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Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up and implementation of the Durban Declaration and Programme of Action

Report of the Ad Hoc Committee on the Elaboration of Complementary Standards on its third session*

Chairperson-Rapporteur: Mr. Jerry Matthews Matjila (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 third session of Ad Hoc Committee on the Elaboration of Complementary Standards. After consultations and facilitation to identify issues to be considered by the Committee, preliminary substantive discussions took place on “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”, in view of more comprehensive discussions on these topics and other issues during the fourth session of the Ad Hoc Committee on the Elaboration of Complementary Standards.

* Late submission.

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I. Introduction

1. The Ad Hoc Committee on the Elaboration of Complementary International Standards (Ad Hoc Committee) 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 the first part of its third session from 22 to 23 November 2010 and the second part from 11 to 21 April 2011. During the first part of the session, the Ad Hoc Committee held two meetings; during the second part, it held nine meetings.

A. Attendance

3. The session was attended by representatives of Member States, non-Member States represented by observers, intergovernmental organizations, non-governmental organizations (NGOs) in consultative status with the Economic and Social Council and NGOs not in consultative status with the Economic and Social Council.

B. Opening of the session

4. The first meeting of the third session of the Ad Hoc Committee was opened on 22 November 2010. The session had been scheduled to be held from 22 November to 3 December 2010 and a draft agenda (A/HRC/AC.1/3/1) had been circulated. Yury Boychenko, Chief of the Anti-Discrimination Unit, Office of the United Nations High Commissioner for Human Rights, welcomed the delegates and, noting that the position of Chairperson-Rapporteur for the Ad Hoc Committee on the Elaboration of Complementary Standards remained vacant, suspended the meeting in order to hold further informal consultations with the regional groups of States on the matter.

5. The second meeting of the third session of the Ad Hoc Committee took place on 23 November. At that meeting, Mr. Boychenko reported to the Committee on the results of his consultations. Owing to scheduling by Conference Services, he reported that it would likely be possible to carry forward only one week of interpretation if the third session was resumed in 2011; however, the secretariat would continue to investigate the possibility of a two-week meeting slot in 2011 without prejudice to the regular fourth session of the Ad Hoc Committee scheduled to take place in the autumn of 2011. The Secretariat would also seek to clarify the issue of availability of resources for both the resumed third and the fourth sessions (including a two-week resumed third session). As no Chairperson-Rapporteur had been identified, the third session was suspended sine die.

6. The resumed third session of the Ad Hoc Committee on the Elaboration of Complementary Standards took place from 11 to 21 April 2011. The third meeting was opened on 11 April 2011 by the secretariat. Mr. Boychenko addressed the delegates, noting the positive pre-sessional consultations which had recently taken place between regional groups. He encouraged those groups to continue to work towards finding a comfort zone within which a constructive debate could be held and common ground could be found to work on anti-discrimination issues. He hoped that the Committee would be able to mark a new start in terms of openness, cooperation and consensus among members and participants.

C. Election of the Chairperson-Rapporteur

7. Jerry Matthews Matjila, Permanent Representative of South Africa, was elected Chairperson-Rapporteur of the Ad Hoc Committee by acclamation. Mr. Matjila appealed to delegates to focus on the victims of racism and racial discrimination and work to protect past, present and future victims, strongly encouraging the delegates to use their diversity to find common ground upon which to assist victims.

D. Adoption of the agenda

8. At the third meeting of the session, the Ad Hoc Committee adopted the agenda for the resumed third session (A/HRC/AC.1/3/1/Rev.1).

E. Organization of work

9. At the third meeting, the Chairperson-Rapporteur introduced the draft programme of work.

10. Some delegations (European Union, Switzerland and the United States of America) requested that information be given on the programme of work and in particular information concerning the topics to be considered during the informal discussions proposed for 13–15 April 2011, noting that the Committee was being asked to adopt an agenda without information as to its exact content. Some also raised questions about the outcome, since the draft programme of work referred to conclusions and recommendations, which would constitute a premature outcome. The European Union also expressed reservations about the fact that full interpretation services would likely be available only for five of the nine days scheduled for the session.

11. Nigeria, on behalf of African Group, Pakistan, on behalf of Organization of the Islamic Conference, and Algeria and Morocco, referring to the report of the Ad Hoc Committee on its second session (A/HRC/13/58, para. 72), noted that in past sessions, the programme of work had been adopted before identification of substantive topics. The programme was mainly for guidance and could be amended at a later point, if required.

12. The Chairperson stated a wish to facilitate the Committee's work and said that the programme of work was of an indicative nature, to be used in order to start work. The programme of work being proposed could easily be revised, as required. The Chairperson appealed to the Ad Hoc Committee to place its confidence in him and indicated that the reference to "conclusions and recommendations" could be replaced with "way forward". The Ad Hoc Committee took note of and provisionally adopted the draft programme of work.

13. At its sixth meeting, the Ad Hoc Committee adopted the revised draft programme of work for the resumed third session. At the resumed session, the Committee met over five days and held nine meetings.

III. Introduction to and preliminary discussion of the Chairperson's proposed topics

14. At the end of the third meeting, the Chairperson introduced his proposal of four initial topics for discussion during the session: xenophobia; incitement to racial, ethnic and religious hatred; racial and xenophobic acts committed through information and communication technologies; and racial, ethnic and religious profiling.

