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Human Rights Council**Twenty-fifth session**

Agenda item 9

Racism, racial discrimination, xenophobia and related forms of intolerance: follow-up to and implementation of the Durban Declaration and Programme of Action**Report of the Ad Hoc Committee on the Elaboration of Complementary Standards on its fifth session* ******Chairperson-Rapporteur:** H.E. Mr. Abdul Samad Minty (South Africa)*Summary*

The present report is submitted pursuant to Human Rights Council decisions 3/103 and 10/30 and resolution 6/21. The report is a summary of proceedings and the discussions which took place during the fifth session of Ad Hoc Committee on the Elaboration of Complementary Standards. During the session, the Committee considered the questionnaire and summary, pursuant to Human Rights Council A/RES/HRC/21/30. With the input of several experts in the relevant fields, substantive discussions took place on the topics of “Xenophobia”, “Establishment, Designation or Maintaining of National Mechanisms with Competences to Protect Against and Prevent All Forms and Manifestation of Racism, Racial Discrimination, Xenophobia and Related Intolerance”, and “Procedural Gaps with regard to the International Convention on the Elimination of All Forms of Racial Discrimination”. The session also heard “Updates on Relevant Global and Regional Developments”.

* The annexes to the present report are circulated in the language of submission only.

** Late submission.

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I. Introduction

1. The Ad Hoc Committee on the elaboration of complementary international standards submits the present report pursuant to Human Rights Council decisions 3/103 and 10/30 and resolution 6/21.

II. Organization of the Session

2. The Ad Hoc Committee held its fifth session from 22 July to 2 August 2013. During the session, the Ad Hoc Committee held 14 meetings.

A. Attendance

3. The session was attended by representatives of Member States, Non-Member States represented by observers, intergovernmental organizations and non-governmental organizations (NGOs) in consultative status with the Economic and Social Council.

B. Opening of the session

4. The first meeting of the fifth session of the Ad Hoc Committee on the Elaboration of Complementary Standards was opened on 22 July 2013 by Mr. Yury Boychenko, Chief of the Anti-Discrimination Section (OHCHR). He noted that Human Rights Council resolution A/RES/21/30 of 28 September 2012 had requested the Office, in paragraph 4 to distribute a questionnaire from existing resources, to gather information on the three topics discussed by the Ad Hoc Committee during its fourth session and covered in its report. He pointed out that the Chairperson-Rapporteur's summary of responses as well as the original responses received to the questionnaire were available on the website of OHCHR. He noted that several meetings of Regional Coordinators with the Chairperson-Rapporteur had taken place since the fourth session in order to communicate and prepare for the fifth session and expressed hope that this open and constructive dialogue would continue during the session.

C. Election of the Chairperson-Rapporteur

5. During the first meeting, the Ad Hoc Committee elected H.E. Mr. Abdul Samad Minty, Permanent Representative of the Republic of South Africa to the United Nations Office at Geneva, as its Chairperson-Rapporteur, by acclamation. In brief introductory remarks, he stated that the Committee would continue its discussion on issues with the incremental approach adopted in previous sessions. This afforded it an opportunity to further reflect on and understand the issues to be discussed, as well as the link between the mandate of the Committee and paragraph 199 of the Durban Declaration and Programme of Action (DDPA). Other topics would also be introduced for consideration by the Committee.

6. Based on the consensus achieved during the last session, he encouraged the Committee to continue its focus on the plight of victims and to ensure unconditional respect for human dignity. In this regard, he considered it useful to explore possibilities of an international regulatory framework for xenophobia given the more aggressive manifestations of xenophobia, which need stronger measures. He hoped that the Committee would do its utmost to fulfil its mandate and he looked forward to constructive and meaningful discussions to address the very important subject matter before it.

D. Adoption of the agenda

7. During the first meeting of the session, the Ad-Hoc Committee adopted the agenda for the fifth session.

E. Organization of work

8. The Chairperson-Rapporteur introduced the draft programme of work at its first meeting. He stated that pending final confirmations from a few remaining presenters, a few changes might be introduced at a later stage. The programme of work (contained in Annex 3) was adopted at the first meeting. The Chairperson-Rapporteur invited general statements about the session.

9. Gabon, speaking on behalf of the African Group, highlighted the need for additional complementary standards with a view to reinforcing national and international law against racism as a matter of high priority. The Group was pleased that the Committee would focus on the concrete thematic topics of xenophobia, national mechanisms and procedural gaps to the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). He added that there should be no complacency in international law in addressing these scourges and he invited the international community to enhance the fight against racism, racial discrimination, xenophobia and related intolerance. He regretted that twelve years after the adoption of the DDPA, new manifestations were worrying and becoming virulent, that the authors of racism and xenophobia were often persons at the highest levels of authority, and that persons of African descent were often the victims. As recommended in para. 199 of DDPA, it was important to reinforce laws and legal systems at national and regional levels, and to have a clear and precise definition of xenophobia.

10. The European Union stated that late preparations of the session, which had been rescheduled from April 2014, was not conducive to consensus. The representative stated that the summary of the responses to the questionnaire was made available the week prior and there was a lack of transparency with regard to the selection of experts. The delegate stated that item 8 in the programme of work regarding updates on relevant global and regional developments was not acceptable to the EU, as it did not have proper relevance to the mandate of the Committee. The delegate reaffirmed the commitment of the EU to the fight against racism, racial discrimination, xenophobia and related intolerance. Noting that full implementation remained an obstacle in many countries, priority should be given to effective implementation of existing instruments, including ICERD.

11. Egypt pointed out that the need for a comprehensive approach to the fight against racism, racial discrimination, xenophobia and related intolerance included key complementary measures, given that there were new trends and manifestations threatening many countries around the world. He noted that xenophobic manifestations required protection measures and highlighted the existence of racial, religious and cultural prejudices. States should take opportunities to combat racism, racial discrimination, xenophobia and related intolerance, including through internet. The delegate stated that new topics should be discussed during the current session of the Committee.

12. Norway emphasized the importance of confronting extremism. He noted that racism, racial discrimination, xenophobia and related intolerance can easily lead to hatred and violence, and in the worst cases full-blown conflict, crimes against humanity, genocide and terrorist attacks. He recalled the terrorist attack of 22 July 2011 in Norway, in which scores of people were killed. The multicultural society of Norway reacted with more democracy, openness and inclusion. He highlighted the need to take effective measures to combat hate speech and hate crimes and to investigate and sanction them. Norway was not convinced of the need for new standards and it noted the importance of improving the implementation of ICERD and other relevant instruments. The delegate said that Norway was ready to discuss

further whether new procedures to ICERD could enhance its effectiveness as a monitoring body, and pointed out that solutions should be based on facts and acceptable to all parties.

13. Mexico, on behalf of Argentina, Brazil, Chile, Japan, Switzerland and Uruguay, expressed its regret that inter-sessional consultations with regional and political coordinators were held late. It welcomed the expert presenters and topics of xenophobia, national mechanisms and procedural gaps to the ICERD; noting however, that the programme of work included issues under item 8, to which the Committee had yet to agree. Mexico stated that the ICERD and the DDPA constituted the main and most comprehensive instruments in the fight against racism, racial discrimination, xenophobia and related intolerance and that they were committed to implement them in the most effective manner.

14. Pakistan, speaking on behalf of the Organization of Islamic Cooperation (OIC), noted that as there are new trends and manifestations of racism, racial discrimination, xenophobia and related intolerance, there is a need for complementary standards. The delegate expressed support for the inclusion of item 8 on “Updates on relevant global and regional developments” and noted its relevance to the Committee’s work.

15. The delegate of the Bolivarian Republic of Venezuela reiterated the need to develop complementary standards, including a definition of xenophobia. He also highlighted the need to reinforce the fight against incitement to racial, ethnic, national and religious hatred.

16. The Chairperson-Rapporteur clarified that four meetings of regional coordinators had been held during the inter-sessional period between the fourth and the fifth sessions. He noted that in early June 2013, regional coordinators had been invited to suggest experts and topics for the session’s programme of work; however, no responses were received.

III. Discussion on the questionnaire, pursuant to paragraph 4 of A/HRC/RES/21/30

17. At the 2nd meeting on 22 July, the Chairperson-Rapporteur introduced the questionnaire, pursuant to paragraph 4 of A/HRC/RES/21/30. In his preliminary remarks on the questionnaire, the Chairperson-Rapporteur stated that the Human Rights Council resolution adopted at its 21st session of the Council entitled “Elaboration of international complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination”, requested OHCHR to distribute a questionnaire to gather information on the three topics discussed by the Ad Hoc Committee during its fourth session and covered in its report (xenophobia, national mechanisms and procedural gaps), including legal and judicial frameworks and practices, substantive and procedural measures in line with the mandate of the Ad Hoc Committee, and possible recommendations”. In this regard, nine questions were posed to Member States by note verbale dated 3 December 2012, whereby all Permanent Missions in Geneva and New York were invited to forward their responses. The Office received in total 30 replies to the questionnaire. He explained that the questionnaire responses were not representative, and to some extent provided a largely anecdotal picture. He invited delegations to make supplemental interventions and also elaborate on their original submissions to the questionnaire.

18. He indicated that all the responses received outlined Constitutions and national legislation as the means by which racism, racial discrimination, xenophobia and related intolerance are addressed. In most responses, it was noted that Constitutions and national legislations provide for equality before the law and/or legal protection against discrimination on a number of enumerated grounds and/or in a number of sectors. Additionally, racial discrimination as well as other forms of discrimination are directly prohibited by these legal frameworks and elements of such discrimination are often criminalized under criminal law. On the ratification of regional and international legal instruments, with particular reference to the ICERD, most responses highlighted their importance to addressing issues of racism, racial discrimination, xenophobia and related

intolerance at the national level. Interestingly, only a few responses indicated that existing legal frameworks also addressed issues related to xenophobia domestically. The questionnaire had also invited respondents to indicate any possible recommendations or additional comments or information related to xenophobia, national mechanisms and procedural gaps. The least number of responses were received to this general category question. Given this, the Chairperson invited all Member States to consider the responses to the questionnaire as summarised, with a view to implement the mandate of the Ad Hoc Committee as outlined in the Human Rights Council decision 3/103, which states that the Committee should “elaborate as a matter of priority and necessity, complementary standards in the form of either a convention or additional protocol(s) to the ICERD”.

19. The Chairperson-Rapporteur also referred to the importance of the need to elaborate, as a matter of priority, complementary standards in the form of a convention or an additional protocol to ICERD. The Chairperson-Rapporteur raised several questions and issues and invited Member States to consider them: i) the role and impact of Constitutions, as to whether Constitutions or legislation are adequate in terms of moving from constitutional protection (at law) to protection and assistance to victims on the ground; ii) information about positive measures and affirmative action in countries; iii) national experiences about xenophobia, including details about the phenomenon in the various countries in order to compare and contrast the experiences. Distinction/differences between xenophobia and racial discrimination and other types of discrimination, and as to whether it was a security issue, and whether there were differences between hate crimes and xenophobia and other crimes. He also requested Member States to provide related information on data collection as to how it was done, including on disaggregated data; iv) on national mechanisms - the issue of assistance to victims, especially with respect to xenophobia; and, v) on procedural gaps, as to whether CERD is effective or whether these issues were too new for CERD to consider. The Chairperson also invited information on the implementation of recommendations and asked whether reservations entered in ICERD have proven to be obstacles for the implementation of the Convention.

20. The EU expressed disappointment that States had not shown more interest in responding, that the number of responses to the questionnaire remained very low and that some regions were underrepresented in the responses. Pointing to the importance of ICERD, it reiterated that States that have not yet ratified or acceded to the Convention, should do so. The EU maintained that it is extremely important to fully implement existing standards and procedures, and had taken note of the fact that only one respondent expressed the view that there should be complementary standards. It maintained its longstanding position that the full implementation of the existing standards as key.

21. The EU informed that data collection was a work in progress within the EU, and that while official data was available, full quantification of the prevalence of racist crime in the EU, or comparing trends over time was difficult since data collection mechanisms across Member States was not systematic. The EU informed that its Agency for Fundamental Rights (FRA) regularly publishes new documents on issues of racism, highlighting some recent publications on: Tackling racism and discrimination in sport – guide of promising practices, initiatives and activities (May 2013); Inequalities and multiple discrimination in access and quality of healthcare (March 2013); and, a brief on crimes motivated by hatred and prejudice in the EU (March 2013). The delegate stated that on national mechanisms, a comprehensive global picture still remained to be drawn on the issue as 12 out of the 30 responses to the questionnaire were received from European countries. The EU requested to have more information in order to exchange good practice and draw inspiration across regions. The EU stated that the summary in places was categorical, probably attributed to the limited number of responses received, adding that this should be taken into consideration with respect to recommendations on the topics of the questionnaire.

