation and said that there was more online than offline abuse. Direct social interaction was regulated by “social norms and “disciplines” but the anonymity of the Internet disinhibited people. Consequently, abuse had increased. The challenge for African countries was the lack of control over the platforms and a problem of jurisdiction. Abusers were often located in other jurisdictions. The dangers of suppressing freedom of speech or controlling the media were often misrepresented. An instrument that would discipline the platforms and social media would be useful. Those platforms were also lucrative businesses. Followers were key to the success of online personalities, abuse might be one of the factors that actually encouraged people to follow a person online.

62. The representative of Venezuela asked how abuse could be countered, if that abuse came via Internet “Bots.” Venezuela also welcomed Ethiopia’s statement on managing social networks, as the major problem of social networks was the fact that they were based outside the national jurisdiction.

63. Ms. Akiwowo agreed that “Bots” were a major problem. In particular, Bots run by foreign governments were problematic. Such foreign-run “Bots” had been used during the Black Lives Matters” campaign and the Brexit referendum, aiming at creating unrest and disagreement.

64. The representative of Niger noted that one of the most important issues when it came to online abuse was how to track it. Once cyber-crime could be tracked, such crimes could be dealt with as strict liability offences. Cybercrime was a question of security and should be dealt with as such Niger noted that the Australian experience of an official e-security Commissioner could be replicated by other countries. The delegate also encouraged the Committee to support a UN convention on cyber security.

65. The representative of the Russian Federation agreed with representatives of Ghana, Ethiopia and other delegations, as they had identified some issues that were at the core of the problem. The Russian Federation had already introduced legislation regarding the abuse of ICT in the 1990s. She underlined that due to the multi-ethnicity of the Russian population, hate crimes were treated seriously. Other countries, such as the UK or Germany had also passed legislation on online abuse. Internet self-regulation was however, not effective. The representative pointed to recent efforts to draft resolution A/C.1/73/L.27/Rev.1 on “Developments in the field of information and telecommunications in the context of international security” and referred in its para 1.5 to “the right to privacy in the digital age, to guarantee full respect for human rights, including the right to freedom of expression.” He noted that the resolution underlined “the importance of respect for human rights and fundamental freedoms in the use of ICTs.” As of September, discussions on the issue would be taken up again during the 74th General Assembly and in an open-ended working group acting on a consensus basis that would further develop the “rules, norms and principles of responsible behaviour of States.”

66. The representative of Gabon was concerned about the issue of online abuse, in particular by the fact that it was hard to identify the perpetrator of online abuse. Anonymity in the Internet was a major problem as it made it impossible to punish the perpetrator. The delegate asked how that problem could be resolved.

67. Ms. Akiwowo replied that for civil society groups in many countries anonymity was essential, as many individuals might not be able to speak up without the protection of anonymity. She was therefore critical of the idea to limit anonymity. However, she noted that there were many cases when the perpetrator was indeed known, but not brought to

justice. That was the case when it came to the issue of foreign meddling in the Brexit referendum. The perpetrators were known, but no action had been taken to persecute them. Another example involved abuse by public figures. Those people were not reprimanded for their behaviour.

### **Comprehensive anti-discrimination legislation**

68. At the sixth meeting on 10 April, the Ad Hoc Committee began a consideration of agenda item 6, The Chair-Rapporteur explained that while many experts on this topic had been approached, it had not been possible to secure more than one expert to make presentations on the topic of comprehensive anti-discrimination legislation.

69. He invited delegations to volunteer to make presentations on comprehensive anti-discrimination legislation and relevant legislative frameworks in their respective countries. The representatives of Algeria, Cuba, India, Malaysia, Pakistan, South Africa, Venezuela (Bolivarian Republic of), and the representatives of the African Group, European Union and the Organization of Islamic Cooperation (OIC) took the floor during this meeting.

