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Press Release

HUMAN RIGHTS COUNCIL DISCUSSES RACISM AND RACIAL DISCRIMINATION, HUMAN RIGHTS OF PEOPLE OF AFRICAN DESCENT AND MIGRANTS

Human Rights Council
AFTERNOON 18 September 2006

The Human Rights Council this afternoon discussed the reports of its Special Rapporteurs on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; the human rights of migrants; and the Working Group of Experts on people of African descent.

Doudou Diene, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, said the recrudescence of phenomena of xenophobia, racism, and related intolerance were the greatest threat to modern society and its ability to live together. The rise in racism and xenophobic violence as the result of the rise of extreme-right and neo-Nazi groups taking action had been confirmed by racist murders in some countries.

Peter Lesa Kasanda, Chairperson-Rapporteur of the Working Group of Experts on people of African descent, said that in spite of ongoing efforts to implement the recommendations adopted at the World Conference against Racism, people of African descent continued to find themselves in a situation of poverty and disempowerment in most parts of the world. That was the reality of people of African descent living in developing countries as well as in developed ones.

Jorge Bustamante, Special Rapporteur on the human rights of migrants, said that the abuses and human rights violations that irregular migrants were subjected to were directly correlated to the vulnerability of migrants. That could be expressed as: the greater their conditions of vulnerability, the greater the violations of their human rights. That was particularly evident in the cases of women and children, further compounded when they were members of indigenous groups. He also alluded to the alarming reports of migrants losing their lives at sea, in particular in the Mediterranean region.

Taking the floor this afternoon, as concerned countries were the representatives of Japan, Brazil, Switzerland, Russian Federation, Belgium and Burkina Faso.

Speaking in the context of the interactive dialogue were the representatives of Pakistan, Finland, Germany, Spain, Mali, Azerbaijan, Chile, Armenia, Poland, Nicaragua, Norway, Peru, Jordan, Uruguay, China, Mexico, Philippines, Argentina, Guatemala and Indonesia.

Iran spoke in exercise of the right of reply.

Also speaking were representatives of non-governmental organizations from Coordinating Board of Jewish Organizations in a joint statement, Franciscans International in a joint statement, Amnesty International, Association for World Education, International Movement Against All Forms of Racism and Discrimination, Indian Movement "Tupaj Amaru" in a joint statement, and Movement against Racism and for Friendship Among Races and Peoples.

The Council will reconvene at 10 a.m. on Tuesday, 19 September, to hear reports from the Working Group on enforced or involuntary disappearances, the Independent Expert on minority issues and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people.

Documents before the Council

The Council has before it the reports submitted by Doudou Diene, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/EC.4/2006/16 and Add.1, Add.2, Add.3 and Add. 4, E/CN.4/2006/17, E/CN.4/2006/54). The Rapporteur presented a series of reports on the issue, including his missions to Japan and Brazil. The reports were submitted pursuant to resolution 2005/64 adopted by the Commission on Human Rights at its sixty-first session. Since the Commission's previous session, the Special Rapporteur has, in all his activities relied on a dual approach: close monitoring and analysis of old and new forms of racism, racial discrimination and xenophobia, and a dual strategy to combat them: both political and legal as well as cultural and ethical. The political and legal strategy, in consonance with the Durban Declaration and Programme of Action, is based on two major priority government measures: the expression of a firm political will to combat racism and the adoption and implementation of national legislation against racism, discrimination and xenophobia.

The Special Rapporteur has also submitted report under document E/CN.4/2004/17 in which he concluded that in most areas of the world, there has been a serious upsurge in manifestations and expressions of discrimination against Muslims and Arab peoples and acts of violence against their places of worship and cultures. In his report on the issue of the incompatibility between democracy and racism, in which the Commission invited the Special Rapporteur to review and further expand the study on the question of political platforms which promote or incite racial discrimination (E/CN.4/2006/54), he confirms the penetration of the racist political platforms of extreme right-wing parties and movements in the political programmes of democratic parties and the growing intellectual legitimisation of those platforms.

The Council is also considering a report (E/CN.4/2006/19), entitled report of the Working Group of Experts on people of African descent on its fifth session, which states that at its fifth session, the Working Group of Experts examined the following themes: mainstreaming the situation of people of African descent in plans for achieving the Millennium Development Goals; the empowerment of women of African descent; and the role of political parties in the integration of people of African descent into political life and decision-making processes. Overall, the experts shared the same view concerning: the difficulties in evaluating the extent of discrimination due to conceptual limitations and inadequacies in the collection of data; the necessity of developing and implementing positive measures aimed at accelerating the achievement of substantive equality of persons of African descent and especially that of women and girls of African descent; the creation of strong monitoring and evaluation mechanisms at the national level in order to assess progress made, the effectiveness of such measures and the identification of good practices. The Working Group adopted several recommendations on each theme. The Working Group also adopted a three-year programme of work and developed toward this end a set of modalities of action to further the implementation of the Working Group's mandate.

