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COMPREHENSIVE APPROACH, SOLID LEGAL FRAMEWORK NEEDED TO ADDRESS 'NEW AND COMPLEX'

CHALLENGE OF RACIAL HATRED PROMOTED THROUGH INTERNET, THIRD COMMITTEE TOLD

Hears Report from Special Rapporteur on Contemporary Forms of Racism: Mercenaries, Human Rights in Myanmar Among Other Issues in Day-Long Debate

A comprehensive approach, based on a solid legal framework, was essential for addressing the “new and complex” challenge of racial, ethnic and xenophobic hatred promoted through the Internet, the United Nations top official on contemporary forms of racism told the Third Committee (Social, Humanitarian and Cultural) today.

Mutuma Ruteere, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, said the decentralized nature of the Internet, lack of clear legal terms applicable to illegal Internet content and differing criteria for defining the threshold between freedom of expression, on the one hand, and criminal acts, on the other, had limited the effectiveness of legislation. The increase of hate websites and use of social media by extremist groups to incite racial violence complicated the picture.

He said a comprehensive approach to combating racism was needed, which involved dialogue among Governments, civil society, Internet service providers and the private sector. States should adopt policies and strategies to make the Internet widely available and affordable, as the lack of access had marginalized racial discrimination victims. Content diversification was also important, as that would help reduce misperceptions that fed racist and xenophobic expressions.

Mr. Ruteere was one of four top United Nations officials to brief the Committee during its joint consideration of elimination of racism, racial discrimination, xenophobia and related intolerance, and the right of peoples to self-determination. Also delivering remarks was Faiza Patel, Chair-Rapporteur of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, who detailed developments around the world where mercenary activities were raising concern.

“Mercenaries pose a threat not only to security, but also to human rights and the right of peoples to self-determination,” she said. “It thus remains crucial that States cooperate to eliminate this phenomenon.” As for private military and security companies, their ever-expanding activities raised a number of challenges, among them the risks to human rights of States outsourcing their fundamental security responsibilities to companies.

Throughout the debate on those issues, a number of delegates agreed with the Special Rapporteur that the Durban Declaration, adopted at the 2001 World Conference against Racism in Durban, South Africa, provided a fairly robust framework for combating the proliferation of racist ideas over the Internet. Several speakers looked forward to discussing ways to combat that abuse without violating the right to freedom of opinion and expression. Egypt’s delegate urged a review of the benefits, challenges and regulations related to having more than 2 billion people with access to information and communications technology.

Later in the day, the Committee returned to its consideration of the promotion and protection of human rights, with briefings by several top United Nations officials on a range of issues.

The Special Rapporteur on the question of human rights and extreme poverty, Magdalena Sepúlveda Carmona, drew renewed attention to the myriad ways the poor were being excluded from enjoying their most basic human rights, especially access to justice. Without such access, the poor were unable to claim their rights, or challenge the crimes committed against them. One step forward, however, was the Human Rights Council's 27 September adoption of the "Guiding Principles on extreme poverty and human rights", the first of their kind.

Ms. Sepúlveda then delivered the abbreviated statements of four United Nations Special Rapporteurs who had left New York due to the recent hurricane. Their mandates were dedicated to: the right to health, the rights to freedom of opinion and expression, the rights to safe drinking water and sanitation, and the right to education. She also delivered abbreviated remarks by the independent expert on the effects of foreign debt on the full enjoyment of human rights.

The Committee also heard presentations by the Special Adviser to the Secretary-General on Myanmar, who updated delegates on recent developments in the country, and the Assistant Secretary-General and Controller, who introduced the Secretary-General's report on the Khmer Rouge Trials.

The Deputy Director of the New York Office of the Office of the United Nations High Commissioner for Human Rights (OHCHR), speaking on behalf of the Assistant Secretary-General for Human Rights, introduced the Secretary-General's report on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation and follow-up of the Durban Declaration and Programme of Action. She also introduced the Secretary-General's report on the universal realization of the right of peoples to self-determination. The Assistant Secretary-General for Human Rights then introduced 10 reports on human rights questions in the afternoon.

Also briefing the Committee was the Vice-Chair of Committee on Elimination of Racial Discrimination.

Also speaking in the general discussion on racism were the representatives of Algeria (on behalf of the Group of 77 and China), Antigua and Barbuda (on behalf of the Caribbean Community (CARICOM)), Zimbabwe, Egypt, China, Brazil, Australia, Singapore, Nicaragua, and the Russian Federation.

A representative of the European Union also spoke.

Also speaking was a representative of the Permanent Observer Mission of Palestine.

The representatives of Latvia, Lithuania, Estonia and the Russian Federation also spoke in exercise of the right of reply.

The Committee will reconvene at 10 a.m. Tuesday, 6 November, to continue its discussion on racism and self-determination.

Background

The Third Committee (Social, Humanitarian and Cultural) met today to consider elimination of racism, racial discrimination and related intolerance as well as the right of peoples to self-determination, and to continue its discussion of promotion and protection of human rights.

Before the Committee was a letter by the Secretary-General transmitting the report of the Committee on the Elimination of Racial Discrimination from the seventy-eighth and seventy-ninth session (document [A/66/18](#)), which were held at the United Nations Office at Geneva from 14 February to 11 March and from 8 August to 2 September 2011, respectively. Among its work, the Committee considered cooperation with United Nations entities and considered reports, comments and information submitted by Albania, Armenia, Bolivia, Cuba, Czech Republic, Georgia, Ireland, Kenya, Lithuania, Maldives, Malta, Norway, Paraguay, Republic of Moldova, Rwanda, Serbia, Spain, Ukraine, United Kingdom, Uruguay and Yemen.

Commemorating the tenth anniversary of the adoption of the Durban Declaration and Programme of Action, the Committee reiterated the importance of the document and welcomed progress by some countries and regions combating racism. It also strongly recommended that the high-level meeting of the General Assembly to commemorate the anniversary reiterate the central role of the International Convention on the Elimination of All Forms of Racial

Discrimination and its Committee in combating racism and racial discrimination; urge States parties to fully implement the provisions of the Convention and call again for its universal ratification without reservations; and send a strong message reaffirming the political will of States to continue and strengthen their efforts to build a world free from all forms of racism, racial discrimination, xenophobia and related intolerance.

Also before the Committee was letter by the Secretary-General transmitting this year's report of the Committee on the Elimination of Racial Discrimination (document [A/67/18](#)), which held its eightieth session from 13 February to 9 March. To ensure future annual reports will be translated in time for the General Assembly, the Committee decided to commence adoption of its annual report during its February/March rather than August session. The next report will contain information from the eighty-first session held in August 2012 and eighty-second session to be held March/February 2013. Subsequent reports will be following the same cycle.

The report outlines how this year's meeting considered reports by Canada, Israel, Italy, Jordan, Kuwait, Lao People's Democratic Republic, Mexico, Portugal, Qatar, Turkmenistan and Viet Nam as States parties to the International Convention on the Elimination of All Forms of Racial Discrimination. It also recounts the Committee's discussion of cooperation with the International Labour Organization, the Office of the United Nations High Commissioner for Refugees, the United Nations Educational, Scientific and Cultural Organization, the special procedures of the Human Rights Council and the regional human rights mechanisms.

The Committee also adopted a statement on its contribution to the Programme of Action for the Decade for People of African Descent, which the report says emphasizes the General Assembly's general recommendation on racial discrimination against people of African descent. The Committee, the report says, considered the terms "recognition, justice and development" were sufficiently broad to describe the themes of the Decade and recommended the Working Group of Experts on People of African Descent consider elaboration of a declaration regarding the promotion and full respect of the human rights of people of African descent; promote development of studies regarding the themes of the Decade by United Nations organs, funds, bodies and specialized agencies; and to invite the General Assembly to consider convening a world summit on people of African descent to assess progress achieved.

Also before the Committee today was a report from the Secretary-General on the Status of the International Convention on the Elimination of All Forms of Racial Discrimination (document [A/67/321](#)) which states that as at 15 August 2012, the Convention, which was opened for signature on 7 March 1966, had been ratified or acceded to by 175 States parties. An annex to the report contains the list of States who had signed, ratified, acceded to or succeeded to the Convention, and the dates those actions were taken.

The report also enumerates the 54 States parties to the Convention who had, as at 15 August 2012, made the declaration provided for under article 14, recognizing the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals within their jurisdiction claiming to be victims of violations by those States parties of any of the rights set forth in the Convention. That Committee normally holds two regular sessions annually, each of three weeks duration.

The Committee also had before it a report of the Secretary-General on the Financial situation of the Committee on the Elimination of Racial Discrimination (document [A/67/322](#)), which states that in January 1992, at the Fourteenth Meeting of States Parties to the Convention, it was decided to amend article 8 of the Convention, which determines responsibility for the expenses of members of the Committee on the Elimination of Racial Discrimination while they are in performance of Committee duties. Previously, by that article, States parties to the Convention were responsible for those expenses. As amended, financing would come from the regular budget, starting with the biennium 1994-1995.

The Secretary-General was requested to take appropriate measures to that end, the report states, as well as to ensure that the Committee met as scheduled until the amendment entered into force, which would occur when the amendment had been accepted by a two-thirds majority of States parties. As at 30 June 2012, notifications of acceptance had been received from 43 States parties to the Convention. Financing for the annual sessions of the Committee in 2011 and 2012 was provided from the regular budget. However, a number of States parties are still in arrears due to non-payment of previous assessments. As at 30 June 2012, the total arrears outstanding amounted to \$12,216.13. An annex to the report details the status of contributions as at 30 June 2012.

Also before the Committee was the note by the Secretary-General transmitting the interim report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and

related intolerance on the implementation of General Assembly resolution 66/143 (document [A/67/328](#)), summarizes information on the implementation of Assembly resolution 66/143 received from 17 States and various United Nations entities, non-governmental organizations, intergovernmental bodies and national human rights institutions.