70. The representative of Malaysia stated that racism, racial discrimination, xenophobia and related intolerance were on the rise in various parts of the world, and had been exacerbated by the rise of right-wing populism propagating xenophobic sentiment and hate crimes. History had shown that if those were not addressed in an urgent and holistic manner, they would lead to serious human rights violations. The international community needed to redouble efforts to fight racial discrimination xenophobia and related intolerance in all forms and manifestations. The work of the Ad Hoc Committee was pertinent and an important contribution to these efforts.

71. He added that Islamophobic acts were contemporary forms of racism and discrimination and they violated the internationally recognised human rights norms and standards. Legal and administrative measures which rendered defamation of religions illegal and punishable by law were required to curb Islamophobic acts. In this regard, Malaysia wished to underscore that the proposed additional protocol covers all contemporary forms of discrimination, including any discrimination based on religion or belief such as Islamophobia which currently represented the most prevalent form of discrimination on the basis of religion or belief.

72. In the context of sharing Malaysia's experience, the Government of Malaysia was developing a National Harmony Bill in 2019. The Harmony Bill, comprising three new Acts, would be the thrust in the Government's efforts to enhance and strengthen race relations among Malaysians. The new Acts were the Racial and Religious Hate Crimes Bill, the National Harmony and Reconciliation Bill, and the National Harmony and Reconciliation Commission Bill. In addition, education and reconciliatory dialogues were also being implemented to advance the values of moderation, tolerance and mutual respect. The Government had also established a National Committee for Promoting Understanding and Harmony to: strengthen bonds among the people of various religions; become a mediating body for issues raised among religious adherents; encourage all religious associations to respect as well as adhere to the Federal Constitution; and ensure the government is attentive to the voices of religious organisations.

73. He noted that Malaysia had also partnered with religious organisations, ministries, agencies and local universities to conduct interfaith dialogues at local, regional and international levels. Malaysia actively participated in UN-sponsored dialogues on faiths and cultures and would continue implementing policies and programmes to prevent racism, discrimination and religious bigotry in Malaysia.

74. The Bolivarian Republic of Venezuela noted that its constitution forbid all sorts of discrimination. The country had in addition a wide spectrum of legislation to protect its inhabitants from discrimination. The Revolutionary Government of the Bolivarian Republic of Venezuela had undertaken legal reforms to make those who were dispossessed or deprived of such rights for decades more visible. The Revolutionary Government through the Plan de la Patria 2019–2025, had presented a plan for the defence and protection of the historical and cultural heritage of Venezuelans. For that purpose, it was necessary to

counter the production of cultural and historical narratives generated from the dominant neo-colonial perspective. Instead it was mandatory to develop liberation strategies and cultural emancipation with an emphasis on vulnerable social groups, such as Afro-descendants. Another plan in Venezuela was the Human Rights Plan 2016–2019, in which strategic guidelines were developed to advance the human rights of people of African descent, the creation of a National Institute against Racial Discrimination, and the National Plan against Racial Discrimination. Venezuela also had special laws against discrimination, with emphasis on the protection of vulnerable groups, such as the Law on Labour that prohibited any distinction, exclusion, preference or restriction in access and working conditions, based on reasons of race, religion and social origin, among others. Another example of legislation in Venezuela was the Law on Social Responsibility in Radio, Television and Electronic Media, that prohibited the dissemination of messages that incited or promoted hate and intolerance for religious reasons, political reasons, gender differences, racism or xenophobia, as well as any other form of discrimination. That Law provided for sanctions against TV, Radio and electronic media broadcasters. In November 2017, as a consequence of the political violence in the country, the Sovereign National Constituent Assembly approved the Constitutional Law against Hate, for Peaceful Coexistence and Tolerance, that aimed to generate the necessary conditions to promote and guarantee the recognition of diversity, tolerance and reciprocal respect, as well as to prevent and eradicate all forms of hatred, contempt, harassment, discrimination and violence. The law prohibits propaganda and messages of intolerance and hate, including the responsibility for the dissemination of this type of messages through social networks that promoted war or incited national, racial, ethnic, religious, political, and social hate as well as ideological and gender discrimination.