An addendum to the above report (E/CN.4/2006/Add.1) contains a report of the Working Group's visit to Belgium, and examines the general situation of people of African descent in Belgium, describes the position in which people of African descent find themselves and the situations that expose them to discrimination and outlines the action taken at various levels for their well-being.

The Council is also reviewing a report (E/CN.4/2006/73), entitled report of the Special Rapporteur on the human rights of migrants, Jorge Bustamante, which presents the activities undertaken by the Special Rapporteur, a description of the mandate, the main situations requiring his attention, and a programme of work. The Special Rapporteur refers to the fact that reluctance to recognize the demand for the labour of migrant workers, which is a common factor among host countries, acquires heuristic importance when it becomes clear that there is some relationship between that reluctance and the appearance of anti-immigrant ideologies often tinged with xenophobia and racism. Denial of demand is an important issue as it is one of the main factors that lead to irregular migration, a situation at the core of much of the abuse and numerous human rights violations suffered by migrants.

Abuse and human rights violations also occur in the context of legal migration, often in the situations of temporary migration. The practice of subcontracting migrant labour can also be a gateway for the impunity for abuse of and violations against migrant workers. The action of private recruitment agencies, such as the charging of large fees and placing migrants in employments where they are subjected to abusive or hazardous working conditions, has often been the subject of complaints and is a question that deserves closer consideration. Discrimination and anti-migrant ideology are factors that affect all migrants, whether regular or irregular,

temporary or permanent. The Special Rapporteur intends to continue examining multidimensional patterns of discriminatory practices affecting migrants with particular emphasis on the gender dimension of migration. He will also focus on the situation of children involved in migration, both as unaccompanied children and as children of migrants, by highlighting the protection needs of this group and expressing them as rights.

An addendum to the above report (E/CN.4/2006/73/Add.1) contains a summary of communications sent to Governments and the answers received.

An addendum to the above report (E/CN.4/2006/73/Add.1) contains the report of the previous Special Rapporteur on the human rights of migrants, Gabriela Rodríguez Pizarro, of her official visit to Burkina Faso from 2 to 9 February 2005.

Statements by the Special Procedures Presenting the Reports

DOUDOU DIENE, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, said the recrudescence of phenomena of xenophobia, racism, and related intolerance were the greatest threat to modern society and its ability to live together. The rise in racism and xenophobic violence as a result of the rise of extreme-right and neo-Nazi groups taking action had been confirmed by racist murders in Belgium and the Russian Federation. The defamation of religion, anti-Semitism, Christianophobia and Islamophobia were also on the rise. There was also intellectual legitimisation of racism, racial discrimination and xenophobia. There was a banalisation of racist and xenophobic practices through Government practices and other platforms. There was a growing practice of different forms of racism, xenophobia and racial discrimination at points of entry, reception and waiting in countries, and also a worsening of manifestations of racism in sport, particularly football.

Multiculturalism was a problem in many countries, and its political recognition, the respect given it, and its social, cultural and educational promotion was one of the deep sources of the growth in racism and xenophobia, coming from the resistance of nationalistic groups as well as from intellectual and political circles that were locked into rigid concepts of identity, Mr. Diene said. The fight against racism, racial discrimination and xenophobia should be linked to the construction of a democratic, egalitarian and interactive multiculturalism. Manifestations of racism and discrimination at the deepest and most durable levels were the result of long-term intellectual concepts. Racist ideology was renewed in an open and insidious manner, through political discourse and through ethnic interpretations of social problems, poverty, and its development.

On specific country visits, Mr. Diene said he had visited Japan, Brazil, Switzerland, and the Russian Federation. Japan was marked by the reality of racism and xenophobia, due to its historical heritage and its relations with neighbouring countries. This racism was manifested in social and economic ways, but also in political, cultural and historical ways. In Brazil, the

commitment of the Government to the fight against racism had been confirmed at the highest level, and the country appeared to be facing up to its historical heritage of racism. In Switzerland, there was a growing place in political discussion and in the media of the rhetoric of defence of national identity, which showed a political climate animated by xenophobic tendencies. In Russia, Mr. Diene had noted the absence of an officially racist policy, but had equally noted a profound dynamic of racism and xenophobia in all Russian society.