22. Pakistan informed that it had submitted a written response to the questionnaire. He stated that various political strategies and preventive measures were being undertaken by

the Government of Pakistan in countering racial discrimination, xenophobia and related intolerance. Pakistan also pointed out that the Constitution of the country created criminal liabilities for racial discrimination and explained that the Constitutional provisions were consistent with the CERD opinions.

23. The United States of America stated that the Constitution and laws of the country prohibited discrimination motivated by xenophobia and they are adequately addressed by domestic and international law. He emphasized that implementation of existing international law instruments was important in terms of obligations to fight against discrimination, adding that practical action is required to continue to combat racism and discrimination.

24. The Chairperson-Rapporteur stated that while equality before the law might be provided in jurisdictions, it was these very mechanisms which could have certain weaknesses in them; such as access to, and the receipt of remedies through those mechanisms. The situation differed from country to country. He also stated that the role of national human rights institutions would have to be considered as they provided another layer in terms of mechanisms for advancing grievances. He stated that there is benefit in pooling regional and national expertise and best practices and looking at the advantages and shortcomings of existing mechanisms. The Chairperson-Rapporteur stated that while some Member States were able to deal with racism, racial discrimination, xenophobia and related intolerance through existing measures, other Member States pointed out that xenophobia in particular was a vicious phenomenon requiring some special machinery. It was therefore important to define xenophobia, and identify its motivations, including attitudes, actions and consequences.

25. Mexico, noting the general nature of the questionnaire, proposed posing specific questions to Member States as well as possibly considering case studies.

26. The Chairperson-Rapporteur proposed briefly to adjourn the 2nd meeting in order to meet with the Regional Coordinators on the topic of the questionnaire. Following the meeting with Coordinators, the meeting was briefly reconvened later that afternoon, during which the Chairperson-Rapporteur informed that he decided to close the 2nd meeting and that the 3rd meeting would be held in the afternoon of 23 July. He urged delegations to provide additional information and updates to the questionnaire and summary of responses received and he also informed that he would invite delegations to make general statements on the topics and work of the session at that time.

27. The Ad Hoc Committee held its 3rd meeting the following afternoon. Pakistan, speaking on behalf of the Organization of Islamic Cooperation, stated that the Committee should build on the work of the DDPA and the Outcome Document of the Durban Review Conference. While national mechanisms have been addressed by Article 6 of the ICERD, new gaps require the elaboration of new standards. The delegate added that the OIC strongly believed that it was not possible to move forward only by strengthening of national mechanisms to address xenophobia without elaborating norms and standards, and suggested a two-track approach. He highlighted new trends and manifestations of contemporary forms of racism in a number of societies, and expressed the concern of the OIC over discrimination against Muslims in socio-economic spheres. He stated that the alarming increase in incidents of Islamophobia is the manifestation of religious hatred and intolerance and serves as impediments to the attainment of a culture of cooperation and peaceful coexistence. Such incidents reflect legislative gaps that need to be addressed through the elaboration of norms and strengthening of national mechanisms against racial discrimination and xenophobic expressions.

28. Morocco aligned itself with the statements of Pakistan on behalf of the OIC, and of Gabon on behalf of the African Group, and expressed its concern with regard to the rise of xenophobic tendencies and intolerance towards different racial, religious and cultural groups, characterized by appalling violence and inexplicable and unacceptable impunity,

especially in the context of economic and financial crises. In this context, the work of the Ad Hoc Committee was primarily in response to the need for development of complementary standards to meet the gaps in legislation against all forms of contemporary racism, including racial and religious hatred. The delegate pointed out that Morocco emphasized the importance of a concept focused on the victims, including an emphasis on dangers due to the rise of racist acts that continue to impinge on the rights of individuals globally. The representative added that minorities such as migrants, refugees, asylum seekers and illegal immigrants, were most affected by this phenomenon. It was therefore necessary to embark on the elaboration of complementary standards in order to protect the rights of victims, further adding that it was imperative to demonstrate the political will to address the various forms and manifestations of racism, racial discrimination, xenophobia and related intolerance to ensure necessary reparation and compensation for victims.

29. Ethiopia suggested that additional questions might be forwarded to Member States in order that they reflect on the need to define xenophobia as well as on measures at the national, regional and international levels. It would also enable those Member States, including Ethiopia, which had not submitted responses to the questionnaire to provide responses before the next session. She added that there were no gaps in the ICERD but there was a problem with implementation; although the representative added that complementary standards were still required to address manifestations of xenophobia. The delegate also stated that there was wide consensus that the manifestations of xenophobia were different from racial discrimination as the former involved greater hostility. It would be important to approach the definition of xenophobia cautiously as it might be too broad or too narrow.

30. Gabon, on behalf of the African Group, stated that it did not even merit questioning whether there was a need or not to develop complementary standards since consensus documents such as paragraph 199 of DDPA and the Outcome Document of the Durban Review Conference, as well as many resolutions, already mandated doing so. It was widely accepted that instruments had gaps with required filling. This was particularly the case with regard to the concept of xenophobia which should be defined, including its manifestations and forms. According to the African Group, xenophobia has not been precisely defined in Article 1 of the ICERD, and therefore the elaboration of complementary standards was imperative to address this new manifestation.

31. Sri Lanka stated that new trends in racism and related intolerance were being witnessed in many parts of the world and it welcomed discussion on these issues. The DDPA and ICERD constitute the basis and guiding principles upon which action could be initiated to combat racism, racial discrimination, xenophobia and related intolerance. As a country which recently emerged from a 30 year protracted conflict, and with an on-going reconciliation process, she stated that Sri Lanka was acutely aware of the manner in which racism could be manipulated by extremist elements and terrorist groups seeking to foster separatist agenda and engender hatred and intolerance. The delegate noted that national human rights mechanisms and institutions needed to promote human rights while taking into consideration the specificities of their respective national contexts. Sri Lanka was in the process of implementing the recommendations of its domestic process of reconciliation to promote tolerance and unity among communities in the post-conflict context including through language, sport, youth engagement and cultural expression.

32. South Africa aligned itself with the statement made by Gabon on behalf of the African Group, and reiterated that the Committee's mandate as contained in HRC resolution 6/21 is to "elaborate as a matter of priority and necessity, complementary standards in the form of either a convention or additional protocol(s) to the ICERD" and also to provide "normative standards aimed at combating all forms of contemporary racism, including incitement to racial and religious hatred". The delegate recalled that paragraph 199 of the DDPA identified that there were gaps and that the task now before the Committee was to address those gaps. The on-going discussion on the existence or non-

existence of the gaps was unnecessary. The delegate pointed out that the Ad Hoc Committee, during its 2nd session, agreed on areas where the victims required increased protection, remedies and the elimination of impunity for the perpetrators of the acts of racism. The representative reminded the Committee of the plight of the victims of the scourge of racism and called for constructive engagement in the process of elaborating normative standards aimed at combating all forms of contemporary racism, including incitement to racial and religious hatred. She further added that with respect to the questionnaire, South Africa had clearly indicated its strong belief that the ICERD required complementary standards to address contemporary manifestations of racial discrimination, i.e. xenophobia, Islamophobia, Anti-Semitism, propagation of racist and xenophobic acts through the cyberspace (cybercrime), racial profiling, and incitement to racial, ethnic and religious intolerance.

33. The United States of America stated that while the USA saw no need for additional substantive international law instruments in this field, it believed that the mandate of the Committee included promoting initiatives such as consensus action plans that address the core areas of concerns, but do not create unnecessary and confusing new international law instruments. While it did not question the relevance of discussing, as planned, two recent Organization of American States (OAS) Conventions (the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance; and the Inter-American Convention against All Forms of Discrimination and Intolerance), it had repeatedly expressed its view within the OAS that there was no need for additional instruments on these topics. The work of the Ad Hoc Committee should not be expanded into areas covered by existing processes such as the Istanbul Process implementing HRC resolution 16/18 and its successor resolutions, or the Rabat Plan of Action. The Committee was not the venue to seek implementation or re-interpretation of substantive issues that were being addressed through their own processes. The Committee could however, acknowledge them and highlight the progress in both processes as demonstrative examples of how focusing on practical outcomes through consensus action plans that promote implementation of existing obligations and commitments is the best way forward. He stated that there are possibilities to achieve something similar with respect to racial discrimination and intolerance, and the USA could support discussing these processes based on its understanding that they will be discussed as illustrative examples that may help guide the future plans of the Committee. He stated that the USA would strongly oppose, and reject, any attempt to involve the Committee in those other processes directly, or to request the Committee to assess or endorse the substantive work done in those other fora.

34. The delegate of the Bolivarian Republic of Venezuela stated that it had implemented a law against racial discrimination in 2011, which established mechanisms to prevent, address and punish racial discrimination in all its manifestations as a crime. Xenophobia is defined in that as rejection, hatred or hostility towards foreign or different ethnic groups. He also informed about the establishment of a national institution against racial discrimination as an effective implementation of the provisions of the ICERD and the DDPA. He emphasized that Venezuela considered the ICERD and the DDPA as fundamental pillars of the struggle for the elimination of racial discrimination in all its manifestations. However, in recent years new manifestations of racism and intolerance, particularly those that incite racial, national or religious hatred had been observed around the world, including in the use of the internet and other electronic media.

35. Senegal stated that he was surprised at the continued reluctance of some Member States about the elaboration of complementary standards. Insidious and provocative manifestations of racism had been observed worldwide and there were limitations to the ICERD, especially as these incidents become more frequent. As existing international norms such as ICERD had gaps, he added that it was essential to confront such racism with complementary standards. He added that the questionnaire had gathered some information which could assist with defining the content of these standards and stated that Senegal

supported the earlier statements made by Gabon, on behalf of the African Group, and Pakistan on behalf of the OIC, in this regard.

36. At the 4th meeting, Ms. Daniela Gomes, a civil society activist and journalist from Brazil, gave a presentation on issues of racial discrimination and xenophobia in the region of Latin America. She highlighted the perspective of victims of racism, racial discrimination, xenophobia and related intolerance. Due to the word limit for this report, the summary of her presentation and the discussion which followed it are reflected in annex I to the present report. Following her presentation, the Chairperson-Rapporteur reiterated that the response rate of the questionnaire being fairly low, it gave only an impression of the situation. He asked the Committee to consider how to receive more information and responses.

IV. Discussion on the topic of “Xenophobia”

37. From 24 to 25 July, the Ad Hoc Committee on the elaboration of complementary standards heard presentations from several experts on the topic of “Xenophobia”. The 5th meeting on 24 July, considered issues of xenophobia related to the media. Ms. Milicia Pestic, Executive Director of Media Diversity Institute (MDI), gave presentation entitled “Xenophobia and (Racial) Discrimination: The Role of Media.” Also at this meeting, Mr. Edmundo Bracho, journalist and consultant also with the Media Diversity Institute, gave a presentation on “Diversity and discrimination in news media practice: views from Latin America.” Mr. Piara Powar, Executive Director of the Football against Racism in Europe (FARE), delivered a presentation on “Racism in Sport” at the 7th meeting of the Ad Hoc Committee.

38. For the second part of the 7th meeting, the Chairperson-Rapporteur invited the participants to commence a general discussion on xenophobia.

39. Japan, speaking on behalf of Argentina, Brazil, Chile, Mexico, Switzerland, and Uruguay, appreciated the inputs from the experts on issues related to xenophobia, and acknowledged the view that it is a multi-faceted worldwide issue that requires attention and action. Xenophobia did not benefit from a general normative definition in principal international human rights instruments, while also recalling that was the case for other terms such as “minority”, “indigenous people” and the term “racism”. It was therefore appropriate to first examine whether the lack of such definition has in fact handicapped international human rights mechanisms from adequately addressing issues related to xenophobia. Japan also recalled contributions made by members of the CERD in previous sessions. It was not possible to conclude that there is an explicit need for complementary standards at the international level in the field of xenophobia. States may consider including the concept of xenophobia within their domestic legislation to combat violence and discrimination in their national contexts. Japan reiterated their suggestion made during the last session of the Committee that the CERD issue a possible official opinion aiming to clarify how provisions in the ICERD can be applied to issues related to xenophobia and how they have been addressed in practice, and that it report back to the Committee in its future sessions.

