



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

Distr.: General  
11 December 2017  
Original: English

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## Committee on the Elimination of Racial Discrimination Ninety-fourth session

### Summary record of the 2600th meeting

Held at the Palais des Nations, Geneva, on Wednesday, 29 November 2017, at 3 p.m.

*Chair:* Ms. Crickley

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*The meeting was called to order at 3.15 p.m.*

### **Organizational and other matters**

*Thematic discussion on racial discrimination in today's world: racial profiling, ethnic cleansing and current global issues and challenges*

1. **The Chair** said that she wished to thank the participants for their commitment to the elimination of racial discrimination and their support for the Committee's work. Racism around the world continued to be fuelled by toxic discourse. Muslims had become a particular target in recent years. In order to tackle racism effectively, it was necessary to take into account intersecting forms of oppression, such as sexual violence against women, as well as global initiatives, such as the Sustainable Development Goals.
2. Although progress had been made in many countries since the adoption of the Convention, those achievements were being eroded by an unwillingness to continue acknowledging and addressing the problem. She encouraged individuals and institutions to challenge and denounce racism whenever they encountered it.
3. **Ms. Stevens** (Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action), noting that racism, xenophobia and related intolerance were on the rise all over the world, said that it was worth considering whether the current political and social conditions had rekindled racist sentiment; whether the rise of extremist groups was to blame; and whether Member States of the United Nations were doing enough to suppress those groups. Inadequate efforts had been made to address racism, even though it was a root cause of terrorism and conflict.
4. Structural discrimination remained a problem at all levels of the justice system, leaving some groups vulnerable to social and racial profiling. Attempts at ethnic cleansing — a crime against humanity for which there must be no impunity — were ongoing and should be dealt with by the international justice system.
5. Member States should consider ways to address racism in their action plans under the 2030 Agenda for Sustainable Development, so as to fulfil their pledge to leave no one behind. It was worth noting that many victims of racism suffered multiple, aggravated or intersecting forms of discrimination, on related grounds such as language or religion.
6. Racist hate speech had become increasingly prevalent worldwide. The use of new technologies, such as the Internet, to disseminate racist material and the access of children and adolescents to that material posed a particular challenge. There was a lack of data on victims and perpetrators of hate speech and hate crime, and significant underreporting of such offences, as victims were not fully aware of their rights and the legal remedies available to them.
7. Many contemporary forms of racism were related to the legacy of slavery and colonialism and persons of African descent remained under threat, yet some Member States had refused to launch the International Decade for People of African Descent and some high-profile figures had stated that the slave trade was a thing of the past and should be forgotten.
8. Although the United Nations had established a number of instruments to address racism, those instruments had not been universally ratified. All Member States should take steps to fulfil their non-discrimination obligations under international law and should consider ratifying the Convention, as well as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, if they had not yet done so.
9. Lastly, it was incumbent not only on Member States but also on civil society to combat racism and intolerance; she encouraged civil society to step up its efforts in that regard.
10. **The Chair**, echoing the call for universal ratification of the Convention, announced that the number of States parties had reached 179, as a result of the recent ratification by Singapore.

11. **Ms. Nu** (Women Peace Network) said that a total of 700,000 Rohingya had fled from Myanmar to Bangladesh since 25 October 2017, giving rise to a large-scale humanitarian crisis. In Myanmar, discrimination based on ethnic origin or religion had been normalized as a result of discriminatory policies and legislation. Discrimination against Rohingya was now commonplace not only in institutions but also among individuals and on social media. Violence against other minorities, including Christians, had also increased.

12. Her father had been arrested on political grounds in 2005; two months later, she too had been arrested and sentenced to 17 years' imprisonment, along with other members of her family. She had served seven years of her sentence before being released. Compared to other politicians arrested on similar charges, her father had been subjected to a higher penalty — the imprisonment of his family — because he was of Rohingya origin.

13. After her release, she had initially been unable to graduate from university, on the grounds that she held the wrong type of citizenship card, even though many students with that type of card had been allowed to graduate in the past. Hundreds of other minority students had encountered the same problem. Young persons from minority groups were greatly affected by discrimination in all aspects of their lives, to the extent that some chose to conceal their true ethnicity.

14. Discrimination had originated with people and could be eliminated by people, providing there was political will. She urged all Member States to sign and ratify the Convention.