PETER LESA KASANDA, Chairperson- Rapporteur of the Working Group of Experts on people of African descent, said that the fifth session of the Working Group dealt with three main themes: mainstreaming the situation of people of African descent in plans for achieving the Millennium Development Goals; the empowerment of women of African descent and the role of political parties in the integration of people of African descent into political life and decision-making processes.

In spite of ongoing efforts to implement the recommendations adopted at the World Conference against Racism, people of African descent continued to find themselves in a situation of poverty and disempowerment in most parts of the world. This was the reality of people of African descent living in developing countries as well as in developed ones. Careful attention needed to be given to ensuring that the benefits that accrued from initiatives that had already been launched would attain the Millennium Development Goals, and that they reached all groups, including people of African descent.

Racism and discrimination revealed themselves in a different manner for men and women. Black women and girls were amongst the most disadvantaged and vulnerable groups. When gender-based discrimination intersected with stigma and racial discrimination, it resulted in a double suffering on women and girls. The Working Group considered of great importance the empowerment of victims of racism, particularly women, so that they could build up their own capacities as an important development objective and a prime resource.

The Working Group encouraged political parties to take concrete steps to promote solidarity, tolerance and respect for all human rights without distinction. Political parties had to analyse and present issues to the general public in ways as to change stereotypes to promote solidarity and social cohesion.

Mr. Kasanda noted with satisfaction the Government of Belgium's efforts to protect the human rights of people of African descent and to address the issues concerning their well-being. Children of African descent or with foreign background frequently did not start their school career with the same social and cultural capital as other children. This aspect was an important element to take into account when framing education measures for them. It was also a matter of concern that in some areas highly populated by persons of foreign origin, school classes were composed mainly of pupils of foreign background, thus undermining the integration efforts of the national

authorities. Another issue of concern was the process for the recognition of diplomas obtained in a foreign country.

The Working Group noticed that in the field of employment, discriminatory behaviours and practices were recorded in Belgium, in particular in the recruitment process. It also addressed recommendations with reference to associations of people of African descent, as actors for change, to cooperate and to establish a common platform to act as an interface with the Government and voice the concerns and the needs of the African diaspora in Belgium. To improve the effectiveness and impact of the work of the Working Group in the promotion and protection of human rights of People of African descent, the members of the Working Group decided to re-organize the content of its future agenda.

JORGE BUSTAMANTE, Special Rapporteur on the human rights of migrants, said that the abuses and human rights violations that irregular migrants were subjected to were directly correlated to the vulnerability of migrants. That could be expressed as: the greater their conditions of vulnerability, the greater the violations of their human rights. That was particularly evident in the cases of women and children, further compounded when they were members of indigenous groups. In that regard, the Special Rapporteur highlighted in his report practices that had been brought to his attention in the context of temporary migration that could render migrants especially vulnerable to abuse, when such policies and practices included, for example, the confiscation of a migrant's identity documents by employers; the implementation of "sponsorship" systems where migrants were not allowed to change employers so that the legality of their stay in a specific country depended entirely on those employers; lack of monitoring of places of work and private recruitment agencies and placing of certain categories of migrants such as domestic migrant workers outside the protection of the labour laws of the countries of destination.

With regards to the alarming amount of reports received in the course of 2006 concerning migrants who lost their lives at sea, in particular in the Mediterranean region, the Special Rapporteur considered that the recent amendments which had been made on 1 July 2006 to the Maritime Conventions were an extremely important development towards the protection of migrants at sea. Ships had long had a duty to rescue persons at risk at sea. However, those fulfilling that obligation had often faced problems as States sometimes refused to authorize migrants and refugees rescued at sea to disembark, in particular undocumented persons. That had often placed ship-owners and companies in a very difficult situation, and had at times been seen to threaten the humanitarian tradition to assist person at peril at sea.

Statements by Concerned Countries

ICHIRO FUJISAKI, Japan, speaking as a concerned country, said the Government of Japan had welcomed the visit and the report of the Special Rapporteur on contemporary forms of racism, racial discrimination,

xenophobia and related intolerance, and thanked him for his efforts to make a detailed report, which had been studied carefully by all relevant authorities. There were some statements in the report which should be corrected, and some parts of the report went beyond the mandate, and therefore a detailed comment had been submitted, which had been published as an official document. Japan had been taking all possible measures to combat racial discrimination, and had acceded to two international conventions regarding the elimination of discrimination. Article 14 of the Constitution of Japan guaranteed equality before the law without any discrimination.