15. At the fourth meeting, the Chairperson explained that these four topics were being introduced because of the impossibility of dealing with all issues pertaining to racism, racial discrimination, xenophobia, and related intolerance. It was intended that the Ad Hoc Committee should attempt to deal with the burning issues of the times. While the list was not exhaustive or presented in a particular order, it was an attempt to reflect key topics and concerns of participants. The list should be seen as part of a continuum, since best practices was soon to be considered by the Human Rights Council during its seventeenth session. He underscored the importance of an incremental approach to the issues and that those topics could start the work process of the Ad Hoc Committee. Lastly, those topics presented an opportunity to borrow and learn from others. The Chairperson, anticipating the need for intensive discussions, expressed a hope that the list of four topics could be further narrowed to two or three for discussion during the resumed third session.

16. The Chairperson then presented a brief introduction to each of the four topics. Xenophobia was a topic inspired by recent terrible experiences in South Africa and the need to study that phenomenon more closely. He stated that incitement to racial, ethnic and religious hatred had been the focus of attention during recent sessions of the Human Rights Council, noting that the Council's last session had adopted a resolution by consensus and that he wished to build thereon. The topic of racial and xenophobic acts committed through information and communication technologies was informed by the Council of Europe Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems, and the idea of borrowing, updating and universalizing that Protocol. He noted that the topic of racial, ethnic and religious profiling was timely, citing measures by the European Union to eliminate profiling.

17. Participants exchanged preliminary statements about the Chairperson's proposal and the topics. Questions were posed about the criteria for selection and some expressed the sentiment that, while not ranked, the selection of four topics would imply preference. Some delegates noted that the listing was only a starting point for discussions. The Chairperson noted a general feeling in support of the proposal and discussion of the topics, but said that more consultation across and between regional groups would likely be required. He proposed that informal consultations take place over the following days to settle on one or two topics to be considered by the Ad Hoc Committee.

18. The United States of America suggested that the title "incitement to racial, ethnic and religious hatred" be revised using language on advocacy and incitement derived from the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights and recent resolutions of the Human Rights Council to read: "combating advocacy of national, ethnic, religious and racial hatred that constitutes incitement to discrimination, hostility or violence". Nigeria, speaking on behalf of the Africa Group, supported that revision.

19. After some discussion, two additional topics "racism and sport" and "establishment, designation or maintaining of national mechanisms with competences to protect and prevent against discrimination" were added to the list of topics, the latter at the suggestion of European Union.

20. Argentina, speaking on behalf of Armenia, Brazil, Chile, Colombia, Costa Rica, Guatemala, Japan, Mexico, Republic of Korea, Switzerland and Uruguay, noted that their delegations had prepared for the session on the basis of the Durban Declaration and Programme of Action and expressed some concern that the list would be closed at six topics. It highlighted the importance of expert participation (such as the Committee on the Elimination of Racial Discrimination and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance) in discussions, noting the need to hold an informed debate and discussion on the topics.

21. The session was suspended in order for informal consultations to take place. The Chairperson informed the delegates that Mothusi Bruce Rabasha Palai, Permanent Representative of Botswana, would facilitate the informal sessions. The formal meetings of the Committee would resume on 18 April 2011.

IV. Report of the facilitator on the informal consultations

22. At the fifth meeting of the Ad Hoc Committee on 18 April 2011, the Chairperson-Rapporteur opened the meeting and invited the facilitator of the informal consultations, Mr. Palai, Permanent Representative of Botswana, to present an oral report to the Ad Hoc Committee on the results of the consultations.

23. Mr. Palai noted that there had been constructive engagement and that the atmosphere had been overall quite positive. The open-mindedness shown – despite some differences of opinion – was remarkable. He explained that the topics that had been chosen were those with which the most delegations were most comfortable. Participants had generally acknowledged an absolute need to start work. A manageable workload had been sought, bearing in mind the Chairperson’s instructions to arrive at two or three topics. He reported that a seventh topic “Procedural gaps with regard to the International Convention on the Elimination of All Forms of Racial Discrimination” had been added to those discussed at the request of Argentina, speaking on behalf of Armenia, Brazil, Chile, Colombia, Costa Rica, Guatemala, Japan, Mexico, Republic of Korea, Switzerland and Uruguay. With regard to the topics, after fruitful discussions, three to four had been considered a good focus for discussions: topic 1 “Xenophobia”; topic 2 “Advocacy and incitement to racial, ethnic, national and religious hatred”; topic 5 “Racism and sport”; and topic 6 “Establishment, designation or maintaining of national mechanisms with competences to protect and prevent against discrimination”. He noted that an understanding about the need to take a minimalist approach in order to get work started had been apparent. He reported that, as there had been no significant opposition to topic 1 “Xenophobia” and topic 6 “Establishment, designation or maintaining of national mechanisms with competences to protect and prevent against racism, racial discrimination, xenophobia and related intolerance”, they were good topics on which to start work. In view of the need to keep the participants working together, topic 2 “Advocacy and incitement to racial, ethnic, national and religious hatred” had been dropped.

24. In response to questions about the future of the remaining five topics, Mr. Palai explained that those topics were still on the table, but that topics 1 and 6 would allow the Committee to commence work. He reiterated that the topics selected were not being given priority. With regard to a question about the introduction of new topics in the future, he stated that the informal consultations had not been tasked to exhaust the list of possible topics and that the remaining five topics and possible new topics were still open.