40. The EU outlined its policies to combat xenophobia as part of its general policy to fight against different forms and manifestations of racism and xenophobia, including by monitoring the implementation of relevant EU law, by providing financial support to stakeholders activities and through various activities, related to awareness raising, data collection and exchange of experiences and information. The representative emphasized a multilateral and multi-stakeholder approach in the fight against racism, racial discrimination, xenophobia and related intolerance. The representative highlighted a number of different policies of the EU including Article 21 of the EU Charter of Fundamental Rights, the Council Directives 2000/43/EC of 29 June 2000, Directive

2000/78/EC of 27 November 2000 and Council Framework Decision 2008/913/JHA. The EU representative added that no unequivocal definition of xenophobia existed, as a result it could be understood through other grounds of discrimination and in connection with racism and racial discrimination. It reiterated that grounds mentioned by ICERD already cover xenophobia as witnessed by some recent recommendations and observations made by the CERD. The representative concluded that the EU sees no added value in the Ad Hoc Committee considering a legal definition of “xenophobia”.

41. Czech Republic stated that the full use of the existing procedures within the Convention is sufficient to successfully fight racism, racial discrimination, xenophobia and related intolerance. The representative pointed out that the Czech Government declared the fight against right-wing extremism and connected violence as one of its priorities. Measures included repressive efforts against neo-Nazi militants and political leaders who spread hatred against minorities, and preventive tools such as education of security forces, prevention of extremism on the Internet or order enforcement in socially excluded neighbourhoods.

42. The USA stated that his government believed that new treaties or the modification of old treaties were not required, suggesting that implementation of the existing treaties was required. Regarding proposals to elaborate new definitions to replace or supplement that in the ICERD, the representative pointed out that not only was such an effort unnecessary, because the existing definition in the CERD prohibits xenophobic violence and discrimination; however, it was also dangerous. The delegate agreed that education is essential among the tools to fight racism and xenophobia; however, he did not agree with a proposal for a new treaty language on education, as Article 7 of the ICERD already sets forth an obligation with respect to education. The delegate also strongly disagreed with several proposals for increased regulation of media. He emphasized that his country would defend its longstanding position in favour of protecting freedom of expression and would oppose all measures designed to place governments in control of the dissemination of ideas or to pressure the media to restrict the dissemination of even odious ideas. He added that the suppression of ideas tended to be used against minorities and political opponents.

43. Morocco stated that it regretted the absence of a definition of xenophobia and stated further that it was important to find ways and means to fill the gap in such a situation, given that the fight against racism is a priority for the international community. Twelve years after the DDPA, the fact remained that the scourges of racism, racial discrimination, xenophobia and related intolerance continue and had taken new forms which have not been covered by existing norms and standards. Morocco expressed her concern that xenophobia was permeating into political discourses including in elections and sports, as well as in the media and the internet. This highlighted the importance of developing complementary standards.

44. The Bolivarian Republic of Venezuela stated that there are forms of racial discrimination that have not been defined in any international human rights instrument, while these violations are committed daily, as it is the case of xenophobia. As such, it supported the idea of defining the term xenophobia and in doing so supported the development and effective implementation of the mandate of the Ad Hoc Committee, as well as its commitment in the struggle for the eradication of racism, racial discrimination, xenophobia and other related forms of intolerance, particularly those which incite racial, national, ethnic and religious hatred.

45. South Africa stated that it was evident from the discussions that a clear understanding of xenophobia had yet to be developed, and as such a definition in legal terms for the purposes of transparency and consistency, was essential. Having a definition would also be beneficial from a victims’ perspective and the delegate expressed her concern over the lack of progress in this aspect. The delegate stated that it was essential that discussions be held on the various issues raised in paragraph 199 of the DDPA so that the Committee fulfilled its mandate.

V. Discussion on the topic of “Establishment, Designation or Maintaining of National Mechanisms with Competences to Protect Against and Prevent All Forms and Manifestation of Racism, Racial Discrimination, Xenophobia and Related Intolerance”

46. During its 8th meeting, on 26 July, Mr. Michel Forst, Secretary General of the French National Consultative Commission on Human Rights (CNCDH) and the Ukrainian Parliament Commissioner for Human Rights, Ms. Valeriya Lutkovska gave presentations on their respective national mechanisms. At the 9th meeting on 29 July, Ms. Eva Sobotka, Programme Manager at the European Union Agency for Fundamental Rights (FRA) gave a presentation entitled “Developments and Trends on racism, racial discrimination, Roma, and crimes motivated by racism, xenophobia and related intolerance in the EU”.

47. For the second part of the 9th meeting, the Chairperson-Rapporteur invited the participants to commence a general discussion on national mechanisms under item 6.

48. Mexico informed the participants that article 1 of the Constitution was amended in 2001 to prohibit all types of discrimination. This important change facilitated the adoption of the Federal Law on the prevention and elimination of discrimination in 2003, which also created the National Council for the Prevention of Discrimination (Consejo Nacional para Prevenir la Discriminación, CONAPRED). In April 2012, the Federal Penal Code was amended with a chapter titled “Discrimination” and in 2010 CONAPRED developed a national survey on discrimination. In 2012, a national forum on people of African descent was organized.

49. Lithuania (on behalf of the EU) stated that the establishment of national mechanisms to promote equality and combat racism, racial discrimination, xenophobia and related intolerance was of the utmost importance. She noted that there is a need to further explore the potential of national mechanisms to improve implementation of existing international standards – thereby ensuring their effectiveness. A comprehensive global picture still remains to be drawn, since 12 out of the total 30 responses to the questionnaire were submitted by European countries. More information from other regions would be appreciated in order to exchange good practices and draw inspiration across regions. The delegate noted that the Ad Hoc Committee could be entrusted with the drafting of a set of guidelines, which would cover both the criteria and the functions to be performed by such national mechanisms. The merits of this proposal were grounded in the fact that it was both victim-oriented and action-oriented, as well as being in line with proposals made by the Committee on the Elimination of Racial Discrimination in their report to the IGWG (A/HRC/4/W.G.3/7).

50. Czech Republic stated that a strategy had been developed combat extremism domestically and that it was revised annually. The government has also been developing a campaign against racial discrimination. With regard to methods for the prevention of racism, she highlighted the role of education and awareness-raising.

51. Morocco noted that specific measures had been adopted in Morocco to combat racial discrimination, including ratification of international instruments, with ICERD at the forefront. Article 6 of the Constitution enshrined equality before the law and equal rights of citizens. Discrimination was an offense in the Criminal Code of Morocco, punishable by imprisonment and a fine and was also prohibited in the Labor Code. The Press Code in article 39 bis, provides for punishment of incitement to racial discrimination.

52. The United States of America stated that the important topic of national mechanisms was a very practical and useful one, and that it would be worthwhile to compare practices across countries.

53. Spain noted the importance of full implementation of existing instruments. He said that unfortunately, Spain had not sent a reply to the questionnaire. In 2003, Spain established a Council for the promotion of equal treatment of all persons without discrimination on the grounds of racial or ethnic origin. He stated that in 2010 the Council established a network of NGOs to enhance support to victims throughout the country, including awareness-raising, psychological support and legal aid. This network mitigated the fear of victims going to police stations. He expressed regret about the lack of information about the situation in other regions, noting that the sharing of practices could only enrich the discussion.

54. The delegate of the Bolivarian Republic of Venezuela noted that there was a failure with regard to implementation of international instruments as well as the Durban related documents. Venezuela had established an institute to eradicate discrimination in public spheres and workshops had been organized in various parts of the country to increase awareness about the issue. He highlighted the work of the Ombudsman, which had an A ranking, the importance of investigating cases of discrimination, and the provision of assistance to victims. He noted that shared experiences with regard to NHRIs could be helpful for the elaboration of complementary standards, in order to fulfil the mandate of the Committee.

55. African Union noted that there are also worse forms of fascist crimes, which have not been taken into account. He expressed the support of the African Union to the work of the Committee.

VI. Discussion on the topic of “Procedural gaps with regard to the International Convention on the Elimination of All Forms of Racial Discrimination”

56. At the 10th meeting on 29 July, Ms. Fatimata-Binta Dah, member of the Committee on the Elimination of Racial Discrimination (CERD), presented updates of the CERD’s activities, including the August 2012 discussion on hate speech. She mentioned that the CERD had identified a number of practices, which if codified into optional protocol to the ICERD, would improve existing procedures of the Committee. This conclusion was based on the analysis of its 40 years of operations and on the level of implementation of ICERD by Member States. While the Committee has been able to adapt and innovate including through its General Recommendations, Urgent Action, and the Early Warning Early Action procedures, She mentioned that the CERD would be better served if additional monitoring procedures were in place. In particular, a gap was identified in the capacity to conduct assessment visits to countries, which She pointed out was a mechanism that was available to the Committee on the Rights of Persons with Disabilities and was also raised in the context of a harmonized approach for the treaty bodies and its strengthening process.

57. She stated that the CERD discussion in August 2012 focused on the concept of racist hate speech and its evolution as well as hate speech in the political sphere, and media, including the internet. The Committee wished to define and outline a concept of hate speech and then assess the capacity of the Convention in terms of interpretation. The thematic discussion raised a unanimous view that there existed no definition of hate speech under international law and the concept evolved over time, varying in its intensity. While the Committee regularly asked States to adopt legislation to penalize incitement to racial, ethnic, national and religious hatred, it was also evident that there were a number of reservations expressed by States on Article 4 of the Convention which is a cornerstone of the Convention, and the conflict between tackling hate speech and the upholding freedom of expression remained challenges. She outlined the importance of reflecting on complementary standards as a supportive measure to the work of the Committee.

58. Ghana inquired if the CERD had paid attention to the ongoing discussion on the responsibility to protect, given that incitement to hate speech and genocide were related. The delegate of the EU inquired about the main obstacles to the effective implementation of the existing procedures under ICERD, and on concrete ways to improve the use of various procedures, including concluding observations. The EU representative also asked whether introducing new procedures would create a possible risk of duplication with the activities of the HRC and OHCHR. She shared information on the fight against hate speech through criminal law in the EU and noted that the lack of an international legal definition on hate speech had not prevented action against it.

59. Pakistan on behalf of the OIC, inquired if there was a threshold that could be identified between hate speech and freedom of expression. The delegate of Brazil speaking on behalf of Argentina, Chile, Japan, Mexico, Switzerland, and Uruguay shared its view that the main way to combat racism, racial discrimination, xenophobia and related intolerance was to make the best use of the existing international instruments and to enhance its implementation at the national level. Ms. Dah recalled that there are procedural gaps with regard to ICERD in areas such as evaluation and follow-up procedures. By dealing with these gaps, improving both the implementation and monitoring of ICERD would be possible. It would also have positive impacts on other the topics that have been discussed by this Committee, such as xenophobia and national mechanisms. The topic of procedural gaps to the ICERD should be further discussed at future sessions of the Committee, so that an exchange of views on how to better and concretely deal with it could take place.

60. Ms. Dah in her replies pointed out that the Committee had discussed the responsibility to protect and had carried on from the position of the United Nations Secretary-General when he started the initiative on the issue. She stated that the CERD adopted about 15 indicators with 4 other elements to refine the analysis on genocide and a quick link was established between the SRSG on genocide and the CERD. She also responded about the number of CERD mechanisms already available, but pointed out that their inability to carry out country visits was an obstacle. On the issue of threshold, she Dah replied that the international community as a whole has recognized that there are limits to the exercise of rights, and while some States have set thresholds, the Committee deals with the issue of hate speech cautiously. She explained further that Article 4 of the CERD criminalized hate speech and that the Committee was taking all necessary steps to confront hate speech. The Committee dealt with issues pertaining to xenophobia using Article 14, but added further that new procedures would help in investigation and follow-up.

61. On a follow-up question from Switzerland on the level of cooperation between the CERD and the special procedures mandate holders, She responded that there exists close cooperation with the relevant mandate holders on various issues related to racism, racial discrimination, xenophobia and related intolerance.

62. Ecuador requested the floor to make a general statement and share best practices from her country. The delegate informed that a compendium had been published consisting of case studies and preventive courses for public officials and the military. The Constitution of Ecuador prohibited racial hatred and there existed other provisions in the law governing the conduct of public officials in addressing acts of racial discrimination.

VII. Updates on Relevant Global and Regional Developments

63. At the 11th meeting on 30 July, Ms. Joy-Dee Davis Lake, Chair of the Organisation of American States (OAS) Working Group to Prepare an Inter- American Convention on Racism, Racial Discrimination and Related Forms of Intolerance and an Inter -American Convention against All Forms of Discrimination and Intolerance gave a presentation on the recently adopted Inter-American Convention against Racism, Racial Discrimination and

Related Forms of Intolerance as well as the Inter-American Convention against All Forms of Discrimination and Intolerance. Mr. Ibrahim Salama, Director of Human Rights Treaties Division at OHCHR, also gave a presentation during the 11th meeting, providing an overview of the series of experts meetings on incitement to racial, ethnic, national and religious hatred and the Rabat Plan of Action.