The Government of Japan had implemented special policies towards Dowa districts and the residents thereof, with the objectives of rapidly improving the economic conditions and the living environments of the Dowa districts. There was also a law whose objective was to build a society in which the racial pride of the Ainu people was respected, as their culture and traditions contributed to the development of a diverse culture in Japan. The Constitution also guaranteed fundamental human rights to foreign residents in Japan, except the rights which, owing to their nature, were interpreted to be applicable only to Japanese nationals.

MAGALI NAVES (Brazil), speaking as a concerned country, said the Government welcomed the visit and report of the Special Rapporteur. Nevertheless, Brazil wished to underline some aspects that were not fully taken into account, especially on the initiative of the Government of Brazil and the participation of civil society. Mr. Diene had visited Brazil in October 2005 and had had the opportunity to learn in detail the situation in the country and the efforts of the Government aimed at reducing discrimination. Mr. Diene, during his speech at the 60th Session of the General Assembly, had stressed the President of Brazil's political commitment to combat racism and racial discrimination.

Brazil had set up the Secretariat on Promotion of Racial Equality Policies in 2003. This Secretariat had made possible the creation of the post of Special Rapporteur for the Rights of Persons of African Descent and Against Racial Discrimination in the Organization of American States. Brazil had also participated in the efforts to write and negotiate the draft Inter American Convention Against Racism and All Forms of Discrimination. Brazil also fought hard for the creation of a Working Group Against Racism at the Meeting of Senior Officials on Human Rights and the Consulates of MERCOSUR and associated member countries.

BLAISE GODET (Switzerland), speaking as a concerned country, said the Special Rapporteur on contemporary forms of racism had visited Switzerland and the Government was willing to further collaborate with his efforts. Switzerland would provide further comments when the Rapporteur presented his final report. In Switzerland's political system, whose basis was direct democracy, the policies were implemented in a very consistent manner. The Federal institutions on discrimination and on foreigners were engaged in combating racial discrimination and exclusion in a very strong manner. The Federal authorities and cantons were implementing the policies and

measures of integration of foreigners. Switzerland attached great importance to the Durban Declaration and Programme of Action.

MARINA KORUNOVA (Russian Federation), speaking as a concerned country, said the work of the Special Rapporteur on contemporary forms of racism and racial discrimination, Doudou Diène, was balanced and objective in nature. The Russian Federation recognised the need to fight racism, and cooperated with international organizations and mechanisms to this effect. The recommendations of the Special Rapporteur on his visit would be analysed, and unresolved issues would be resolved. Russian legislation contained a broad range of instruments to prevent any manifestations of racial discrimination and xenophobia, and guaranteed equal rights and civil freedoms regardless of age, race, and ethnic origin. All offences of racial discrimination and xenophobia were investigated, and the guilty were punished.

ALEX VAN MEEUWEN (Belgium) thanked the Chairperson of the Working Group of Experts on people of African descent for his report and visit to the country. Belgium's willingness to receive the Working Group was part of the Government's commitment to welcome all the Special Procedures of the Human Rights Council that had made a request to visit Belgium. As the Experts were able to confirm, Belgium had developed a global policy to fight racism and discrimination by joining the numerous legislative mechanisms to educational measures taken to sensitise the population. These policies applied to people of African descent. On the legislative front, Belgium had celebrated on 30 July the 25th anniversary of the adoption of the law that constituted the main pillar in the Belgium legislation dealing with the fight against racism. Many amendments and new pieces of legislation had been adopted since and had reinforced the Belgium law. In 1993, Belgium had set up the Centre on Equality of Opportunities and Fight Against Racism. In 2003, the competence of the Centre was expanded to also include all forms of discrimination as well as questions relating to migration and human trafficking.

Belgium was also aware of existing discrimination in employment, housing and education. Nevertheless, it was important to note that the policies aimed at promoting employment and housing were not discriminatory. In that sense, the Wallone region had adopted a number of measures to facilitate access to employment and housing to people of foreign origin. With reference to education, the Flamande and French communities had also adopted measures to assure the equality of opportunities.

Belgium authorities, following the racist act that had taken place in Anvers last May, underscored the large number of popular initiatives to fight racism, and that manifested itself in mass street demonstrations and awareness-raising campaigns at the local level, which also included Belgium artists. This initiative showed the unequivocal rejection of racism by the Belgium population.