75. Pakistan on behalf of the Organization of Islamic Cooperation stated that the OIC countries were multicultural and multi ethnic. The OIC had since 2011 been leading on the Human Rights Council Resolution 16/18 on “Combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief” at its implementation through the Istanbul process as a way and means to address issues of religious intolerance around the world. The OIC considered it important to build a narrative with regard to racial discrimination against migrants and refugees in receiving societies and, thus, the importance for the Ad Hoc Committee to address the issue of hate speech, that could also take the form of xenophobic and Islamophobic speech. As the Secretary General of the OIC had been highlighting, Islamophobia was a contemporary manifestation of racism and combating Islamophobia as well as the vilification of religions and personalities sacred to religions was a matter of priority.

76. The European Union recalled the “Report on the study by the five experts on the content and scope of substantive gaps in the existing international instruments to combat racism, racial discrimination, xenophobia and related intolerance” A/HRC/4/WG.3/6 of 27 August 2007. The delegate drew the Committee’s attention to paragraph 34 of the report: “The DDPA identifies lack of political will, weak legislation and lack of implementation strategies and overall concrete action by States as the major obstacles to overcoming racial discrimination and achieving racial equality. The DDPA stresses unequivocally that the faithful implementation of human rights norms and obligations, including enactment of laws and political, social and economic policies are crucial in this regard. It is in light of the nature of these obstacles that States should be specifically required to adopt and implement anti-discrimination legislation and equality policies as a matter of highest priority and urgency.” The delegate further cited from the report, noting that the experts did not identify substantive gaps in ICERD. Replying to the statement made by Pakistan, the EU delegate noted that the European Union was delighted that the European Union had organised a stock taking exercise in the framework of the Istanbul process, as the European Union supported that process.

77. The representative of Ethiopia noted that Ethiopia’s constitution as well as a number of laws prohibited any discrimination based on any grounds. In addition, criminal law prohibited discrimination among the population, as well as the incitement of hatred and similar offences. Article 9/4 of the Constitution also clarified that even if there was no

specific national legislation, all international law, such as ICERD, was automatically part of the national canon of law.

78. The representative of Algeria stated that the principles of equality and anti-discrimination were enshrined in Article 32 of the Constitution. The Constitution consequently ruled out any discrimination. In addition, the legal national framework, such as the criminal code ruled out discrimination. The criminal code was adapted in 2014 for that purpose. In addition Algeria promoted inclusion, equality and the acceptance of differences by education.

79. The representative of Pakistan stated that the country was promoting equal rights for all citizens. Several articles in the Constitution addressed discrimination and prohibited it on all grounds. The country's population was diverse and the value of diversity was essential to the country. Pakistan had consistently condemned all forms of discrimination and promoted understanding among all sectors of the population.

80. The representative of India noted that the Constitution of India provided an overall framework to achieve equality of opportunity to all its citizens and persons alike. Articles 14, 15, 16 and 18 of the Constitution of India were the key provisions that guaranteed equality and non-discrimination. For instance, Article 14 of the Constitution of India stated: "The State shall not deny to any person equality before the law and equal protection of laws within the territory of India." Article 15 (1) said, "The State shall not discriminate against any citizen on grounds of religion, race, sex, place of birth or any of them" Again Article 16 (1) stated, "There shall be equality of opportunity of all citizens in matters relating to employment of appointment to any office under the State".

81. In the context of private sector employment, India had a comprehensive action plan that would address discrimination and harassment at the work place. The Indian judiciary had taken a pro-active approach to protect employees in the instances of discrimination and harassment by any employer. At work places, most new-age employers comprehensively covered all general discrimination and harassment issues as part of their internal policies. Specific laws were for example: Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 which was a notable statute that would ensure non-discrimination and protection of women from being harassed at the workplace.