25. He mentioned questions raised during the informal consultations concerning methodology and the nature of the outcome. While feelings of discontent had been recognized, it had been felt during discussions that the Ad Hoc Committee could move forward on the basis of the two topics mentioned.

26. The Chairperson expressed appreciation to the facilitator for all the efforts during the informal consultations and confirmed that the selection of one or two topics for the purposes of starting work did not preclude later discussion of other topics.

27. Nigeria, speaking on behalf of the African Group, confirmed that the facilitator had discharged the assigned task very well; however, while the perception that the topic of xenophobia had been accepted was correct, topic 6 on national mechanisms gave rise to serious reservations for the African Group since it was a cross-cutting topic. The Group was

nevertheless prepared to discuss it. With regard to topic 2 “Advocacy and incitement to racial, ethnic, national and religious hatred”, the European Union seemed to have major difficulty with the wording of the topic’s title. The United States of America seemed to have difficulty with the language and wording of the topic rather than the subject matter itself. Nigeria, on behalf of the African Group proposed that if topic 2 be dropped due to disagreement, and then likewise so should topic 6. Similarly, if topic 6, about which the African Group had reservations, was nevertheless being considered, then so should topic 2.

28. The European Union welcomed the facilitator’s efforts and work, stating that the report of the facilitator was accurate. The European Union was not entirely comfortable with the selection of the topic of xenophobia, but the selections made were the best way to move the work of the Ad Hoc Committee forward. Given the starting point for the informal consultations, issues of ownership and authorship of topics should not be raised.

29. The United States of America indicated that its objection to topic 2 was more one of characterization than of reality or substance. Recalling the recent Human Rights Council resolution 16/18, it suggested that the Ad Hoc Committee move forward on the basis of that consensus resolution rather than revert to previous terminology and focus.

30. Nigeria, speaking on behalf of the African Group, noted that it could accept the term “religion or belief” as used in the recent Human Rights Council resolution and reiterated that topic 6 was essentially a cross-cutting issue which could be discussed as part of all topics on the table for consideration. Pakistan, on behalf of the Organization of the Islamic Conference, Algeria and Zimbabwe, supported the position of the African Group.

31. Switzerland, on behalf of Argentina, Armenia, Brazil, Chile, Colombia, Costa Rica, Guatemala, Japan, Mexico, Republic of Korea and Uruguay, supported the facilitator’s assessment of and conclusions from the informal consultations. It noted that the cross-regional group of countries on behalf of which it was speaking had been flexible during the process of selection, that topics 1 and 6 had been identified for inclusion in the programme of work for the coming week and that other topics were still on the table for future discussions. It reiterated its request that topic 7 “Procedural gaps with regard to the International Convention on the Elimination of All Forms of Racial Discrimination” be placed on the agenda of the fourth session of the Ad Hoc Committee and again highlighted the importance of the input of experts. It also underlined the importance of taking a methodological approach when working towards identifying gaps and how best to address them.

32. Liechtenstein supported the position of the European Union concerning the facilitator’s report on the selection of topics. The selection of topics 1 and 6 had been made in order to start discussions and that it was understood that other issues remained on the table.

33. The Chairperson decided that there was additional work to be carried out to reach an agreement on the topics and proposed bilateral consultations with each of the regional groups throughout the remainder of the day. A report would be made to the Ad Hoc Committee on the outcome of these bilateral discussions the following day.

V. Report of the Chairperson on the bilateral discussions

34. At the sixth meeting on 19 April 2011, the Chairperson-Rapporteur reported on the results of the bilateral consultations with the regional groups. Expressing appreciation to the groups, he recalled that all topics were still on the table and reminded the Committee that an incremental approach had been proposed. He noted that, although there had been a

difference of opinion, the regional groups had come together in a spirit of compromise to arrive at a consensus regarding the topics to be discussed.

35. The regional coordinators had agreed that the Chairperson should propose to the Ad Hoc Committee that the topics for discussion in plenary would be topic 1 on “Xenophobia” and Topic 6 “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” (as amended).

36. The Chairperson explained that the next two meetings would be dedicated to preliminary discussion of those two topics, including input on how those topics may be tackled more thoroughly at the forthcoming session.

37. The revised programme of work was adopted, as amended.

VI. Discussion on the topic of “Xenophobia”

38. At its seventh meeting, the Chair introduced a preliminary discussion note on xenophobia prepared by the Secretariat and invited comments on the topic from the Ad Hoc Committee.

39. Liechtenstein noted the issue of working methods and underlined the need to consider how the discussion on xenophobia would be taken forwards to the next session of the Ad Hoc Committee on the Elaboration of Complementary Standards. It was proposed that the working definition for xenophobia should be “discrimination against non-citizens”, and the assessment for whether a complementary standard was required should be whether or not discrimination against “non-citizens” was covered by the International Convention on the Elimination of All Forms of Racial Discrimination. It was important to assess how that Committee employed general comment No. 30 (2004) on discrimination against non-citizens in practice. It would be useful to look at how the Convention was being interpreted by the Committee in its 33 detailed general comments and its concluding observations made to many States over the years; while these documents were not legally binding, their implementation was important and analysing concluding observations to see how xenophobia was considered by the Committee could prove instructive. In line with paragraph 119 of the Durban Review Conference Outcome document, it would also be beneficial to consider how xenophobia was being addressed at the regional level around the world, as well as at the national level. Lastly, it would be interesting to determine how the Committee was addressing the issue of non-citizens in the wider sense.

