

ADDENDUM

Public Information Office

Human Rights Council

AFTERNOON

14 June 2011

Council holds panel discussion on strengthened efforts to foster a global dialogue for the promotion of a culture of tolerance and peace

Starts General Debate on Racism, Racial Discrimination, Xenophobia and Related Forms of Intolerance

The Human Rights Council this afternoon held a panel discussion which focused on strengthened international efforts to foster a global dialogue for the promotion of a culture of tolerance and peace at all levels, based on respect for human rights and diversity of religions and beliefs.

OPENING REMARKS

BENTE ANGELL-HANSEN, Vice-President of the Human Rights Council, in her introductory remarks said that today's panel on the promotion of the culture of tolerance would be focused on international efforts to foster global dialogue for the promotion of a culture of tolerance and peace at all levels, based on respect for human rights and diversity of religions and beliefs. This panel would provide the Council with an opportunity to focus on the implementation of practical actions to promote a culture of tolerance and peace and consider measures aimed at eradicating intolerance, discrimination and violence based on religion or belief, as well as enhancing social justice, understanding and respect in multi-cultural societies.

NAVI PILLAY, United Nations High Commissioner for Human Rights, said that Human Rights Council Resolution 16/18 of 24 March 2011 aimed at "combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against persons based on religion or belief" was itself the result of constructive engagement and dialogue. It provided a good platform for a better understanding of the challenges faced and how the international community can surmount them. Over the past years, several resolutions adopted by the United Nations noted that intolerance, including anti-Semitism, Islamophobia, Christianophobia was on the increase. These phobias fuelled suspicion and mistrust and had led to incidents of unequal treatment and violence against members of religious groups. Negative stereotyping in the media or by extremist political parties, advocacy or religious hatred, together with physical violence against religions also continued to be alarming trends across the globe.

The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in 2001 as well as the Durban Review Conference, and the Committee on the Elimination of Racial Discrimination through its General Comment XXV had highlighted that multiple forms of discrimination may affect individuals and groups. For example, women all too often suffered from discrimination on the grounds of both gender and religion or belief. In some countries, laws continued to discriminate against women, such as legislation that prohibited or

imposed the donning of the veil in public because of its religious symbolism. Migrants had similarly faced discrimination on the basis of their status as well as descent, national or ethnic origin. Around the world today there was an increase in anti-migrant sentiment and discriminatory practices affecting their human rights. Xenophobia was often triggered by intolerance against groups seen or feared as outsiders because of their origin or customs or faith. Another consideration was the role of public discourse in fostering xenophobia or in exacerbating xenophobic sentiment and behavior. The High Commissioner said she was concerned about the increasingly worrisome rhetoric of the popular media, some public officials and personalities in many parts of the world.

It was often purported that freedom of expression and freedom of religion were contradictory. This was a mistaken assumption. These freedoms were interdependent and mutually reinforcing. A balance should be sought between these rights and there should not be an underestimation of the difficulty of this balancing act. Recent incidents in various places around the globe, including desecrations and attacks on sacred sites and places of worship come to mind. States should be vigilant and respond immediately and appropriately to such acts. Ultimately it was the State which bore the primary obligation to protect victims of human rights violations and prevent occurrences of intolerance, discrimination and violence against persons based on their religion or belief. States should also act as catalysts for intercultural dialogue. In this regard, education was crucial in fostering respect for all human rights and religious diversity. By committing in practice – through laws, measures, words and deeds – to all human rights, States could promote religious harmony and facilitate the intercultural dialogue which would help to create peaceful and stable societies.

PANEL STATEMENTS

JORGE SAMPAIO, United Nations High Representative for the Alliance of Civilizations, in a video statement, said that eleven years after the adoption of the Millennium Declaration, which clearly recognized that a culture of peace and dialogue among all civilizations should be actively promoted, it was time for bold action. Mr. Sampaio noted that what was at stake was for governments around the world to keep the promise of achieving commitments emanating from the Declaration. It was necessary to commit with peoples of every country and of every culture and faith, to speak out for the respect for their rights and their freedoms. The international community, nations of the world as well as international and regional organizations, in particular the United Nations system, shared a common responsibility for managing worldwide economic and social development as well as threats to international peace and security.

The UN High Representative further noted that the international community held collective responsibility to support fundamental values, to uphold the principles of human dignity, equality and equity and to actively promote a culture of peace and dialogue among all civilization and cultures. Mr. Sampaio noted that a strong agenda focused on education, youth and new media was probably the best way to move forward as well as leadership by example. The UN High Representative further noted that within the preparations of the Fourth Global Forum of the Alliance of Civilizations, which would take place in December, in Doha, the Organization had reflected whether a more targeted approach to a culture of tolerance, peace and dialogue”, inspired by the Millennium Development Goals methodology and setting clear targets and indicators to monitor progress, could be developed.

SLIMANE CHIKH, Permanent Observer of the Organization of the Islamic Conference to the United Nations Office at Geneva, on behalf of EKMELEDDIN INSANOGLU, Secretary-General

of the Organization of the Islamic Conference, said it was during the address to the fifteenth session of the Human Rights Council in Geneva that a new approach towards evolving a consensus against incitement to violence and intolerance on religious grounds was outlined. It was based on a firm belief that such incitement could endanger peaceful coexistence and was antithetical to the very notion of a globalized world. The eight points for action at the national and international levels formed the basis of the consensus reflected in Human Rights Council resolution 16/18. It would be further useful to discuss practical strategies at the national and international levels to implement the alternative approach signified by resolution 16/18, as would the identification of ways to promote a culture of peace and tolerance based on respect for human rights and diversity of religion and belief. It was required to evolve a normative approach on a consensual basis at multilateral fora like the Council while addressing the concerns of all parties. This was of vital concern and transcendental priority at the Organization of the Islamic Conference. As mentioned in the resolution, steps to end double standards and racial, national and religious profiling needed to be taken. Such acts should not be condoned by States but duly addressed through structured and sustained engagement. The human rights framework provided a concrete basis for a result-oriented engagement in this regard and should be utilized accordingly.

AHMER BILAL SOOFI, Lawyer and Expert on international humanitarian law and human rights and President of the Research Society of International Law in Pakistan, said that preventive and remedial measures in instances of cases where derogatory stereotyping had taken place could be divided into pre-violence and post-violence stages. The legal treatment of both the phases was entirely different as the burden to restrain pre-violence might be on the offender, and post-violence on the aggrieved. The scale of advocacy of incitement would determine the scale of response. Invoking domestic response was appropriate if incitement was attributed to an individual or two. But if the scale was larger, some response at a global level might be required through an institutionalised framework. Taking the case study of Islam, the threshold to bear religious criticism was far higher than generally believed, Mr. Soofi said. Advocacy for inciting violence was mostly attributed to the sermon maker who could whip up sentiments through his public speaking skills and least researched opinion or fatwas. As a result of the alims withdrawing from the debate of tolerance for religious criticism, sermon givers had fully exploited the consequent gap in the jurisprudence of religious tolerance. It was therefore highly desirable for any global reputed body to have an institutionalised, inter-faith debate amongst genuine religious scholars. Another approach was to outsource this proposition to venues of legal experts like International Law Commission that could develop a more clear set of principles or draft framework that laid down parameters of interpretations after taking into account the domestic laws and international trends. Also, an exercise could be commissioned whereby an extensive study was carried out by legal experts to collect and assess the domestic laws that criminalised acts that were insulting to other religions, which would note common legal principles States agreed on in their state practice and also the areas of divergence. Work needed to be carried out for model draft legislation on criminalising incitement to imminent violence. Places of worship and religious sites needed to be declared as special places under domestic legislation. In closing, Mr. Soofi said that there was a need to develop a secretariat framework for the updates or reports on efforts regarding the Human Rights Council's resolution 16/18.