MOUSSA B. NEBIE (Burkina Faso), referring to the report on the Special

Rapporteur on the human rights of migrants, said the report had put to light the problems and the humanitarian and socio-economic consequences of the influx of migrants into Burkina Faso, particularly following the crisis in Côte d'Ivoire. In its conclusion, the report had stressed the need to take urgent measures to reintegrate the migrants and to find lasting solutions to the problems of migrants in Côte d'Ivoire. As indicated by the Special Rapporteur, his country was on the crossroad for migrant workers in the sub-Saharan region. In addition to its hospitality, Burkina Faso had always been tolerant and generous towards those individuals. The policies of the country were based on good neighbourhood and openness to foreigners.

Interactive Discussion

MASOOD KHAN (Pakistan) said the findings of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance were alarming, and the phenomenon of Islamophobia was on the rise in Europe, with manifestations of hostility to Arabs and Muslims becoming pervasive. Most worryingly, the culture of Islamophobia or incitement against Islam was seeping into political ideologies. Unlimited freedom of expression was out of step with the need for respect for religions. Islamophobia, like anti-Semitism and Christianophobia, was more a political fact than anything else, and the association of Islam with violence and terrorism should be rejected. The Special Rapporteur should report regularly to the Council, which had its own responsibilities to reject these phenomena. The Council should use its resources more effectively to address legal deficits in the area of defamation of religions. Mr. Kasanda was asked what the international community could do to encourage the political participation of people of African Descent. What mechanisms flowing out of the High-Level Dialogue could be of help with regard to the situation of migrant workers, Pakistan asked Mr. Bustamante.

KATRI SILFVERBERG (Finland), speaking on behalf of the European Union, thanked the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance for the insightful report. The European Union appreciated the reference made to the importance of cooperation of Governments with the Special Procedures. The European Union wanted the Special Rapporteur to give specific examples with reference to the intellectual and scientific mobilization and its key role promoting discrimination. In addition, it was interested in having further details about the reference made by the Special Rapporteur to the denial of the Holocaust by a particular Member State. The European Union also asked the Special Rapporteur to provide concrete examples on the combined discrimination that resulted from ethnic and sexual orientation discrimination, and which recommendations the Special Rapporteur considered necessary to promote more pluralistic societies. The Union asked the Special Rapporteur on the human rights of migrants if he was thinking at some point to enlarge the root causes of migration flux and impact of migration in sending countries and countries of destination.

MICHAEL STEINER (Germany) said Germany was committed to the fight

against racism and racial discrimination. The Government had welcomed the recommendations of the Special Rapporteur on contemporary forms of racism and racial discrimination on the prevention of racism in sport stadiums. With the collaboration of FIFA, the Government had been working to prevent any form of racial manifestations in sports.

JOAQUÍN MARIA DE ARISTEGUI LABORDE (Spain) said with regards to the presentation on the rights of migrants, and on behalf of the European Union to supplement the previous questions, undocumented controls over borders were of concern, and there was a need for guidance to deal with the issue in a balanced way. The report of the Special Rapporteur on the human rights of migrants expressed a wish to participate in regional consultations, and the speaker asked whether migrant issues followed regional trends, or were similar across the world. Spain was well aware of the problems of migration, as it had been on both sides of the phenomenon, and would cooperate with Mr. Bustamante.

FATOUmata DIALLO (Mali) said with regards to the first topic, Mali was a multi-ethnic and multicultural country, and did not suffer from racism or racial discrimination, and its people lived together in harmony. It was its tradition that guests and foreigners were treated with maximum respect and hospitality. Mali had a large tradition of migration, and the treatment of migrants, which was unacceptable in some countries, was of concern, and they should implement the international conventions that they had ratified. It was important to foster knowledge and acceptance of others. The international community should pay attention, as long as suffering persisted in this context.

ELCHIN AMIRBAYOV (Azerbaijan) said racism was threatening the world community and created fertile ground for further division. The speech by the Pope with regard to Islam was a mockery of freedom of speech. What measures should be taken to dismantle certain aspects of racism in some government structures? What steps should be taken to fight specific aspects of racism in a society?