40. Speaking on behalf of the African Group, the delegate from Nigeria stated that article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination made no mention of xenophobia in its definition of racial discrimination. He referred to the theory concerning the deconstruction of racism and xenophobia by the former Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Doudou Diène. The Committee on the Elimination of Racial Discrimination monitored States parties on the basis of law, including domestic legislation, not general comments. A victim-centred approach must focus on victim’s rights and due process clearly defined in law. Given the existence of that Convention, elaboration of a new instrument was not necessarily foreseen; however an additional protocol would likely be required to strengthen it. In defining xenophobia, a clear linkage must be made to the existing International Convention on the Elimination of All Forms of Racial

Discrimination in order for it to be complementary. In A/HRC/13/CRP.1,¹ paragraph 159 (a) and (b) referred to gaps which existed and which must be addressed.

41. Cuba stated that, as xenophobia was a new phenomenon of the past 20 years, it was clearly the duty of the Ad Hoc Committee to address it. There were clearly gaps with respect to its treatment in the Convention. The general comments of the Committee on the Elimination of Racial Discrimination could be valuable, but were not legally binding and the comments of a group of experts were without legal status. Any definition of xenophobia should be as broad as possible and the work of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance should be studied.

42. In response to an earlier intervention, the United Kingdom of Great Britain and Northern Ireland noted that, while the serious issues being considered were very emotive, interventions should focus on the substance of the discussions. It underlined the multicultural and diverse society of the United Kingdom of Great Britain and Northern Ireland.

43. The European Union recalled that, although xenophobia had been considered by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in 2001 and the Review Conference in 2009, no standard definition, besides very broad dictionary terms, had ever been established. As a result, xenophobia could be understood through other grounds of discrimination and in connection with racism and racial discrimination, and could be a compounding or additional ground for discrimination. Manifestations of xenophobia rather than xenophobia itself should be addressed, for example, discrimination or violence based on xenophobia. In that respect, the approach of the delegate of Liechtenstein concerning accumulated grounds in article 1 of the Convention on the Elimination of All Forms of Racial Discrimination was interesting. Paragraphs 2 and 3 of article 1 of the Convention allowed for distinction and the Committee on the Elimination of Racial Discrimination was perhaps already equipped to deal with the issue of xenophobia. The European Union recalled the need for more expertise and research on the issue and noted that it would be very important to hear directly from the Committee concerning its competence in the area and as to whether additional provisions or protocols were required.

44. The European Union also noted that its regional initiatives were mentioned in the preliminary discussion note, expressing appreciation for the acknowledgment that measures had already been taken to address xenophobia at the regional level.

45. France supported the position of the European Union and the approach suggested by Liechtenstein. Speaking on the etymology of xenophobia, France noted that xenophobia was essentially about treating those of another nationality differently. It added that, although not mentioned explicitly, the scourge of xenophobia was addressed by the definition in article 1 of the Convention on the Elimination of All Forms of Racial Discrimination. The question had been raised as to whether a definition of xenophobia was necessary to change the situation with respect to victims on the ground. Therefore, it was also important to assess whether the content of the definition in that Convention was transposed to domestic legislation, thereby making provision for issues of xenophobia.

46. Algeria emphasized that it was not possible to equate racial discrimination – referred to in the Convention – with xenophobia, which was not. It noted that the Additional

¹ Report of the second session of the Ad Hoc Committee on the Elaboration of Complementary Standards as approved ad referendum on 30 October 2009 with amendments and proposals received within the following two weeks to statements delivered during the session.

Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems, referred to xenophobic acts committed via the Internet without any link or connection to nationality. With regard to the legal basis of general comments and concluding observations, during reviews of States parties, the Committee on the Elimination of Racial Discrimination inquired about the implementation of the provisions of the Convention at the national level and not the domestication of the Committee's general comments. A victim could not invoke a general comment in a court of law. The content of general comments might be interesting, but a discussion could be held on how they could be transposed into an instrument: the Chairperson should refer to appropriate experts in that regard on behalf of the Ad Hoc Committee.

47. Brazil expressed appreciation that the Ad Hoc Committee was finally able to hold such substantive discussion, underlining that this was a first brainstorming by the Ad Hoc Committee on the topic of xenophobia. Some questions should be considered collectively by the Ad Hoc Committee, such as the definition of xenophobia versus the broader definition of racial discrimination in the Convention on the Elimination of Racial Discrimination, the need to always reflect on the implications for potential victims, and seeking of the views of the Committee on the Elimination of Racial Discrimination, since a possible additional protocol would likely be monitored thereby. The Committee's views would not be determining, but could prove a starting point from the Ad Hoc Committee's considerations, since their views would have bearing on how a potential protocol would work in practice.

48. The United States of America welcomed the discussion on issues of substance, specifically on what measures were currently used to address manifestations of xenophobia and the effectiveness of such measures. The prohibited grounds for discrimination outlined in the Convention were broad enough to cover manifestations of xenophobia based on those protected grounds. The delegate reiterated that efforts were best focused on promoting concrete actions to address the scourge of racism, noting that the United States did not believe that new definitions or norms were necessary. He looked forward to hearing other States' experience and gave examples of how federal legislation in the United States implemented United States obligations under the Convention, and how such laws and policy measures enabled the United States to combat acts of xenophobia.