DOUDOU DIENE, Vice Chair of Institut Internationale de Recherche Politique et de Civilisation and Former United Nations Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, suggested various means to ensure that Human Rights Council resolution 16/18 would be implemented as it was an historical landmark by bringing together different geographical groups. Intolerance was a serious issue because there

were two mutually reinforcing dynamics occurring at the moment: the political institutionalization of intolerance and racism, which paid in electoral terms and required immediate address; and the intellectual and scientific legitimization of intolerance which promoted a clash of civilizations. Mr. Diene stressed four major points, first that it was important for the international community to grasp that combating intolerance required a shift from ideological proclamations to human rights. Second, that there should be an understanding that there was a shared ethics and moral sphere and values that all religions contained. Third, the Human Rights Council should document cases of intolerance and discrimination and this required an instrument that would allow acts of intolerance to be quantified, which Mr. Diene suggested be in the form of an Observatory located in the High Commissioner's Office. Fourth, there should be a promotion of mutual knowledge of religious cultures. Finally, there should be a promotion of interaction to ensure that issues related to identity would not feed into intolerance along with a focus on a shared memory and development of the teaching of history. The struggle against intolerance should be organised and structured so that resolution 16/18 contained a clear roadmap for implementation.

MARIO MARAZZITI, Journalist and Spokesperson and Member of the International Board of the Community of Sant'Egidio, said his brief comments were based on the Community of Sant'Egidio's experience in over 70 countries around the world. The Community of Sant'Egidio was born European. The great conquests of secularism were impressed in its memory, although this carried scars of intolerance, absolute hate, the Shoah, the extermination of the Roma people and the frightful Armenian destiny. The fear of living with others was so strong it became a killer. Europe had been put to a test by inequality, immigration, poverty, social crisis in some sectors, as well as new antagonisms which were really old antagonisms. The presence of minorities in several regional realities had helped reduce the level of distrust and of problematic co-existence and lessened extremist opposition. The immigrants today represented a huge excuse for European anxiety. They became a scapegoat for politics that had taken into consideration the anxieties and growing economic crisis and lack of jobs. This was where religion could play a major role. Religions were relevant phenomena in international politics, but especially in daily co-existence in the lives of individuals. Understanding religion had become a necessity. Mr. Marazziti proposed that new joint media be created in crucial areas, where people from all religious and secular backgrounds could come together to represent others and create new languages for journalists, opinion-leaders and teachers. A long-term strategy to change language was necessary to heal the world and resolve conflict. Mr. Marazziti proposed to create, in every nation, a multi-national movement of immigrants and other citizens to create a new society of mutual understanding.

ADIL AKHMETOV, Ambassador and Personal Representative of the Chairperson-in-Office of the Organization for Security and Cooperation in Europe, said that States could show their leadership in a number of areas, namely in policies free of discrimination. Islam was often misrepresented as a political ideology incompatible with the principles of democracy and human rights. The enforcement of counter-terrorism policies was the first policy area that deserved attention, and there was a need to warn those who might exploit the fear of those overwhelmed by multicultural societies. Mr. Akhmetov expressed his concern by discourse requesting migrants of Muslim background to abandon their religious and cultural identity to be part of society. Of concern were also legislative initiatives to restrict freedom of manifestation of religion in Europe, such as banning burqas in all public places. Because of their discriminatory character, such restrictions might constitute a violation of freedom of religion. To remedy the disturbing phenomena, Mr. Akhmetov encouraged States to develop educational tools to deal with discrimination phenomena and disseminate them. He reminded States of their responsibilities to maintain religious freedoms for everybody and said he was deeply disturbed by some initiatives to

ban manifestations of only Islamic symbols in public life which was a violation of freedom of religion and led to further stigmatization of Muslim minorities. As pointed out in the Organization for Security and Co-operation in Europe Astana Declaration on Tolerance and Non-Discrimination, the manifestation of intolerance in public discourse should be firmly condemned, while respecting freedom of expression as recognised under international human rights standards. It should also be underlined that international tensions and conflicts could not justify any form of racism and xenophobia, including anti-Semitism and intolerance against Muslims.

SIMONA SANTORO, Adviser on Freedom of Religion or Belief, Organization for Security and Cooperation in Europe, Office for Democratic Institutions and Human Rights, said the Organization for Security and Cooperation in Europe was a regional arrangement under Chapter VIII of the United Nations Charter. The normative framework of the Organization for Security and Cooperation in Europe was based on political commitments agreed upon by consensus by participating States. Since 2003, a series of Ministerial Council decisions were adopted by the Ministers of Foreign Affairs on the topic of tolerance and non-discrimination which had three characteristics. Firstly, they approached intolerance both from the perspective of broad forms of intolerance, racism and xenophobia and specific forms of intolerance, such as anti-Semitism, intolerance against Muslims and intolerance against Christians and members of other religions. Secondly, they linked tolerance to respect for human rights and fundamental freedoms, including freedom of religion or belief and freedom of expression. Thirdly, they committed participating States to undertake a series of practical measures to fight intolerance, including violent forms of intolerance, in areas such as legislation, law enforcement, education, data collection, monitoring of hate crimes, media, constructive public discourse and the promotion of inter-cultural dialogue.

The Organization for Security and Cooperation had provided support in two broad areas. The first was monitoring and reporting on hate crimes and providing assistance in the fight against hate crimes, namely legislation, training for law enforcement, data collection and education. The second was in protecting and promoting freedom of religion or belief and educational tools that promoted tolerance and understanding. The Organization had prepared teaching materials, including the Toledo Guiding Principles which offered practical guidance for participating States. In a survey carried out following training, more than 50 per cent of the students that had used the materials had changed their attitudes as a result. Programmes were developed for capacity building of civil society and training was conducted in the area of combating hate crimes. Supporting civil society groups to come together and learn from each other's experience could be very beneficial even if the environments in which they operated varied. The training of Government officials was critical; today was the first day of training for 12 members of the State Committee for Religious Affairs of Kyrgyzstan while in Poland training had already been delivered to over 200,000 police officers.

SUZAN JOHNSON COOK, Ambassador-at-Large for International Religious Freedom and Head of the Office of International Religious Freedom at the State Department of the United States, welcomed the opportunity to raise awareness and discuss actions the international community could take to implement the action-oriented approach laid out in the consensus resolution that called for the panel. It was in the interest of security and stability worldwide to ensure fundamental freedoms for people of all backgrounds and all faiths to understand that religious freedom was a universal human right. States had tools at their disposal to combat religious intolerance and in many cases what was needed was the political will to use them. Leaders should stand ready to condemn hateful ideology and vigorously defend the rights of individuals to practice their religion freely. Legal safeguards were essential, but it was better to create a climate

that sought to prevent discrimination and violence before it happened than to punish it after the fact. When an extremist pastor in Florida threatened to, and then burned a Koran, President Obama and political leaders condemned his behaviour, which was reviled and rebuked by virtually the entire society. It would be a productive exercise for political leaders around the world to review their own reaction to similar events in their countries and ask whether they had used their own leadership to make such behaviour unattractive. President Obama had emphasized the importance of interfaith collaboration as a way to advance religious freedom. Leaders were urged to condemn offensive expression, identify areas of tensions between communities, train officials on outreach strategies and encourage leaders to discuss causes of discrimination and potential solutions with their communities. The suppression of speech often raised the profile of that speech, giving an even greater voice to speech others might find offensive.