Among its conclusions, the report notes some States say there is limited influence of extreme right-wing political parties on public opinion in their countries, but the Special Rapporteur emphasizes human rights and democratic challenges posed by extremist political parties, movements and groups are universal and no country is immune. He recommends that States adopt a comprehensive approach to address such phenomena based on solid preventive and legal frameworks complemented by key measures and enforced in an inclusive and effective manner in line with the relevant instruments, including the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference. Regarding lack of sufficient data collection mechanisms and the absence of official statistics on hate crimes, he urges States to collect data on racist and xenophobic incidents.

Also before the Committee was the Secretary-General's report on the Right of peoples to self-determination (document [A/67/276](#)), outlining the relevant jurisprudence of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, related to treaty-based human rights norms regarding the realization of the right of peoples to self-determination. The report also summarizes developments related to consideration of the matter by the Human Rights Council, including by its special procedures. Among the numerous areas the aforementioned entities addressed were: the rights of ethnic and linguistic communities; respect for a broad range of indigenous rights; and the right of the Palestinian people to self determination.

The right of self-determination is enshrined in article 1 of the International Covenant on Civil and Political Rights and article 1 of the International Covenant on Economic, Social and Cultural Rights, the report states. The human rights treaty bodies, and the Human Rights Council, including Special Procedures mandate holders, have continued to address issues related to the realization of this right.

Also before the Committee was a note by the Secretary-General transmitting the report of the Working Group on use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (document [A/67/340](#)), which presents an overview of its activities during the period under review. It also provides an update on recent activities of mercenaries and private military and security companies. As the latest incidents in Côte d'Ivoire and the situation in Libya show, mercenarism remains a serious problem that requires attention. The Working Group notes that activities of private military and security companies have continued to evolve and that these contractors are involved in an ever-expanding range of activities. The Working Group remains concerned about the lack of transparency and accountability of these companies and about the absence of an international regulatory framework to monitor their activities.

Lastly, the Working Group reviews developments in attempts to regulate private military and security companies, including at the international and national levels, and industry-led initiatives to raise standards. While the Working Group is encouraged to see recognition of the need for greater regulation, it is of the view that more needs to be done. It looks forward to working with States to deepen understanding of the impact on human rights of private military and security companies and the most effective means of ameliorating that impact and ensuring accountability for violations.

For its afternoon discussions, the Committee had before it several reports by Special Rapporteurs and representatives on the promotion and protection of human rights.

A note by the Secretary-General transmitting the report of the Special Rapporteur on extreme poverty and human rights (document [A/67/278](#)) analyses the obstacles to access to justice for persons living in poverty. Without effective and affordable access to justice, persons living in poverty are denied the opportunity to claim their rights or challenge crimes, abuses or human rights violations committed against them. The report emphasizes tackling a range of legal and extralegal obstacles present both within and outside the formal justice system, including social, economic and structural obstacles. Special attention must be paid to women and groups that are particularly excluded, such as indigenous peoples, older persons and migrants.

Among its recommendations, it urges States to review or abolish legislation that discriminates against persons living in poverty; make all efforts necessary to register all children immediately after birth; ensure that all forms of gender-based violence are criminalized and subjected to appropriate and enforceable criminal sanctions; consider innovative measures such as mobile courts, one-stop justice shops, street clinics and homeless courts to increase practical access to justice for persons living in poverty; and enhance legal skills and knowledge within local communities by, for example, funding and training quality paralegals at the local level.

The Committee also had before it the by the Secretary-General transmitting the interim report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (document [A/67/302](#)), which focuses on the obligation of States to ensure adequate, equitable and sustainable domestic funding for health. The report addresses three critical areas in health financing: how States ensure adequate funds are available for health, how these funds are pooled, and how funds and resources are allocated within health systems. It also explores a number of substantive issues, including taxation and international funding for health; pooling mechanisms, including social health insurance; and allocative concerns.

Among the report's recommendations, it urges States to implement a progressively structured system of general taxation to fund health, as well as to develop a treaty-based global pooling mechanism to shift from a donor-based system towards an obligatory system of international funding. It also urges States to prioritize funding for national and subnational health budgets in order to reduce overdependence on international funding and ensure domestic resource self-sufficiency for health.

A note by the Secretary-General transmits the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (document [A/67/357](#)), Frank La Rue. The report focuses on hate speech and incitement to hatred, given the challenge in identifying ways to reconcile the need to promote the right to freedom of opinion and expression, on the one hand, and to combat discrimination and incitement to hatred, on the other. The Special Rapporteur presents an overview of the phenomenon, describes international norms and standards, including distinctions between types of hate speech, and provides examples of domestic legislation. While noting the importance of clear laws that conform to international norms and principles to combat hate speech, he underscores the importance of non-legal measures to tackle the root causes of hatred and intolerance.

Also before the Committee was the note by the Secretary-General transmitting the report of the Special Rapporteur on the right to education (document [A/67/310](#)), Kishore Singh, which is devoted to technical and vocational education and training, highlighting international obligations as well as political commitments to promote that area. It underlines the importance of national-level action to maximize the contribution of technical and vocational education and training for empowerment and social and economic development.

The Special Rapporteur stresses the specific characteristics of technical and vocational education and training as a right, and analyses evolving national legal and policy frameworks. He underlines the need to ensure quality in such education and training and the responsibilities of various stakeholders involved in its implementation. The report also addresses the importance of technical and vocational education and training in the post-2015 "Education for All" and development agendas.

The report concludes that industry and the private sector are emerging as important stakeholders in the provision of technical and vocational education training. However, it was clear that, from a "right to education" perspective, key responsibility devolves upon States. It calls for ensuring technical and vocational education systems to integrate overall education goals; comprehensive legal frameworks for technical and vocational education and training; and enhancement of the status and public image of technical and vocational education and training through public and civil society awareness campaigns.

Finally, the Committee had before it the note by the Secretary-General transmitting the report of the independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights (document [A/67/304](#)). The report, by independent expert Cephas Lumina, focuses on the adverse impact of international financial institutions typically linking provision of loans, grants and debt relief to the implementation, by borrower countries, of economic reforms that involve tight macroeconomic and fiscal policies, cuts in Government expenditure, public sector reform, privatization of public services and trade liberalization.

The report describes how such often harmful policies undermine States' obligation to protect, promote and fulfil human rights, and how they have contributed to the impoverishment of millions around the world. It argues that that debt and related economic reform policies have contributed significantly to the impoverishment and marginalization of women, making basic social services even more inaccessible to them, thus deepening gender inequality and contributing to the feminization of poverty.

The report recommends that States address the disproportionate impact of debt and related policies on women by, among others, fully upholding their obligations relating to women's rights through the adoption of gender-sensitive policies and strategies. It also calls upon international financial institutions and other lenders to end the practice of linking harmful policy conditionalities to loans and debt relief programmes.

Assistant Secretary-General for Human Rights

Speaking on behalf of Ivan Šimonović, Assistant Secretary-General for Human Rights, MAARIT KOHONEN SHERIFF, Deputy Director of the New York Office of the Office of the United Nations High Commissioner for Human Rights (OHCHR), introduced the Secretary-General's report on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation and follow-up of the Durban Declaration and Programme of Action (document A/67/325). The report contained information provided by Member States, United Nations entities, regional organizations, national human rights institutions and others of measures to eliminate racism and discrimination. It emphasized that stronger political will and urgent measures were needed to reverse the trends of increasingly hostile racist and xenophobic attitudes and violence. It also highlighted the need for strengthening intercultural dialogue.

She then introduced the Secretary-General's report on the universal realization of the right of peoples to self-determination (document A/67/276), which outlined jurisprudence of the Human Rights Committee and the Committee on Economic, Social and Rights on the treaty based human rights norms relating to the realization of the right to self-determination. It summarized the Human Rights Council's consideration of that matter, including by its special procedures, as well as developments on the question of the right to self-determination by the Palestinian people.

Special Rapporteur on Contemporary Forms of Racism

MUTUMA RUTEERE, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, introduced his report on Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (document A/66/7/326), which focused on the issue of racism on the Internet.

"Addressing the promotion of racial, ethnic and xenophobic hatred through the Internet presents a fairly new and complex challenge," he said, noting that while positive legal and policy measures had been taken, challenges included the increase of hate websites and use of social media by extremist groups to incite racial violence. The decentralized nature of the Internet, lack of clear legal terms applicable to illegal Internet content and differing criteria applied for defining the threshold between freedom of expression and criminal acts limited the effectiveness of legislation.

A comprehensive approach to combating racism was needed, he said, which involved dialogue among Governments, civil society, Internet service providers and the private sector. States also should adopt policies and strategies to make the Internet widely available and affordable. Indeed, due to a lack of Internet access, the voices of victims of racial discrimination often were absent in the global digital network. Content diversification was also needed, he said, noting that feeding more local content to the global network offered great potential for reducing misperceptions that fed racist and xenophobic expressions.

Turning to his second report, on the inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance, he said a number of positive legal, institutional and policy developments were reported. Information received from States, non-governmental groups and the United Nations High Commissioner for Refugees showed that non-discrimination was enshrined in most constitutions and legislation cited. But there were still countries that had not yet adopted legislation on racial discrimination and where such laws existed, they did not always include a definition of racial discrimination.

He strongly reiterated that a comprehensive approach, based on a solid legal framework, was essential. He encouraged States to ensure that any constitutional or legislative measure to counter extremist political parties, movements and groups fully comply with international human rights standards, and to close gaps by adopting the necessary legislation. Other measures were needed to strengthen the use of awareness-raising activities aimed at fostering tolerance, collect data on racist acts, and sensitize youth on the dangers of extremist political parties. Education in general and human rights education, in particular, remained a key tool in countering that influence. Finally, he drew attention to the particular responsibility of political leaders in condemning messages that incited racial discrimination.

