



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

Distr.: General
20 December 2012
English
Original: French

Committee on the Elimination of Racial Discrimination
Sixty-fourth session

Summary record of the second part (public)* of the 1623rd meeting

Held at the Palais Wilson, Geneva, on Monday, 1 March 2004, at 10 a.m.

Chairperson: Mr. Yutzis

Contents

Organizational and other matters (*continued*)

*Communication from the Special Rapporteur of the Commission on Human Rights
on contemporary forms of racism, racial discrimination, xenophobia and related
intolerance*

* The summary record of the first part (closed) of the meeting appears as document CERD/C/SR.1623.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The second part (public) of the meeting was called to order at 12.05 p.m.

Organizational and other matters (item 4 of the agenda) *(continued)*

Communication from the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

1. **Mr. Diène** (Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance) underlined the importance he attached to the complementarity between his mandate and that of the treaty bodies in general and the Committee for the Elimination of Racial Discrimination in particular. He said that he based himself systematically on the latter's conclusions when preparing a mission, such as those he had undertaken to 5 countries he had visited in the six previous months, namely Canada, Colombia, Cote d'Ivoire, Guyana and Trinidad and Tobago. In the case of the last two countries, the similarity between their democratic structures had prompted him to undertake a joint regional mission so as to compare the way in which each dealt with the question of interethnic relations.
2. Each time he visited a country to examine the question of discrimination, racism and xenophobia, his first concern was to ensure that its leaders had the political will to put an end to such phenomena and to ascertain which legal, constitutional, judicial or administrative provisions they had introduced as part of a political and legal strategy. In his view, such a strategy should be followed up by an "intellectual and ethical" strategy, aimed at reforming the system of thought in-depth. For it was well known that countries that had experienced institutionalized racism and discrimination, such as the United States of America or South Africa, were currently experiencing an alarming resurgence of acts of that nature — proof that such evils were deeply embedded in society and had to be attacked at the roots to eliminate them definitively.
3. One of the reasons why he had chosen to visit Guyana was because, over 30 years after its accession to independence, the country was characterized by very marked ethnic and racial polarization, simultaneously social, political, cultural, religious and institutional. Even the urban structure, with its exclusively Indian and black districts, reflected that polarization, which was at the origin of the mistrust between communities.
4. The Rapporteur said that he had been well received by the Guyanese authorities — including the President — as well as by the leaders of political parties, human rights organizations and other civil society organizations. It had emerged from his mission that while ethnic and racial polarization remained very deep-rooted in society, the authorities were conscious of the problem and that efforts to combat it had already begun. For example, the leaders of the various political parties had expressed their wish in a joint communiqué to find political responses to the question and parliamentary committees had been set up to study the basic issues linked to the phenomenon.
5. The Special Rapporteur advocated the establishment of an intellectual and ethical strategy to combat discrimination, racism and xenophobia since the construction of American societies that had emerged from slavery and colonization had been based on an ideology that saw slavery as due to the cultural and racial inferiority of the slaves. It was against such moral legitimization, permeating outlooks, that the fight must be waged and against the tendency of some political parties to highlight the ethnic origin of their leaders in order to justify their power and underpin their authority.
6. Once he was convinced of the political will of Guyana to combat discrimination, racism and xenophobia, the Special Rapporteur had been careful not to set himself up as judge but rather to encourage its leaders to pursue the path on which they were embarked

and to spare no effort to ensure that their planned measures were implemented. He had then urged that the institutions representing the state apparatus — in particular the forces of law and order, government departments and the police, currently in the hands of Afro-Guyanese — should acquire a multi-ethnic character in accordance with the underlying structure of Guyanese society. He noted in that connection that, contrary to a common misconception, the communities making up a multi-ethnic society rarely had a deep understanding of their respective value systems and cultural and spiritual traditions. He therefore called for the building of a proactive, interactive, democratic and egalitarian multi-ethnic society in Guyana and recommended the authorities to ensure that the ethnic mix was reflected not only in the legal, juridical, judicial and constitutional systems but also in the educational sphere through the transmission of a system of values that was at the root of identity-building.

7. Although the demographic structure of Trinidad and Tobago was identical to that of Guyana, ethnic polarization was less marked there. Political leaders had tackled the issue with the same juridical, legal and constitutional determination but it was the communities of African and Indian origin who had themselves created a genuine intercultural dynamic, as evidenced by neighbourhood social mixing (“métissage de la rue”). It was now the responsibility of political leaders to encourage that dynamic by taking the necessary measures.