INTERACTIVE DIALOGUE

During the interactive dialogue on the promotion of a culture of tolerance, speakers said that Governments, civil society and the international community as a whole should work in tandem to create the necessary synergies to deal with the issue of religious intolerance and discrimination on the basis of religion and belief.

A holistic approach was required for the promotion of tolerance including legislation with effective penalties for incitement to hatred, and awareness campaigns to stress the benefits of cultural diversity and training in different spheres of human rights for judges, public prosecutors and lawyers. There was a concern that in several countries around the world racism, religious extremism, ideological discrimination and institutionalization of discrimination was increasing. Attacks against emblematic representations of religion were a key factor in the rise of intolerance around the world. Many speakers stressed that the most lasting and effective way to promote tolerance of different religious beliefs and assist in minimizing discrimination on the basis of religion was through awareness training and the development of a comprehensive suite of education initiatives including the development of human rights education for primary and secondary schools.

Speakers said that States could foster a domestic environment of tolerance through supporting national and local interfaith initiatives that encouraged tolerance and dialogue by building stronger bonds of understanding and cooperation among different religious groups. Many speakers noted the need to promote a better understanding of Islam and called on States in the Muslim world to show that there was no false choice between Islam on the one side and devotion to human rights on the other side. Speakers asked how domestic efforts could be combined with international campaigns to show that Islam was completely compatible with international human rights and thereby create momentum for a better understanding of Islam around the world. Increasing manifestations of intolerance based on religious beliefs were of great concern for all States and stressed the promotion of moderation with national centres that could display exhibits and conduct seminars to demonstrate how tolerance could work to build a culture of peace and dialogue.

Speaking in the interactive dialogue in the panel were Pakistan on behalf of the Organisation for the Islamic Conference, Italy, China, Morocco, the European Union, Cuba, Malaysia, Austria, Australia, Algeria, Saudi Arabia, United Kingdom of Great Britain and Northern Ireland, Maldives, Palestine on behalf of the Arab Group, Ireland and Kuwait.

During the interactive dialogue on the promotion of a culture of tolerance, speakers said that an

increased number of violent attacks against minorities in all regions over the past year were an issue of concern. Hostile concept of the other was increasing in all parts of the world, as evidenced by attacks on places of worship, or use of racist propaganda in politics. There was not one multi-religious and multicultural society in the world that was free from discrimination and intolerance today, and discussions on human rights were still marked by far too many prejudices and shortcuts. Combating discrimination was crucial, since eradication of stereotypes and fear was a major contribution to preventing violence, since intolerance bred intolerance. The phenomenon must be combated with resolution and in a comprehensive manner with a view to guaranteeing the universal right of individuals to freely express their religion or belief without fear of being prosecuted or discriminated against. A speaker noted that continuation of Islamophobia seriously threatened peace and security at the global level and that was why the international community must respond with a series of measures aimed at combating discrimination and religious intolerance.

That was why this panel was an avenue towards constructive and meaningful actions that the international community could take to promote respect for religious differences. All States must ensure that their domestic legislation was in line with international standards and in this regard, the role of the independent judiciary could not be over-emphasized. The March resolution of the Human Rights Council on combating intolerance provided clear steps and constructive actions to promote respect for religious differences. Many existing legal instruments authorised Governments to punish incitement to hatred on religious grounds, while the measures proposed by the Organization for Security and Cooperation in Europe Secretary-General merited the attention of the Human Rights Council as well. It was noted that the construction of tolerant societies must not be left to state agents alone, but other actors must take an active part as well, including civil society and media. Speakers stressed the fundamental importance of education, training and awareness-raising in the protection of human rights and in promoting a culture of tolerance and in particular involvement of the youth in education programmes.

During the interactive dialogue, countries provided numerous examples of combating discrimination and promoting tolerance in their multicultural, multi-religious and diverse societies, such as protection of religious monuments and rehabilitation of those destroyed during conflicts, promotion of strong anti-discrimination laws, training of the police and law enforcement officers, bringing together of religious and local leaders to ensure constructive communication about local issues, and others. A speaker announced the non-governmental organization Human Rights Summit that would take place side-by-side with the United Nations General Assembly in September which would demand accountability for human rights violations and abuses, including discrimination and intolerance.

Speaking in the discussion were Azerbaijan, Switzerland, Bahrain, Sweden, Senegal, United States, Turkey, Armenia, Bosnia and Herzegovina, France, Iran, Iraq, Russian Federation and Brazil. United Nations Watch also took the floor.

NICOLE RECKINGER (Hungary), speaking on behalf of the European Union, said that the European Union was founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values were common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevailed. The European Union condemned all forms of racism and racial discrimination and was fully committed to combating those phenomena in the region. States had a comprehensive tool at their

disposal in the form of the International Convention for the Elimination of All Forms of Racial Discrimination and the European Union invited all States that had not done so to sign and ratify this international treaty. Fair treatment was a basic right in the European Union, yet only one in three Europeans was aware that he or she was legally protected from discrimination. Raising awareness of anti-discrimination laws was crucial, as was facilitating debates about the value of diversity in the society. The 2007 European Year of Equality for All was the biggest awareness campaign so far with workshops, seminars and other events taking place throughout Europe. The European Union had been engaged in various fora where racism and racial discrimination had been discussed and would remain fully engaged in the fight against racism, racial discrimination, xenophobia and related forms of intolerance within its borders and globally.

ZAMIR AKRAM (Pakistan), speaking on behalf of the Organization of the Islamic Conference, said despite the significant progress towards evolving normative standards over the decade to combat racism, racial discrimination, xenophobia and related intolerance, the international community was still experiencing old as well as new forms of racism. Much still needed to be done in terms of practical steps and measures to be taken by States towards achieving the goals enshrined in the Durban Declaration and Programme of Action. The Organization of the Islamic Conference hoped that the tenth anniversary of the Durban Declaration and Programme of Action would not be simply a rhetorical occasion but an opportunity to eliminate all scourges and manifestations of racism, racial discrimination, xenophobia and related intolerance. There was also a growing need on the part of States to take effective measures against acts of religious intolerance, hate crimes, discrimination, intimidation and coercion and incitement to religious hatred. Muslims around the world continued to be confronted with ever increasing instances of intolerance, negative stereotyping, stigmatization, discrimination and violence on the basis of their religion, Islam. The Organization of the Islamic Conference remained committed to work closely with all interested delegations to eliminate the scourge of racism, racial discrimination, xenophobia and related intolerance and to build more tolerant societies.