49. Zimbabwe stated that xenophobia had already been defined, as it appeared alongside racism, racial discrimination and related intolerance in the Durban Declaration and Programme of Action. As had been contested, xenophobia could not be equated to racism or racial discrimination – the Convention was clear; however, in some instances there could be linkages.

50. Botswana noted the need for the Ad Hoc Committee to be free of fear in order to consider the topic of xenophobia, noting that Botswana and South Africa had had xenophobic experiences domestically in recent years. It would be useful to gather a compilation of incidents and occurrences from around the world to assist in examining the issue of xenophobia. In addition, it was important to determine the relationship between and assess xenophobia and other known abominations. Implementation issues should be dealt with in conjunction with substantive discussions on xenophobia and the consequences thereof should be considered.

51. The delegate from Switzerland questioned whether a definition of xenophobia was really required and whether manifestations of xenophobia had been appropriately treated by the Committee on the Elimination of Racial Discrimination or not. In agreement with Brazil, Switzerland noted that as that Committee was on the front line, it would be important to have the opinion of its experts. Switzerland underlined the need to build upon the Convention on the Elimination of Racial Discrimination and queried whether a legal

response to xenophobia – rather than prevention and other implementation measures – was really required.

52. Nigeria, speaking on behalf of the African Group, recalled that the issue of xenophobia was a very real phenomenon happening to real people and that certain views in the Ad Hoc Committee might appear to negate the reality of the victims. It agreed that there was a need to work on a definition agreeable to all prior to looking at possible solutions. It reiterated that article 1 of the Convention on the Elimination of All Forms of Racial Discrimination did not refer to xenophobia or religion. Article 2 of the African Charter on Human and Peoples' Rights was read out by the delegate and the delegate suggested that the article was more inclusive than article 1 of the Convention and could prove useful to the work of the Ad Hoc Committee.

53. Speaking on behalf of the Organization of the Islamic Conference, the delegate from Pakistan stated that xenophobia could not be equated with the concept of non-citizens. There was a need to study the issue of xenophobia in greater detail and the delegate looked forward to new documentation informing the discussions at the following session of the Ad Hoc Committee.

54. Italy expressed its support for the statement of the European Union and its interest in the interventions by Switzerland and Brazil. It looked forward to further documentation and expert presentations at the next session of the Ad Hoc Committee. In support of a victim-oriented approach, Italy posited that, taking into account the original meaning of xenophobia, i.e., fear of whomever was “foreign, alien, strange and/or different”, xenophobia could affect citizens and non-citizens alike. Similarly, fear could result in paralysis and inaction as well as acts of violence, incitement and intolerance, for instance. With regard to the possible manifestations of xenophobia, it would be important to look at the comprehensive provisions of the Convention on the Elimination of All Forms of Racial Discrimination.

55. France reiterated that it saw xenophobia as a scourge that it had acknowledged nationally and, in that light, was taking measures domestically to combat it. Its interpretation was that, under article 1, paragraph 1, the Committee on the Elimination of Racial Discrimination was in a position to look into difficult situations, including xenophobia, as witnessed by the various national reports received by the Committee. It was just as pertinent to consider whether the absence of a definition prevented the Committee from addressing xenophobia.

56. South Africa highlighted the parallel issue of political will, asking whether apartheid would have ended if it was solely a matter of an implementation issue in respect of the Convention on the Elimination of All Forms of Racial Discrimination. It would be instructive to the Ad Hoc Committee to study the general comments of the Committee on the Elimination of Racial Discrimination with respect to the South African apartheid era to see how they were used in practice, looking at the general comments and implementation gaps. The delegate acknowledged the very good elements being raised in the current, first discussion including issues of definitions, measures and policy steps to be taken.

57. Turkey recalled the responsibility of States to combat xenophobia, adding that xenophobia could prove an obstacle to the exercise of rights. What was required was political will to eradicate the phenomenon as well as increased tolerance and understanding of others. In that regard, education was very important. Turkey also underlined the importance of civil society networks and constructive dialogue with actors on the ground.

58. The European Union identified some elements common to the participants that had arisen from the current discussion. While there was no true definition of xenophobia, there was agreement that the phenomenon should be of direct concern to the Ad Hoc Committee and should be dealt with by means of policies and legislators. The European Union was

currently of the view that a legal definition was not really necessary to deal with the phenomenon of xenophobia and that the definition contained in the Convention on the Elimination of All Forms of Racial Discrimination was sufficient to deal with issues of xenophobia. As an example, at the European Union level, measures and legislation to protect children had been adopted without an exact legal definition of what was a child.

59. The Chairperson thanked the European Union for its intervention, noting that it was understood that perhaps a definition was not a requirement for taking action; however, since the issues were so emotive, it may well be advisable to have a common understanding.

60. The Association of the World Citizens expressed appreciation for the Chairperson's guidance during the session and underscored the need to define xenophobia and its forms. Cercle de recherche sur les droits et les devoirs de la personne humaine (CRED) stated that it was important for the Ad Hoc Committee to work on a new text concerning xenophobia, citing the definition² of xenophobia by the International Labour Organization (ILO), the International Organization for Migration (IOM) and the Office of the United Nations High Commissioner for Human Rights (OHCHR) contained in the preliminary discussion note, and arguing that such a definition was accurate and encompassed a group of people broader than the category of non-citizens.