15. **The Chair** said that the Committee had called upon Myanmar to sign and ratify the Convention.

16. **Mr. Soutphommasane** (Australian Human Rights Commission), noting that there had been a global resurgence in racism and intolerance, said that individuals, communities and States must show resolve in combating racial discrimination.

17. Australia was multicultural and multiracial: nearly 50 per cent of the country's population had been born overseas or to a parent of foreign origin. It had been one of the first States to adopt a policy of multiculturalism. A recent survey had shown that 85 per cent of the population believed in the benefits of multiculturalism and 63 per cent believed that immigration made the country stronger.

18. Nevertheless, racial intolerance was on the rise: 20 per cent of the population and 34 per cent of persons from non-English-speaking backgrounds had experienced racial or religious discrimination in the past year. There had been calls for a ban on Muslim immigration, far-right political groups had gained access to mainstream media platforms and white nationalist organizations had grown in confidence.

19. Many minorities had experienced discrimination in the labour market and racial profiling. In recent years, there had been several attempts to weaken domestic legislation on racial discrimination.

20. Awareness campaigns had been launched to promote racial tolerance; however, there were obstacles to educational initiatives of that kind, including complacency about the success of multiculturalism and reluctance to deal with racism owing to the unresolved challenge of reconciliation with indigenous peoples. It was important to remind people that racism could be indirect or benign and was defined by impact as well as intention.

21. **The Chair** noted that the issue of benign racism, which was a concern in many countries, had been addressed several times during the Committee's recent dialogue with the delegation of Australia, particularly with respect to the removal of Aboriginal children from their families.

22. **Ms. Fernando** (International Movement against All Forms of Discrimination and Racism) said that ethnic tensions in Sri Lanka, following the country's accession to independence in 1948, had led to the outbreak of war. During the conflict, the minority Tamil population had been disproportionately affected by human rights violations such as extrajudicial killings and enforced disappearance; the Muslim community, meanwhile, had been forced out of the northern province by the Liberation Tigers of Tamil Eelam.

Fortunately, progress had been made towards truth, justice and reconciliation since the change of government in 2015.

23. The conflict had been driven, in part, by the decision to make Sinhalese the official language of Sri Lanka in 1956, which had resulted in the marginalization of all speakers of minority languages, including Tamil speakers and members of the Burgher community. Although Tamil had been given official language status in 1987, language-related tensions continued to affect intercommunal relations and the administration of justice.

24. The fact that Buddhism had a special status under the Constitution, despite the country's religious diversity, had been exploited by right-wing politicians and religious leaders to promote ethno-religious supremacy, giving rise in 2009 to a State-sponsored Sinhalization programme and in 2013 to violent religious extremism that had clearly been nurtured by the State. Ethnic and religious divisions continued to be promoted by the political majority and hate speech and intimidation went unpunished, preventing the building of a modern nation. The end of the 30-year-long war, which had caused internal displacement, an outflow of refugees and disappearances, had not meant the end of the conflict; it had left a legacy of suspicion between the communities that still flared up in violent clashes. Racial and ethnic profiling persisted, notably in the disproportionate application of the Prevention of Terrorism Act against the Tamil community.

25. Institutionalized discrimination and a culture of impunity had been significant factors in Sri Lankan history. The deep roots of ethnic and religious conflict in Sri Lanka and across South Asia, and the associated class, caste and gender systems, had been extensively studied, yet efforts to combat discrimination and racism and allay the fears of minorities had failed. Meanwhile, the era of globalization had brought new challenges in the form of world leaders who espoused a supremacist discourse that nurtured xenophobia, insecurity and violence, a tendency that must be resisted.

26. **Ms. McDougall** said that racial or ethnic profiling involved recourse by persons in authority to generalizations based on race, ethnicity, religion or national origin as justification for singling out individuals for intimidation or even arrest without a warrant where no crime could credibly be suspected. In societies with deep divisions between racial or ethnic communities it could be consciously used as a tool of humiliation. In less charged situations, profiling by officials could be the result of unconscious stereotyping in combination with inadequate training or supervision.

27. In some societies such victimization was regarded by target groups as a fact of life; in the United States it was sometimes characterized as "driving while Black". It could lead to the disproportionate targeting of minorities for identity checks, raids, fines or arrests, particularly for low-level offences. It was not merely a matter of bias in individual officers; people and neighbourhoods of colour were policed differently from White people and neighbourhoods, and decisions to use specific enforcement techniques and deployment patterns that impacted unequally on different groups were institutional. The practice had been identified in countries around the world, as noted by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Committee on the Elimination of Racial Discrimination.