64. Due to the word limit for this report, the summaries of these two presentations and the respective discussions with the meeting participants which followed them are reflected in annex I to the present report.

65. Following the exchange on the presentations, the Chairperson-Rapporteur invited delegations to make general statements. The delegate of Pakistan, on behalf of the OIC, noted the importance of this item and its relevance to the work of the Ad Hoc Committee. He stated that the OIC was concerned about the increased incidents of intolerance, negative stereotyping, stigmatization, discrimination and violence on the basis of religion or belief. A culture of solidarity, tolerance and multiculturalism requires Member States to introduce adequate protection against acts of hate crimes, hate speech, discrimination, intimidation and coercion resulting from defamation and negative stereotyping of religions, and incitement to religious hatred. He stated that the adoption of HRC resolution 16/18 was an important step as it included a series of practical steps to be taken by all Member States. He also highlighted the importance of the Istanbul process, wherein the OIC organized a third event in Geneva in June 2013. He concluded that the OIC considered the Rabat Plan of Action a useful contribution.

66. Indonesia stated that in the modern age, messages could spread rapidly and situations could become easily hostile. He noted the importance of public awareness and education and that contemporary forms of racism needed to be addressed. He stated that restrictions should be in line with the provisions of ICCPR. It was beneficial to learn about other experiences and processes such as the Rabat Plan of Action and the Istanbul process, and the two new Conventions of OAS. He underscored the need to reach consensus and find common understanding.

67. European Union reiterated the position of the EU with regard to item 8. Substantive discussions on the Rabat Plan of Action and the Istanbul process were not part of the work of the Ad Hoc Committee and should not be considered by the Committee. She explained that mixing of the two processes, addressing the fight against racism and the fight against religious intolerance, risked weakening them both; whereas they should remain separate and reinforce the fight against intolerance in their respective field.

VIII. Discussion on new or additional topics

68. At its 12th meeting on 30 July, the Chairperson-Rapporteur asked delegations to consider how to move forward on the topic of the questionnaires and the summary of responses received. He reiterated the low response rate; and the lack of geographic balance in the responses received and raised the suggestion about the possibility of resending the questionnaire, noting that this might not elicit substantially more information. He also asked regional coordinators to recall their objective in requesting the questionnaire as an outcome of the 4th session. After initial discussions, he deferred the matter to the final meeting of the session, with the possibility that a solution might be reflected in the conclusions and recommendations of the report of the session.

69. At this meeting, the Committee also considered new or additional topics as contained in A/HRC/18/36 (Report of the Ad Hoc Committee on the Elaboration of Complementary Standards on its third session), or as raised during the inter-sessional period, pursuant to paragraph 6 of A/HRC/RES/21/30, which “recommends that the Ad Hoc Committee, at its fifth session, discuss new topic(s) as contained in its report on the third session or additional topic(s) submitted during the inter-sessional period.”

70. Noting that no suggestions as to topics had been received during the inter-sessional period and to date, the Chairperson-Rapporteur issued the list of seven topics as contained in the report of the fourth session to meeting participants. The list of topics were as follows: “Xenophobia”; “Advocacy and incitement to racial, ethnic, national and religious hatred”; “Racial and xenophobic acts committed through information and communication technologies”; “Racial, ethnic and religious profiling”; “Establishment, designation or maintaining of national mechanisms with competences to protect and prevent against racism, racial discrimination, xenophobia and related intolerance”; “Racism and sport”; and, “Procedural gaps with regard to the International Convention on the Elimination of Racial Discrimination.”

71. Noting a consensus, the Chairperson-Rapporteur proposed and it was agreed that the three topics of: “Xenophobia”; “Establishment, designation or maintaining of national mechanisms with competences to protect and prevent against racism, racial discrimination, xenophobia and related intolerance”; and, “Procedural gaps with regard to the International Convention on the Elimination of Racial Discrimination” would be carried forward for further consideration at the next session. The Chairperson-Rapporteur then invited comments and a number of different proposals were put forward by delegations.

72. Pakistan on behalf of the Organization of Islamic Cooperation proposed the topic of advocacy and incitement to racial ethnic, national and religious hatred. The delegate of Switzerland, on behalf of Argentina, Brazil, Chile, Mexico, Japan, and Uruguay, proposed the topic of human rights education, and also that of special measures, including affirmative or positive measures, for discussion at the next session. The delegate of the European Union welcomed the discussion on new topics, noting that new topics should have a global approach and be agreed to, by consensus. She stated that the Committee should not overload itself with too many topics for discussion and proposed two topics related to: prevention and awareness-raising, and on the implementation of existing norms and standards. The delegate of the Republic of South Africa proposed that the two topics on xenophobia and on national mechanisms required further discussion and indicated that the African Group supported consideration of the topics of advocacy and incitement to racial ethnic, national and religious hatred, as well as, human rights education. The delegate of Uruguay supported the proposals suggested by Switzerland on behalf of Argentina, Brazil, Chile, Mexico, Japan, and Uruguay and proposed the topic of multiple forms of discrimination. The Bolivarian Republic of Venezuela, as well as Cuba, supported consideration of topic of advocacy and incitement to racial ethnic, national and religious hatred as well as human rights education. Brazil supported the proposed topics of human rights education, special measures, including affirmative or positive measures, as well as that of multiple discrimination. The delegate of the United States of America expressed support for the topic of human rights education and also proposed the topic of discrimination on the basis of sexual orientation.

73. Following further consultations and discussions amongst delegations, at the 13th meeting on 31 July, the following five topics were agreed upon as topics for discussion at the 6th session: Xenophobia; Establishment, designation or maintaining of national mechanisms with competences to protect and prevent against racism, racial discrimination, xenophobia and related intolerance; Procedural gaps with regard to the International Convention on the Elimination of Racial Discrimination; Special Measures, including affirmative or positive measures, strategies or actions, to prevent, combat and eradicate all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance; and, Prevention and awareness-raising, including through human rights education and training, in the fight against racism, racial discrimination, xenophobia and related intolerance.

74. A query concerning the duration of the sixth session of the Ad Hoc Committee was raised by the delegate of the United States of America, noting that perhaps a two week period was more than what was required for the Committee’s work. The delegation of Cuba

noted that a decision as to the length of the session of the Ad Hoc Committee could only be taken by the Human Rights Council during its ordinary session. Some delegations agreed, while others stated that ten days were indeed required for the sixth session. The Chairperson-Rapporteur stated that there was no definitive answer at this stage and that the Committee could consider a reference in this regard, in its conclusions and recommendations to the report. He noted, however, that the final decision would be made by the Human Rights Council when the report of the fifth session of the Ad Hoc Committee was considered at the 25th session of the Council in early 2014.

IX. Adoption of the report

75. The Chairperson-Rapporteur opened the 14th meeting on 2 August, and announced that the draft of the report of the session had been circulated to participants. He invited them to consider the draft with a view to ensuring the accuracy of the session report and to make solely factual or technical revisions to it. The Chairperson-Rapporteur stated that further to discussions during the session, the questionnaire would be recirculated in order to invite additional responses to the questionnaire as well as from those countries which had not responded to the original invitation. As a result, the current summary of responses would not as yet be published as an official document, pending the future updating of the summary. He clarified that in this process, and as noted by some delegations, States were welcome to consult and receive inputs from their respective national human rights institutions. The Chairperson-Rapporteur invited general statements from the participants.

76. The United States of America clarified that, its understanding was that, in reference to the proposed new topic, the sort of “Special Measures are as described in article 1(4) of the ICERD and paragraph 113 of the Outcome Document of the Durban Review Conference, with a purpose to ensure the equal enjoyment or exercise of human rights. He expressed appreciation for a worthwhile and cordial session.

77. European Union shared some thoughts on the way forward and with regard to the three topics of this session. Since xenophobia, is being combated through different anti-discrimination measures on various grounds, the EU saw no added value in the Ad Hoc Committee attempting to give a legal definition to “xenophobia”. On national mechanisms, it noted a persistent need to further explore the potential of national mechanisms to improve implementation of existing international standards, thereby ensuring their effectiveness. While an update on CERD activities was useful, the EU underlined that the Committee was able to effectively carry out its work within the existing procedures, which was why implementation should be improved in the first instance. The EU supported the recirculation of the questionnaire with an invitation to respond or update the information already provided, in order that a revised summary be prepared. They also supported the proposal that national human rights institutions respond to the questionnaire. It reiterated its position that the “fight against racism” as addressed by the Ad Hoc Committee and the “fight against religious intolerance” are two separate files to be dealt with in appropriate forums. It was also of the view that ten working days was abundant and that the Committee should give its consideration to the Human Rights Council to adjust the number of working days accordingly. The EU was pleased about the two new consensual topics, adding that it wished to hear from States across regions about their experiences in implementing existing norms and standards. The EU expressed its appreciation to the Chairperson-Rapporteur for maintaining a constructive atmosphere, and helping the Committee to find common ground on the way forward.

78. Switzerland on behalf of Argentina, Brazil, Chile, Mexico, Japan, and Uruguay thanked the Chairperson-Rapporteur for the able and fair manner in which the session had been guided, noting their satisfaction with the topics proposed for discussion at the 6th session. They also welcomed a future discussion within the Committee on the duration of

its sessions, in order to reach an agreement and issue a consensual recommendation to the Council.

79. Pakistan, on behalf of the Organization for Islamic Cooperation, conveyed appreciation to the Chairperson-Rapporteur for his leadership role over the last two weeks. The delegate of Pakistan reiterated the position of the OIC pointing out that the elaboration of complementary standards would further strengthen the international regulatory framework in addressing such incidents and that the issue of procedural gaps should continue to be discussed during further deliberations. The OIC believed that it was not possible to move forward on national mechanisms without elaborating norms. As agreed at the Durban Review Conference, religious intolerance was a contemporary form of racism and that the Ad Hoc Committee should continue to discuss the topic. He stated that it was the intention of the OIC that the topic of "Advocacy and incitement to racial, ethnic, national and religious hatred" as agreed at the third session of the Ad Hoc Committee, should be discussed at the 6th session of the Committee. However, to maintain consensus it had agreed to the two new topics. He added that with regard to the three old topics, equal time should be attributed to them as they were relevant and should be accorded equal attention.

80. Cuba thanked all delegations for their efforts, stating that drafting complementary standards was becoming increasingly important and that the Committee had identified areas and gaps in the current and previous sessions. In many countries there was increased manifestation of racism, racial discrimination, xenophobia and related intolerance. He cited recent topics of racial profiling and also institutionalized racism, which he stated could not be ignored, and that the continuing need to eradicate these scourges showed the importance of the work of the Ad Hoc Committee. His delegation agreed with the need for an improved rate of responses to the questionnaire and with the five topics to be considered at the 6th session, noting that his delegation would have also welcomed a discussion on the role of the media. With regard to the duration of the session, he stated that ten days were required to discuss the important issues before the Committee.

81. Algeria also made a general statement in which it expressed support for the statement made by Pakistan on behalf of the OIC. The delegate thanked the Chairperson-Rapporteur for his efficiency in guiding the work of the Committee, by shedding new light on the substance and constructive engagement of all delegations. He was pleased that consensus had emerged on the new topics for the 6th session and hoped that it would continue in future meetings. The issue of the duration of the sessions of the Ad Hoc Committee was secondary to the primary issue of the substantive work of the Committee.

82. South Africa reiterated that the beginning of the session, Gabon had made a statement on behalf of the African Group, stating that the African Group position was that the mandate of the Ad Hoc Committee was to elaborate complementary standards to the ICERD with a view to addressing gaps on contemporary manifestations of racial discrimination in the Convention. She stated that this point had been reiterated by delegations of the African Group as well as other delegations during the session. The African Group had made a call to all to be constructive during the session and expressed a sincere appreciation that this had indeed taken place and hoped that the same positive spirit would continue in future sessions. The African Group supported the recirculation of the questionnaire and was pleased that agreement had been reached on the two new topics for discussion for the benefit of victims of racism, racial discrimination, xenophobia and related intolerance.