Question and Answer Session

When the floor was opened for questions and comments, the representative of the Russian Federation said it was important to avoid dissemination of ideas of racial superiority. Actions and

statements meant to incite xenophobia could not be justified under the freedom of speech. He was also concerned at the use of the Internet to incite racism, urging States to make use of technology to disseminate ideas for democracy and mutual respect. Countering the growth of Nazism should be a priority for the Special Rapporteur.

Kenya's delegate said actors often "hid under digital media" to carry out activities perceived as racist. It was hard to identify who had done what and when. He asked for recommendations for identifying perpetrators, owing to the difficulties in that regard. He also asked about the "age old issue" of freedom of expression, and where to draw the line between that freedom and infringement on the rights of others with regard to Internet content.

The European Union's delegate asked about paragraph 93 of the Special Rapporteur's report, on States' measures to counter political parties' activities, asking about relevant best practices at the regional level. He also asked for details about the recommendation for States to achieve good coordination among governmental structures on the issue of discrimination, especially in regard to the role of civil society.

Switzerland's delegate asked about the recommendation for States measures to make police aware of the ideologies of extremist groups and political parties. She also asked about country visits he had made.

Responding, Mr. RUTEERE said Nazism was an issue he would keep as a priority, especially with regard to the activities of neo-Nazi groups.

He agreed that legislative measures alone were not enough to respond to racist speech and activities, which was why actors, including private companies, must be encouraged to collaborate, especially in taking down Internet content perceived as racist.

"What we need is a diversity of voices," from different corners of the world, to counter racist speech and racial discrimination. Balancing the freedom of expression and the need to control racist content had been the topic of several discussions of his predecessors, and continued to be a front-and-centre topic. Any action taken to combat racist content must be in line with international human rights law. The best way to do that would be to have clear national legislation as to who was responsible for making that determination on a case-by-case basis.

With regard to civil society's role in combating racism, he said there were a number of examples where civil society had partnered with national human rights bodies to monitor racist Internet content. Their joint work had led to some companies agreeing to take down racist content.

As for country visits, he said had visited Bolivia and, in January, would visit Spain. His goal was to visit countries in all world regions.

Bangladesh's representative said the Internet's use to incite hatred had been condemned, yet it persisted. In the absence of globally agreed norms, countries were imposing their own restrictions. He agreed that those restrictions should be imposed through clearly defined legal frameworks. He asked for recommendations for stopping such behaviour.

Responding, Mr. RUTEERE said he recognized there were different views among States with regard to what measures could be taken, which impacted the kind of legislation that was created as related to racist content. Important work was being done by the Committee on the Elimination of Racial Discrimination. There had also been developments in the Council of Europe, where States had enacted laws to combat the propagation of racist content on the Internet. Regional approaches should be encouraged, in that regard. It was possible to draw from existing human rights legislation and good practices set by regions.

Statement by Vice-Chair of Committee on Elimination of Racial Discrimination

Delivering an oral report of the Committee on the Elimination of Racial Discrimination's work for 2011 and 2012, Vice-Chairperson JOSÉ FRANCISCO CALI TZAY said additional meeting time had enabled the Committee to consider 11 to 12 reports per session. In the past two years, 42 reports had been considered, while the Committee also examined, under its "review procedure", implementation of the Convention in one State party which had not submitted a report and whose periodic reports were overdue by at least five years. The Committee decided to postpone the review of the implementation of the Convention in three countries with long overdue reports, in light of their commitments to finalize reports soon. The Committee also, among other things, considered follow-up reports of 22 States parties and adopted a decision and two statements and considered a number of situations under its early warning and urgent action procedure. "The Committee appreciates the additional meeting time

granted by the General Assembly, which facilitated consideration of the backlog of reports awaiting response,” he said.

Working on the basis of a list of themes, adopted in 2010, had proven to be a good practice. The list, compiled by the country Rapporteur, was used to guide and focus the dialogue between the State party’s delegation and the Committee during the consideration of the State party’s report, enabling the adoption of more focused concluding observations. The other major advantage was that the procedure alleviated the burden on States parties to produce a new report in the form of replies, as well as the burden on the Secretariat and Conference Services to translate lengthy responses in various languages.

The Committee also continued to actively promote the Convention through a range of events and activities, including a substantive statement on the tenth anniversary of the Durban Declaration, and a thematic discussion on racist hate speech. The Committee’s cooperation with different partners and its interaction with various stakeholders was also a regular feature of its work, he said, praising valuable inputs from Office of the United Nations High Commissioner for Refugees and the International Labour Office at each session. In addition to useful dialogues with Special Rapporteurs, he noted increased involvement of national human rights institutions in the reporting process. “The value of these institutions to monitor and follow-up the implementation of the Committee’s recommendations by States parties at the national level cannot be stressed enough,” he said.

Additional meeting time had allowed the Committee to address the backlog of reports pending consideration. Nonetheless, it was going back to three week sessions, and would soon start accumulating a backlog and lose the great momentum it had achieved. “Furthermore, the extra week temporarily granted is fully justified when one considers that three decades ago the Committee’s sessions also lasted for three weeks when less than 90 States had ratified the Convention as compared to the current 175 States parties,” he said. The Committee strongly believed that efforts to strengthen the treaty body system, including through adequate resourcing, were necessary to ensure that rights enshrined in the treaties were enjoyed globally.

Among the Committee’s challenges, reaching gender parity needed to be met. That problem could be solved if States parties elected more women candidates. Moreover, he said, independence of Committee experts should be ensured by States when nominating their candidates and throughout their membership in treaty bodies. The Committee also called for support in encouraging States that had not yet acceded to the Convention to sign and ratify it as a matter of priority. “The Committee still maintains its goal of achieving universal ratification of the Convention. Furthermore, I reiterate the Committee’s call on States to withdraw reservations contrary to the object and purpose of the Convention, and to consider withdrawing other reservations, given the slow progress in the implementation of States parties’ commitment to do so,” he said. Also, article 14 of the Convention provided opportunities for individuals to file complaints, but regrettably, only 54 out of 175 States parties had made the declaration accepting the procedure.

Question and Answer Session

Iran’s representative said the Committee should be provided the necessary support to ensure its proper functioning and cope with increased work, and asked if the Vice-Chair could elaborate on measures that might retain the strength of momentum during the Durban Review Process, and what steps it had taken or planned to take with concerned mandate holders.

Slovenia’s representative commended the Committee on all of the work it had done on the Convention, and asked what additional measures it had taken to improve effectiveness, particularly in light of discussions of treaty body reform.

Responding, Mr. TZAY said the Committee recommended that States parties have national institutions to assess and follow-up on the work of the Durban Declaration. To cooperate with special mechanisms, the Committee had carried out meetings in which it invited Special Rapporteurs for better cooperation. In those meetings, the Committee also met with various specialized United Nations agencies that gave reports with far more thorough analysis.

On new measures in meetings, he said the Committee was trying to convey its meetings electronically for transparency, and so that civil society and States could see the meetings live. A non-governmental organization carried out those broadcasts.

Statement by Chair of Working Group on Mercenaries

FAIZA PATEL, Chair-Rapporteur of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, said it had held three regular sessions during the reporting period, in accordance with usual practice. During those sessions, among other activities, it had received and reviewed reports, met with experts and convened a session of non-governmental organizations involved in the sphere of business and human rights to discuss synergies to implement voluntary frameworks. The Group had requested invitations to visit Libya, Côte d'Ivoire and Somalia; its planned mission to Libya in May 2012 was postponed due to difficulty arranging meetings and security concerns, but the Working Group remained committed to visiting the country in the near future.

The Working Group had also sent a communication to the United States, requesting information on legislative matters and court cases involving private contractors. "Our basic concern is that avenues for civil redress against contractors are being blocked by court decisions that give companies the same privileges as soldiers and the Government's assertion of the State secrets privilege to dismiss lawsuits against contractors," she said, and thanked the United States for its detailed reply, which reflected an important aspect of Government's cooperation with the mandate. "We remain actively engaged in monitoring developments in United States courts with regard to contractors," she said.

She had also participated in the open-ended intergovernmental Working Group to consider elaborating an international regulatory framework for private military and security companies. Given the human rights risks posed by such companies' activities, an international convention was the most efficient solution to regulating the industry, she said. Prior to the meeting, the Group submitted a detailed paper substantiating that position, explaining international law contained few rules constraining the activities that could be properly performed by the companies and did not detail States' general human rights and humanitarian law obligations regarding them. Earlier in the year, the Group had initiated a survey of national laws relevant to private military and security companies, which would help identify best practices, she said. The Group had also provided its views on other regulatory initiatives, including extensive comments on Switzerland's draft law on the provision of private security services abroad.

The Group was concerned about continuing activities of mercenaries along the border of Côte d'Ivoire and Liberia and about the inability of the relevant authorities to effectively investigate and prosecute reported cases of human rights violations. It also remained concerned about alleged use of mercenaries in the conflict in Libya and their detention in the aftermath of the conflict, she said. In Iraq, with the withdrawal of United States ground troops at the end of 2011, the overall number of contractors had considerably decreased. At the same time, companies were expanding in other spheres, including services to foreign multinationals, particularly in the extractive sector. On 29 February, however, the Iraqi Oil Ministry had banned foreign security companies from the 12 major oil fields being developed by international companies.

Afghanistan's Government had also been making strenuous efforts to reduce the use of private military and security companies by the International Security Assistance Force and by governmental and non-governmental agencies that were engaged in development assistance, and ensure contractors followed relevant national laws. Meanwhile, as piracy had become a significant issue for over the last several years, armed private security guards had increasingly been deployed on ships. Figures were hard to come by, but it was estimated that between 15 and 25 per cent of vessels off the coast of Somalia used such services. "The use of armed guards on the high seas and in coastal waters raises issues of jurisdiction and accountability that are perhaps even more complex than the difficulties faced in regulating land activities of private military and security companies," she said. Private military and security companies were also increasingly involved in peacekeeping operations, engaged by States unwilling or unable to send their own military personnel to support efforts. The Group was studying how these developments impacted efforts to regulate the industry.