61. Algeria offered the example where, despite the existence of article 34 of the Convention of the Rights of Child, which appeared to comprehensively deal with sexual exploitation and abuse of children, Member States had seen the need to develop the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and suggested that the Ad Hoc Committee might wish to employ that logic.

62. The Chairperson expressed appreciation to participants for their constructive approach, adding that, although the current discussions on xenophobia were preliminary, they were nonetheless enriching. He noted that they had brought to light several important elements for a substantive debate at the following session of the Ad Hoc Committee. He noted that participants wished to build on what already existed and that it was important to survey how far the Committee on the Elimination of Racial Discrimination had advanced on the key issues raised concerning xenophobia. The importance of national mechanisms had also already been raised, which discussions served as a good prelude to discussions the following day. He recalled that there was a need to consider the outcome of the Ad Hoc Committee and where it wished eventually to arrive. He reiterated the question of gaps and whether current instruments were sufficient to address xenophobia and the debate on whether there was a need to define xenophobia. He recalled issues concerning the mandate of the Ad Hoc Committee. He reminded participants of the people on the ground and the imperative to translate the discussion into impact on victims' lives.

² "International Migration, Racism, Discrimination and Xenophobia", joint discussion paper prepared for the 2001 Durban Conference by ILO, IOM and OHCHR, in consultation with the Office of the United Nations High Commissioner for Refugees (UNHCR).

VII. 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”

63. On 20 April 2011, the Chair opened the eighth meeting and briefly spoke about the preliminary discussion note entitled “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”. He remarked that the note prepared by the Secretariat had merely placed some thoughts on paper and that the paper was neither restrictive nor exhaustive. He stated that the meeting was intended to be a listening exercise in order to prepare for the fourth session, where the topic would be discussed in greater depth and at greater length.

64. The European Union stated that, while it had proposed the current topic, it did not claim any exclusive ownership thereto. Expressing appreciation for the preliminary discussion note, it stated that the merits of the topic concerning national mechanisms rested with the fact that it was both victim-oriented and action-oriented, since it ensured that existing international instruments were properly implemented by States parties. Discussions in the Ad Hoc Committee could focus on two aspects. The first aspect concerned good or best practices and the functions of such mechanisms, which would provide information on occurrences and trends gained through the collection and analysis of data; provide recommendations to policymakers; help States meet with their United Nations reporting obligations; contribute to awareness-raising and therefore to prevention through campaigns; and provide assistance to victims (either through legal assistance or the possibility of receiving complaints directly). The second aspect pertained to the criteria applied to such mechanisms and necessary to ensure their effectiveness, such as the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). In any case, it was imperative that the bodies be independent and their membership be representative.

65. Nigeria, speaking on behalf of the African Group, reiterated the need to address the gaps which had existed since the adoption of the Convention on the Elimination of All Forms of Racial Discrimination. It was premature to speak of questions of accountability without first identifying a legal basis or framework and it was not possible to speak of mechanisms when gaps had yet to be addressed. Nigeria queried why the Council of Europe had elaborated the Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems, if it had not perceived a gap. It was advisable to look at mechanisms after the establishment of complementary standards elaborated to address gaps.

66. France associated itself with the statement made by the European Union and presented the function and competences of the Haute Autorité de Lutte contre les Discriminations et pour L'Égalité. That institution addressed several kinds of discrimination, through awareness-raising campaigns and intervention in discrimination cases, particularly in the employment sector. Civil society featured prominently in its work. France was only one example of a best practice and other examples from around the world could be used to draw up guidelines. It would also be useful to conduct an assessment of how States parties to the Convention on the Elimination of All Forms of Racial Discrimination had applied article 6 concerning “effective protection and remedies through the competent national tribunals and other State institutions against any act of racial discrimination”.

67. The United States of America stated that norms, and mechanisms to implement those norms, were necessary elements which must go together. It expressed the need for practical discussions that focused on better implementation of existing norms, as the problem was not that there were gaps in the existing international legal framework, but rather that there were gaps in practical implementation of existing standards. The United States of America shared an overview of interventions taken following 9 September 2001 to deal with “discriminatory backlash” at the national level, noting the success of these measures and mechanisms. It was also suggested that all States undertake a critical assessment to ascertain which types of mechanisms were in place and submit those assessments to the Ad Hoc Committee or OHCHR. It was important to identify what national mechanisms were in place, what they covered, and how well they functioned before the existence of gaps could be determined.

68. The African Union supported the idea that both norms and mechanisms were needed, but noted that sequencing was at issue. Institutions and mechanisms must operate in a logical legal framework. Thus, substance and procedure were required first; only then could implementation mechanisms be established on that basis. Establishing strict criteria regarding mechanisms might curtail the diversity and sovereignty of States.

69. The delegate from Greece noted the importance of a multi-stakeholder approach.

70. Algeria agreed that national mechanisms had a major role to play, but also that sequencing was very important, since mechanisms from 1965 might be limited in their ability to deal with contemporary forms of racial discrimination. It was asked whether the mechanisms were intended to replace courts and whether they would constitute an appropriate response to new manifestations of racism. The sharing of best practices was appreciated, but that was not the mandate of the Ad Hoc Committee. Best practices would be considered during the upcoming seventeenth session of the Human Rights Council. It was not advisable to limit the scope of the Ad Hoc Committee, as the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action was the mechanism charged with implementation.