The Representative of Nigeria, speaking on behalf of the African Group, said that the year 2011 marked the tenth anniversary of the adoption of the Durban Declaration and Programme of Action, which had served as the most comprehensive blueprint for addressing issues of racism, racial discrimination, xenophobia and related intolerance. While the Durban Declaration had achieved certain expected objectives, overall implementation was inherently hindered by certain distortions unforeseen at its adoption, arising from emerging issues that overtly violated the purpose and principles of the Charter of the United Nations. The African Group was dismayed at incidents of racism, racial discrimination, xenophobia and related intolerance, which were hindrances to the enjoyment of human rights, fundamental freedoms and also undermined the promotion of the culture of peace and civility. The African Group expressed appreciation for the contribution of the Durban mechanisms, namely the Working Group on the Effective Implementation of the Committee on Complementary Standards and the Working Group of Experts on People of African Descent, among others. The international community must not allow the manifestations of racism, which were still prevalent, to be swept under the carpet. The international community must remain vigilant to the changing faces of racism and deal with it, whether or not it was popular to do so.

ANNA MORAWIEC MANSFIELD (United States) said the United States reiterated its commitment to eradicating racism and racial discrimination and working with other States to combat this scourge. Domestically, the United States was committed to ending discrimination by promoting equal participation in voting and political life, access to adequate housing, healthy

environment and others. Also, the United States was ensuring that age, gender or ethnicity did not interfere with the quality of life. The United States also sought to strengthen partnership with others in combating discrimination and promoting equality. The United States reiterated its commitment to an open and honest dialogue that would lead to actions to combat discrimination and was struck with how little time was devoted by the international community to discussing the practical implementation of the existing standards.

The Representative of Spain said the Government of Spain underscored the importance it attached to discrimination based on gender and sexual orientation. There was a significant development in awareness among many sectors of the population of the need to protect lesbian, gay, bisexual and transgender individuals. The Spanish Constitution enshrined the right of all persons against discrimination and placed on an equal footing all manifestations and reasons of discrimination. The Government of Spain had adopted specific laws to broaden the rights of citizenship and to limit discrimination against individuals due to reasons of sexual orientation and gender identity. Everyone should be able to enjoy their rights in full citizenship.

YANG CHUANHUI (China) appreciated the efforts of the Council with regard to the elimination of racism, racial discrimination, xenophobia and other forms of intolerance. Over the past years the United Nations had played a positive role in assisting with this. The Durban Review Conference in April 2009 constituted a new milestone for the international community. China hoped that the recommendations of the Review Conference could be fully implemented. It was also noted that discrimination against immigrants was raising its ugly head. China hoped that the international community would cooperate in adopting extensive measures to address racism and discrimination.

ROMAN KASHAEV (Russian Federation) said that combating racism and racial discrimination was one of the main areas in the field of human rights. The main work for forming a tolerant and equal society was in the hands of the State. This year the world was celebrating the tenth anniversary of the Durban Declaration and Programme of Action, which remained relevant even today. The Russian Federation welcomed the balanced approach of the United Nations Secretary-General and the Office of the High Commissioner for Human Rights to prepare the anniversary and invited the partners to avoid anything that might politicise this event. In conclusion, the tenth anniversary was a unique opportunity for the international community to reaffirm the fundamental rejection of racism and racial discrimination.

CONCLUDING REMARKS

SIMONA SANTORO, Advisor on Freedom of Religion or Belief of the Organization for Security and Cooperation in Europe Office for Democratic Institutions and Human Rights in Warsaw, said that the comments made were interesting and would contribute greatly to future work on this subject. The commitment of governments in fighting intolerance was a key factor. If governments took the initiative then actions were more effective. When education materials were put in place with the support of governments, these materials were more broadly distributed and used. Civil society also had a key role as it had to deal directly with cases at the local level and provided aid to victims. Civil society could play a key role in planning and implementing policy. Ms. Santoro was glad that many interventions focused on education. If freedom of religion or belief was widely taught, then intolerance was better isolated.

AHMER BILAL SOOFI, Lawyer and expert on international humanitarian law and human rights

and President of the Research Society of International law in Pakistan, made a point based on personal experience. He noted that as a practicing lawyer he had access to files of various people who had been involved in terrorist activities before the high court in Pakistan. He noted that an examination of the mind-set of those people who had literally declared war on the state or outside states, led one to conclude that the absence of legal remedies was key with regard to this mindset. Mr. Soofi noted that such a lack of a legal framework for remedies could be seen with a current terrorist case in Chicago.

DOUDOU DIENE, Vice-Chair of the Institut internationale de recherché politique et de civilisation and former United Nations Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, in his closing remarks said that racist and intolerant platforms made it impossible in many countries to win the battle on the legal front. Incitement to religious hatred was very poorly reflected in domestic legislation, said Mr. Diene. At the heart of the debate was the essential issue which was the way in which States dealt with the issue of diversity, how they understood, it, how they approached it, and how they educated about it.

MARIO MARAZZITI, Journalist and Spokesperson and Member of the International Board of the Community of Sant'Egidio, thanked participants for the incredibly interesting conversation. Mr. Marazziti said it was important to take into account that every religion was for life. He thus encouraged States to never consider the use of the death penalty to defend religion. There was a problem of monitoring offenses and thus a system of observatories should be established. It was necessary to promote a culture of dialogue and foster a new culture. This could include the establishment of task forces of opinion leaders, teachers, religious leaders and others as well as the use of mixed media to increase a new language and new vocabulary that would speed up the process.

ADIL AKHMETOV, Ambassador and Personal Representative of the Chairperson-in-Office of the OSCE on Combating Intolerance and Discrimination against Muslims, noted that every country or participant country had unanimously supported the targets of the meeting. Judging by the speeches made, every country was committed to the targets set by the panel. He quoted the Late Reverend Paul the second, saying that the international community must not be surprised by the differences between cultures, religions and civilizations, rather that it should be surprised by the commonalities between cultures, religions and civilizations.

SUZAN JOHNSON COOK, Ambassador-at-Large for international religious freedom and Head of the Office of International Religious Freedom at the State Department of the United States, in her closing remarks said that the comments by delegations were constructive. Deliberate destruction of religious objects was despicable and the United States authorities condemned such actions. Apart from prosecution, there were other measures to deal with racism, intolerance and racial discrimination, such as through education and creation of links and collaborative networks between communities, together with the creation of global inter-religious dialogue.