83. The Ad-Hoc Committee agreed at its 14th meeting that:

a) The following five topics would be discussed at the 6th Session of the Ad-Hoc Committee:

- Xenophobia; Establishment, designation or maintaining of national mechanisms with competences to protect and prevent against racism, racial

discrimination, xenophobia and related intolerance; Procedural gaps with regard to the International Convention on the Elimination of Racial Discrimination; Special Measures, including affirmative or positive measures, strategies or actions, to prevent, combat and eradicate all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance; Prevention and awareness-raising, including through human rights education and training, in the fight against racism, racial discrimination, xenophobia and related intolerance; and,

b) The Chairperson-Rapporteur would seek additional responses to the existing questionnaire during the inter-sessional period by recirculating the questionnaire. An updated summary of the responses received would also be issued.”

84. Also at this meeting, the report of the fifth session was adopted ad referendum, with the understanding that delegations would forward technical corrections to their interventions, in writing, to the Secretariat by 21 August 2013. In closing the meeting, the Chairperson-Rapporteur noted that meetings would be held with Regional Coordinators during the inter-sessional period and he invited all participants to consider the topics and how to move forward. He also thanked participants for their statements of appreciation to him, noting that the progress made during the session was a reflection of the respect, tolerance and hard work of delegations during the 5th session.

Annex 1

[English only]

I. Summary of the expert presentations and initial discussions on the topics of “Xenophobia” and “Establishment, designation or maintaining of national mechanisms with competences to protect against and prevent all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance”

1. At the 4th meeting on 24 July, Ms. Daniela Gomes, a civil society activist and journalist from Brazil, gave a presentation on racial discrimination and xenophobia in the region of Latin America. She highlighted unequal socio-economic situation, marginalization and disparities particularly affecting people of African descent and indigenous peoples in the region and that racism existed in all spheres of life. Ms. Gomes noted that it was usual for people to deny that racism and xenophobia existed in the region, while there were victims in each country. She noted that even sport could present a stage for xenophobic manifestations in Latin America. Ms. Gomes stated that xenophobia and racism had a tendency to intersect and that most of the victims are people of African descent and indigenous peoples who face racial discrimination and social exclusion.

2. She pointed out that following the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban in 2001, Governments of the region started creating national mechanisms to combat racial discrimination. She highlighted that laws could not be considered effective, if they are not implemented. Ms. Gomes emphasized that racial crimes should be processed as such, and not presented by state authorities and the judiciary as simple injuries which disregarded racist motivation as a factor. Ms. Gomes stated that laws against discrimination should be combined with public policies, which could assist the population in understanding the importance of equal rights. She highlighted the important role of public awareness-raising campaigns, including on positive measures and affirmative action programmes. She noted the responsibility of civil society in the region to actively participate and demand more from their governments and to learn to use strategically human rights mechanisms. Ms. Gomes also stated that it was important to ensure free legal aid and psychological support for victims. She stated that it was important that the police services receive training in order to abolish the practice of racial profiling.

3. Ms. Gomes noted the governments should increase awareness of the history of people of African descent and ensure that education officers monitor the implementation of laws regarding the African diaspora history and culture in the educational curriculum at schools. Media should also reflect diversity in a positive way and people of African descent and indigenous peoples should be represented in the media profession. She noted that many of the issues that she had raised and recommendations which she was making had previously been addressed and included in the UPR and CERD recommendations to countries in the region. She concluded that it was time for change and to ensure that people of African descent and indigenous peoples participated equally in the job market, education, media, law enforcement and all other domains.

4. The delegate of Brazil noted that historically Brazil had not acknowledged racism in the country, which was noticeable even in its former reports to the CERD Committee. The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance of 2001 was important for the country and civil society. The Government now recognized that structural discrimination exists, rooted in its slavery in the past and also linked to poverty and social exclusion. She added that most people of African descent suffer exclusion and the Government was working to address this through the adoption of laws and other public policies which were having a positive impact on people of African descent. The previous year, the Supreme Court ruled that affirmative action policies instituted by the Government are constitutional. These affirmative action policies have proven successful, however the Government has challenged to convince a sceptical public. She added that a Statute for Racial Equality had also been adopted in Brazil impacting several spheres including cultures, health, and education.

5. The Ambassador of Morocco expressed his support for the Chairperson-Rapporteur and expressed appreciation to Ms. Gomes for her presentation which provided a comprehensive snapshot of racism and xenophobia in the region of Latin America. He added that her presentation gave a broader perspective of xenophobia and racism in the world and pointed to the universality of these scourges that were not confined to a single country or region. He congratulated Brazil for the progress it was making and noted that there are other countries which deny the existence of these problems. He stated that if current laws had not remedied the situation, then it was only logical to consider new laws. He expressed disappointment at the disdain with which the Committee was treated adding that there was no hierarchy to rights and that any and all violations of human rights must be condemned. He emphasized that education and leadership were very important factors, which included a role for political, religious and academic leaders. He stated that discrimination based on religion of belief against followers of religions are amongst the worst forms of discrimination as they attack the core beliefs of people, which could lead to violence and terrorism. He noted that racism persisted as there were not strong laws to criminalize such behaviour and there was no clear definition of xenophobia. International human rights law had not been able to eradicate these problems; therefore further actions should be undertaken to combat racism and xenophobia. He stated that history would not judge kindly the Ad Hoc Committee if it was silent. Stating that the evolution of international human rights law does not end with the ICERD and Durban related documents, it was time for the Ad Hoc Committee to come together, take its responsibility and fully implement its mandate to elaborate complementary standards to the ICERD.

6. The delegate of Uruguay thanked Ms. Gomes for her presentation and reaffirmed that racism and xenophobia are indeed everywhere. He noted that in the Latin American region was still challenged by racism, often not acknowledging its existence. It was important to be self-critical and recognize that people face discrimination. He stated that Uruguay had only recently taken actions to recognize the existence of the phenomenon of racial discrimination in the country. He stated that about 10% of the population of Uruguay are people of African descent and they face social rather than structural discrimination. He highlighted a recent campaign about the positive attributes of immigration which was taking place in Uruguay. He queried how it was possible to distinguish xenophobia from racial discrimination.

7. Ms. Gomes emphasized that human rights instruments and mechanisms were important, as that without them the situation would be far worse. With regard to immigration, she noted that while new immigrants brought new issues to countries of the region, xenophobia clearly had a colour and that colour more than nationality was the factor. She reiterated the importance of raising the awareness of people about xenophobia, racial discrimination and history and culture of different communities and groups, especially since surveys in Brazil effectively showed that while there was racism, no one would admit to being a racist. She noted that affirmative action policies had always existed for others groups, such as farmers, however the reluctance seemed to have arisen with

respect to affirmative action for people of African descent. While the Government was supportive of affirmative action programmes, much work remained to be carried out to convince the public. She emphasized that improved purchasing power and decreased poverty did not eradicate racial discrimination and exclusion, as it was also a deep exclusion of people of African descent and indigenous peoples.

8. The delegate of the European Union shared recent developments with regard to assistance to victims in EU countries. She noted that in October 2012, Directive 2012/29 was adopted establishing minimum standards on the rights, support and protection of victims of crime, replacing Council Framework Decision 2001/220/JHA. It was a significant step forward in the level of protection of victims throughout the Union, in particular within the framework of criminal proceedings. The individual protection needs of victims are taken into account as well as the nature or circumstances of the crime. This Directive is part of a horizontal package of measures where any victim can rely on the same basic level of rights. Some of the elements in the Directive include access to support in accordance with victims' needs, special protection measures, assessment of vulnerability to secondary and repeat victimisation. It also takes into consideration the higher vulnerability of children. She noted that particular attention is to be paid to victims of hate crimes. Information about their case is to be provided to victims and privacy of victims and their family should be respected. The Directive contains more rights for victims, concrete steps that should take place and the deadline for its implementation is November 2015. She asked Ms. Gomes whether there is more room for the improved implementation of existing laws and policies.

9. The delegate of the Czech Republic highlighted the importance of implementation. She stated that if laws are not sufficient to eradicate racism, then more laws were unlikely to be the answer. She thanked Ms. Gomes for her presentation and expressed appreciation for the openness of the discussions during that meeting but regretted that while there was more information provided on some regions of the world, the Committee had not heard from other regions. She noted the need for greater geographic balance in the presentations and exchange of information during the sessions of the Ad Hoc Committee. Welcoming the concreteness of the presentation, she noted that challenges with respect to xenophobia and racial discrimination, i.e. on data collection and educational curriculum, coincide across regions.. She emphasized that the limited number of responses to the questionnaire did not reveal a universal interest in the subject matter and it did not provide sufficient information for the Committee's work

10. The delegate of Argentina pointed out that his Government had created a national human rights institution and adopted a national action plan, following up the World Conference against Racism in Durban in 2001. In addition, Argentina and Brazil had recently commenced bilateral and regional cooperation on policies with regard to people of African descent. He highlighted specialized programmes, such as an internet and television awareness-raising campaign on people of African descent.

11. The delegate of Angola said that given the large Angolan population in Brazil, it found Ms. Gomes' presentation especially interesting. He noted that Angola had several legal provisions in its criminal and civil laws and procedures addressing discrimination, noting that victims could file complaints and that police could take actions, including investigations. The Angolan Constitution also prohibited discrimination. He noted that the population of his country was diverse and that people were well integrated. He inquired about a public case of an Angolan student killed by a group in Brazil the previous year.

12. The delegate of the United States of America welcomed the presenter's frankness and openness and the focus on the victims. He noted that there were similarities between the situation in Brazil and the United States of America with respect to a past history of slavery and colonialization. Similarly, affirmative action was also a subject of debate in the United States, and racially motivated crimes presented a challenge to Governments. He noted that it was important to acknowledge problems; however, it was also important to

recognize that progress has been made. He highlighted a joint action plan with Brazil to address racism and discrimination. He also pointed out that if existing laws and institutions were not being adequately implemented, whether the solution to this was necessarily new laws and institutions.

13. Ms. Gomes welcomed the victim's assistance initiatives being implemented by the European Union. She reiterated that Brazil's Law 10639 on diversity in the education curriculum was an excellent law on the books, however it required effective implementation. She gave the example of Palmares College which provided an Afro-descendant curriculum and exposure to its predominantly Afro-descendant school population since its establishment ten years ago. She commented on the importance of census as respondents were increasingly declaring themselves as Afro-descendant and indigenous and also welcomed Afro-descendant public information campaigns being undertaken by Argentina.

14. The Chairperson-Rapporteur thanked Ms. Gomes for her presentation noting that human struggles build a sense of solidarity even for people who have never met. He highlighted the situation of South Africa after apartheid and emphasized that in setting a vision for a non-racial society, it realized that laws are needed as laws govern behaviour and ensures respect for human rights. He noted the importance of statistics, categorizations and South Africa's experiences with affirmative action. He underlined that that inequality and discrimination affects social cohesion and it may lead to security problems.

II. Expert presentations and initial discussion on "Xenophobia"

15. The 5th meeting on 24 July considered issues of xenophobia related to the media. Ms. Milicia Pestic, Executive Director of Media Diversity Institute (MDI), gave presentation entitled "Xenophobia and (Racial) Discrimination: The Role of Media." She introduced the work of MDI, which involved mobilizing the power of media for deeper public understanding of diversity through a bottom-up approach involving civil society organisations and media educators. She underlined the principles of freedom of expression and opinion, participatory democracy and diversity. She noted that after education and the family, media is the third largest source of attitudes towards others. She gave examples of ongoing activities such as training for journalists in Egypt, as well as examples from the United Kingdom, where the organisation is based. She pointed out that there was, in general, a great deal of discussion in media circles in the UK for the need to institute self-regulation, although she expressed scepticism about the effectiveness of such a framework. She also stated that it was important for the media to lead the debate amidst growing right-wing sentiments across different parts of Europe, while also referring to the general silence on multiculturalism following statements in recent years by several European leaders on the "failure" of multiculturalism. She outlined what MDI thought makes good journalism, including bringing diversity into the mainstream.

16. On addressing xenophobia, Ms. Pestic, suggested that in addition to being fair, accurate and balanced, journalism needed to espouse principles of inclusiveness and sensitivity as well. In conclusion, Ms. Pestic shared studies undertaken by the Media Diversity Institute entitled "Getting the Facts Straight: Reporting Ethnicity and Religion" and "Media4Diversity: Taking the Pulse of Media for Diversity" on media and diversity which included a number of recommendations aimed at different stakeholders (government and policy makers, civil society and media) about what they could do to enhance media diversity and promote tolerance and diversity through media in Europe.

17. The delegate of Pakistan on behalf of the OIC asked whether the media, in its role as a watchdog could, at times, usurp the roles that belonged to the executive or the judiciary. He also asked about the role of the media in eliminating racism and discrimination and as to whether the media required direction in combating racism.