"Recent events in Africa clearly demonstrate that the problems posed by mercenaries are still a live issue," she said. "Mercenaries pose a threat not only to security, but also to human rights and the right of peoples to self-determination. It thus remains crucial that States cooperate to eliminate this phenomenon." As for private military and security companies, their ever-expanding activities continued to raise a number of challenges; security to people was a fundamental responsibility of the State, and outsourcing to companies created risks for human rights. The Group was encouraged States recognized the need for regulation, and discussion was focussed on what form such regulation should take. The Group hoped the draft convention presented to the Council in 2010 would continue to serve as a useful reference document for such discussions.

Question and Answer Session

When the floor was opened for questions and comments, Libya's delegate regretted that the visit planned for May had not taken place, due to turbulence in her country. The new transitional Government was elected last week. A visit was important for her Government, as mercenaries had been used by the Qadhafi regime to kill and abduct during the 17 February revolution. In that context, she renewed her invitation to the Working Group to visit her country.

Cuba's delegate welcomed the work carried out by the Working Group, saying Cuba would submit a draft resolution on the use of mercenaries. She asked about any difficulties faced by the Working Group in carrying out its activities, as well as for information on its future activities.

Switzerland's delegate said her Government had launched internal consultations on a law regulating security companies abroad and detailed efforts related in that regard. Negotiation of a final text was planned for the end of 2013. She asked the Working Group about the States and regions it had studied and whether there were preliminary results to share.

The representative of the Russian Federation agreed that private and military activities must be regulated by international instruments. The need for international regulation was confirmed by mass human rights violations perpetrated by their employees. He was disappointed by States that continued to use those companies, saying States and organizations hiring them must bear the responsibility. He asked the Working Group to pay attention to fighting impunity.

Responding, Ms. PATEL said the Working Group would carry out a survey of national legislation in order to develop understanding of how private security and military companies were regulated at the national level. It would aim to determine if those regulations were adequate and to identify best practices. The Swiss draft law had adopted a licensing structure, for example, while other States, like the United States, had taken approach where legislation was created through Government contracts.

She said the Working Group would start its survey efforts in Africa, as there was already a fair amount of information available about Western Europe, the United States, and Latin America. The Working Group also would carry out a small-scale survey of five countries in Eastern Europe to determine the nature of legislation.

As for missions, the Working Group would visit Libya and was looking forward to visiting Somalia and Côte d'Ivoire.

General Discussion

REDOUANE YAHIAOUI (Algeria), speaking on behalf of the "Group of 77" developing countries and China, expressed serious concern about negative stereotyping against people based on their religion or belief. Intercultural dialogue, tolerance, education and respect for cultural, ethnic and religious diversity were crucial for combating the scourge of racism. In that context, he emphasized that renewed political will, adequate funding and sustained international cooperation were indispensable to addressing all forms of racism, racial discrimination, xenophobia and related intolerance.

He said only with the mobilization of political will to effectively implement the Durban Declaration and Programme of Action would the world be able to combat racism in all spheres of life. As racism persisted, he called on all stakeholders to take concrete action to implement the Durban Plan of Action, as well as the outcome of the 2009 Durban Review Conference, which laid out the most comprehensive international framework in that regard. He also welcomed the tenth session of the Intergovernmental Working Group for the Effective Implementation of the Durban Declaration and Programme of Action, held from 8 to 19 October 2012.

He said that as in previous sessions, the Group would table a resolution on global efforts to eliminate racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of the follow-up to the Durban Declaration and Programme of Action. He also welcomed the General Assembly's decision to erect in a prominent place at the United Nations a permanent memorial to honour the victims of slavery and the transatlantic slave trade.

CONROD C. HUNTE (Antigua and Barbuda), on behalf of Caribbean Community (CARICOM), said its Member States were comprised of multi-ethnic, multiracial and multicultural societies that believed in tolerance, harmony and peaceful co-existence. CARICOM commended the efforts of various *ad hoc* bodies in the United Nations system to address various aspects of the problem of racism, including the Forum on Minority Issues, the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action and the Working Group of Experts on People of African Descent. Renewed emphasis and adequate funding for the follow-up mechanisms,

as well as sustained international cooperation, were indispensable to addressing all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance.

The use of the Internet to proliferate racist ideas was a fairly new and complex challenge, and CARICOM concurred with the Special Rapporteur that the Durban Declaration provided a fairly robust framework to combat the phenomenon; the Caribbean Community looked forward to discussing ways to combat racial hatred via the internet without violating the individual right to freedom of opinion and expression. Despite progress, implementation of the Durban process had not been satisfactorily implemented and would require the combined effort of every member of the international community, he said. The benefactors of colonialism and its legacies of slavery and the transatlantic slave trade should have provided reparations to People of African Descent. "This should not take the form of more volumes of affirmative text, further declarations and noble speeches. We call for real, substantive and tangible measures in specific and identifiable areas that would bring about quantitative and qualitative benefits in the lives of People of African descent in some parts of the world, as appropriate," he said.

CARICOM was pleased with the General Assembly decision to erect a Permanent Memorial to honour victims of slavery and the transatlantic slave trade, he said. That memorial took added significance for the region, showcasing its determination to ensure that such a historical wrong and its associated after-effects of racism and racial discrimination would never be repeated. CARICOM was steadfast in its campaign to gain recognition for that horrific chapter in the history of mankind, when the enslavement of People of African Descent was considered the norm, and was even more resolute in its call for that grave human tragedy never to be repeated. "We remain convinced that the Durban process, if given the necessary support of all Member States, could lead to the eradication of all forms of racism and intolerance, thereby allowing people everywhere to experience the full enjoyment of their fundamental human rights and freedoms," he said.

SOPHIA NYAMUDEZA (Zimbabwe), speaking on behalf of the Southern African Development Community (SADC), said her region had first-hand experience with the most hideous forms of legalized and institutionalized racism and racial discrimination during the colonial era. The Community had set a foundation for combating those abuses through enactment of article 6(2) of its treaty, encouraging States not to discriminate against anyone on the grounds of gender, religion, political views, race, ethnicity, culture or disability. Reaffirming her commitment to the Durban Declaration and Programme of Action, she said any attempts to renegotiate the Declaration might result in a loss of spirit in the fight against racism. Actions to address racism should be carried out in line with that instrument, she said.

Forty-three years after the International Convention on the Elimination of All Forms of Racial Discrimination entered into force, some States had yet to either ratify or accede to it, she said, voicing concern at increasing incidences of racism, racial discrimination, xenophobia and related intolerances. "It seems as if we have not learned the lessons of the past," she said, noting that legal provisions against discrimination were not sufficient to deal with such abuse. Other measures were needed to ensure equitable distribution of economic and social resources to promote opportunity for all people. The Community had embraced the CARICOM initiative to commemorate the 200th anniversary of the abolition of the transatlantic slave trade.

Finally, she expressed concern that Africans and Asians in the diaspora, migrants and refugees continued to experience racism in Western countries, where they were often subjected to labour exploitation and violence. Most suffered from discrimination in the areas of employment, housing, access to justice, and quality health and education. She condemned in the strongest terms the use of information and communication technologies to propagate racial hatred, xenophobia and other offences, saying also that the fundamental right to freedom of speech must not be used as an excuse to perpetrate intolerance and stigma. She commended the United Nations Department of Public Information, among others, for raising awareness of the need to combat racism, racial discrimination, xenophobia and related intolerances.

RAFAEL DE BUSTAMANTE, delegation of the European Union, speaking also on behalf of Croatia, the former Yugoslav Republic of Macedonia, Montenegro, Serbia, Albania, Bosnia and Herzegovina, Ukraine, Republic of Moldova, Armenia and Georgia, said racial or ethnic discrimination was prohibited by his region's Charter of Fundamental Rights, as well as by several regulations and directives. The European Union had also adopted legislation which banned incitement to racist or xenophobic violence or hatred; Member States were required to introduce laws that, for example, penalized intentional public incitement to violence or hatred on the basis of race, colour, religion, descent or national or ethnic origin. Member States were also required to set up a national body to promote equal treatment of all persons which, among their other tasks, provided assistance to victims of discrimination.

The European Union also supported a wide range of civil society organizations in their work against racism through its European Instrument for Democracy and Human Rights, and had

implemented a wide number of public awareness measures, increasing the exchange and analysis of information on racism and xenophobia, and improving judicial cooperation and cross-border training in the area. Regional mechanisms also played an important role, as well as dialogue between regional organizations. In that respect, he highlighted the African Union-European Union workshop on racism, where it was concluded that the absence of effective implementation and the lack of political will remained major obstacles, despite the existence of legislation and mechanisms established in both continents at the local, national and regional levels.

Welcoming the contribution of the Special Rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related intolerance, he said: "He alerts against the use of the internet for propagating racism, racial discrimination and xenophobia and related intolerance, but we would also like to underline the positive contribution of the new technologies in the fight against this scourge." The European Union remained fully committed to the primary objectives and commitments undertaken at the Durban conference; it was vital in these challenging times to tackle hatred and extremism in all its forms by building respect for differences and unity in the face of those threats. In conclusion, the Union believes that the global fight against racism, racial discrimination, xenophobia and related intolerance, without singling out any region, "is an issue that concerns us all and in which the international community must be united", he said.

MONZER FATHI SELIM ([Egypt](#)) said the world had long suffered from racism, racial discrimination, xenophobia and related intolerances, and today, efforts must be intensified to eradicate those abuses. The 2001 Durban Declaration and Programme of action, as well as the 2009 review document, constituted the international legal framework for combating racism and related intolerances. Efforts must be based on the political commitment to implement the outcomes of the Durban process. "Real democracy and the rule of law are incompatible with racism, racial discrimination, xenophobia and discrimination," he stressed, adding that recent international developments confirmed the seriousness of the consequences from such manifestations, notably within well-established democracies.