RESOLUTION A/HRC/16/18

Resolution A/HRC/16/18 - Combating Intolerance, Negative Stereotyping, Discrimination and Incitement to Violence & Violence Against Persons Based on Religion or Belief

Human Rights Council

Sixteenth session

Agenda item 9

Racism, racial discrimination, xenophobia and related form of intolerance, follow-up and implementation of the Durban Declaration and Programme of Action Pakistan (on behalf of the Organization of the Islamic Conference):

Draft Resolution A/HRC/16/L.38

[A-HRC-16-L.38 - Resolution Combating Intolerance, Stereotyping, Discrimination & Incitement to Violence Against Persons Based on Religion or Belief](#)

Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against persons based on religion or belief

The Human Rights Council,

Reaffirming the commitment made by all States under the Charter of the United Nations to promote and encourage universal respect for and observance of all human rights and fundamental freedoms without distinction as to, inter alia, religion or belief, *Reaffirming also* the obligation of States to prohibit discrimination on the basis of religion or belief and to implement measures to guarantee the equal and effective protection of the law,

Reaffirming further that the International Covenant on Civil and Political Rights provides, inter alia, that everyone shall have the right to freedom of thought, conscience and religion or belief, which shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching,

Reaffirming the positive role that the exercise of the right to freedom of opinion and expression and the full respect for the freedom to seek, receive and impart information can play in strengthening democracy and combating religious intolerance,

Deeply concerned about incidents of intolerance, discrimination and violence against persons based on their religion or belief in all regions of the world,

Deploring any advocacy of discrimination or violence on the basis of religion or belief,

Strongly deploring all acts of violence against persons on the basis of their religion or belief, as well as any such acts directed against their homes, businesses, properties, schools, cultural centres or places of worship,

Concerned about actions that wilfully exploit tensions or target individuals on the basis of their religion or belief,

Noting with deep concern the instances of intolerance, discrimination and acts of violence in many

parts of the world, including cases motivated by discrimination against persons belonging to religious minorities, in addition to the negative projection of the followers of religions and the enforcement of measures that specifically discriminate against persons on the basis of religion or belief,

Recognizing the valuable contribution of people of all religions or beliefs to humanity and the contribution that dialogue among religious groups can make towards improved awareness and understanding of the common values shared by all humankind,

Recognizing also that working together to enhance implementation of existing legal regimes that protect individuals against discrimination and hate crimes, increase interfaith and intercultural efforts, and to expand human rights education are important first steps in combating incidents of intolerance, discrimination and violence against individuals on the basis of religion or belief,

1. *Expresses deep concern* at the continued serious instances of derogatory stereotyping, negative profiling and stigmatization of persons based on their religion or beliefs, as well as programmes and agendas pursued by extremist organizations and groups aimed at creating and perpetuating negative stereotypes about religious groups, in particular when condoned by Governments;

2. *Expresses its concern* that incidents of religious intolerance, discrimination and related violence, as well as of negative stereotyping of individuals on the basis of religion or belief continue to rise around the world, and condemns, in this context, any advocacy of religious hatred against individuals that constitutes incitement to discrimination, hostility or violence, and urges States to take effective measures, as set forth in this resolution, consistent with their obligations under international human rights law, to address and combat such incidents;

3. *Condemns* any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audio-visual or electronic media or any other means;

4. *Recognizes* that the open public debate of ideas, as well as interfaith and intercultural dialogue at the local, national and international levels can be among the best protections against religious intolerance, and can play a positive role in strengthening democracy and combating religious hatred, and convinced that a continuing dialogue on these issues can help overcome existing misperceptions;

5. *Notes* the speech given by Secretary-General of the Organization of the Islamic Conference, Ekmeleddin Ihsanoglu, at the fifteenth session of the Human Rights Council, and draws on his call on States to take the following actions to foster a domestic environment of religious tolerance, peace and respect, by:

(a) Encouraging the creation of collaborative networks to build mutual understanding, promoting dialogue and inspiring constructive action towards shared policy goals and the pursuit of tangible outcomes, such as servicing projects in the fields of education, health, conflict prevention, employment, integration and media education;

(b) Creating an appropriate mechanism within the government to, inter alia, identify and address potential areas of tension between members of different religious communities, and assisting with conflict prevention and mediation;

- (c) Encouraging training of government officials in effective outreach strategies;
- (d) Encouraging efforts of leaders to discuss within their communities causes of discrimination and evolving strategies to counter these causes;
- (e) Speaking out against intolerance, including advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence;
- (f) Adopting measures to criminalize incitement to imminent violence based on religion or belief;
- (g) Understanding the need to combat denigration and negative religious stereotyping of persons, as well as incitement to religious hatred, by strategizing and harmonizing actions at the local, national, regional and international levels through, inter alia, education and awareness-building;
- (h) Recognizing that the open, constructive and respectful debate of ideas, as well as interfaith and intercultural dialogue at the local, national and international levels, can play a positive role in combating religious hatred, incitement and violence;

6. *Calls upon* all States:

- (a) To take effective measures to ensure that public functionaries in the conduct of their public duties do not discriminate against an individual on the basis of religion or belief;
- (b) To foster religious freedom and pluralism by promoting the ability of members of all religious communities to manifest their religion, and to contribute openly and on an equal footing to the society;
- (c) To encourage representation and meaningful participation of individuals, irrespective of their religion, in all sectors of society;
- (d) To undertake a strong effort to counter religious profiling, which is understood to be the invidious use of religion as a criterion in conducting questionings, searches and other law enforcement investigative procedures;

7. *Encourages* States to consider providing updates on efforts made in this regard as part of ongoing reporting to the Office of the United Nations High Commissioner for Human Rights;

8. *Calls upon* States to adopt measures and policies to promote the full respect and protection for places of worship and religious sites, cemeteries and shrines, and to take measures in cases where they are vulnerable to vandalism or destruction;

9. *Calls for* strengthened international efforts to foster a global dialogue for the promotion of a culture of tolerance and peace at all levels, based on respect for human rights and diversity of religions and beliefs, and decides to convene a panel discussion on this issue at its seventeenth session within existing resources.

Adopted without a vote: HRC 03/24/2011

2010 GENERAL ASSEMBLY THIRD COMMITTEE ACTIONS

23 NOVEMBER 2010

Sixty-fifth General Assembly
Third Committee
51st & 52nd Meetings (AM & PM)

THIRD COMMITTEE APPROVES EIGHT MORE DRAFT RESOLUTIONS AS CURRENT

SESSION CONCLUDES:

DURBAN COMMEMORATIVE MEETING, REGULATING PRIVATE SECURITY COMPANIES AMONG ISSUES

The Committee then took action on a draft resolution entitled combating defamation of religions (document A/C.3/65/L.46).

By its terms, the General Assembly would express deep concern at the negative stereotyping of religions and manifestations of intolerance and discrimination in matters of religion or belief still evident in the world. It would strongly deplore psychological and physical violence and assaults, and incitement thereto, against persons on the basis of their religion or belief, and such acts directed against their businesses, properties, cultural centres and places of worship, as well as the targeting and desecration of holy books, holy sites and religious symbols and venerated personalities of all religions. It would express deep concern at the programmes and agendas pursued by extremist organizations and groups aimed at creating and perpetuating stereotypes about certain religions, in particular when condoned by Governments.

The Assembly would note with deep concern the intensification of the overall campaign of defamation of religions, and incitement to religious hatred in general, including the ethnic and religious profiling of Muslim minorities in the aftermath of the tragic events of 11 September 2001. It would express deep concern that Islam is frequently and wrongly associated with human rights violations and terrorism, and reaffirm the obligation of all States to enact the legislation necessary to prohibit the advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. It would call upon all States to do their utmost to ensure that religious places, sites, shrines and symbols and venerated personalities are fully respected and protected. It would affirm that the Human Rights Council shall promote universal respect for all religious and cultural values and address instances of intolerance, discrimination and incitement of hatred against members of any community or adherents of any religion, as well as the means to consolidate international efforts in order to combat impunity for such deplorable acts.