82. Further, many private workplaces in India had already ensured as a matter of their internal policy, free and fair access to their employees having disabilities. In a recent decision of the Indian judiciary, it had been noted that a company had the duty to treat all persons with disabilities with dignity and respect, and any discrimination against or harassment of such persons with disabilities shall result in a fine imposed on or other action being taken against the company.

83. He noted that India was one of the first countries that had signed and ratified the International Convention on the Elimination of All Forms of Racial Discrimination. Having extensive Constitutional provisions and other legislations in place, India was fully committed to ensure the effective implementation of international obligations under ICERD. The national legal and policy framework, therefore, aimed at achieving equality and non-discrimination was based on three pillars: (i) Expansion of the safety net; (ii) Positive duty of practising diversity in the society; and (iii) Remedial measures.

84. India also recognized the effectiveness of the Durban Declaration and Programme of Action. It was a notable achievement by the international community aimed at developing international standards to strengthen and update international instruments against racism, racial discrimination and xenophobia in all its aspects. In fact, the Durban Declaration explicitly called upon States to design, implement and enforce effective measures to eliminate this phenomenon.

85. The representative of Cuba suggested that the Office of the High Commissioner for Human Rights should increase its support to anti-discrimination. The Cuban delegate then stated that the new Constitution that was adapted on 24 February 2019 held that all Cubans had equal rights without any distinction on any grounds. In a next step Cuba would adapt all existing laws to be coherent with the constitution.

86. The representative of South Africa stated that the country had enshrined non-discrimination and equality in its constitution. There were various acts that were enacted during the post-Apartheid era that built on the Constitution. “The Promotion of access to information” act, was one of those pieces of legislation. It provided that any citizen had access to information held by government. Another legislation regulated the promotion of administrative justice. South Africa had also enacted an act to promote equality and to prohibit unfair discrimination. Recently South Africa had elaborated a national action plan to combat racism racial discrimination xenophobia and related intolerance. Another new development was the enactment of a policy framework on combatting on and offline discrimination. Such framework should close all existing gaps in the national framework.

87. The representative of Angola on behalf of the African Group said that the thematic discussions should contribute to identifying complementary standards. The discussion could focus to a larger degree on xenophobia. The discussion on national developments should, among covering other issues, identify those situations where antiterrorist measures had increased racism. Further studies on the subject of racism, racial discrimination, xenophobia and related intolerance should apply an intersectional approach. Legislation, the delegate continued, was important when it came to incitement to hate and hate speech. Angola, the delegate noted on behalf of her delegation, would ratify the ICERD as during the 1960s Angola was still a colony and could not ratify it then.

88. At the seventh meeting on 11 April, the Ad Hoc Committee continued its consideration of agenda item 6. Mr. Alfred de Zayas, Human Rights Expert and Lecturer in international law at the Geneva School of Diplomacy, was invited to give a presentation on the topic of comprehensive anti-discrimination legislation.

89. Mr. de Zayas commenced by indicating that his presentation would focus on victims of racial discrimination, notably minorities and indigenous peoples. He stated that as a former United Nations Independent Expert on the promotion of a democratic and equitable international order, he regularly received information concerning the discrimination against indigenous populations in North and South America. He noted that he had also received information on killings and intimidation by para-militaries. In addition, he received documentation on the lack of investigation of crimes by governments and the prevailing impunity concerning land theft in certain countries. He stated that he had learned about a large number of cases of racial discrimination and killings of members of minorities and indigenous persons, primarily in connection with the defence of their ancestral lands against the extracting industries. Mr. de Zayas highlighted the systematic discrimination of indigenous peoples in several countries, and also noted that between the two world wars there was widespread discrimination against minorities in Europe. There was discrimination against minorities in many parts of the world. He noted that the issue of racial discrimination directed against minorities and indigenous people was linked to the right of self-determination. He stated that those victims suffered racial discrimination and deserved the same attention as other victims of gross violations of human rights, but they were left behind.