He went on to say that while many States were working to contain such extreme social and political movements, other efforts still lagged in confronting agendas that gave "stamina" to such events. Some people misused communications and information technologies to incite hatred and violence, he said, urging a review of the benefits, challenges and regulations related to having more than two billion people with access to such technologies. He urged collective action to assess ways to optimize the use of such technologies for promoting tolerance and understanding. International dialogue among Governments, the media, civil society and the information society was needed to address the challenges stemming from the misuse of modern technologies. National legal, administrative and executive frameworks also must be strengthened to prevent incitement to racism, racial discrimination, xenophobia and related intolerance.

SHEN SIWEI ([China](#)) said that despite progress achieved by the international community combating racism, there was a long way to go to achieve the goals of the Durban Declaration. New forms of racism, such as Islamophobia, kept cropping up, and incitement to racism under the excuse of freedom of expression was growing. The international community should join hands to create a more harmonious and inclusive world.

The right to self-determination was a sacred right, historically important against imperialism and colonialism, and was still of great relevance in the contemporary world. People could use their own systems and maintain territorial integrity, but there must be a correct understanding of the right to self-determination. Some advocate the splitting of other States under this right, but such practices violate the United Nations Charter and deserved condemnation around the world. China, however, supported Palestine's right to self-determination, and hoped for talks on the Middle East that would bring lasting peace in the region.

BRUNO SANTOS DE OLIVEIRA ([Brazil](#)) said his country had made "significant" strides in the fight against racism, racial discrimination, xenophobia and related intolerance, notably with the 2003 establishment of the Secretariat of Policies for the Promotion of Racial Equality, which had ministerial status. Brazil also had put in place policies anchored in national legislation establishing a broad range of measures aimed at correcting historical injustices and promoting the social and economic inclusion of people of African descent. On 29 October, the President sanctioned a law establishing racial quotas in higher education for students of black and indigenous origins.

He said that from 1997 to 2011, the number of black students attending university had increased five times, from 4 per cent to 19.8 per cent of all students. Crosscutting policies, such as the Bolsa Família cash-transfer programme, had benefited a large number of families of African descent. Brazil took pride in its diversity, which was an integral part of national and cultural identity. Brazil was home to the largest black population outside Africa, and for that reason, supported efforts to proclaim the International Decade for People of African Descent, starting from 2013.

TANISHA HEWANPOLA ([Australia](#)) said 26 per cent of her country's population was born overseas, and Australians spoke around 300 languages. "Yet, despite this vibrant and successful multicultural experience, some Australians continue to experience the impact of racism and this is not acceptable to us," she said. "The elimination of racial discrimination remains a key priority for the Australian Government." Australia agreed with the Special Rapporteur that implementation of national legislation enshrining principles of non-discrimination and prohibiting incitement to racial and religious discrimination was an important step in this process. But legal and governance measures alone were not sufficient to eliminate racism in society; it could only be eliminated when communities worked together to foster tolerance and cultural understanding.

"Initiatives that address the root causes of racism must be supported. And we must all speak out when we witness acts of racism — whenever and wherever they may happen," he said. In August, Australia launched its National Anti-Racism Strategy, which aimed to break down divisions between people of different races in the areas of education, media, government services, the internet and the workplace. The Government and community were promoting public awareness of racism and its effects, sharing examples of good practices to stop it and encouraging initiatives that empowered people to reduce and prevent it. "We are particularly proud that the Strategy was a joint initiative of the Australian Government, community organizations and the Australian Human Rights Commission. It is a practical example of the effectiveness of partnerships between Governments and national human rights institutions," she said.

Ms. LUM ([Singapore](#)) said her country's racial diversity stemmed from its origins as a trading hub. That openness to cultures and trade had brought about progress, creating common cultural spaces that allowed people to interact freely in their daily lives. Today, the Government was taking proactive steps to enhance racial harmony by emphasizing respect for the many groups in its multi-ethnic society. Racial harmony was a political, economic and foreign policy imperative for Singapore, she said, noting that multiracialism was upheld as a fundamental principle. Each person was treated equally.

She went on to say that Singapore's constitution enshrined principles for spiritual and racial harmony. Its housing policy allowed diverse ethnic communities to interact regularly in the community, with minorities ensured the space to keep their heritage alive. The Government had introduced initiatives, such as its community engagement programme, to create conditions for understanding and to foster a stronger sense of identity. In addition, the annual Racial Harmony Day celebrated Singapore's success as a racially harmonious nation. The peace enjoyed today was the result of many years of patient efforts.

JUANA SANDOVAL ([Nicaragua](#)) said her country was a multi-ethnic, multicultural nation, and had adopted measures to apply the fundamental human rights and freedoms outlined in its constitution. Nicaragua recognized the rights of indigenous peoples, especially their right to develop their own identity and culture, manage their own affairs and use their lands under the law. For Atlantic coast communities, an autonomous regime had been created, while the development of the Caribbean coast was part of the national human development plan and an important part of its poverty reduction strategy.

Other programmes had been launched to combat discrimination against persons with disabilities and persons infected with HIV/AIDS. National authorities were working to prevent infections among adolescents and young people, while HIV/AIDS testing was available in the country's 153 communities. In other areas, she said, Nicaragua had an office for non-discrimination in employment and had taken affirmative action measures through a law defending the rights of those with HIV/AIDS. The labour ministry had worked with an association for the blind to create a law for persons with disabilities. It outlined that employers must employ two persons with disabilities for every 100 people hired. In sum, the Government was working to ensure laws were complied with and that people could live in solidarity.

Mr. ZHEGLOV ([Russian Federation](#)) said shameless attempts were still being made to falsify the result of the Second World War, criticizing the spread of neo-Nazi ideology in Europe. It had come to the point where those groups were openly intimidating society through scare tactics, while Estonia, Latvia and Lithuania were "closing their eyes and sometimes supporting" neo-Nazis, which added to the suffering of survivors and offended countries that suffered at the hands of the Nazis. The international community was not reacting as it should to the issue.

The conclusions of the Brussels Commission on the issue were incorrect, he said, urging the European Union to take action against what was happening inside it. In response to ultra-right radicalism, 36 countries in 2010 signed the World without Nazis initiative to form a coordinated and united response. The Russian Federation would not accept a rewriting of history, he said, reminding the Committee that the United Nations had been formed in response to Nazism. To condemn those

dangerous acts was the goal of the Russian Federation in the Committee, and he asked for the support of all Members.

Statement by Special Rapporteur on Extreme Poverty

MAGDALENA SEPÚLVEDA CARMONA, Special Rapporteur on extreme poverty and human rights, said when she assumed her mandate four years ago, the financial crisis had just shaken the global economy to its core. "Today, the world continues to suffer the disastrous consequences of the crisis and the subsequent austerity measures taken by many Governments. In many countries, poverty is more extreme and inequality more deeply entrenched than a few years ago. The international commitment to spare no effort in freeing men, women and children from the abject and dehumanizing conditions of extreme poverty seem to have remained mostly a matter of rhetoric rather than reality," she said.

Nevertheless, she had also witnessed some progress. In many countries, people had mobilized against unacceptable levels of inequality, and poverty had been clearly established as a human rights issue. She recognized and welcomed "a small but still significant step forward in the struggle to protect the rights of the poor." On 27 September 2012, the Human Rights Council had adopted by consensus the Guiding Principles on extreme poverty and human rights. "The Guiding Principles provide the first global policy guidelines applying States' human rights obligations to the specific situation of people living in poverty," she said.

Of course, all human rights applied to all people; however, people living in poverty were disproportionately vulnerable, and discrimination against them was so widespread that often those who lived in a more privileged situation did not realize their efforts to overcome their situation. The Principles would be a practical tool for policymakers, and their adoption marked the end of a process of consultation that began more than a decade ago. "These Principles could play a key role in protecting and empowering those who are hit hardest by the global economic crisis worldwide. Therefore, I call on this organ to endorse these Principles and take concrete measures to ensure their widest dissemination and implementation at the domestic level," she said.

Eradicating extreme poverty not only required improving income levels and access to basic services, but also ensuring that persons living in poverty had the resources, capabilities, choices, security and power necessary to enjoy the whole spectrum of human rights and to claim redress for human rights violations. Her report addressed one of the most important barriers that prevented people living in poverty from realizing their human rights and escaping the poverty cycle: lack of access to justice. "Access to justice is a human right in itself, and essential for tackling the root causes of poverty. Without access to justice, people living in poverty are unable to claim their rights, or challenge crimes, abuses or violations committed against them, trapping them in a vicious circle of impunity, deprivation and exclusion," she said.

Persons living in poverty faced obstacles that made it impossible for them to pay court fees or transportation costs or even hire a lawyer, and also entrenched discriminatory attitudes against the poor. Obstacles which were hard to pinpoint and remedy included: unawareness of how to secure assistance; not speaking official languages; being denied legal standing because they do not have an official birth certificate; and fear of reprisal. Free and competent legal advice and assistance to those who were unable to afford it was fundamental to ensure all had fair and equal access to judicial and adjudicatory mechanisms. That was needed not only in criminal matters, but also in civil matters where rights and interests of persons living in poverty were at stake, including tenancy disputes, eviction decisions, immigration or asylum proceedings, welfare benefit appeals and child custody decisions.

Any need to adopt budgetary constraints did not legitimize the adoption of laws and policies that diminished access to justice by the poorest segments of society, she added. "Not only do such measures undermine human rights, but they also ignore the long-term negative impact and costs to our societies of excluding the poorest from challenging injustice through the formal judicial system," she said. Given the great diversity of social contexts, her report did not provide a "one size fits all" solution for ensuring access to justice for persons living in poverty. Success in all contexts, however, would share a human rights-based approach. The rule of law was meaningless for people living in poverty without access to justice, she concluded, welcoming the concrete pledges to improve access to justice by the poorest that many States committed to during the 24 September high-level meeting on rule of law at the General Assembly.

Question and Answer Session

The representative of Chile said it was unacceptable that the poorest had to pay the price of poor decisions of others and his country attached the greatest importance to eradicating extreme poverty.

Brazil's representative pledged support for the Special Rapporteur in her mandate.