The representative of Morocco, the main sponsor, on behalf of the Organization of the Islamic Conference (OIC), together with Venezuela and Belarus, said the resolution dealt with the disturbing increase in violence related to the defamation of religion. Those trends had found their way into political circles. Discrimination based on religion had even found its way into national policies and measures that stigmatized groups belonging to certain beliefs, thereby legitimizing discrimination against them. Those groups did not

enjoy freedom of thought, and their ability to observe and manifest religions freely and without coercion, violence or retaliation was impeded. OIC reiterated its belief that all rights were universal, indivisible and interrelated, as stated by the Vienna Declaration.

The importance of freedom of opinion was acknowledged, but it was also important to have a limitation of that right, he said. Freedom of expression was one of the pillars of democratic society, but the foundation of such a society could not be completed without respect for the balance among all human rights, bearing in mind their indivisible and independent nature. Respecting rights to non-discrimination on any basis was essential to building and maintaining a healthy and dynamic society. Democracy and racism were incompatible. Articles 19 and 20 of the International Covenant on Civil and Political Rights called upon States to prevent the targeting of different religions and cultures.

Based on the growing defamation of religion, OIC found it necessary to continue promoting the draft. Many United Nations reports, as well as other stakeholders, noted the need to combat the increasing trend and stop the rise in the number of incitements to religious hatred. Those acts were obstacles to human rights. In that regard, OIC had conducted three rounds of informal consultations, besides organizing meetings with partners and groups in transparency. The co-sponsors had carefully considered all proposals, and had hoped to create a constructive dialogue aiming at cooperation regarding that trend. They had not lost hope and would continue their endeavours. The resolution stressed that vilification of any religions was a serious affront to human dignity. It called for combating such deplorable acts against all religions, without exception. The fact that Islam was at the core did not preclude that other religions could not be targeted. It was worth recalling that all States had agreed that terrorism could not be associated with any religion, civilization or ethnic group. It was a sign of compromise and consensus that they had reduced the concept of “defamation” and replaced it with the term “vilification” to avoid any pretext and encourage all to reach an objective consensus. States should show a higher degree of sensitivity in addressing the abuse of freedom of expression and insulting religions.

The Chair of the Committee stated that a recorded vote had been requested. The representative of Morocco asked who requested the vote, to which the Chair replied that Belgium, on behalf of the European Union, had.

Explaining the vote before the vote, the representative of Belgium, on behalf of the European Union, said that the European Union wished to reiterate its deepest commitment to tolerance, freedom of thought and freedom of religion and belief. The European Union was convinced that the ongoing dialogue on those issues would help to overcome existing differences. The European Union shared the concerns of the co-sponsors regarding all individuals worldwide who were victimized as a result of religion or belief. There should be enhanced efforts to eliminate religious intolerance, while ensuring that legal systems provided for adequate and effective guarantees and conscience for all without distinction.

However, the European Union did not agree with an approach that established a normative human rights concept aimed at religions in such concerns. The European Union believed that such a concept as defamation or vilification of religions was inconsistent with international human rights law. International human rights law protected individuals, and should not protect religions or belief systems. Neither should they be viewed as homogenous entities. Several Special Rapporteurs had addressed the need to address the problem within the international legal framework provided by the International Convention on Civil and Political Rights. Changes in the text, replacing defamation of religions with vilification of religions, did not

dispel concerns regarding the establishment of a human rights concept seeking to protect religions instead of individuals.

Further, he said the European Union was concerned that the concept of defamation risked limiting the rights to freedom of expression, as well as religion or belief, and put into question the concept of practicing faith without fear. Limitations inconsistent with Articles 19 and 20 of the International Convention on Civil and Political Rights regarding blasphemy laws would not address his concerns. The solution rested with the right to free speech and open discussion of issues. Incitement to religious hatred was dealt with in Article 20 of the International Convention on Civil and Political Rights. The European Union recognized that there were legitimate concerns that the resolution sought to address, and publicly expressed its resolve to fight the phenomenon of intolerance of any individual on the grounds of belief, as well as invited everyone to show similar determination. Despite concerns, the European Union wished to express its sincere appreciation to Morocco and the coordinator of OIC. The European Union had taken note of the desire of the coordinator to look beyond the resolution and appreciated that. For that reasons noted, however, the European Union was calling for a vote and would vote against the draft resolution.

The representative of the United States said his delegation would be voting against. It had been participating for some time in discussions with a view to finding cross-regional solutions; finding common ground was always the goal. Changes to the resolution were appreciated, as was the openness to discussion, but it was disappointing to see that the text failed to bridge differences. The resolution still sought to curtail and penalize speech; it had negative implications for freedom of religion and freedom of expression. Human rights were held by individuals, not by government institutions or religions. Consensus had to be forged not by negotiations within one group, but between groups. The United States would continue to vote against a resolution that could be used to infringe on human rights under the guise of protecting human rights.

The representative of Switzerland said her delegation opposed the explicit definition of defamation as a modern form of discrimination. Doing so would add a religious element to racism. Human rights existed to protect individuals, not religions or other faith systems. Existing systems were sufficient, including articles 18, 19 and 20 of the International Covenant on Civil and Political Rights. Changes made by OIC to the text did not allay the principled concerns of her delegation, which would vote against.

The draft was then approved by a recorded vote of 76 in favour to 64 against, with 42 abstentions.

In an explanation of vote after the vote, the representative of Brazil acknowledged several positive aspects in the resolution, including recognition of the efforts made by the Alliance of Civilizations. However, elements at odds with international legislation remained in the draft, preventing his country from approving it. In the context of international human rights law, the concepts of defamation or vilification were not applicable. Individuals had the right to practice or not to practice a religion, or to convert. Brazil was proud of its cultural, racial and religious diversity, and while intolerance and incitement to hatred faced by Muslims in many parts of the world was regretted, those who adhered to other religions were similarly affected, including those in Islamic countries.

The representative of the United Kingdom, aligning his delegation with the statement made by Belgium on behalf of the European Union, expressed unease at the term “Judaophobia”.

It marked a deviation from the term “anti-Semitism”. There had been insufficient time to consider a change in wording that could have undertones of discrimination.

The representative of Singapore said his delegation had voted in favour on the understanding that the resolution applied to all religions. Free speech could not be exercised at the expense of others, and intolerance and ignorance should be opposed.

The representative of Guatemala, referring to her country’s Constitution, condemned all acts of defamation, incitement and provocation which targeted any religion, including acts in democratic, economically advanced countries in the case of certain religious symbols. Curtailment of the freedom of expression would be a new evil, however. Her delegation chose to abstain.

In a general statement, the observer of the Holy See welcomed efforts to move away from an unclear legal definition of defamation. It was hoped that, in future, more efforts could be made to address the issues raised in the resolution in a consensual way.

The representative of Morocco welcomed the approval of the draft. The intensity of the debate was recognition of the reality of the phenomenon that the draft addressed. A fundamental difference in approaches was not minor, and those differences could not go away overnight; it was a long-term undertaking. Intolerance was the common theme, and respect for human rights, the shared parameter; that is what united people. There had been a shared conviction of all members of OIC to seek a compromise in order to reach consensus. The co-sponsors were determined to come back next year with the same spirit of willingness and determination to reach wording that could be consensual. It was hoped that next year, all minds would be disposed to do likewise.

The Committee then took up the draft resolution on the programme of activities of the International Year for People of African Descent (document A/C.3/65/L.33/Rev.1).