71. Pakistan, on behalf of the Organization of the Islamic Conference, stated that national mechanisms were sufficiently addressed by article 6 of the Convention on the Elimination of All Forms of Racial Discrimination. It also understood that new gaps required the elaboration of new standards and only then could mechanisms be considered.

72. Nigeria, on behalf of the African Group, supported the position of Algeria and reiterated that, while expressing its appreciation for sharing best practices, the Ad Hoc Committee was not the appropriate forum to do so. National mechanisms alone could not fill gaps and it was only logical to set norms first – national mechanisms to implement those norms would follow.

73. The Chairperson reiterated the fundamental questions being raised by participants. Were there indeed gaps or not? The issue of sequencing: did norms precede the identification of gaps or could gaps be addressed before or without the elaboration of norms? It was noted that emergency situations might call for a simultaneous consideration of gaps and norms.

74. The European Union regretted that, although the proposed topic had been amended twice – first by Pakistan, then by Nigeria, on behalf of the African Group – other Regional Groups or participants were not ready to engage substantively on the issue of national mechanisms, and that the discussion seemed to focus on gaps and norms to apply, rather than on the substance of the proposed topic of mechanisms. The European Union rejected the notion that there was a legal vacuum to be filled and invited delegations to state which gap had been identified and what methods had been used to identify these necessary complementary standards.

75. The United States of America supported the position of the European Union, stating that there was an assumption that there were large gaps in the normative standards and that it would be very useful to hear of a situation or case not covered by the Convention on the Elimination of All Forms of Racial Discrimination. It was noted that mechanisms were also part of Convention on the Elimination of All Forms of Racial Discrimination and that the problem was really implementation.

76. Brazil stated that the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance had been a turning point for the country and had ushered in a period of reflection regarding racial equality domestically. National contexts differed. Brazil perceived no gaps which required filling and was not in a position to tell other Member States what action to take concerning their respective national circumstances.

77. Egypt stated that gaps in protection and promotion must be addressed, but that progress in that regard had been blocked by the issue of topic identification. The Durban Declaration and Programme of Action cited the contemporary forms of racism, and discussion on national mechanisms must take place with that in mind. It must be asked whether a new cycle of victimization was created by contemporary forms of racism or whether the current framework was inadequate to address the contemporary forms. It was added that the issue of national mechanisms was cross-cutting and should be discussed under each identified topic.

78. Nigeria, speaking on behalf of the African Group, stated that the mandate of the Ad Hoc Committee made clear that complementary standards should be elaborated. It recalled a paper prepared by the African Group in 2009 and noted that it could be submitted to the next session of the Ad Hoc Committee.

79. Algeria further stated that, while the Ad Hoc Committee should not be working exclusively on best practices, the essence of those practices could be transposed to norm-setting, if appropriate. It would be useful to identify a practice which could be set as a norm. In reference to the "road map" document in the report of the Ad Hoc Committee in its second session, it was recalled that States had already been asked to identify gaps and areas in writing.

80. Switzerland noted that mechanisms evolved over time and in so doing could also respond to changes. It was not necessary that standard-setting always take place first, as there were some practices which could prove useful outside of a lengthy norm-setting process. States enjoyed a degree of latitude in implementing their human rights obligations and could even go beyond them if they so wished. Switzerland indicated that it had not yet been proven that complementary standards were necessary.

81. The African Union asserted its commitment to standard-setting and stated that it had been prevented from presenting the African Group document of 2009. It underscored the need to present information and positions with regard to gaps, adding that the rights of victims and individuals could only be based on a legal framework.

82. Morocco stated that the debate was essentially the same exchange of views from the previous session of the Ad Hoc Committee and that participant and regional groups appeared to be hearing without listening. Recalling Human Rights Council decision 3/103, it asked why the meeting was being held if there were no gaps and added that there was indeed a void which needed to be bridged. It suggested that the Committee leave aside questions of format for the time being and focus on matters of substance. It further suggested that delegations respond to the request of the European Union to submit specific proposal about gaps and suggestions for drafting, which could be compiled in a document for the forthcoming session. The earlier exchanges on best practices were appreciated, but those practices were particular to a given State.

83. The Chairperson welcomed this timely intervention and agreed that it was counter-productive to talk at cross-purposes. He agreed to the suggestion that concrete proposals be submitted in order that they could be discussed at the following session of the Ad Hoc Committee.

84. Switzerland expressed its openness to the proposal from Morocco and stated that it was amenable to drawing up standards if it ultimately proved necessary to do so. The United States of America clarified that the 2009 exercise was in fact different and that the current proposal was an invitation to bring forth situations of contemporary cases not covered by the Convention on the Elimination of All Forms of Racial Discrimination. The proposal from Morocco was appreciated, since it was an opportunity to consider what was covered by the norms and why; however, to state that there were in fact gaps was a conclusion at which it had not been arrived.

85. The European Union stated that the Ad Hoc Committee appeared to be at a standstill again and noted that the problem of methodology remained with regard to the existence of a gap, or lack thereof, and that the situation was impeding progress. There was a clear need to identify the lacunae first. Concerning methodology: first, the phenomenon must be identified; second, whether gaps existed or not should be considered; third, whether standards were necessary should be determined; and fourth, what type of standard should be elaborated should be determined. The European Union expressed its appreciation of the suggestion of Morocco and added that the Committee was not starting from point zero, as there were previous submissions, including the report of the High Commissioner for Human Rights from 2003 which listed all the relevant existing international standards, as well as the report by the Committee on the Elimination of Racial Discrimination (A/HRC/4/WG.3/7) from 2007 and report on the study by the five experts on the content and scope of substantive gaps in the existing international instruments to combat racism, racial discrimination, xenophobia and related intolerance (A/HRC/4/WG.3/6).