The European Union's representative asked what had been done and what more could be done in cooperation with the Office of the United Nations High Commissioner for Human Rights.

The representative of Viet Nam said her delegation shared the conclusion that access to justice was essential for the promotion and protection of all rights and highlighted some of her country's efforts in that regard.

Responding, Ms SEPÚLVEDA said it was now more than ever very important to stress the need that poverty eradication efforts required a rights- based approach. The High Commissioner should strengthen cooperation with national institutions, she said. Still, in country visits she found many national human rights institutions addressed the interdependence of all rights. In previous reports, she had addressed the impact of austerity measures amid economic crises and the risk they had on the most vulnerable. She stressed that all recovery efforts required a rights-based approach.

Next, Ms. SEPÚLVEDA read out statements on behalf of five Special Rapporteurs who had already left New York due to the hurricane.

Special Rapporteur on the Right to Health

Speaking on behalf of Anand Grover, Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, she said that since October 2011, the Special Rapporteur had completed country missions to Viet Nam, in November 2011, as well as Azerbaijan and Tajikistan, in May 2012. He also had submitted to the Human Rights Council a report on occupational health as a fundamental component of the right to health. He would present the study on access to medicines and the right to health in June 2013.

She said the Special Rapporteur's present report focused on health financing in the context of the right to health, addressing three critical areas. The first concerned States' obligations to ensure adequate funds were available for health. Under the right to health, States were obliged to ensure funds were available and to prioritize health financing in their budgets. Taxation was a common method through which States raised public funds for health by pre-payments, as opposed to out-of-pocket payments at the point of service delivery. Due to globalization, tax competition had triggered a race to the bottom, with States attempting to attract foreign direct investment through tax incentives. That had reduced tax revenue in developing nations and weakened their ability to raise funds for health.

States should remove financial barriers restricting healthcare access, she said, and ensure that the ability to pay did not affect a person's decision to access health services. The primary barrier was out-of-pocket payments made by the user for health services, which led to "catastrophic" health spending for some 100 million people annually. On the other hand, health systems funded by pre-payments — such as tax and compulsory insurance-based systems — reduced financial barriers, as they pooled funds collected prior to the point of service delivery. Pooling, as a method by which health funds were accumulated and managed to spread financial risk across all members, promoted equitable financing for health. The report considered a number of pooling mechanisms, including single and multiple payer systems.

She said the second critical area of the report concerned the issue of allocation of health funds and resources, including questions of how such funds were allocated within health systems. Eliminating inequalities in accessing health facilities, goods and services resulted in better overall health outcomes and more efficient health systems. As such, States should allocate funds to ensure that such resources were financially accessible for the poor and other vulnerable groups. The third part of the report dealt with international assistance for health funding, and international cooperation was essential in ensuring adequate funds were globally available for health. International funders must ensure their activities respected the right to health, and were directed towards meeting domestic health needs of the funded country. In 2013, the Special Rapporteur would continue consultations on access to medicines and hold regional consultations.

Special Rapporteur on the Right to Freedom of Opinion and Expression

Ms. SEPÚLVEDA then read out an abbreviated statement by Frank La Rue, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, saying that his report focused on the issue of hate speech. In that context, she cited the challenge of

reconciling the need to promote the right to freedom of opinion and expression, on the one hand, and combat intolerance, discrimination, and incitement to hatred, on the other.

The report aimed to move the debate forward, she said, by underlining basic principles of international human rights law, identifying elements to be used in determining the kinds of expression that would meet the threshold of “advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence”.

She said the Special Rapporteur had consistently underlined the importance of the right to freedom of opinion and expression. The rights of others were undermined when deep-rooted hatred was expressed under certain circumstances. International human rights law recognized that the right to freedom of expression could indeed be restricted where it presented a serious danger for others and their enjoyment of human rights.

She concluded by reminding States that while the right to freedom of expression could and should be restricted in extreme cases, such as incitement to genocide, and incitement to hatred, violence and discrimination, the right to freedom of expression should be protected and promoted, as it led to a better understanding among peoples. Laws to combat hate speech must be carefully construed and applied by the judiciary, so they do not excessively curtail legitimate types of expression. At the same time, laws should be complemented by a broad set of policies to bring about genuine changes in mindsets and discourse.

Special Rapporteur on Safe Drinking Water and Sanitation

Delivering the abbreviated statement of Catarina de Albuquerque, Special Rapporteur on the human right to safe drinking water and sanitation, Ms. SEPÚLVEDA said inequality was, without doubt, the most persistent of all challenges faced in the water, sanitation and hygiene sector, given that 1 of every 3 people, about 2.5 billion, lacked access to “improved” sanitation. With 2015 on the horizon, the international community must start offering some answers to questions such as who and why people were being excluded from access to water and sanitation.

She recommended that equality and non-discrimination be placed at the heart of the post-2015 development agenda and that water, sanitation and hygiene must have a specific goal, targets and indicators on equal footing with other key priority areas for development. Universal access must fully integrate the elimination of the inequality gap, she said.

The future development agenda must aim at universal enjoyment of the human right to water and sanitation for all, she said, while ensuring that the progressive realization of that right prioritized the most excluded and disadvantaged. “Is this an ambitious goal? Yes it is,” she said. “And its adoption by the United Nations General Assembly is in your hands. The billions currently lacking access to this basic human right deserve nothing less than that.”

Special Rapporteur on the Right to Education

Ms. SEPÚLVEDA then read an abbreviated statement on behalf of Kishore Singh, the Special Rapporteur on the right to education, in which she stressed that technical and vocational education and training was emerging as an area of critical importance in education and learning, and that it had a key role to play in social development. However, there was widespread concern today with the poor quality of education and of learning achievements. “Quality imperatives are inextricably linked with [technical and vocational education and training],” she said in that regard, noting that innovative and equitable approaches to good quality education and training could provide responses to the crisis of youth unemployment and underemployment being faced by many States.

The Special Rapporteur’s report found that technical and vocational education and training was an important dimension of the right to education, with special attributes as enumerated in international conventions. Moreover, industry, enterprises and community all had stakes and responsibilities in that area, and must become key players in promoting technical and vocational education and training. International human rights instruments also provided a clear requirement for States to provide such training, and explained their obligations. The report highlighted those obligations, along with political commitments made by States to promote technical and vocational education and training through the Education for All agenda and the Millennium Development Goals. It found that, while a diverse range of initiatives had been taken and declarations adopted, it was conventions and international treaties which should form the normative backbone for technical and vocational education and training policies and programmes, and the legal framework for promoting normative action at the national level in line with State obligations.

It must be emphasized that technical and vocational education and training was an investment, not a cost, with significant returns for industry, Government and society. States should devise mechanisms with necessary incentives for investment by industry, enterprises, regional and local bodies. The report also emphasized the importance of technical and vocational education and training in the post-2015 education and international development agendas. The Education for All agenda, with its thrust for meeting basic learning needs, was inextricably linked with the promotion of technical and vocational education and training, and such training should be a “central concern”, she said.

Among other conclusions, the report outlines a number of key principles such as the principle of social justice and equity; the principle of a humanistic, rather than a mere utilitarian vision of education; the principles of social interest in education and education as a public good; the principle of equity of opportunity and access to education; and the principle of social dialogue, partnerships and participation. Those principles could guide State action in the establishment, expansion and consolidation of technical and vocational education and training systems.

Independent Expert on Effects of Foreign Debt on Human Rights

Rounding out the presentations, Ms. SEPÚLVEDA delivered the abbreviated statement of Cephas Lumina, independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights. She said that in July this year, the Human Rights Council endorsed the guiding principles on foreign debt and human rights, the outcome of “extensive and inclusive” consultations undertaken over the last eight years.

She said the expert called on all States, international financial institutions and other relevant actors to implement the principles in the context of their external debt arrangements, debt relief operations and economic policy reforms. On other matters, she said international financial institutions often required borrower countries to reform their policies as a condition for loans, grants and debt relief. The report described how austerity measures, privatization and trade liberalization, adopted to address high public debt levels, had, against the backdrop of inadequate opportunities for women’s participation, negatively impacted their rights to health, education, food, water, sanitation and work.

In conclusion, she highlighted four recommendations, saying first that States should ensure that agreements concerning loans, debt and debt relief did not undermine women’s human rights. Next, States should include gender considerations in debt—related policies, legal reform, revenue-raising policies and poverty reduction strategies. They also should adopt gender-responsive budgeting to ensure that inequalities were addressed and modified. Finally, international financial institutions should stop linking the provision of loans, grants and debt relief to policy reforms that undermined democratic processes in borrower countries, reduced women’s access to resources and deepened inequality.

Question and Answer Session

When the floor was opened to questions and comments, Belarus’s delegate drew attention to the situation of Julian Assange and asked the Special Rapporteur on the right to freedom of opinion and expression for an assessment on that “extreme” situation. He was surprised the Special Rapporteur had not responded to other human rights violations in Germany, United States and Canada, among other countries. He also wondered if he would respond to the visa ban introduced by the European Union against Belarusian journalists. Belarus had already raised that issue in the Human Rights Council.

Statement by Assistant Secretary-General for Human Rights

IVAN ŠIMONOVIC said he was pleased to present several reports on human rights questions, starting with the consolidated report of the Secretary-General and the High Commissioner for Human Rights on the right to development, which emphasized the need to ensure human rights-based policy coherence in the global partnership for development. He proceeded to introduce the report of the Secretary-General on human rights and unilateral coercive measures; the report of the Secretary-General on globalization and its impact on the full enjoyment of all human rights; the report of the Secretary-General on human rights in the administration of justice; and the report of the Secretary-General on combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief.