90. With regard to complementary standards, Mr. de Zayas noted his reservations about adopting complementary standards to the Convention on the Elimination of all Forms of Racial Discrimination, because by implication it would mean that the Convention did not cover those issues. In his view, a plan of action accompanied by the creation of mechanisms and procedures to implement the provisions of the existing Convention was more urgent.

91. Professor de Zayas also said that article 15 procedure should be used to advance indigenous claims. Petitions directed to CERD Committee should be transmitted to the General Assembly’s Committee of 24, the Decolonization Committee, because indigenous peoples were denied effective remedies. Whereas refugees had their Convention as do migrants, indigenous only had a “Declaration on the rights of Indigenous peoples”, that was only “soft law” largely ignored by States, while the land-grabbing, exploitation and systematic discrimination of indigenous peoples continued.

92. The representative of the non-governmental organization the Indigenous Peoples and Nations Coalition welcomed the presentation of Mr. de Zayas. He suggested that the Ad Hoc Committee could recommend that indigenous people should be allowed to transmit

petitions. In his view, such a recommendation would be compatible with the mandate of the Ad Hoc Committee. The denial of justice to indigenous peoples in North and South America was based on the notion of superiority. He stated that many resolutions were adopted with a focus on other regions but earlier efforts to bring forward the issue had been blocked. He said that it was only the lack of political will and the fear of States that was blocking the Ad Hoc Committee from moving forward to make such a recommendation. The delegate asked the Committee to overcome those obstacles.

93. He also pointed out his organization's struggle to support a "decolonization" of Alaska, and asked about a United Nations body that would consider this cause. He mentioned this as proof of a gap in the current international legal framework that was linked to racism, as he believed that the colonialization of Alaska was based on racist beliefs.

94. The representative of India stated that neither the content of the presentation of Mr. de Zayas nor the following discussion complied with the Committee's mandate, and his invitation to make a presentation under item 6 on "Comprehensive anti-discrimination legislation." On migrants, the delegate noted, that each country had a different regime with respect to the treatment of migrants, the Global Compact was however ensuring that whatever the status of a migrant, human rights were applied.

95. Pakistan thanked Mr. Alfred de Zayas for his presentation mentioning specific country situations, as those cases were important issues that were of interest to the Ad Hoc Committee. The representative of Palestine also thanked Professor de Zayas for his presentation and remarks.

96. Mr. de Zayas, replied to these interventions, noting his report to the General Assembly (A/69/272). He added that certain countries did not agree with the analysis, though in his view the legal analysis was correct and confirmed in a 2010 Advisory Opinion of the International Court of Justice.

## Annex II

### Programme of work – tenth session of the Ad Hoc Committee on the Elaboration of Complementary Standards (as adopted on 8 April 2019)

<i>1st week</i>				
<i>Monday 08.04</i>	<i>Tuesday 09.04</i>	<i>Wednesday 10.04</i>	<i>Thursday 11.04</i>	<i>Friday 12.04</i>
10:00 – 13:00 Item 1 Opening of the Session Mona Rishmawi, Chief, Rule of Law, Equality and Non- Discrimination Branch, OHCHR Item 2 Election of the Chairperson Item 3 Adoption of the Agenda and Programme of Work General statements	Item 4 Protection of migrants against racist, discriminatory and xenophobic practices	Item 5 continued Racism, in modern information and communication technologies (racial cybercrime) Seyi Akiwowo, Glitch, United Kingdom	Item 6 Comprehensive anti-discrimination legislation Alfred de Zayas, Human Rights Expert and Lecturer in International law at the Geneva School of Diplomacy	Item 8 General Assembly resolution 73/262 and Human Rights Council resolution 34/36 <sup>3</sup>

<sup>3</sup> ... negotiations on the draft additional protocol to the Convention criminalizing acts of a racist and xenophobic nature”.