28. Concerns about border security and terrorism, in combination with growing anti-immigration sentiment, constituted another motive for customs and border-control agencies to subject certain individuals or groups to additional security procedures. States might also refuse to issue birth registration and identification documents to members of certain groups, thereby restricting their ability to travel. Terror attacks targeting victims in the perpetrator's own country had led to the coining of the term "home-grown terrorist" to describe nationals and long-term residents deemed to have particular ethnic characteristics.

29. Racial profiling was prevalent in criminal justice systems where minorities were overrepresented among pretrial detainees or convicted prisoners. Such overrepresentation reinforced the prejudices of law enforcement officers on the street and their assumption that the use of stop and search was legitimate because such individuals were likely to be guilty of something.

30. Such practices violated three fundamental human rights principles, namely the right to non-discrimination based on race or ethnicity, the right to equality under the law and the guarantee of due process of law. Certain States had passed legislation banning and penalizing the use of profiling and police and immigration service codes of conduct in many countries made clear that officials had a duty of non-discrimination.

31. **Ms. Pétrus-Barry** (Working Group of Experts on People of African Descent) said that the challenge posed by racial profiling stemmed from the fact that racism and prejudice were deeply rooted, going back to at least the first encounters between Africans and Europeans, when the dehumanization of Africans had facilitated their deportation and enslavement. It was that common history that had forged perceptions of people of African descent, to the extent that prejudice was not necessarily conscious and racial profiling was often perceived as normal behaviour.

32. It was only by documenting occurrences of racial profiling that counter-strategies could be developed. In its visits to a range of countries, the Working Group of Experts on People of African Descent had identified examples of its application in actions such as stop and search or identity checks by law enforcement or border-control agencies, and in areas affecting social and economic rights, such as employment and housing.

33. In Germany, for example, racial profiling by police was prevalent, with boys and young men of African descent or from other minority groups experiencing daily confrontations with law enforcement officials, with a high risk of imprisonment. The lack of an independent federal complaint mechanism fostered impunity, with no redress for victims. In addition, the legislation on equality failed to address structural or State racism and applied in civil law only. The Working Group had recommended, among other things, proper training, including regular refresher courses, for law enforcement and judicial officials, effective action to halt racial profiling, and prompt, independent investigations in order to combat impunity.

34. In Canada, African Canadians were overrepresented in the criminal justice system, while the police practice of questioning people in the street and taking down their details disproportionately affected people of African descent. The Working Group had recommended, among other things, that all forms of racial profiling should be discontinued. Afrocentric education curricula should be strengthened and the recommendations made in a recent report on empowering Black learners should be implemented. Appropriate remedies should be made available to African Canadian students affected by the discriminatory application of disciplinary policies.

35. Turning to good practices, she said that the United Kingdom was the only European country that collected race-disaggregated data on stop and search practices. The Committee on the Elimination of Racial Discrimination could make specific recommendations to help States parties address racial profiling, notably by encouraging the production of disaggregated data to document the participation of people of African descent in political life and public administrations, as well as their situation in areas such as education and housing and the criminal justice and immigration systems.

36. **Mr. Morais** (Brazil) said that Brazil welcomed the work of the Committee on the Elimination of Racial Discrimination on issues such as racial profiling. Brazilian migration policy was guided by the repudiation and prevention of xenophobia, racism and related intolerance. Brazil was concerned at the persistent use by law enforcement, security and border-control forces of procedures and protocols that relied on race, colour, descent or national or ethnic origin as a basis for subjecting individuals to searches, identity checks and investigations, or to determine whether an individual was engaged in criminal activity. It was particularly concerned at the level of the lethal violence affecting young Black men. To tackle that problem the Government had strengthened its Living Youth programme of preventive measures to reduce the vulnerability of Black youth in Brazil, including awareness-raising among public officials. The need to combat terrorism should not be a justification for violating fundamental freedoms. Racial profiling and related violations of the right to privacy did not help to tackle the root causes of terrorism or fight crime.