By its terms, the Assembly would take note of the draft programme of activities for the International Year for People of African Descent and request that the Secretary-General establish a voluntary fund for the activities of the Year, to which Member States and relevant donors would be encouraged to contribute. It would request the Secretary-General to close the International Year for People of African Descent with the convening of a high-level thematic debate on the achievement of the goals and objectives of the Year. Member States would be invited to support the implementation of activities for the Year, and to cooperate constructively and decisively to ensure rapid progress and concrete results in the achievement of its objectives of the Year. The Assembly would go on to request the Secretary-General to launch the International Year for People of African Descent with an opening day ceremony on 10 December 2010, and invite the Office of the United Nations High Commissioner for Human Rights to facilitate and assist in the implementation of activities, in collaboration with relevant United Nations entities and bodies.

An amendment (document A/C.3/65/L.67) would notably have the Assembly decide to adopt the draft programme of activities of the Year. It would also request the Secretary-General to close the Year with the convening of a global consultation in Geneva on the achievement of the goals and objectives of the Year. The draft programme of activities would be annexed to the resolution.

The representative of Colombia, the main sponsor, said they had attained a resolution regarding activities by Member States that would have a positive impact for people of African descent and promote greater knowledge and understanding of their culture and interests within the

international agenda. The draft resolution also involved the United Nations system, with the aim of harnessing efforts throughout the Year for the People of African Descent. It included elements based on the proposal of the Secretary-General, as well as a program of activities. Colombia, then, read a number of oral amendments to the draft. Colombia hoped that the Third Committee would adopt the resolution by consensus and thanked all co-sponsors who contributed to enriching the text with contributions.

Making a statement in connection with the draft resolution, the representative of South Africa thanked the co-sponsors for their flexibility in dealing with issues important to Africa. The representative said South Africa would like to withdraw its formal amendments in draft resolution, L.67, and would lend its support to the revised resolution.

The Chair of the Committee then noted that the Secretary of the Committee needed to inform them of whether there were any budget implications. The Secretary said that the revisions were submitted last night and moved to the budget division that dealt with the provisions of additional resources, so they were now expecting to receive an oral statement any minute with regard to the revisions made to the text.

The Chair then turned to draft resolution A/C.3/65/L.60, asking the representative of Yemen its status. The representative stated that they needed time to reflect on the draft, and that the question should be addressed to their partners. The Chair next gave the floor to the representative of Belgium, who said the group needed additional time and was still waiting for information regarding the final version of the text. The representative suggested a reading of the draft amendments, after which the group would likely request a brief interruption of the meeting in order to respond rapidly.

The Committee then turned to the draft resolution entitled 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/C.3/65/L.60).

By its terms, the General Assembly would express profound concern about, and its unequivocal condemnation of all forms of racism and racial discrimination, including related acts of racially motivated violence, xenophobia and intolerance, and re-emphasize that international cooperation is a key principle in achieving the goal of their total elimination. It would express grave concern that universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination has not yet been reached, despite commitments under the Durban Declaration and Programme of Action. It would go on to recognize with deep concern the increase in anti-Semitism, Christianophobia and Islamophobia in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas directed against Arab, Christian, Jewish and Muslim communities, as well as all religious communities, communities of people of African descent, communities of people of Asian descent, communities of indigenous people and other Communities.

The draft would also have the Assembly decide to convene on 21 September 2011, a high-level meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action, at the level of Heads of State and Government, in order to adopt a short and concise declaration aimed at mobilizing political will for the full and effective implementation of the Durban Declaration and Programme of Action and the outcome of the 2009 Durban Review Conference. The

Secretary General would be requested to establish a programme of outreach to appropriately commemorate the tenth anniversary of the adoption of the Durban Declaration, while the Office of the United Nations High Commissioner for Human Rights and the Department of Public Information of the Secretariat to launch a public information campaign for the commemoration of the anniversary.

The representative of Yemen, the main sponsor, read a number of oral amendments, copies of which were distributed to delegations. Among the changes, the General Assembly would decide to hold a one-day high-level meeting of the General Assembly to commemorate the tenth anniversary of the Durban Declaration at the level of Heads of State and Government on the second day of the General Debate of the sixty-sixth session of the Assembly, under the theme “Victims of racism, racial discrimination, xenophobia and related intolerances: Recognition, Justice and Development”. That meeting would consist of an opening plenary, consecutive round tables/thematic panels and a closing plenary meeting. The President of the Assembly would be called upon to appoint co-facilitators to conduct consultations on the scope, modalities, format and organization of the Meeting.

The representative of Belgium asked for a 15-minute suspension of the meeting, given the number of oral amendments that had just been made. The Secretary, OTTO GUSTAFIK, said statements on programme budgetary implications relating to draft resolutions on programme of activities of the International Year for People of African Descent and 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.

The Chair, Mr. TOMMO MONTHE, granted the suspension.

Upon the resumption of the meeting, the Secretary read a statement of programme budgetary implications arising from the draft resolution on programme of activities of the International Year for People of African Descent (document A/C.3/65/L.33/Rev.1) involving a total amount of \$58,200.

The draft was then approved without a vote.

The representative of Belgium, on behalf of the European Union, said that despite its doubts about international years and days, the European Union was committed to the full enjoyment of human rights by persons of African descent. However, all victims of racism and discrimination deserved same protection; any suggestion of a hierarchy between such victims should be avoided, as it risked creating new forms of racism. Initiatives should not be restricted to one ethnic group. The revised text was a balanced one. It was deeply regretted that one delegation had tried to reopen the final compromise reached by proposing amendments that had already been thoroughly discussed. The European Union could live with the revised wording of operative paragraph 4, as funding would be drawn from existing resources. It was for those reasons, among others stated, that the European Union had joined consensus on the draft as orally revised by the main sponsor.

The representative of Costa Rica expressed satisfaction that the resolution had been approved by consensus. She thanked the main sponsor and facilitator, Colombia, and all those countries that had participated in consultations.

The representative of Brazil said it welcomed the resolution regarding the International Year for the Peoples of African Descent, which showed the political will of international community. Brazil attached special importance to this initiative and applauded the constructive approach of all those involved, particularly the African Group.

Moving back to draft resolution L.60, the Chair asked about the status of the validity of the amendments. The Chair asked the representatives of Belgium and Yemen whether they were ready to proceed, to which they both responded that they were.

The Secretary of the Committee stated that the budget division would need to provide an oral statement, so it would be necessary to come back tomorrow.

The Chair encouraged the Secretary to contact the budget division once again, given that the draft resolution would be voted a final time in the plenary. After making another phone call to the budget division, the Secretary said that L.60 had been revised, and he understood the pressure of time, but in view of the revisions, the budget division would need to review the draft and the statement, if any, would be made available and provided to everyone.

With that, the issue was left to the Committee. The Chair said that he did not think the situation was so complicated, and that everyone was in agreement regarding what they put in the draft. The final draft would be put forward in the plenary. It had happened on previous occasions, where it had been accepted that any budget implications would be put forward before the final vote taken at the plenary.