Turning to the report of the Secretary-General on the moratorium on the use of the death penalty, he said it stated there had been significant developments towards the universal abolition of the death penalty since the adoption of General Assembly resolution 65/206. Next, the report of the Secretary-General on the role of ombudsmen, mediators and other national human rights institutions,

contained information on the activities undertaken by the human rights office from December 2010 to September 2012 to establish and strengthen independent and autonomous ombudsmen, mediators and other national human rights institutions, as well as measures taken by Governments in that regard. Lastly for human rights questions, he turned to the report of the Secretary-General on missing persons, which outlined implementation of measures to address persons reported missing in connection with armed conflict and other situations of violence and insecurity.

Turning to human rights situations and reports of special rapporteurs and representatives, he introduced the report of the Secretary-General on the situation of human rights in the Democratic People's Republic of Korea, which noted the United Nations remained unable to systematically monitor and record the human rights and humanitarian situation in the country. "However, consistent reports emanating from various in-country sources indicate that the overall human rights situation has continued to deteriorate — estimating that 16 million people suffer from chronic food insecurity, to varying degrees, and malnutrition rates are reportedly high, particularly among women and children," he said, adding several reports also indicated possible systematic violations to right to life and existence of prison camps, where torture and execution were widespread. The report noted the Government of the Democratic People's Republic of Korea consistently rejected the General Assembly resolutions on the situation of human rights and reiterated calls for it to engage with the Special Rapporteur and the High Commissioner for Human Rights.

Finally, he introduced the report of the Secretary-General on the situation of human rights in Iran, which dealt with a number of issues, including the death penalty, torture, women's rights and the rights of minorities. "It expresses great concern over the significant increase in executions reported this year, including in public, the intensified crackdown on media professionals, human rights defenders, lawyers and women's rights activists, and the prolonged house arrest of opposition leaders since February 2011," he said. The report also took note of some positive developments, such as Iran's appearance before the Human Rights Committee in October 2011 for the first time in many years, but regretted Iran did not grant access to the Special Rapporteur, nor follow up on its pledge to invite two special procedures mandate holders to visit in 2012.

Question and Answer Session

Iran's representative said his country, in pursuing the lofty aspirations of its people for the world where the fundamental principles of human rights as enshrined in the United Nations Charter shall prevail, had taken a genuine and long-term approach to safeguard all human rights by ensuring its compliance with the relevant international commitments, while upholding the principles enshrined in its Constitution. Resolution 66/175 asking the Secretary-General to prepare a report on the situation of human rights in Iran was unfair, selective and biased and had been adopted on the basis of the bad intentions of a limited number of so-called champions of human rights. It was not acceptable at all. The resolution not only contained deficiencies and contradictions, but also gave a redundant mandate to the Secretary-General to compile a parallel report to that of the so-called Special Rapporteur on the situation of human rights in Iran.

Iran considered reports of the United Nations Secretary-General as an important mechanism, provided they were purely professional and free from politicization. "We firmly believe that the present report of the United Nations Secretary-General has neglected a large number of achievements and positive developments of human rights in my country. Furthermore, the report clearly suffers from partiality and lack of balance, and it has adopted a selective approach towards provided information," he said.

The representative of Lao People's Democratic Republic pointed out that his country ensured the promotion and protection of children, and ensured prohibition of the use of the death penalty on children under the age of 18, and pregnant women.

Responding, Mr. ŠIMONOVIC said there was a shortage of time, and not enough time to respond.

Special Adviser to the Secretary-General on Myanmar

VIJAY NAMBIAR, Special Adviser to the Secretary-General on Myanmar, briefed the Committee on developments, saying first that he had visited Myanmar in October-November 2011, February 2012 and June 2012. He also had accompanied the Secretary-General on a visit in May 2012, and made a further visit in September 2012. During the General Assembly's high-level segment this year, the Secretary-General had met with President Thein Sein on 29 September at his residence. On 21 September, he had met with Aung San Suu Kyi, as well as the minister responsible for leading negotiations with armed ethnic groups.

During her time at the United Nations, Ms. Suu Kyi had participated in an "Education First" panel and met with Myanmar nationals working in the Organization, he said. The Secretary-General held a ministerial meeting of the Group of Friends of Myanmar. The visit of President Thein was also a "significant" event in Myanmar's history of relations with the United Nations. In his public remarks, Mr. Thein had referred to "irreversible" steps Myanmar had taken in the democratic reform process. "We have now been able put in place democratic Government and a strong viable parliament, following a system of checks and balances", Mr. Nambiar quoted him as saying, emphasizing that a new "political culture of patience and dialogue" was being fostered.

He said it was striking that President Thein had acknowledged Ms. Suu Kyi's role in parliament and had facilitated her being honoured by the United States in recognition of her democracy efforts. Mr. Thein had stressed the importance of bridging the gap between rich and poor, ensuring workers rights, and that investments be made in the extractive sector while ensuring transparency. He also had said that efforts to address armed groups were a prerequisite to building a genuine democracy.

During Ms. Suu Kyi's visit, he said, she had had wide ranging public engagements with public figures in the United States. In Washington, D.C., she had been awarded the United States Congressional Gold Medal for her steadfast commitment to human rights and promotion of democracy in Myanmar. She also had addressed gatherings at Yale and Harvard Universities, and travelled to Fort Wayne, San Francisco and Los Angeles, where she addressed members of the diaspora.

There were strong signs the Government was continuing with its reform agenda, Mr. Nambiar said, citing the release of 424 political prisoners in September. The President also had returned to parliament a controversial foreign investment bill that had been criticized for not moving far enough in promoting foreign direct investment. Last week, parliament adopted new law that incorporated all but one change proposed by the President.

Debates in the legislature had been influenced by other events throughout the country, including a "Euro Money" event held in Rangoon on concerns about foreign investment. Differences emerged recently over the definitions of parliamentary commissions and committees. The President's acceptance, on 6 September, of the resignation of tribunal members had prevented confrontations between those two constitutional bodies. Cabinet shuffles also had been made. To be sure, there were still implementation challenges to surmount before real changes were perceived on the ground to improve the lives of ordinary people. Policymakers were aware of leapfrogging possibilities made possible by the efforts of the telecommunications industry.

Most importantly, Myanmar would need to manage its growing youth population, he said, who would be the country's growth engine. The international community had responded to developments in Myanmar with interest. Significant steps taken by the United States and European Union to open the doors of corporate enterprises to enter Myanmar would allow for more job and growth possibilities. Japan, Australia and the Republic of Korea also had moved to increase their cooperation with the country.

In domestic political reconciliation, he said armed ethnic groups had signed ceasefire agreements. The United Nations role remained marginal at present and was in the process of being defined. He had attended a peace donors support group meeting in September and reiterated that the United Nations would be involved in any support the Government needed. As regards events in Kachin State, the Government had shown its unease at the lack of progress with the group in that area, citing mistrust between the communities. The fourth round of peace talks was likely to be held this week and he hoped the talks would cover troop deployments on both sides, as a step to advance progress on that intractable conflict.

In Rakhine, he said clashes that had initially flared in May-June had resumed with ferocity in recent weeks, showing the profound distrust between the two communities. Since those troubles erupted, he had visited Myanmar twice. On his two visits, he had been briefed transparently on the situation and believed the Government understood that escalation of the conflict would hurt its efforts to normalize relations with the international community. The President's steps to bring the violence under control and the Government's willingness to allow the diplomatic corps and media to Rakhine were indicative of the openness noted by the international community.

In that context, he said the August announcement that a commission to inquire into the causes of the violence would be set up was welcomed by the international community. The Secretary-General had told the President that it should provide an institutional mechanism to initiate a reconciliation process between the two communities. The situation in the region was extremely fragile. The Secretary-General had urged that the violence stop or the fabric of the social order could be damaged. More broadly, the United Nations had been accused of not

being impartial in directing its humanitarian assistance in Myanmar mainly to Muslim communities.

As to whether the advent of an open society would provide the scope for more harmony among political forces, he said "the world will be watching". The Secretary-General had noted that parliament was the place where people of various ethnicities and backgrounds would come together. Last year marked the first time the General Assembly had looked at the good offices in "a new light" and he hoped the United Nations engagement would reflect that perspective. The United Nations would provide support for Myanmar's population and housing census in 2014. Preparations would be needed for the 2015 presidential election.

Myanmar had said its engagement with the United Nations was cornerstone of its policy, Mr. Nambiar said, and the leadership had shown certain courage. It would now have to play a responsible role in running parliamentary bodies and ensuring healthy relationships develop between the executive and the legislature. A peaceful and inclusive transition could offer a new paradigm in understanding how such transitions could come about.

Response

The representative of Myanmar thanked the adviser for the balanced statement and report. Myanmar had brought about an all-inclusive political process, and was well aware of the challenges remaining in its political transformation. Peace was finally within reach thanks to ceasefire agreements, and Myanmar had created a peace centre in the country with the support of donors. Now was the time to boost aid and shift the focus to the political sphere.

It was unfortunate that at such a high time of peaceful democratic transition the communal violence had emerged again in Rakhine State. His delegation wished to reiterate that the violence was not religious persecution, nor acts condoned by the Government, which rather had taken immediate measures to restore law and order and exercised full restraint. It would continue to work with the international community in a transparent manner, and the Government had called on people to join hands and resolve the issue in a peaceful way. Myanmar would not allow the issue to affect the ongoing reform process, in which it had instilled many key reforms in a short period of time. Concluding, he expressed appreciation to the Special Advisor to the Secretary-General.

Statement by Controller

Delivering a statement on the report of the Secretary-General on the Khmer Rouge trials, the Assistant Secretary-General and Controller, MARÍA EUGENIA CASAR, said it was unusual for her, as Controller, to appear before the Third Committee, but she was doing so because she must report the bleak news that a serious financial crisis was imminently threatening the work of the international component of the Extraordinary Chambers in the Courts of Cambodia, the United Nations Assistance to the Khmer Rouge Trials. "The crisis is so acute that we run the risk that the [Extraordinary Chambers] will fail as of 31 December this year, just a few weeks away," she cautioned.