37. **Mr. St-Amour** (Haiti) said that the delegation of Haiti vehemently condemned the inhuman and degrading treatment inflicted on migrants of African origin in Libya. It was

outraged that such practices could persist in a country that had taken a stand against apartheid in South Africa and urged the Libyan authorities to punish those responsible for trafficking in human beings with the utmost severity. Haiti called on the international community to condemn what amounted to a contemporary form of slavery, and to provide assistance to the victims.

38. **Mr. Berti Oliva** (Cuba) said that, for all the discussion in various forums, racial profiling had not been eliminated, as demonstrated by the panellists, who had given clear examples of its use in many countries. In that regard the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action had set the stage for progress by issuing a specific recommendation on the topic, with a request for all States to report back on its implementation, with measurable indicators, during the next year. In his own country racial profiling was prohibited and where a law enforcement officer was suspected of a violation, action was taken in accordance with the Criminal Code and the internal regulations of the agency concerned.

39. At the invitation of **the Chair**, **Mr. Kemal** read out a short selection of messages that had been received via social media from people around the world who were following the webcast of the discussion. Among other things, correspondents expressed concern at the overrepresentation of indigenous children in criminal justice systems and the low rate of conviction for racially motivated crime. Others wondered if the United Nations system had a role to play in tackling racism as expressed or practised by heads of State, and holding them accountable.

40. **Mr. Kushwaha** (Non-Resident Madheshis Association), speaking on behalf of the Madhesi community of Nepal, said that although that country was honoured by its recent election to the Human Rights Council, the Government did not concern itself with human rights or justice for its citizens. Since the end of the civil war in 2006, the Government had been responsible for the deaths of hundreds of youths from Madhesi and other minority communities. Millions of Nepalese had been forced to leave the country, often to work as labourers in Gulf countries. Repressive measures included the arrest and imprisonment of the activist Dr. C.K. Raut, the banning of his books and websites and the excessive use of force against his supporters. International human rights organizations had repeatedly appealed to the Government to respect Dr. Raut's freedom of expression and to drop the charges filed against him, but in the absence of international pressure those appeals had gone unheeded. Considering that Nepal was a signatory to 24 international human rights instruments, he called on the international community to protect the freedoms of expression, movement and peaceful assembly and to stop the State repression of minorities in Nepal.

41. **Mr. Tovar** (Institute of Afro-Diasporic Studies) said that he represented an NGO that had been monitoring the ongoing crisis in the Bolivarian Republic of Venezuela. His organization had noted that persons of African descent were experiencing the crisis in a different way to other population groups, such as through lesser access to food and medical supplies. Moreover, the Bolivarian Republic of Venezuela was no different to other countries in that expressions of racism and discrimination tended to increase in times of conflict. He called upon the Committee to address the ethnic perspective, ensuring that persons of African descent were taken into consideration.

42. **Mr. Taran** (Global Migration Policy Associates) said that the panellists had identified the relationship between migration and the treatment of migrants on the one hand, and racial profiling and ethnic cleansing on the other. One of the greatest threats to the realization of human rights was the exclusionary conflation of nationality, race and status, which was occurring against the backdrop of rising mobility and increased economic dependence on foreign workers and skills. In North America and Europe, he believed that presumed nationality was a proxy for race, while in the general discourse migrants were often equated with persons of colour, visible minorities and people from different backgrounds. Furthermore, official State policies that criminalized migrants risked legitimizing and normalizing a discriminatory paradigm. More work needed to be carried out on the forces that were driving current trends so as to address and counter them. He recommended that nationality should be instituted in law as a prohibited ground of discrimination in all countries; the Committee should continue to raise questions about the

treatment of foreigners while advocating for rigorous law, vigorous policy and effective measures and practices.

43. **Ms. Maestracci** (Anti-Discrimination Centre “Memorial”) said that the authorities in the Russian Federation had failed to address the use of ethnic profiling against Roma, who were targeted by law enforcement officers because of their presumed guilt and because they rarely complained about discrimination. In some cases Roma had been arbitrarily arrested, fingerprinted, or had their passports taken; in one case, government officials in Tatarstan had blamed them for a serious outbreak of acute viral hepatitis A, leading to vilification in the local media and, ultimately, to them being denied access to public places such as schools and businesses. Those events had been followed by a campaign of harassment by the local authorities, including attempts to deprive Roma of their parental rights and to evict them from their homes.