The representative of Belgium, on behalf of the European Union, said that the European Union shared the concern that the objective to eradicate racism, racial discrimination, xenophobia and related intolerance had not yet been achieved. The International Convention on the Elimination of all Forms of Racism should remain the basis of all efforts to combat racism, racial discrimination, xenophobia and related intolerance. The European Union shared the view that the General Assembly must play a role in tangible improvements on the ground. The implementation of the Durban Declaration and Programme of Action was an important element in the fight against racism, and many had used it as tool to protect those subject to racism. The European Union had engaged in good faith in the draft resolution, promoting amendments aimed at establishing a clear focus and avoiding any doubt regarding protecting individuals from racism. It regretted, however, that its concerns in that domain had not been addressed. That was not a positive sign for the future.

It was decided to convene a high-level meeting, and the European Union was of the view that the commemoration should not be merely celebratory, but should continue to advance their joint anti-racist agenda. It should not distract from the actual fight against racism, but there had been a lack of reassurance from the co-sponsors in that regard. The European Union also regretted the indication of the day and theme, as well as the reference to negotiations. It was not convinced that the resolution provided a solid basis for commemoration. Many paragraphs also dealt with the follow-up mechanism to the Durban Declaration and Programme of Action, but the European Union had requested that work not be prejudged. The European Union was also not yet convinced of any normative gap or need for international legal norms. It was of the view that the international community should focus on the implication of the existing legal framework. It was also concerned about the new operative paragraph 5, believing that the list of contemporary forms was not based on legal grounds. The European Union could not agree with operative paragraphs 9 and 12, as racism and its related challenges needed to be fought while respecting other freedoms.

Further, he said the resolution failed to refer to States under international law, and did not recognize the positive role that freedom of expression could play in combating racism, racial discrimination, xenophobia and related intolerance. The European Union regretted selective reference to groups and communities throughout text. All individuals should be protected against racism or discriminatory acts. The European Union recognized the efforts of the main sponsor to organize consultative meetings in a timely manner, but did not feel that it had the opportunity to engage in open and transparent discussions. Hardly any of the European Union's concerns had been taken on board. Additionally, the financial implications of the new draft were unclear; it was assumed that the costs would be absorbed. The European Union was not in a position to support the resolution.

The Chair said a recorded vote had been requested. The representative of Yemen asked who, and was told that Israel had made the request.

The representative of Switzerland, also on behalf of Iceland, Liechtenstein, New Zealand and Norway, said racism was a global problem. They had participated in negotiations in good faith, but a lack of time had not allowed more common ground to be found. Issues of grave concern were still contained in the resolution, and the five delegation felt compelled to abstain. Parts of the draft were not consistent with international humanitarian law, including articles 18, 19 and 20 of the International Covenant on Civil and Political Rights. There would be no added value in the political declaration to be adopted at the High-Level Meeting, only a year after the Durban review conference outcome document. The draft also created a hierarchy between groups, when under international law it was individuals who held human rights. The lack of a clear focus on international legal obligations in the fight against racism was regretted. It was also regrettable that the international community had not yet been able to reach consensus and unity on the question of all forms of racism, racial discrimination, xenophobia and other forms of intolerance.

The representative of Israel said her country had always been a strong advocate against racism, racial discrimination, xenophobia and other forms of intolerance. It had been willing to work with others to that end. Nine years ago, Israel had joined others in Durban only to see its hopes dashed in the face of unabashed hatred and hostility. Deviating from constructive and innovative solutions to racism, the conference was hijacked for the purpose of demonizing Israel. When it was decided by the General Assembly to convene a Durban review conference, Israel reserved judgement, but throughout the preparatory process it became clear to Israel and others that that conference would not renounce the poisonous rhetoric of the Durban conference. Elements in the resolution before the Committee had elements that would have been positive in their own right, but neither Israel nor the entire membership of the United Nations could forget what had happened before. The tenth anniversary of the Durban Declaration would be derailed for political purposes. It was for that reason that Israel had called for a vote, in which it would vote against.

The representative of the United States said the United Nations had to continue to address racism. His country remained deeply concerned by speech that encouraged national, racial and religious hatred. Based on its own experience, it was convinced that the best antidote to offensive speech was robust legal protection, proactive government outreach and a vigorous defence of freedom of expression. The draft resolution had elements that obliged the United States to vote no. In addition to concerns addressed by others, it was deeply troubled by the choice of time and venue. Just days earlier, the tenth anniversary of 9/11 would have been marked. That would be a sensitive time for the people of New York. It was a poor choice of time and venue, but it would

place a premium on ensuring a focus on the substantive. Despite differences, it was important to focus on the future. Ten years after Durban, problems of racism and discrimination remained. The United States was deeply committed to thoughtful dialogue to combat racism.

The representative of the Netherlands said his delegation would vote against. He expressed amazement and dismay at the way in which, at the last minute, a whole series of substantive amendments had been introduced, in a way that represented a fundamental disrespect for other delegations based on the idea that “we have a majority, we can do whatever we want”. That was reason enough to vote against. The fight against discrimination was supported by the Netherlands, and its vote today would not change that commitment. The principle of non-discrimination was a cornerstone of the human right system; it was a principle enshrined in his country’s Constitution. The Netherlands had enacted a number of measures to combat racism, but it could not support any effort to redirect attention to other agendas.

The draft resolution was then approved by a recorded vote of 121 in favour to 19 against, with 35 abstentions.

In a general statement after the vote, the representative of South Africa said that, contrary to what some delegations had said, attempts had been made on several occasions to try to accommodate the concerns of partners. For that reason, oral amendments had been circulated earlier in the day, almost all of which had been intended to accommodate their wills and wishes. That some partner would vote against the draft was known, but the fact was that the Group of 77 had tried to take on board all proposals. The Group of 77 was a willing partner in the fight against racism, and it would remain committed to that fight.

Concluding its consideration of the elimination of racism, racial discrimination, xenophobia and related intolerance, the Committee took note of the report of the Secretary-General on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (document A/65/377) and 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 (document A/65/295).

Concluding its consideration of the promotion and protection of human rights, the Committee took note of 28 documents by the Secretary-General and others on the implementation of human rights instruments; human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms; human rights situations and reports of special rapporteurs and representatives; and the comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action.

The Committee then approved, without a vote, the tentative programme of work of the Third Committee for the sixty-sixth session of the General Assembly, submitted by the Chair of the Committee (document A/C.3/65/L.66), listing 11 agenda items that the Committee would address next year.

The Chair, Mr. TOMMO MONTHE (Cameroon), made a statement in which he noted that the Committee had completed its work on schedule. He congratulated delegations for their determination, their flexibility and the serene and civil manner in which they had debated sometimes passionate questions. The Secretariat, conference officers, press officers, interpreters, engineers and technicians had given the best of themselves. Fifty-two meetings of the Committee had been held, as well as 208 rounds of consultations. More than 500 statements, explanations of

vote and introductions of draft resolutions had been heard. Fifty-eight resolutions had been approved, including 33 by consensus and 15 by recorded vote. A great number of those resolutions had been co-sponsored by a very large number of Member States, often surpassing 50 in number. On the day that the President of the General Assembly had visited the Committee, a draft on the Beijing Declaration and Programme of Action on women, introduced by the Chair, had been approved. In an increasingly interdependent world, the General Assembly and the Third Committee were a common home where beneficial decisions regarding social, cultural and humanitarian matters could be initiated in order to bring hope to humanity.