18. The delegate of Egypt inquired about the impact of media on decisions of policymakers at the level of regional and international politics, as well as its role in dealing with hatred and incitement, and whether the media felt the need for common code of conduct in tackling such issues. The delegate of Switzerland asked the presenter about her views with regard to self-regulation of the media.

19. Morocco commented that some media outlets lacked sensitisation about minority groups and encouraged xenophobia through tendentious reporting, resulting in tragic consequences. The delegate stated that journalists could be advocates for equitable societies. She asked Ms. Pestic whether it was possible to develop a code of conduct for cultural diversity in and by the media and how the media could play a role in highlighting the value of multiculturalism in European Union, given the general situation that the presenter alluded to in earlier presentation. Ms. Daniela Gomes commented on the role of online social media including blogs and websites in Brazil as a new platform that countered the often exclusionary media environment in the country.

20. The delegate of the United States of America expressed concern over increased media regulations and stated that they were contrary to the culture of freedom of expression in his country, noting that “best way to counter bad speech was with more speech.” The delegate asked about the presenter’s impression of the US approach in comparison with various approaches in addressing such issues. The delegate of South Africa commented that the presentations through the day were interesting and thought-provoking and had emphasized the need for more training and education at various levels to combat xenophobia. The delegate added further that the issue may not have been sufficiently addressed by Article 7 of the ICERD which provided for “effective measures, particularly in the fields of teaching, education, culture and information.”

21. The delegate of Japan stated that regulatory mechanisms could be counterproductive as the inherent role of the media was a check on governments to ensure that they were “doing the right thing”. The delegate pointed out that giving more power to the state by instituting more legislative measures could contradict or undermine the role of media, while self-regulation was a more suitable approach. The delegate of Japan concurred with the earlier comments made by the delegate of the USA that education and freedom of expression, as well as awareness raising activities on developing tolerance of diversity, were more effective tools in countering xenophobia and acts of violence, than regulation.

22. In response, Ms. Pestic pointed out that in democratic societies it has been the duty of media to watch the activities of the authorities and discrepancies on this role existed in non-democratic countries. In response to the role of the media in regard to the events in Egypt, she said that as in most conflicts, media has taken different sides and hoped that the monitoring of events closely will be able to provide further information on the evolving situation. The presenter emphasized that although self-regulation often did not function well, it was considered by the media as a suitable framework. She further pointed out that there existed different frameworks throughout the world as evidenced by those in the USA and Europe. The respective and appropriate model was informed by culture, history and development of a given country. She underscored the importance of training for journalists, especially since journalism in recent times had become simply storytelling. Journalists required educations about how to report, how to diversify newsrooms, in terms of media professionals, sources and perspectives. In terms of enhancing multiculturalism, Ms. Pestic stated that public debate on the issue was important and that it was important to share examples and good practices from other societies in such debates. On the issue as to whether an international instrument was needed, Ms. Pestic replied that any such document would have to be turned into application or it would become just another document. She pointed out the relative lack of information among journalists in EU about human rights instruments, further to the research that the Media Institute had conducted. The presenter concurred with the growing space of online social media for vulnerable communities and

education and awareness-raising not only for the public, but the mainstream journalists was equally important.

23. The Chairperson-Rapporteur, in thanking the presenter stated that different countries had varying experiences and that national contexts were also important on the need to develop regulatory mechanisms. He gave the example of South Africa where racism is illegal, and is not be allowed to be propagated as freedom of expression, as it would only create more potential for conflict. As rights entail responsibilities, he added that evolving issues and context needed to be understood to address complex issues such as hate speech and xenophobia. He gave an example of the functioning of the banking sector under a self-regulatory framework, which lead to problems in recent years, and thereby commencing an introduction of regulatory frameworks. He stated that that the question might be: What amount of state intervention is required, so as not to damage community and society by its consequences?

24. Mr. Edmundo Bracho, journalist and consultant also with the Media Diversity Institute, gave a presentation on “Diversity and discrimination in news media practice: views from Latin America.” Mr. Bracho stated that MDI had been in contact with journalists and media scholars in Colombia, Cuba and Venezuela to assess and improve journalistic practice by looking at the perceptions and opinions news practitioners have of their own work, the national media, and cultural industries and by also looking into minority and interest groups, based on gender, race, ethnicity, religion, age, sexual orientation, language, nationality, political and ideological inclinations, cultural origins and practices, and other less traditional categories of diversity. Based on the research, Mr. Bracho pointed out that their findings suggested that one aspect that stood out as quite specific to the region when observing issues such as race, ethnicity and nationhood identity in relation to the news media is the strong presence in the majority of Latin American countries of a numerous indigenous population and of Afro-descendent groups.

25. However, Mr. Bracho elaborated that they are positioned by the media as essentially marginal with regards to citizen participation and as such they still needed to be represented in the media and in the socio-cultural narratives with a more intense, plural and positive presence. He also added that while the news and community media have made the minorities more visible and participative than before, racial and ethnic minorities are not represented adequately and that when so, they often fall into stereotypical prototypes with negative connotations in the publicity and the entertainment businesses, and in non-news broadcast media content. While legal frameworks set forth in the last 15 years by some of Latin American governments have favored the participation of indigenous and Afro-descendent representatives in institutional and official spaces, more inclusive shifts are still limited and partial.

26. Ms. Daniela Gomes, commenting on the presentation, stated that often it was not the absence of racial vocabulary by the media but the manner and context in which certain issues and words were being expressed that still gave the impression of racial prejudice. She also noted the limited impact of community television in comparison to mainstream media. The delegate of Argentina inquired about the study methodology and the delegate of the United States of America stated that denial of the prevalence of racism in societies is a significant concern that recurred in the presentations.

27. The delegate of the Bolivarian Republic of Venezuela highlighted the issue of visibility and the pluri-ethnic and multicultural character of the country and also outlined its on-going efforts to criminalize racism and hear the concerns of the people of African descent. The delegate added further that the category for people of African descent was included in Venezuela’s latest census and the government had supported people of African descent with resources and to raise the profile of their communities. He noted that while there was freedom of expression and opinion, there was also responsibility for what was said. In this regard, it was important to address issues of incitement.

28.. In his closing comments, Mr. Bracho stated that the methodology of the research was essentially a qualitative approach with interviews with journalists from different outlets, backgrounds, categories of age, gender and ideological positions to arrive at a balanced opinion. Given the regional context of denial of racism and xenophobia, he considered that it would be challenging to create guidelines of protocols. He welcomed the boom of community media in Venezuela adding that MDI would like to see this strengthened as it served as a model for other countries in the region.

29.. Due to a logistical issue with the arrival of an expert presenter on the morning of 25 July, the Chairperson-Rapporteur proposed that the 6th meeting be devoted to an informal meeting. The participants discussed informally issues relating to xenophobia, affirmative action, data collection and replies to the questionnaire.

30. Mr. Piara Powar, Executive Director of the Football against Racism in Europe (FARE), delivered a presentation on Racism in sport at the 7th meeting of the Ad Hoc Committee. Mr. Powar stated that racism was rife in sport and that while expression of nationalism in sporting events signified unity, it has increasingly spilled over into various forms of hatred, racism, xenophobia and other manifestations in sporting events. He noted that the fault lines or spectator sports like football, racism, xenophobia and nationalism tended to overlap. He attributed the increase in racism and racial hatred to increasing migration flows, re-emergence of far- right youth movements, local, national and regional rivalries as well as social and urban conflicts spilling over into the sporting arena. He said while recent incidents involving the walkout by AC Milan player Kevin Prince Boateng and other players in Europe highlighted the situation, monitoring of sporting events had shown that racist activities in sporting events had taken place in 28 countries outside of Europe and in all parts of the world. He explained that due to a glass ceiling in sports, while the flow of talent was from the South to the North, very few people of African descent or from other groups held top level managerial or senior corporate level positions in the football world. According to Mr. Powar, the xenophobia and racism in sport was often built on the mythologies of the “other” and stereotyping. He also highlighted the lack of gender diversity in sports management. He proposed that mobilization at the street level in creating awareness about racism was important in addressing the issue of racism in sports. Similarly, it was essential that icons of sports led initiatives to highlight the situation as well as awareness campaigns aimed at countering racism. Mr. Powar also proposed that better data collection and sharing of good practices on countering racism in sports, together with the UN Office on Sports for Development was important.

31. The delegate of Switzerland inquired as to whether low representation of women in sports or discrimination against women in sports was a subject matter that had been researched by the FARE Network. The representative of the European Union asked about the success of training programmes, whether it was possible to change behaviour through training and also requested information on FARE campaigns as well as the sharing of good practices with other regions of the world. She also inquired how discrimination on multiple grounds was being addressed by FARE.

32.. The delegate of the USA highlighted the role of race in sports in the United States, such as in major league baseball, and also noted the issue of diversity in the management structures of sports. Pakistan inquired if there was a difference between xenophobia and racism in sports activities. In addition, he stated that for spectators and viewers who watched sports on the basis of national affiliation, where did nationalism cross over into racism and hatred? The delegate of Greece commented that racism had always been prevalent in sports. The delegate of South Africa asked whether Mr. Powar’s organisation had encountered racist attitudes in countries where people were of similar ethnic backgrounds. The delegate of Mexico asked about the mechanisms that the FARE Network used in establishing dialogue with local authorities. The delegate of Morocco highlighted the prevalence of discrimination of women in sports and also posed the question as to whether an institutional mechanism to monitor racial discrimination in sports could be

established as international governing bodies such as the International Olympic Committee did not appear to have such a monitoring body or lacked the capacity to monitor. Ethiopia stated that contemporary forms of racism and particularly xenophobia were issues not envisaged when ICERD came into existence in 1969, and therefore it was essential to address issues, and hence it expressed its support for complementary standards.

33.. Mr. Powar responded to the queries stating that gender-based discrimination was indeed prevalent in sports and that the culture around mass spectator sport engendered multiple forms of discrimination and intersectionality. He also referred to the ongoing cooperation between OHCHR, FIFA, UEFA and other sports related organizations to tackle the issue of racism in football. In terms of mechanisms of cooperation with local authorities, Mr. Powar stated that preventative measures aimed at enforcing and strengthening the ability of governing bodies to regulate and combat racism in sport was the key.

35. The Chairperson-Rapporteur thanked the speaker for his presentation and also spoke about the South African experience on sports as a uniting element as evidenced in its nation building process and including the successful holding of the FIFA World Cup in South Africa in 2010. He then invited general statements from the participants on the topic of xenophobia.

III. Expert presentations and initial discussion on the topic of “Establishment, designation or maintaining of national mechanisms with competences to protect against and prevent all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance”

36. During the 8th meeting, on 26 July, Mr. Michel Forst, Secretary General of the French National Consultative Commission on Human Rights (CNCDH) focused his presentation on three main areas: i) the Commission and its role in the fight against racism, anti-Semitism and xenophobia; ii) the French National Action Plan against Racism; and, iii) some observations and ideas on the work of the Ad Hoc Committee.

37. He stated the Commission was created in 1946 it was again accredited in 2013 by the International Coordinating Committee of national human rights institutions in conformity with the Paris Principles. Its functions, composition and operation have been clarified and extended by a law passed in March 2007. The CNCDH has a broad mandate on all matters relating to human rights and international humanitarian law. It monitors and proposes initiatives for follow up; undertakes quantitative and qualitative research and survey; and it provides advice and also has a reporting obligation.

38. He informed that the Commission is preparing the 25th annual report for 2013 on racism, anti-Semitism and xenophobia. Mr. Forst explained that the title of the report clearly distinguished racism and anti-Semitism, as whereas anti-Semitism is a special form of racism, to which particular attention should be paid. Xenophobia is also a specific phenomenon, which is often racist in nature.

39. Mr. Forst noted that data provided by the Ministry of the Interior on the acts and threats of a racist, anti-Semitic and anti-Muslim character mark, once aggregated, a sharp increase. For 2012, the sum of acts and threats of a racist, anti-Semitic and anti-Muslim character totaled 1,539, representing an increase of 23%. A detailed look at the figures revealed that the anti-Semitic and anti-Muslim increased by the greatest number: anti-Semitic acts and threats reached 58% and anti-Muslim acts and threats increased by 30%, confirming the upward trend recorded in 2011. He also pointed out that for the third consecutive year the survey indicated a growing intolerance in France. While the early 2000s was marked by a continuous movement toward greater tolerance, since 2010 there

has been an increase of racism and intolerance, which was particularly worrying. Furthermore, 94% of the respondents also believed that it is essential that foreigners who come to live in France adopt the habits of French life. Problems with integration are also significantly attributed to foreigners and not to society in general. He stated that taken in the broader context of negative climate and strong socio-economic degradation, there is an increasing overall tolerance for racism, anti-Semitism and intolerance, assisted by internet and political actors.