44. Ethnic profiling also affected migrants from the Caucasus region who moved to other parts of the Russian Federation. According to a survey carried out in the city of Surgut, Khanty-Mansiysk Autonomous Okrug, men with recognizable Caucasian names had encountered difficulty in finding skilled jobs; even families that had been living in the region for more than 20 years reported having been denied access to employment on the grounds of their ethnicity. Migrants from the Northern Caucasus in other regions of the Russian Federation were subjected to strict controls by the Ministry of Internal Affairs and they, too, were often presumed guilty by law enforcement agencies.

45. Crimean Tatars were also affected by racial profiling. Since the 2014 military intervention in which the Russian Federation had established control over the Crimea, State policy had promoted everyday discrimination against the Tatars; Russian politicians had engaged in rhetoric and the media in propaganda branding them as terrorists, extremists and Islamists. As a result, they had experienced slurs, offensive acts and the boycotting of their businesses.

46. **Ms. Linløkken** (Norwegian Centre against Racism) said that in Norway, racial profiling was used in “random” police checks and, in particular, identity checks carried out by the immigration police. Studies based on interviews with immigration police officers showed that harsher refugee policies had led to the increased use of racial profiling to meet targets for the return of asylum seekers whose applications had been refused. Those targets increased year after year, with the result that treatment by the immigration police was increasingly harsh and discriminatory, particularly towards Roma, youth and persons from minority backgrounds. In a survey of more than 5,000 young people from diverse backgrounds, the Centre had found that a significant proportion of respondents had encountered discrimination in schools, on public transport and in dealings with the police. The Centre believed that its findings should worry the police and the authorities, since it appeared that some young people viewed police as being responsible for racism rather than protecting them from it. The criminalization of immigration and the consequent increase in racial profiling had actually caused some police officers to distrust their own system, since it was based on meeting targets rather than fighting crime.

47. **Ms. Silawi** (Ahwaz Human Rights Organization) said that minorities not represented within their own countries went unnoticed by the international community. On average, for every United Nations Member State there was at least one minority that was not fully represented or was persecuted or discriminated against, and in some countries the situation was even worse. As a member of the Arab minority in the Islamic Republic of Iran, she had seen how the largest ethnic group, Persians, discriminated against the many Iranians who belonged to minorities, most noticeably through a monolingual education system that did not allow students from minority backgrounds to learn in their mother tongue, with the result that those communities presented higher illiteracy rates. The problem had been exacerbated by the adoption of a law that prevented those who spoke Persian with an accent from becoming teachers.

48. **Mr. Murillo Martínez** said that he agreed with the representative of Haiti about the cruel and inhuman treatment that was meted out to African migrants in Libya: an international tribunal should be established to investigate, prosecute and punish those responsible. Regarding the question of racial profiling, he wished to draw attention to the

recent publication, by the country office of OHCHR in Panama and the Government of Mexico, respectively, of two practical guides to combating the problem. The guides addressed important questions of why and how racial profiling occurred, what its consequences were and how it should be documented and proved; they also defined racial profiling as any action carried out by police or law enforcement officials against an individual or group based on their physical characteristics and without any legitimate or objective grounds.

49. **Ms. Taherabadi** (Riga Kurdistan News Agency) said that the Islamic Republic of Iran was comprised of a collection of minorities, namely Kurds, Turks, Persians, Arabs, Baluch and Turkmen, that lived together in one country. Unfortunately, it seemed as though they had all become part of a new minority, in that all were the victims of the violent policies that had been imposed at the behest of certain countries and whose consequences had not been considered by the international community. For example, was the United Nations aware that many people suffering from illnesses had died because of the sanctions, while young people and intellectuals in various fields had been deprived of opportunities for development?

50. **A representative** of the Association for the Protection of Women's and Children's Rights — Iran) said that racism and racial discrimination were not innate but were the product of the environment in which human beings lived. In that sense, racism was a "false culture" that governments, international organizations, universities and NGOs had a duty to eradicate. He believed that economic and cultural poverty and underdevelopment were factors that paved the way for the spread of racism and racial discrimination; therefore, the solution necessarily involved the economic and cultural development of the regions where racism and racial discrimination had taken root.

51. **Mr. Barnes** (Indigenous Peoples and Nations Coalition), noting that ethnic cleansing had been defined by a panel of experts on the former Yugoslavia as "rendering an area ethnically homogeneous by using force or intimidation to remove persons of given groups from the area", said that historically most of the Americas had been subjected to such practices. In that regard, it was regrettable that the Supreme Court of the United States had failed to amend case law grounded in doctrines of white superiority. He called upon the international human rights system to consider new procedures or institutions that would enable indigenous peoples to identify racism and religious racism.