8. Mr. Diène said that his reports on Canada, Colombia, Cote d’Ivoire, Guyana and Trinidad and Tobago would soon be available and invited members of the Committee to let him have any comments on them, in a spirit of cooperation and complementarity between their respective mandates.

9. Mr. Amir wondered whether it was the Committee’s reflections on juridical questions that should serve as the basis for the Special Rapporteur’s activities in the field aimed at eliminating racial discrimination or whether, on the contrary, it was the Special Rapporteur’s findings at country level that should inform the Committee’s work to ensure that it reflected the real world.

10. Mr. Lindgren Alves said that the cases of Guyana and Trinidad and Tobago illustrated the need for members of the Committee to agree on the meaning of the term “multiculturalism”. In the European tradition, the term reflected the concern to preserve the ethnic diversity of the different nationalities present in a country; whereas in the American tradition broadly understood, it involved a concern to iron out the different nationalities by placing the emphasis on social mixity. The question should therefore be asked as to the meaning of the term that the Committee was to propose to the States parties: perhaps the meaning should differ according to whether a European or American country was involved.

11. Mr. Kjaerum thought that the notion of ethnic polarization referred to by the Special Rapporteur needed further study and, in particular, that the question should be asked as to the origins of the phenomenon, the groups involved and the forms it took. With regard to the new forms of discrimination that had arisen following the events of 11 September 2001, it would be useful to have an update on the situation in that regard. Finally, the Special Rapporteur’s advice should be sought on the need for the Committee to have recourse to the private sector.

12. Mr. de Gouttes found the Special Rapporteur’s explanation of the underlying causes of discrimination in Guyana and Trinidad and Tobago very eloquent and agreed on the need to highlight the role of political parties, religions, the media and the private sector in the shaping and development of outlooks. He wished to know whether the Special Rapporteur had found that the political will existed in Guyana to cooperate in combating discrimination. He also wished to know which States he planned to visit.

13. **M. Sicilianos** considered it essential, in relation to Guyana, that the Committee should follow the recommendations of the Special Rapporteur in the context of the review procedure.

14. **Mr. Diène** replied to Mr. Amir that he based his action on the Committee's legal interpretation of the reports of the State parties since it gave him a better understanding of the functioning and situation of the States that he visited.

15. Concerning the content of multiculturalism, the Special Rapporteur explained that he recommended, in most of the States parties that he visited, the promotion of a genuine cultural, religious and ethnic pluralism. He understood by "pluralism", on the one hand, the recognition, protection, respect and promotion of the specific features of the different groups and communities within a society and, on the other, the creation of conditions enabling those communities to identify themselves with higher values. He therefore recommended, in the fight against discrimination, reconciling the two contradictory processes represented by the need for unity and the need for diversity, common to all human societies.

16. The Special Rapporteur considered that the media played a fundamental role, both in reinforcing ethnic polarization and changing outlooks. The private sector, insofar as it consisted of major private groups with considerable economic weight and present in all spheres of activity, had a major influence on awareness, perception and thought in general. It had therefore become an essential partner in the struggle against discrimination.

17. With regard to new the forms of discrimination that had arisen following the events of 11 September 2001, the Special Rapporteur noted the application in many countries of policies that, under cover of combating terrorism, disregarded the principle of the primacy of human rights, a situation that called for great vigilance. In a report on the situation of Arab and Moslem populations since the events in question, he noted the appearance of new forms of discrimination directed against those groups.

18. Concerning the readiness of political parties in general to engage in dialogue, the Special Rapporteur noted with concern that, despite the existence of very effective international instruments designed to protect human rights and combat discrimination in all its forms, ethnic and racial considerations were increasingly used as a political platform. Worse still, such language, which used to be confined to political parties of the extreme right, had today spread to other parties, whose platform it had come to shape. Consequently, the danger not only arose from parties using ethnic segregation or discrimination as a political programme but also from the fact that they managed to shape and compromise the functioning of democratic structures.

19. In the case of Guyana, the Special Rapporteur confirmed that he had found the necessary political will to overcome the existing problems. In future reports, he intended to examine the question of castes as well as that of ethnic and racial discrimination in sport. Finally, he intended to consider as a matter of urgency the situation in the Russian Federation, where all reports spoke of extremely serious discrimination linked to violence, in particular against citizens of African countries.

The meeting rose at 1.15 p.m.