PATRICIO UTRERAS (Chile) said with regard to the report by Special Rapporteur on contemporary forms of racism and racial discrimination Doudou Diene, his work was excellent and prolific. An intellectual strategy to combat racism meant building democratic multiculturalism, and encouraging dialogue between the different countries promoting universal values, which was a common language for dialogue and interaction, and issues included human rights and fundamental freedoms. Islamophobia, Christianophobia and anti-Semitism were said to be more political and ideological, and the speaker asked what were the consequences for the dialogue that was being promoted, or what measures were required. What place was allotted to the Durban Programme of Action in the intercultural dialogue, particular with regards to the role of the media in combating racism and discrimination, Chile asked

ARTAK APITONIAN (Armenia) said with regard to the presentation by the

Special Rapporteur on contemporary forms of racism and racial discrimination Doudou Diene, Armenia shared his views on the factor of memory in the structure of discriminatory practices. This was a realm where the intellectual elite of the society could take a lead by rejecting the denialists and negationist and revisionist attitudes towards historical crimes and injustices and paving the way for the dialogue, mutual understanding and respect. This issue was closely connected to the question of political platforms which promoted or incited discrimination. Armenia firmly believed that healthy societies should jettison such political forces which promoted not only discrimination but also the historical denialism or revisionism which ultimately led to the rise of racism, xenophobia and intolerance in the society and in international relations. Armenia would like to hear the Special Rapporteur's opinion on this issue and hoped that he would further elaborate on this in his next report.

ZDZISLAW RAPACKI (Poland), referring to the report of the Special Rapporteur on contemporary forms of racism and racial discrimination, said that education was the most essential instrument in the fight against racism. Poland wondered what mechanisms could the Special Rapporteur suggest to strengthen education as an effective instrument to combat racism.

ALICIA MARTIN GALLEGOS (Nicaragua) said on the visit of the Special Rapporteur on contemporary forms of racism and racial discrimination, the Government had received his recommendations positively, and had kept in close contact since then in following them up and applying them. In Nicaragua, there was no institutional racial discrimination, and multiculturalism had developed in a positive way. Combating racism and racial discrimination in all its forms was a task which the Government needed to continue to assume. The Special Rapporteur noted in the last report the alarming development of racism in the world as a result of intolerance and hostility to migrants, and Nicaragua was alarmed at this situation. Many compatriots were faced daily with situations in which their human rights were violated, and the Council should take steps to end these, and all States should ratify the United Nations Convention on Migrant Workers.

ASTRID HELLE AJAMAY (Norway) thanked the Special Rapporteur on contemporary forms of racism and racial discrimination for his report as well as for the update he had presented. Norway supported the Special Rapporteur's approach to dealing with all forms of discrimination as equals, avoiding thus any hierarchy. Norway also agreed with the importance the Special Rapporteur attached to the need for governments to express a greater affirmation and demonstration of their political will to combat racism. Furthermore, Norway welcomed the Special Rapporteur's recommendation to adopt legislation against racism, racial discrimination and xenophobia.

ELIANA BERAUN ESCUDERO (Peru) said with regard to the report on the contemporary forms of racism, Peru supported the recommendations made by the Special Rapporteur, particularly his recommendations for preventing racial discrimination in sports. With regard to the report on people of African descent, Peru also supported the recommendations and asked the Special

Rapporteur to make a diagnosis of the situation in Latin America. Concerning the human rights of migrants, she agreed with the concerns of the Special Rapporteur that migrants were subjected to discrimination in airports.

MOUSA BURAYZAT (Jordan) said the report of the Special Rapporteur on the contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Doudou Diene, was very alarming, and the conclusions and recommendations that he had made were very alarming. It seemed that there was a need to shift gear in combating racism and racial discrimination, in particular Islamophobia. Such phenomena were once believed to be due partly to misunderstanding and misperceptions, and the actions of some fringe groups that were unrepresentative of Islam, and yet it now appeared that they were structural in some societies. Mr. Diene should suggest how the States in which this was structural could work to remedy the situation. The issue should perhaps be dealt with as a security issue, and the Council should deal with it urgently.

RICARDO GONZALEZ ARENAS (Uruguay) thanked the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Doudou Diene, for the introduction of his report which reflected a worrisome pattern of behaviour, which did not seem to abate, of racial discrimination and xenophobia that impacted negatively at the social level in sports, schools, and the dignity and human rights of migrants. It was necessary to redouble the efforts of the international community to combat all forms of discrimination. It was also clear that in order to implement the Durban Declaration, efforts had to be made at the national level. Finally, Uruguay asked the Special Rapporteur on the role of international cooperation, and the High Commissioner on her view on how to assist Member States at the legislative level on the implementation of the Durban Declaration, and which areas had to be emphasized.