Given that nearly 2 million people perished at the hands of the Khmer Rouge from 1975 to 1979, the current Extraordinary Chambers trials were at last bringing justice and it would be a tragedy if the process failed due to lack of funds, she said, pointing out that the report outlined the achievements in four pending cases while conveying a strong message of "imminent failure". "The United Nations has simply run out of money to continue to assist the [Extraordinary Chambers]," she said, lamenting that previous warnings by the former Secretary-General and the Legal Counsel that the Court should be financed by assessed contributions instead of voluntary funding had been borne out.

With the revised budget for 2013 being about \$26.7 million, and with only \$7 million in pledges, she appealed to all Member States to make financial contributions to the international component of the Extraordinary Chambers on an immediate basis. She said Member States must work together to find an immediate financial package to rescue the international component of the Court to enable it to continue its essential work.

Statements

YAZMIN GONZALEZ LOFORTE (Cuba) said it was increasingly urgent to implement the Durban Declaration and the outcome document of the review conference. Cuba felt it was unacceptable to identify certain cultures and religions with terrorism, and also that millions of immigrants were deprived of their rights every day. It was not enough to mark the anniversary of the Durban Declaration. The root causes of racism must be eliminated and a new order established based on social and economic equality and justice.

Cuba hoped that States would show greater commitment and political will to put an end to racism. It also opposed the use of mercenaries to hinder people's rights to self-determination, as it supported the exercise of peoples' rights to self-determination. That was why Cuba supported the inalienable right of the Palestinian people to establish their own sovereign State. Some States applied unilateral legal actions against other countries, as was the case of Cuba, which had suffered a unilateral blockade which continued to ignore the will of the international community.

MOURAD BENMEHIDI (Algeria) said racism had unfortunately adapted itself to the modern world, often based on the principle of the superiority of some over others. In certain countries, extremist and xenophobic organizations incited hatred against recent immigrants and others. Also, under the guise of freedom of expression, certain media had accused them of being responsible for the ills of society. The Algerian Constitution enshrined the elimination of all types of racism, making all citizens equal before the law. It also granted equal treatment and enjoyment of rights to foreigners on its territory.

The right to self-determination was a founding principle of the United Nations and indeed was crucial for the full enjoyment of all rights enshrined under international law. Isolated attempts to reinterpret simplistically that right violated people's right to choose their destiny. The violation of peoples' right to self-determination was a violation of all rights and also constituted discrimination. People, such as the Palestinian people as well as those who lived in 16 Non-Self-Governing Territories on the United Nations decolonization list, needed their right supported.

ABDOU SALAM DIALLO (Senegal) said self-determination and racism were among the most important issues facing the international community. The Palestinian Territories had seen the imprisonment, collective punishment and destruction of goods and infrastructure against its people, not to mention the construction of illegal Israeli settlements. Studies of these issues showed that violations against Palestinians necessitated the discussion of the delicate topic at the international level. Senegal believed that the only way forward would be a land-for-peace approach with two States living side by side in peace and security, she said.

She emphasized with regret that the issues of racism and intolerance were equally pertinent and many groups in certain countries had suffered many violations. She lamented the flourishing of xenophobic acts against vulnerable groups, as well as racial discrimination committed by some Governments against foreigners in their territories. She regretted the option of prioritizing security interests over human rights issues in some circumstances. It remained clear that considerable efforts must be taken to make the right to self-determination effective.

MASOOD KHAN (Pakistan) said the importance of the right to self-determination was clear, based on international law norms, human rights and principles including that it could not be exercised under conditions of foreign occupation. The legitimate struggle of peoples for self-determination could not be set aside by equating it with terrorism, he said. However, the exercise of that right continued to be denied, including in Jammu and Kashmir, where people continued to wage a peaceful struggle to achieve their right to self-determination. Kashmir remained a symbol of the failure of the United Nations, he said, quoting Pakistan's President. A peaceful resolution of the dispute would usher in an era of peace, security and harmony in South Asia.

Turning to the issue of racism, he said his country had remained actively involved in the fight against, among other things, the legacy of colonization. Regrettably, commitments made to the Durban Declaration and Programme of Action had not yet been translated into real action. Increasing instances of intolerance, discrimination and violence based on religion or beliefs were shocking, he said, noting that Muslims had become a target and misperceptions had been spread about Islam, which was a religion of tolerance. Inter-religious and inter-cultural dialogue and promoting tolerance and respect for religious and cultural diversity were essential for combating racial discrimination and related intolerance, he said.

ANDRÉS FIALLO (Ecuador) said his country was building a plurinational State where all races, ethnic groups and religions lived in harmony and peace. The Government was working to change racist patterns inherited from colonialism that still existed in daily life. Ecuador had recently adopted criminal code reforms that had strengthened institutions to promote the rights of indigenous peoples, while the country had also made unprecedented social investments in areas such as health and housing programmes.

Affirmative action had also been implemented in the country, with the result that people of African descent were now involved in diplomacy. Though Ecuador had made progress, he said, much remained to be done. Lastly, his Government reiterated its solidarity with the Palestinian people and urged other Member States at the United Nations to recognize their right to self-determination.

ALI ABDOULATEEF M. ALOMAREY ([Saudi Arabia](#)) said that the position of the Kingdom on challenging racism and racial discrimination was based on Islamic sharia, which honoured the dignity of human beings regardless of gender, colour, race or religion. The country had numerous laws, rules and regulations prohibiting racial discrimination in all its forms. Further, there were policies aimed at creating a society free of discrimination, and institutions to strengthen the culture of tolerance and peace between members of the community. An initiative by the Custodian of the Two Holy Mosques resulted in the establishment of King Abdullah bin Abdulaziz International Centre for Dialogue among Followers of Religions in Vienna.

Still, he continued, increasing intolerance against religions in general and hatred spread against Islam in particular caused great concern. He stressed that freedom of speech and expression should not be abused to promote hatred. Islamophobia had resulted in several hate incidents against Islam and its symbols, he said, renewing the call to address the issue in accordance with the Durban Programme of Action. Further, Saudi Arabia had two human rights bodies, one governmental and one independent, and was party to several conventions and agreements prohibiting racial discrimination. In closing, he said that a world based on justice and equality "can only be achieved through dialogue, clarity of intentions, sincerity of wills and a true spirit of brotherhood and cooperation from all Member States".

YOUSEF N. ZEIDAN, Permanent Observer Mission of [Palestine](#), stated that the Palestinian people had continued to suffer from racism since 1948 by Israel, as was visible in the expulsion of indigenous Palestinians from their homeland, replacing them with Jewish settlers from the most far-off places on earth. For 45 years, Israel, the occupying Power, had been engaged in grave breaches of international law, international humanitarian law and human rights law in the Occupied Palestinian Territory, including East Jerusalem.

A recent poll of Israelis, he said, showed that of those who participated, 75 per cent were in favour of apartheid policies and 58 percent believed Israel already practiced apartheid against the Palestinian people. Israel's belligerence had also translated into violence, he added. In recent years, there was an increase in settler attacks against Palestinian civilians and property, as well as hate crimes against Palestinian mosques, churches and cemeteries. Concluding, he called on the international community to muster the political will to finally bring an end to Israel's occupation.

HALA AL-FAWWAZ ([Jordan](#)), noting the fundamental importance of the right to self-determination as enshrined in the United Nations Charter, said that in that light the Palestinian cause was the core issue in her region. A just and comprehensive solution to the related conflict must ensure restoration of the legitimate rights of the Palestinians, including the setting up of their independent state on the national soil. Supporting the Arab Peace Initiative's view of the two-state solution, he said that instead of responding to such calls for peace, Israel had continued to violate human rights in the occupied Palestinian territories through its settlement activities and other practices that would lead to undesired consequences, violating international law. In conclusion, he cited a statement from his King, Abdullah II, that urged an end to the long delay in affording self-determination to the Palestinian people.

OPHIR KARIV ([Israel](#)) said racism had plagued the world for centuries and had cost the lives of millions. The Jewish people understood the issue, considering that this week marked 74 years since Kristallnacht, which had left hundreds of Jewish homes and businesses destroyed, and the current rising anti-Semitism. Attempts today by some States abused some of the most basic terms and concepts of the fight against racism in order to further their own political goals, which only hampered political processes.

Israel and the Jewish people had a proud history in the struggle against racism, and the Government took decisive action to promote tolerance and understanding. Racism was defined in Israel's penal code, police received extensive training and active efforts were being made to educate and enforce tolerance in the country's multi-ethnic society. The international community must speak clearly, loudly and with one voice against the perils of racism and hatred, he said, noting that his country stood at the forefront of that important cause.

Right of Reply

Exercising her right of reply, the representative of [Latvia](#) regretted that the Russian Federation's representative used this human rights forum to pursue its political agenda. She was surprised when yesterday on Russia's national unity day, many participants wearing the swastika were permitted to do so, while others chanted extremist and racist ideologies. Nazi youth groups were flourishing in the country, she said, pointing to increasing numbers of such violence and attacks.

She said such events could have dangerous consequences to Russia, the region and the international community. Those events should be condemned by Russia. For its part, Latvia had condemned and disassociated itself from any form of totalitarianism, including Nazism. Any expressions of totalitarian ideology or Nazi slogans or propaganda were prohibited in Latvia, she said.

Using her right of reply, Lithuania's representative responded to the Russian Federation statement, saying it was regrettable that the memorial event that was mentioned was being unduly politicized in today's discussions.

Estonia's representative, using her right of reply, said she wanted to clarify some issues mentioned by the Russian Federation's representative. She said Estonia had condemned crimes against humanity committed by totalitarian regimes and that its annual events that commemorated the Second World War occurred to pay tribute to veterans and people who had lived through the war.

Responding, the Russian Federation representative said no country was free from racism and extremism, including his. But his country's people would never forget the atrocities and pain that Hitler and the Nazis had brought on them and they would not let neo-Nazism grow. The Russian Federation had made it illegal to be a neo-Nazi for a long time, and was working at many levels to fight that evil, while many in the Baltic countries were not in line with efforts to counteract the trend. Latvia and Estonia should not deny what was going on in their countries with respect to neo-Nazis.

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