40. For many years CERD had recommend to France to develop and implement a national action plan against racism. The Commission has welcomed the development of this plan and was pleased to be consulted on the draft, hoping that its adoption would inform, sensitize and mobilize all concerned stakeholders, including government and citizens. The Commission regrets that the draft plan does not include additional financial resources to support ongoing or new activities.

41. During the last part of his presentation, Mr. Forst offered some observations and ideas about the work of the Ad hoc Committee. He stated that from the perspective of the Commission, the focus should be on the implementation and application of existing norms. The Commission, also within the broader debate on the reform of treaty bodies, was attentive to any proposals for better management of individual communications and, in this respect, the old proposal for an international court on human rights, which would deal with individual communications from all treaty bodies, could present a solution. He also noted the Commission's interest in the general comments and recommendations of CERD that would gradually refine the interpretation of the Convention and according to the Commission, this dynamic interpretation of ICERD was, in his view, the best way to make it live and adapt to the changing world and society.

42. The delegate of Switzerland thanked the presenter and inquired about the reasons behind increasing intolerance in France. She stated that her government is also concerned with migration issues and asked about good practices that were in place in France, noting that dialogue was important to her country.

43. The delegate of Pakistan asked if, according to Mr. Forst there was a link between the French law banning the hijab/veil and the recent violence against women wearing the veil/hijab. He also raised a question on racial profiling about racial profiling by the police and if there are training courses and directives targeted at its prevention.

44. The delegate of the European Union agreed that the implementation of existing standards was key and asked about how to ensure efficiency in access of victims to remedies.

45. Bangladesh asked if integration measures could infringe upon the right of freedom of religion and belief and cultural practices and questioned whether integration policies could cause fear and gaps which required filling.

46. In reply, Mr. Forst highlighted the important role of human rights defenders and NGOs that follow up on cases. He stated that he did not have a proposal for a definition of xenophobia, stating that in general it is rejection of aliens, blaming them for problems in France, including security. He noted that rejection of differences leads to racism and anti-Semitism. There were also prejudice and negative attitude towards Roma in France. He noted "unacceptable" statements by politicians, Ministers, parliamentarians and other state officials which encourages the same discourse by the general public. Such kind of behaviour of state officials encouraged the public to make racist statements.

47. With regard to the link between law prohibiting the veil/hijab and violence, Mr. Forst stated that the French law had a balanced approach as it was not aimed at the Muslim population. In many cities, women wore veils and the problem only arose when the face was covered, contrary to the law. Notwithstanding, the police may demand that the woman reveal her face and they sometimes they overstepped their authority. Police were

encouraged to organize trainings on racial profiling. One suggestion was to issue receipts to those who were stopped and searched by the police, allowing for a control or investigation as to why a person was checked several times.

48. Mr. Forst emphasized that implementation of standards was of greater importance than the development of new norms. There were ways to ensure better implementation such as country visits by the treaty monitoring bodies which might be costly, but effective. If more country visits were carried out, better information about what is happening on the ground will be gathered. In this context, the old proposal for an international court on human rights might be considered. There is a legislative process to integrate aliens and foreigners in France. Despite existing legislation and other measures, it was proving challenging in some areas to accept of foreigners and different cultural practices.

49. The Ukrainian Parliament Commissioner for Human Rights, Ms. Valeriya Lutkovska also gave a presentation during the 8th meeting of the Committee. She said that the Commissioner's mandate on equality and non-discrimination was envisaged in article 3(6) of the Law on Parliament Commissioner for Human Rights which refers to prevention of any forms of discrimination in exercise of rights and freedoms and article 10 of the Law "On Fundamentals of Preventing and Combating Discrimination" refers to control over observance of the principle of non-discrimination in various spheres of public relations, monitoring of observance of the principle of non-discrimination in various spheres of public relations, review of individual and group petitions/complaints on discrimination, elucidation of issues concerning prevention and combating of discrimination and observance of the principle of non-discrimination in the Commissioner's Annual Report. With regard to the structure of the Secretariat she noted that it includes Commissioner's Representative on Child Rights, Non-Discrimination & Gender Equality, Department on Child Rights, Non-Discrimination & Gender Equality, Non-Discrimination Division, Expert Board on Non-Discrimination and Gender Equality.

50. She pointed out that in 2012, 792 complaints were received: 56 proceedings were initiated, 675 explanations and advice were given and 61 were unacceptable. These complaints include 3 based on Race/Color of skin, 49 on Ethnic/National origin and 682 on Religion and belief. With regard to monitoring draft laws and governmental legal documents for discriminatory provisions, in 2013 the Commissioner provided 8 expert opinions and recommendations submitted to Parliamentary Committees, worked closely with civil society organizations on joint monitoring efforts (e.g. Centre for Civil Liberties, Coalition Against Discrimination) and provided analysis of laws in force (e.g. Commissioner's opinion on Law "On Fundamentals of Preventing and Combating Discrimination in Ukraine", provisions of the Criminal Executive Code of Ukraine that discriminate on the ground of sex, etc.). Various awareness raising initiatives were also organized, including conferences and trainings.

51. With regard to legal challenges, Ms. Lutkovska highlighted the limited scope of competence in article 2 of the Law on Parliament Commissioner for Human Rights, which is not sufficient for an effective work in the field of non-discrimination, article 161 of the Criminal Code of Ukraine, lack of key competences such as ability to initiate Action Popularis Cases and Amicus Curiae is not institutionalized. She also noted that legislation on equality and non-discrimination requires further improvement (e.g. principal laws, secondary normative acts, anti-discrimination assessment procedures). There are also organizational and operation challenges, such as specialized expertise on equality and non-discrimination and human resources.

52. The Ukrainian Commissioner also pointed out that legislation on non-discrimination was quite new in Ukraine. The general public did not have an understanding of the possibilities provided by the new law. In 2012 and 2013 there were few applications regarding discrimination. She explained that more education and awareness-raising was needed by the general public. More capacity-building work is also required for civil society organizations, Ministries, state agencies, and local administration to prevent human rights

violations. She briefly referred to challenges posed by legislation on data protection and non-discrimination.

53. With regard to a question posed by a participant on freedom of religion and belief, the Commissioner noted that while in the past, the Church was prohibited it now plays a very important role in the society, with implications for the political and legal situation in the country. She explained that people were facing problems with legislation regarding data protection, due to religious belief and could contact the her office which could discuss it with the respective state body in order to solve the problem. She said that there had been positive experiences with regard to this issue.

54. At the 9th meeting on 29 July, Ms. Eva Sobotka, Programme Manager at the European Union Agency for Fundamental Rights (FRA) gave a presentation entitled “Developments and Trends on racism, racial discrimination, Roma, and crimes motivated by racism, xenophobia and related intolerance in the EU”. She provided an overview of the mandate of FRA, as contained in primary and secondary legislation, including article 3, paragraph 3 of the Treaty on the European Union (TEU), articles 10 and 19 of the Treaty on the Functioning of the European Union (TFEU), article 21 of the EU Charter of Fundamental Rights, the Racial Equality Directive (RED) 2000/43/EC. She also referred to Communication COM (2011) 173 on the EU Framework for National Roma Integration Strategies up to 2020.

55. With regard to key developments in the area of racism and ethnic discrimination, Ms. Sobotka noted the persistence of mainstreaming of elements of extremist ideology in political and public discourse and ethnic discrimination in healthcare, education, employment and housing, throughout the European Union (EU). She said that Member States had made efforts to develop comprehensive approaches to Roma integration. Nevertheless, more has to be done in order to secure sufficient funding for Roma inclusion and ensure that it benefits the targeted groups, put in place robust and effective monitoring mechanisms, and fight discrimination and segregation. She highlighted that several Member States had addressed crimes motivated by racism, xenophobia and related intolerances, by redefining what constitutes such crimes, and changing and enhancing their data collection systems. Some Member States had taken steps to enable the collection of data disaggregated by ethnicity, thereby allowing for better recording and identification of potentially discriminatory practices.

56. Ms. Sobotka pointed out that when considering trends, it was important not to confuse the rate of recorded incidents of racist, xenophobic and related crime with the actual rate of such crimes, as it is widely acknowledged that this type of crime is grossly under-recorded. Moreover, variations observed within EU Member States from one year to the next could be the result of: (1) how these crimes are defined in criminal law; (2) changes in how (the characteristics of) incidents are recorded; (3) the willingness of victims and/or witnesses to report incidents; and, (4) the actual occurrence of racist, xenophobic and related crime.

57. She also presented results from the 2012 survey, which included Roma and non-Roma respondents, in the areas of poverty, housing, education, employment and discrimination. She noted that 60% of the Roma respondents identified members of the majority population as being the perpetrators with regard to the last incident of assault, threat or serious harassment they had experienced, which makes it clear that ‘racist’ perpetrators are not only a product of extremist ‘racist’ gangs but also from the general population. The results indicated that reasons for non-reporting are less often to do with the trivial nature of an incident (32%) and more to do with lack of confidence in the police and law enforcement (72%).

58. She concluded that making hate crimes visible and acknowledging the rights of victims of crimes entails taking action at three levels: legislation, policy and practice. She said that with regard to legislation, it means recognising hate crime, the bias motivations

underlying it and the effect it has on victims in both national legislation and European law. At the policy level, it means implementing policies that will lead to collecting reliable data on hate crime that would record, at a minimum, the number of incidents of hate crime reported by the public and recorded by the authorities; the number of convictions of offenders; the grounds on which these offences were found to be discriminatory; and the punishments served to offenders. At the practical level, it means putting instruments in place to encourage victims and witnesses to report incidents of hate crime, as well as mechanisms that would show that authorities are taking hate crime seriously.

59. Replying to the questions of the delegates from Ghana and the United States of America, Eva Sobotka noted that there was a survey in 2007, which collected data on people with different background, including people of African descent and of 1st, 2nd and 3rd generation immigrants. This survey will be repeated in 2014. With regard to legal instruments, she said that in addition to the EU surveys, FRA considered United Nations and Council of Europe (CoE) standards and approaches to issues, which does not lead to any conflict, and provides continuity. She noted that FRA approaches discrimination against Roma as ethnic/racial discrimination and there can be also multiple forms of discrimination for example with regard to Roma women and children. Nationality is also taken into consideration, depending on the situation.

60. The delegate of Ghana expressed concerns regarding the treatment of African migrants in Europe, in particular mass deportation and expulsion of aliens and foreigners from European countries. He noted the need for respect for dignity of those who are deported, giving them reasonable time to collect personal items. He stated that in cases of mass deportation, court cases are considered on the basis of merit; however dignity and due process tended to be compromised in the administrative processes. He mentioned that people with pending cases before courts should not be deported; yet immigration officials exercised pressure on embassies rather than await the outcome of the court processes.

61. In her reply to the delegate of the Republic of South Africa, Ms. Sobotka stated that racist incidents have to be addressed more broadly as national human rights institutions (NHRIs) could not address the entire scope of such crimes. Improvements were required in police and prosecution services and NHRIs should raise awareness about hate crimes; however, it was the responsibility of the justice system to address these crimes.

62. In her reply to the questions of the Chairperson-Rapporteur, Ms. Sobotka noted that the difference between good and bad data was primarily linked to the data collector and standardization of the process. She highlighted the importance of prosecution, as it was not enough to solely register a hate crime. Proper training and procedures had an impact on the prosecution of hate crimes and the collection of data. With regard to victims-friendly mechanisms, she said that in the United Kingdom victims could report crimes online, avoiding the need to interact directly and attend the police station as the online submission is re-routed to the responsible police station. She stated that it was not possible, at this juncture to make a comparison of data collection as practices vary between Member States and within States. She added that sometimes victims could approach civil society organizations, ombudsman office or NHRIs, to assist with the filing of a complaint and follow up on their case.

63. With regard to the practice of racial profiling, Ms. Sobotka stated that there existed various studies, proving that the practice is counterproductive and that the cost and adverse effects are disproportionate to the results. She noted that police protocols for investigation of hate crimes have proved to be very useful and they are usually present in Member States with comprehensive data collection. On the issue of racism in football, she did not consider it a new phenomenon. According to her the new element was the increased expression of extremist views in parliaments and political discourses.