ZHAO XING (China), concerning the report of the Special Rapporteur on contemporary forms of racism and racial discrimination Doudou Diene, said that with the increase in incidents of racism and racial discrimination, moral and legal struggle should continue to tackle the phenomenon. China asked the Special Rapporteur if he had raised the issue of history books in the countries he visited. The United Nations Educational, Scientific and Cultural Organization (UNESCO) had recommended that history books should reflect the reality of the past.

JOSE GUEVARA (Mexico) said the presentation of reports gave the opportunity for a substantive dialogue and to see the relationship between all human rights. What were the views of the Special Rapporteur on the human rights of migrants Jorge Bustamante on actions, apart from statistics, which States should undertake to ensure the full respect of all human rights for migrants, he asked. The International Convention on Protection of the Rights of all Migrant Workers should be universally ratified.

ENRIQUE MANALO (Philippines) said with regards to the report of the Special Rapporteur on the human rights of migrants Jorge Bustamante, the

Government of the Philippines supported fully the respect of the rights of all migrants, and the International Convention in this regard was an important instrument which deserved wider ratification. Focus should also be put on the demand side of migration, and the gender dimension should be a priority issue, as the vulnerability of women and children migrants left them open to abuse. The Council had an important role to play, and Mr. Bustamante should offer any preliminary views on how the subject could be more fully incorporated in its work and what issues it should focus on in the near future.

SERGIO CERDA (Argentina) said Argentina thanked the Special Rapporteur on contemporary forms of racism and racial discrimination, who insisted on the need for education to change the attitudes of people and in the fight against that scourge.

CARLOS RAMIRO MARTINEZ ALVARADO (Guatemala) said with regards to the presentation by the Special Rapporteur on contemporary forms of racism and racial discrimination, Doudou Diene, the open-doors policy of Guatemala had made it possible for him to visit, and the Government had implemented a number of the recommendations that had been made. Guatemala was a multi-ethnic and multicultural country, and the State was committed to working against racism. Regarding the report of the Special Rapporteur on the human rights of migrants, Jorge Bustamante, Guatemala had ratified the International Convention on the Protection of the Rights of Migrant Workers, and hoped more and other countries would do so equally, in particular countries of destination. The Rapporteur should work on the non-criminalisation of migrants, which was something which was particularly important and should be given greater emphasis in future reports.

DEDE A. RIFAI (Indonesia), commenting on the situation of migrant workers, thanked the Special Rapporteur on the rights of migrant workers Jorge Bustamante for his report, and stated that Indonesia attached great importance to the protection of the rights of migrant workers and members of their families. Indonesia underlined that the Special Rapporteur's report dealt with the situation of migrants abroad and the consequences of migration, and how to overcome discrimination and violation of their rights. In that sense, Indonesia considered as key the ratification of the Convention on the Rights of Migrant Workers and Members of their Families. It requested countries of destination to comply with international instruments for the protection of migrants, and urged the establishment of bilateral agreements. Indonesia was committed to improve the situation of migrants.

ALESSANDRA AULA, of Franciscans International, in a joint statement, said Franciscans International took note of the proposal for the creation of a new UN standard with regard to undocumented migrants and wanted to know if the Special Rapporteur had considered how it could be implemented.

K. NETTER, of B'nai B'rith International and Coordinating Board of Jewish Organizations, said the Special Rapporteur on contemporary forms of racism and racial discrimination should report more fully on anti-Semitism and its dire consequences without allowing political sensitivities to obstruct him from

condemning those who incited anti-Semitism and the consequence of an increasing Holocaust denial ideology. Such denial had been criminalized in several countries, and yet hateful canards had been revived in the public media of several Middle East countries. The response of the United Nations against this growing incitement should be heard, as it doubly victimised those already victimised, but upheld future efforts to exterminate Jews.

PATRICIA SCANNELLA, of Amnesty International, said the work of the Special Rapporteur on contemporary forms of racism and racial discrimination Doudou Diene was appreciated, and the importance attached to follow-up to communications, and analysis as well as missions was appreciated. Suggestions on ensuring better follow-up with States would be appreciated, as would help on implementing Security Council resolutions and recommendations in this regard.

DAVID LITTMAN, of Association for World Education, asked the Special Rapporteur on contemporary forms of racism and racial discrimination on the possible role the Human Right Council could play in stopping the increasing violence in Darfur, Sudan. He mentioned that the role of the Council would be tested by its action vis-à-vis Darfur. The Association for World Education had not seen any public development on the part of the Council with reference to Darfur yet, and wondered whether it would take some action in the near future. It recommended, along a number of other NGOs, the establishment of a large contingent of human rights observers to be deployed in Darfur. The Association also asked if the Council envisaged any possible collaboration between the International Criminal Court and the Council in addressing the protection of human rights and the prevention of genocide.