52. **Ms. Salama** said that she worked as a legal adviser to a grass-roots organization that wished to remain anonymous. Considering that mass killings and forced migration were not an overnight phenomenon but were the result of discriminatory legislation, institutionalized racism and the exclusion of minority groups, she highlighted the plight of the Copts of Egypt, a Christian community who in addition to being targeted by terrorist attacks and crimes such as the rape and kidnapping of women and girls for forced conversion, had long been scapegoated and marginalized by official institutions. She urged the international community not to ignore what might be the early signs of ethnic cleansing.

53. **Mr. Lombroso** (Foundation for Research and Support of Indigenous Peoples of Crimea), recalling that the Crimean Peninsula had been under Russian occupation since 2014, said that there was evidence to suggest that the Russian authorities were preparing to commit genocide against the three indigenous peoples of Ukraine, namely the Crimean Tatars, the Crimean Karaims and the Krymchaks. The Russian Federation had published a so-called scientific monograph according to which those groups did not have the status of indigenous peoples. The de facto authorities in the Crimean Peninsula had issued regulations prohibiting civil activities. At the same time, human rights defenders were being persecuted by the police on the orders of the Russian Federation. The Russian Federation was committing ethnocide against those indigenous peoples by destroying bastions of their culture, including United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage Sites. Ancient cities were being plundered, ancient cemeteries were being destroyed and the indigenous peoples of Crimea were denied access to their places of worship. The fact that those groups were small in number only increased their vulnerability.

54. **Mr. Mesa** (Cofradía de la Negritud) said that his organization was a Cuban NGO devoted to combating racial discrimination against persons of African descent. While the first few decades following the Cuban Revolution had been characterized by racial equality and non-discrimination, the last 30 years had witnessed a growth in economic inequality along racial lines. More needed to be done to raise the awareness of civil society and of the Cuban authorities of what was a rapidly deteriorating situation. Moreover, he found it regrettable that, despite three years having elapsed, Cuba, for political reasons, had done little or nothing to promote the International Decade for People of African Descent, which was an important initiative in the fight to eliminate racial discrimination and reduce inequality. Urgent action needed to be taken in that connection.

55. **Ms. Kelly** (Pavee Point Traveller and Roma Centre) said that, in Ireland, Travellers and Roma were minority ethnic groups that experienced social exclusion, discrimination and racism. The Centre had been working to promote Traveller and Roma rights in Ireland and abroad for some 30 years, engaging with those groups through a community development approach. In the past, the Centre had sought assistance from the Committee on the Elimination of Racial Discrimination and a number of other human rights treaty bodies to advance its work. The Committee's previous concluding observations had helped secure official recognition for Travellers as an ethnic minority in Ireland. It was important to recognize the key role played by NGOs in promoting greater understanding of the scourge of racial discrimination in Ireland and further afield. Counter-terrorism measures based on racial profiling were a major cause for concern and should be effectively addressed. The Committee should continue to follow up on the implementation of its recommendations.

56. **Ms. Chalovska Dimovska** (Helsinki Committee for Human Rights of the former Yugoslav Republic of Macedonia) said that the large number of asylum applications being filed by Roma of the former Yugoslav Republic of Macedonia in other European countries had prompted the State to introduce the practice of racial profiling at the country's borders. Over the past few years, some 10,000 Roma had been prevented from leaving the country by the national police. Several cases concerning racial profiling were pending before the European Court of Human Rights. Despite the Committee having expressed concern about the practice in its concluding observations, the State had done nothing to follow up on its recommendations. The Committee might remind the State of its obligation to do so and underscore the need for it to end impunity for the perpetrators of hate crimes motivated by religion, ethnicity and refugee status, which had increased in number in recent years.

57. **Ms. Mathieu** (Geneva for Human Rights) said that her organization remained concerned about the plight of the indigenous peoples of West Papua, Indonesia, who frequently suffered human rights violations and were subjected to racial profiling. Following a slight improvement as a consequence of a letter addressed by the Committee to the Government of Indonesia under its early warning and urgent action procedures in October 2016, the human rights situation in West Papua had once again started to deteriorate and the survival of the Papuan indigenous peoples was at stake. Having consulted NGOs and civil society organizations working on the ground, Geneva for Human Rights intended to petition the Committee to review the situation in West Papua. The Government of Indonesia had a duty to fulfil its international human rights obligations towards the indigenous peoples living in that province. Further action by the Committee under its early warning and urgent action procedures would serve to remind the Government of Indonesia of that fact.