IV. Summary of the presentations and initial discussions on the updates on Relevant Global and Regional Developments

64. At the 11th meeting, on 30 July, Ms. Joy-Dee Davis Lake, Chair of the Organisation of American States (OAS) Working Group to Prepare an Inter-American Convention on Racism, Racial Discrimination and Related Forms of Intolerance and an Inter-American Convention against All Forms of Discrimination and Intolerance gave a presentation on the recently adopted Inter-American Convention against Racism, Racial Discrimination, and Related Forms of Intolerance as well as the Inter-American Convention against All Forms of Discrimination and Intolerance.

65. She noted that since 2000, the OAS General Assembly and successive Summits of the Americas, the highest policy-making bodies of the Inter-American system, have repeatedly raised concerns and reiterated a determination to combat the phenomena of racism, discrimination and intolerance. She said that it was felt that a convention such as this would reflect and project concrete steps, legally enforceable, that would contribute to Member States collaborating to give effect to the principle of equality among human beings.

66. She stated that in addition to the migratory phenomena of the present time, there are new forms of intolerance, no longer only concerning race and ethnicity, but involving much other human diversity. Intolerance had moved beyond an individual's phenotypical characteristics to encompass other characteristics such as social condition, health, gender identity, national identity and religion. Therefore, the purpose of the Inter-American Convention was to improve, strengthen, and enlarge the margins of protection already offered by the ICERD.

67. She said that after a thorough examination of how the Inter American Convention would look, a Working Group was installed in 2005, by General Assembly Resolution AG Res 2126 and negotiations began on the Draft Inter American Convention against Racism, Racial Discrimination and All Forms of Intolerance. The negotiations took eight years, and on many an occasion the process was beset with acrimony and stagnation. She noted that there were two notable impediments to the process: the non-participation of the US and the withdrawal of Canada, and the ideological difference that led to the split of the draft into two draft conventions.

68. With regard to substantive outcomes, she highlighted that the two conventions together represent the most ambitious catalogue of prohibited bases of discrimination under international law, including a binding definition of racism, a requirement that States Parties undertake affirmative measures, and for the first time, in the hemisphere there will be legal reprieve for groups that continue to experience multiple or extreme forms of racism, discrimination and intolerance that are driven by a combination of factors. These Conventions have expressly bound States Parties to ensure that security measures do not discriminate directly or indirectly against any person or group of persons, based, among other factors, on their race, ethnicity, culture or religion. For the first time, the categories of sexual orientation and gender identity and expression are included in a binding international instrument for the protection of human rights.

69. The delegate of Brazil noted that the OAS could serve as an example for this Committee, and how it developed complementary norms. Although negotiations took 8 years, it managed to fulfil the commitment made in 2000. Morocco noted the need of the OAS to adopt new complementary standards, which is echoed by practices in other regions, and presents additional proof for the need for such norms and standards at the international level. Uruguay stated that the OAS experience provided a good example about how sensitive issues could find consensus. He noted that any form of discrimination should be considered equally.

70. In her reply to several questions, Ms. Davis Lake stated that approaches such as national measures as well as complementary international standards should not be seen as mutually exclusive. A legal basis or framework could give effect to national processes. She said that the OAS Conventions provide for establishment of a Committee to monitor their implementation and that this will be the place where States Parties will share good practices.

71. Mr. Ibrahim Salama, Director of Human Rights Treaties Division at OHCHR, also gave a presentation during the 11th meeting of the Ad Hoc Committee, providing an overview of the series of experts meetings on incitement to racial, ethnic, national and religious hatred and the Rabat Plan of Action. In his presentation, he referred to the general context and history of the exercise which reflected the subject matter, the substance and the potential it constituted. He noted that there were political and intellectual tensions and underlined that there was a false dichotomy with regard to freedom of religion and freedom of expression and opinion. There were indeed legitimate and perceived risks linked to the issue of incitement to hatred, which was considered a grey zone and risky area. To deepen the understanding of the subject matter, the first meeting was held in October 2008, focusing on the relationship between articles 18 and 19 of the ICCPR. He said that during the Durban Review Conference, the High Commissioner promised to launch a process of reflection. The meetings considered State practices, national mechanisms and empirical evidence on effective measures. He noted that it was based on a bottom up approach. There were expert discussions, which were opened to Member States that took the opportunity to enrich the discussions. The legislative approach included comparisons, case law and policy analysis. For each workshop there were about 20 experts from the region; participants included Special Rapporteurs, treaty-monitoring bodies, NHRIs, NGOs and Member States.

72. He explained that the Rabat Plan of Action was based on a comparative analysis and it draws on common ground. At a political and intellectual level, it is an expert-driven process, though still open to Member States. He explained that there was de facto complementarity with Human Rights Council resolution 16/18 and the Istanbul process. The plan of action created double monitoring processes and included thresholds for speech that need to be adapted to the national context. The Plan is not limited to legal measures as it includes recommendations on media, education, but also to governments. It offers a platform for action that Member States can consider voluntarily and being outside of the inter-governmental process it diffuses the political context and there is no compelling force. Based on the knowledge that was generated during these meetings, it extended beyond rhetoric thereby improving reality.

73. The delegate of the United States noted that the Rabat Plan of Action is different from HRC resolution 16/18 with its related Istanbul process, as Rabat was developed through expert meetings, while 16/18 and Istanbul are State-led processes. The Czech Republic also noted that the Rabat process and the Istanbul process are separate from the mandate of the Ad-hoc Committee. She noted that there is discrepancy among participants of the Committee, reflected in the will to share national policies and national experience and abstract calls about the need to draft international instruments. It was still not clear what are the universal challenges that needed to be overcome: who has a problem; where exactly; and, what are the obstacles in practice?

74. Mr. Salama referred to the 'politics of rights' and stated that demystifying the issues at stake was the beginning of the solution. Unfortunately, misuse of words and misuse of religions cost the lives of so many people. He explained that threshold was an important consideration: What is that constitutes advocacy of hatred? The answer was extremely difficult and complex. He added that, in his view, between a normative and an implementation gap, there were shades of other gaps, such as interpretation gaps, multi-stakeholders gap, and understanding gaps. With regard to follow ups to the Plan of Action, he stated that this was a work in progress. The Ambassador of African Union noted the

importance of school programmes and curriculum to prepare young people for adopting a responsible attitude. He highlighted the role of UNESCO in this regard.

75. Mr. Salama replied that it was perplexing how the discussion remained mired in ideology. He agreed that more had to be done with regard to education, which also included religious authorities and leaders who need to educate and raise awareness of their constituents and followers. He underscored that training and capacity building, in this regard, could also prove difficult.

76. With regard to some questions, Ms. Davis Lake clarified that during the preparatory work for the OAS Convention, there were two schools of thought on the issue of race: one that stated that there is one human race and the other which stated that there were many races, and that all are equal. The compromise was to include a definition of racism that satisfied both constituencies.

77. The delegate of Ghana raised a question with regard to the presence or lack of definition of ethnic cleansing in the OAS Conventions. The delegate of the United States of America noted with interest that there was one treaty body for the implementation of the two OAS instruments.

78. Ms. Davis Lake said that the idea of one monitoring body for the two OAS conventions was due to the fact that initially the negotiations started with one instrument, and that in effect it was advisable to have only one monitoring body for financial reasons. She noted that OAS did not elaborate a definition on ethnic cleansing. There is not yet an educational and awareness-raising programme for schools, as the Conventions had only been signed two months ago.

79. Brazil explained that all States Parties could have a representative on the envisaged monitoring body. If a given State did not recognize the Inter-American Court of Human Rights, they could still participate through the Conventions.

Annex 2

[English only]

Agenda

1. Opening of the session.
2. Election of the Chairperson-Rapporteur.
3. Adoption of the agenda and programme of work.
4. Presentations and discussions on the topics.
5. General discussion and exchange of views.
6. Adoption of the report.

Annex 3

[English only]

List of attendance

A. Member States

Algeria, Angola, Argentina, Austria, Bahrain, Bangladesh, Benin, Brazil, Bulgaria, Chile, China, Colombia, Cote d'Ivoire, Croatia, Cuba, Czech Republic, , Denmark, Ecuador, Egypt, Ethiopia, Finland, France, Gabon, Germany, Ghana, Greece, Honduras, India, Indonesia, Iraq, Italy, Japan, Lithuania, Malaysia, Mexico, Monaco, Mongolia, Montenegro, Morocco, Netherlands, Nigeria, Norway, Pakistan, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Senegal, South Africa, Spain, Sri Lanka, Sudan, Switzerland, Timor Leste, Togo, Turkey, Ukraine, United States of America, Uruguay, Venezuela (Bolivarian Republic of)

B. Non-Member States represented by observers

Holy See, Palestine

C. Intergovernmental organizations

African Union, European Union, Organisation internationale de la Francophonie, Organization of the Islamic Cooperation

D. Non-governmental organizations in consultative status with the Economic and Social Council

Ariel Foundation International, Espace Afrique International, Federation of Environmental and Ecological Diversity for Agricultural Revampment and Human Rights (FEEDAR & HR), IGFMSuisse, Youth Crime Watch Nigeria

E. Non-governmental organizations not in consultative status with the Economic and Social Council

Villages unis pour le développement, Zagros Human Rights Center

Annex 4 Programme of Work

<i>1st week</i>					
	Monday 22.07	Tuesday 23.07	Wednesday 24.07	Thursday 25.07	Friday 26.07
10:00 – 13:00	<p style="text-align: center;"><u>Item 1</u> Opening of the Session</p> <p style="text-align: center;"><u>Item 2</u> Election of the Chair</p> <p style="text-align: center;"><u>Item 3</u> Adoption of the Agenda and Programme of Work</p>	<p style="text-align: center;"><u>Item 4</u> Questionnaire [presentation and discussion]</p>	<p style="text-align: center;">Victims’ advocate/perspective</p> <p style="text-align: center;">Ms. Daniela Gomes, Brazilian civil society advocate/journalist --- Questionnaire [presentation and discussion] --- Questionnaire [Conclusions]</p>	<p style="text-align: center;">Xenophobia</p> <p style="text-align: center;">Mr. Piara Powar, Executive Director, FARE Network dealing with discrimination in sport</p>	<p style="text-align: center;"><u>Item 6</u> Establishment, designation or maintaining of national mechanisms with competences to protect against and prevent all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance</p> <p style="text-align: center;">Mr. Michel Forst, Secrétaire Général, La Commission nationale consultative des droits de l’homme (CNCDDH), France</p>
15:00 – 18:00	<p style="text-align: center;"><u>Item 4</u> Questionnaire [introduction of the summary and discussion]</p>	<p style="text-align: center;">Questionnaire [Expert presentation/discussion: Constitutions/ Legislation]</p>	<p style="text-align: center;"><u>Item 5</u> Xenophobia</p> <p style="text-align: center;">Ms. Milicia Pesic, Executive Director;</p> <p style="text-align: center;">Mr. Edmundo Bracho, Journalist/Consultant, Media Diversity Institute</p>	<p style="text-align: center;">Xenophobia --- General discussion and exchange of views</p>	<p style="text-align: center;">Establishment, designation or maintaining of national mechanisms with competences to protect against and prevent all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance</p> <p style="text-align: center;">Ms. Valeriya Lutkovska, Ukraine Parliamentary Commissioner/Ombudsman Office</p>

2 nd week					
	Monday 29.07	Tuesday 30.07	Wednesday 31.07	Thursday 1.08	Friday 2.08
10:00 – 13:00	<p><u>Item 6(continued)</u> Establishment, designation or maintaining of national mechanisms with competences to protect against and prevent all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance Ms. Eva Sobotka, Programme Manager, Equality and Citizens' Rights Department, EU Fundamental Rights Agency-FRA --- General discussion and exchange of views</p>	<p><u>Item 8</u> Updates on relevant global and regional developments Ms. Joy-Dee Davis-Lake, Chair of the Organisation of American States Working Group to Prepare an Inter-American Convention on Racism, Racial Discrimination and Related Forms of Intolerance; Mr. Ibrahim Salama, Chief HRTD, OHCHR; Mr. Slimane Chikh, OIC Ambassador in Geneva – tbc</p>	<p><u>Item 10</u> Conclusions and Recommendations --- General discussion and exchange of views</p>	UN Holiday	<p><u>Item 10(continued)</u> Conclusions and Recommendations --- General discussion and exchange of views</p>
15:00 – 18:00	<p><u>Item 7</u> Procedural gaps with regard to the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) Ms. Fatimata-Binta Dah, CERD member --- Update on CERD activities, including August 2012 discussion on hate speech</p>	<p><u>Item 9</u> Discussion on the introduction of new/list topics...consideration of new/list topics</p>	Compilation of the Report	UN Holiday	<p><u>Item 11</u> Adoption of the report of the 5th session</p>