SUMIE OGASAWARA, of International Movement Against All Forms of Racism and Discrimination, welcomed the report of the Special Rapporteur on contemporary forms of racism and racial discrimination, particularly his visit to Japan. The Movement also welcomed the Government's acceptance of his visit. The Rapporteur should also focus on the effects of discrimination on the socio-economic situation of those people affected by discrimination.

LAZZARO PARIS, of Indian Movement Tupaj Amaru, said the Special Rapporteur on contemporary forms of racism and racial discrimination had presented a report with realism and courage. Indigenous peoples, five years after the Durban Conference were looking at a sombre outcome. Racial discrimination had taken considerable proportions, particularly against indigenous peoples, migrants, African descendents, the Palestinian people and other peoples. Only education could resolve racism and racial discrimination. Indigenous peoples believed that colonialism, racism, neo-colonialism and the militarization of entire continents to take over resources constituted a fundamental premise and basis for racial discrimination, and were the effect of racism and racial discrimination.

JEAN-JACQUES KIRKYACHARIAN, of Movement against Racism and For Friendship among Peoples, said a good text should give rise to questions. The situation was getting worse, and the ideological and political enterprise

which caused the clash of civilisations should be addressed, as this was part of a broader campaign. Individual pieces of legislation alone could not do the work of change in countries characterised by racism. In-depth work was required among peoples themselves. The phenomenon of racism and its worsening could be related to social and educational structures, in particular in countries which hosted migrants.

Concluding Statements

JORGE BUSTAMANTE, Chairperson-Rapporteur on the rights of migrants, said the questions raised by speakers were numerous and enormous. The International Convention on the Rights of Migrants and Members of Their Families was a most comprehensive treaty and should be ratified by all. The vulnerability of migrants was a result of the process of migration. Hidden xenophobia was among the problems affecting millions of people all over the world, particularly those undocumented migrants.

PETER LESA KASANDA, Chairperson of the Working Group of Experts on people of African descent, said after his visit to Belgium, the authorities had put into place new administrative measures to fight racism. This was a real show and demonstration of political will to ensure that the Durban Anti-Discrimination agenda had meaning. Peru had also appreciated the report. With regards to the question of Pakistan, it was clear in the report that States had the primary responsibility to protect human rights at the national level, and this included the human rights of those of African descent, the participation of whom in political life was relatively low, and it was up to Governments to ensure that they put affirmative action into reality. Political parties should reserve places for people of African descent, so as to ensure fair representation. With regards to the question of Finland on affirmative action on women, the report contained data on this.

DOUDOU DIENE, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, said all Governments had cooperated, and there had been no problems with any encounters. Japan had asked a central question on the fight against racism, saying the historic problem was beyond the mandate of the Special Rapporteur, and had stressed the problem of contemporary forms of racism. This was the heart of the debate - if the Special Rapporteur's mandate was limited to reporting on only contemporary forms, and measuring them in time, then the fundamental fact was ignored that racism was an iceberg, with the visible forms showing the manifestations of the present forms. But racism was a mutant - visible forms could be touched, but if the invisible form of the iceberg, the fecund womb of the phenomenon was not reached, then the efforts were to naught. Racism was a construction of long duration.

History was also a long-term thing, and Mr. Diene said he had suggested that if young Japanese were taught that their original identity was the product of the deep influence of China and Korea, who were the mother and father of Japan, then racism's manifestations would be changed. In Brazil, the country was beginning to break with its racist heritage, but perhaps the country did

not take fully into account the extent of the problems of the past. Racism was gaining ground everywhere, and if this was the case, it was perhaps a sign that not only negative things were taking place, but that the old identities of the Nation State were beginning to disintegrate, and the emergence of new multicultural identities was causing friction, although these new identities was a positive element.

Right of Reply

ABBAS GOLRIZ ([Iran](#)), in a right of reply, said with regard to the remarks made on Israel, participants in the fora were supposed to read the documents in advance to avoid any remarks that were inappropriate. The President of Iran's remarks came in the form of a research question, and required an economic response. The President of Iran had always unquestionably distinguished between the Jewish religion and Zionism. Iranian Jews had their own seats in Parliament in Iran. Zionism was an ideology based on hegemonistic desires and political ambitions.

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