58. **Mr. Fatubun** (Papuan Human Rights Defenders Network) said that the human rights situation of the indigenous peoples of West Papua was sharply deteriorating and that the survival of those peoples and their culture hung in the balance. Moreover, Papuan indigenous peoples were increasingly being subjected to racial profiling by the Indonesian authorities and were frequently the victims of institutionalized racial discrimination, which impeded their access to health care, food and education. The Network was working with Geneva for Human Rights to gather additional information on the situation of those peoples with a view to petitioning the Committee to take further action under its early warning and urgent action procedures in 2018.

59. At the invitation of **the Chair**, **Mr. Marugán** read out several messages that had been received via social media from people around the world who were following the

webcast of the debate. Among other things, correspondents expressed concern about the links between racism and slavery and discriminatory migration policies; the use of racist hate speech by government leaders; the enforced disappearance, extrajudicial killing and forced displacement of minority ethnic groups; the effects of structural discrimination; and the prevalence of Afrophobia. Others wondered whether the United Nations had considered setting up a fund to support front-line organizations working to combat racial discrimination. Several correspondents had also stressed the need to educate children about equality from a young age and to drive home the point that freedom of expression should not be used to justify incitement to hatred and racial discrimination.

60. **Ms. Batista**, speaking on behalf of a Brazilian NGO, said that persons of African descent, particularly young men living in favelas, accounted for a disproportionate number of murder victims in Brazil, the country with the highest homicide rate in the world. In recent decades, the public authorities at the federal and state levels had failed to provide an adequate response to the rising lethal violence in the country and to introduce an effective public security policy, including measures aimed at reducing the prevalence of homicide among young men of African descent. Moreover, law enforcement officials, especially police officers, were responsible for a significant number of deaths in that population group.

61. Although disaggregated data were not available, it was estimated that police officers were responsible for more than 20 per cent of intentional violent deaths in the north-east of the country. Furthermore, police killings were seldom investigated and perpetrators were rarely brought to justice, creating a climate of impunity. Structural racism in the country's public institutions and in the criminal justice system had resulted in the marginalization of persons of African descent in Brazilian society. The Committee might consider urging the Government of Brazil to adopt and implement an effective national strategy for the reduction of homicide which took account of victim profiles and specifically addressed police killings.

62. **Ms. Leikin** (Human Rights Law Centre) said that the Government of Australia operated a cruel and inhumane policy of detaining asylum seekers offshore in Papua New Guinea and Nauru. In 2013, it had introduced a deliberately cruel regime to ensure that any person who travelled to Australia by boat for the purpose of seeking asylum would never be resettled in the country. The Government had also reopened offshore processing centres in Nauru and on Manus Island in Papua New Guinea and, for four and a half years, had held more than 2,000 people, including children, in desperate and dangerous conditions. Those people had been the victims of attacks and sexual assault; to date, there had been nine deaths, including one murder. Although the majority of the people being held offshore were refugees, after four and half years in limbo, only 54 of them had been safely resettled in the United States. The rest remained in detention and faced an uncertain future.

63. The situation facing the 800 men currently detained on Manus Island had become an urgent humanitarian crisis of the country's own making. On 31 October 2017, all services to the detention centre, including electricity, running water and health-care services, had been cut off. The previous week, all the men had been forcibly removed to unsafe alternative detention facilities. Some of the men had been seriously assaulted by the police. Furthermore, doctors employed by international humanitarian organizations had been prevented from treating the ill and the injured. Persons with recognized refugee status were still being pressured to return to their home countries, where they would likely face persecution. Australia had effectively created a humanitarian crisis and placed it at the doorstep of the international community.

64. **Ms. Manso Siqueira** (Criola) said that Criola was a Brazilian NGO devoted to defending the rights of women of African descent. According to a survey conducted by the National Penitentiary Department, Brazil had one of the highest incarceration rates in the world. The continued growth of the female prison population and the overrepresentation of women of African descent in the country's prisons were phenomena requiring urgent remedial action.