<i>1st week</i>				
<i>Monday 08.04</i>	<i>Tuesday 09.04</i>	<i>Wednesday 10.04</i>	<i>Thursday 11.04</i>	<i>Friday 12.04</i>
Item 4	Item 5	Item 6	Item 7	Item 5 continued
Protection of migrants against racist, discriminatory and xenophobic practices	Racism, in modern information and communication technologies (racial cybercrime)	Comprehensive anti-discrimination legislation	General discussion and exchange of views on items 4, 5 and 6	General Assembly resolution 73/262 and Human Rights Council resolution 34/36
15:00–18:00 François Crepeau, Professor of Public International Law, Faculty of Law, McGill University, Canada and Former UN Special Rapporteur on the human rights of migrants (via videolink)	Jesse Daniels, Professor of Sociology, Hunter College & Professor Africana Studies, The Graduate Center, CUNY, USA;  Ernest Chernukin, Chief of Section, Department for New Challenges and Threats, Ministry of Foreign Affairs, Russian Federation	Rescheduled: Ariadna Estevez, Professor and Advisor at the UNAM School of Social and Political Sciences, Mexico (via videolink)		[National contexts and regional experiences]

<i>2nd week</i>				
<i>Monday 15.04</i>	<i>Tuesday 16.04</i>	<i>Wednesday 17.04</i>	<i>Thursday 18.04</i>	<i>Friday 19.04</i>
Item 8 continued	Item 9 continued	Item 10	Item 10 continued	UN holiday
General Assembly resolution 73/262 and HRC resolution 34/36	General discussion and exchange of views on item 8	General discussion and exchange of views	General discussion and exchange of views	
10:00–13:00 [National contexts and regional experiences]		–  Conclusions and recommendations of the session	–  Conclusions and recommendations of the session	

<i>2nd week</i>				
<i>Monday 15.04</i>	<i>Tuesday 16.04</i>	<i>Wednesday 17.04</i>	<i>Thursday 18.04</i>	<i>Friday 19.04</i>
Item 9 General discussion and exchange of views on item 8	Item 9 continued General discussion and exchange of views on item 8	Item 10 continued General discussion and exchange of views — Conclusions and recommendations of the session	Item 11 Adoption of the conclusions and recommendations of the 10th session	UN holiday

15:00–18:00

## **Annex III**

### **List of attendance**

#### **Member States**

Afghanistan, Algeria, Angola, Azerbaijan, Bangladesh, Belgium, Bolivia (Plurinational State of), Botswana, Brazil, Burkina Faso, Burundi, Canada, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Djibouti, Egypt, Eswatini, Estonia, Ethiopia, Gabon, Gambia, Ghana, Greece, Guatemala, Haiti, India, Indonesia, Iraq, Italy, Japan, Jamaica, Jordan, Kenya, Kuwait, Libya, Lesotho, Luxembourg, Madagascar, Malaysia, Malta, Mexico, Montenegro, Morocco, Namibia, Nepal, Nigeria, Pakistan, Qatar, Romania, Russian Federation, Rwanda, Senegal, Sierra Leone, Singapore, Slovakia, South Africa, Spain, Sudan, Switzerland, Tunisia, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of), Zambia and Zimbabwe.

#### **Non-Member States represented by observers**

Holy See, Palestine.

#### **Intergovernmental Organizations**

African Union, Organization of Islamic Cooperation, European Union.

#### **Non-governmental organizations in consultative status with the Economic and Social Council**

African Commission of Health and Human Rights Promoters, Indian Council of South America and the Indigenous Peoples and Nations Coalition, Association of World Citizens, International Human Rights Association of American Minorities (IHRAAM), International Youth and Student Movement for the United Nations (ISMUN).

#### **Non-governmental organizations not in consultative status with the Economic and Social Council**

Culture of Afro-Indigenous Solidarity, World against Racism Network (WARN).

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