65. **Mr. Sáez** (Fundación Secretariado Gitano) said that the Fundación was a Spanish NGO devoted to defending the rights of the Roma, who, in Spain, as elsewhere in Europe, were often the target of hate speech and racial discrimination. The Fundación typically

received around 200 complaints of racial discrimination from the Roma community each year. A recent study conducted by the University of Valencia showed that Roma were 10 times more likely to be stopped by the police than non-Roma persons. The Fundación provided police officers with training in an effort to reduce the prevalence of racial profiling. It had found that explaining to police officers the negative impact that racial profiling had on the Roma community and the fact that it was not an effective means of detecting crime, and providing statistical data to support that assertion, had reduced reliance on that practice.

66. **Mr. López**, speaking on behalf of a Colombian NGO, said that, despite the signing of the peace agreement between the Government of Colombia and the Fuerzas Armadas Revolucionarias de Colombia — Ejército del Pueblo (Revolutionary Armed Forces of Colombia — People's Army), more than 180 community leaders, including 30 indigenous leaders, had been murdered. Recent confrontations between police and paramilitary groups had led to the displacement of indigenous communities, uprooting families with children as young as three years old. Racially motivated attacks against members of indigenous communities, including those occupying positions in local government, remained commonplace. Recalling that the United Nations had already called upon the Government of Colombia to respect the provisions of its Constitution and those of international human rights treaties enshrining indigenous peoples' rights, he said that the Committee might consider reminding the Government to ensure full compliance with the aforementioned peace agreement and sending a research team to Colombia to assess the situation of indigenous peoples on the ground.

67. **Ms. Nu** (Women Peace Network) said that racial discrimination remained a major problem worldwide and that it was important to maintain momentum in the fight against that scourge. There was a clear need to adopt more legislative and policy measures to address the consequences of institutional and structural racism.

68. **Mr. Soutphommasane** (Australian Human Rights Commission) said that there were many sources of racism, including hatred, fear, anxiety, ignorance and indifference. Racism was a product of pride, privilege and power that reflected human frailty. While education remained an essential tool for combating racism, States also needed to adopt robust laws against racial discrimination and hatred. Legislative and regulatory measures would be likely to produce the change in mindset necessary to eradicate racial discrimination completely.

69. **Ms. Fernando** (International Movement against All Forms of Discrimination and Racism) said that it was important to have a clear understanding of the reasons for the continued existence of racial discrimination and xenophobia and the origin of the idea of racial supremacy in order to combat those phenomena effectively. The Committee and other human rights mechanisms associated with the fight against racial discrimination should pay more attention to victims and listen to their stories.

70. **Ms. McDougall** said that the thematic discussion had been a great success and that she was convinced of the value of holding similar discussions in the future. Such initiatives served to strengthen the sense of solidarity among actors engaged in combating the scourge of racial discrimination in all corners of the world.

71. **Ms. Dah** said that she was grateful to all those who had participated in the thematic discussion, which had proved to be a useful exercise. Such discussions were very much part of the Committee's mandate, the foundation of which was the Convention and, latterly, the Durban Declaration and Programme of Action, the outcome of the Durban Review Conference and the International Decade for People of African Descent. Regrettably, the primary victims of racial discrimination remained the same: minority groups, persons of African descent, indigenous peoples and migrants, particularly women and children. It was clear that racial profiling too was a global phenomenon and that national police forces and public authorities played a significant role in perpetuating that discriminatory practice. The Committee's general recommendation No. 31 on the prevention of racial discrimination in the administration and functioning of the criminal justice system contained useful guidance for States wishing to strengthen their legal system.

72. The rise of international terrorism and the adoption by States of counter-terrorism measures had required the Committee to take a cautious approach to upholding rights and freedoms. The Committee was in no way shirking its responsibility towards victims of racial discrimination in Libya and intended to take action under its early warning and urgent action procedures. It also stood ready to address cases of ethnic cleansing under those procedures, even when they occurred in States that were not parties to the Convention, and had developed indicators on genocide to that end.

73. **Mr. Calí Tzay** said that it was more important than ever for all actors to work together to combat racial discrimination in all its forms.

74. **The Chair** said that she was grateful to participants for having shared their experiences of contemporary forms of racial discrimination, including racial profiling and ethnic cleansing. The Committee had taken note of the concerns raised and would endeavour to address them within the scope of its mandate.

*The meeting rose at 6 p.m.*