86. The Chairperson stated that it had never been the intention that the Ad Hoc Committee enter into profound discussions on substance during the current session, but that such discussions would take place at the following session. He noted with satisfaction that participants were looking forward to the following session of the Ad Hoc Committee.

87. Algeria stated that, while it agreed with the logic underlying the suggestion of Morocco that proposals be placed on the table, it expressed concern at the fact that such a proposal posed a risk of duplicating and delaying the process. Algeria recalled in that regard that contributions and concrete proposals had already been made in the past. Algeria recalled further that delegations' positions on methodology, substance and themes had already been expressed and conveyed through written submissions.

88. In reference to the methodology issue, South Africa recalled that the Chairperson had the prerogative to undertake his own initiatives in his role guiding the work of the Ad Hoc Committee.

89. Morocco explained that its suggestion was not that delegations should come back to the Ad Hoc Committee with specific answers concerning gaps, but rather a proposal to answer the request of the European Union delegation to identify concrete proposals with regard to gaps. It stated that if the response was to revert to what had already been done, that would also be fine.

90. CRED commented on the methodology issue, reminding participants not to concentrate solely on existing instruments such as the International Convention on the Elimination of All Forms of Racial Discrimination, since other declarations and documents existed and could prove instructive. The Association of the World Citizens also commented on the existence of gaps in the system.

91. The Chairperson briefly identified issues raised in the discussions. He noted that the discussions were intended to give a chance for participants to speak to one another and explore issues. It appeared that all participants were saying that there was a need for national mechanisms. The core issue of the existence or lack of gaps had been underscored, and he noted that it must be addressed in the forthcoming session of the Ad Hoc Committee. There was the issue of whether existing instruments were sufficient to deal with new phenomenon and contemporary forms of racism, racial discrimination, xenophobia and related intolerance. He noted the discussion about whether in some ways the mandate of the Ad Hoc Committee could well be edging towards that of the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action, and that the need to survey or audit national mechanisms had been raised during the discussions. It had been suggested that enough materials and work were already on the table to draw upon and develop work for the forthcoming session. He noted that, during the third session, participants had suggested that the Chairperson might wish to consult with experts to see how to proceed. The importance of recourse for and assistance to victims had also been underlined. He stated that the challenge was for each delegation to look into provisions or lack thereof to assist with shaping the way forward.

VIII. Adoption of the report

92. The Chairperson opened the ninth meeting on 21 April 2011 and announced that the draft of the report of the session had been circulated to participants. The Chairperson invited participants 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. A number of delegations took the floor to make corrections or clarifications to the draft report.

93. The Chairperson made some concluding observations and recommendations on the way forward. He stressed that the discussion during the resumed third session had provided him with sufficient elements to develop the agenda of the fourth session; he would undertake further consultations on two topics “Xenophobia” and “Establishment, designation or maintaining of national mechanisms with the competences to protect against and prevent all forms and manifestations of racism, racial discrimination, xenophobia and relate intolerance”. He would develop a document which will be used as a basis for further extensive consultations. The aim would be to circulate the document, in the six United Nations languages, ahead of the fourth session, to enable delegations to engage with each other constructively. He would also undertake the necessary consultations prior to the fourth session, including with the Chairperson of the Intergovernmental Working Group and all relevant stakeholders, and would circulate the agenda ahead of that session. All topics were open for discussion and remained on the table. The Ad Hoc Committee would agree at the fourth session on the agenda and programme of work for the fifth session, which would take place in 2012.

94. He noted that the report of the current session would be adopted provisionally that day by the Committee. The deadline for amendments, which were technical or factual corrections to the current text, was 10 May 2011. These amendments should be transmitted to the Secretariat in writing. The Chairperson thanked the Ad Hoc Committee for the confidence placed in him and stated that he would continue to determine the best way forward to guide the work of the Committee.

95. There was some discussion following the concluding remarks of the Chairperson.

96. Nigeria speaking on behalf of the African Group stated that the Chairperson’s remarks were not a subject of negotiations and that they must be reflected in the report of

the session. The European Union stated that, while it was the prerogative of the Chairperson to make concluding remarks, they were not to be seen as the conclusions and recommendations of the Ad Hoc Committee. It added that the remarks were suggestions, since there was no mandate as to the way forward.

97. Morocco agreed with the Chairperson that his concluding remarks be reflected in the final report. Algeria stated that the Chairperson had the prerogative to make concluding remarks which should be reflected in the report of the session.

98. The United States of America expressed its appreciation that the Chairperson had shared his vision as to the way forward and sought clarity about the envisaged consultations and discussion paper, assuming that consultations indicated by the Chairperson would include delegations and reflect a range of views. The Chairperson responded that any consultations would be broad and their outcome would be reflected in a document which would be shared with all.

99. South Africa voiced its concern about consistent challenges to the Chairperson, noting the open and transparent manner of the Chairperson's approach and stating that his conclusions as Chairperson be placed on the official record of the session.

100. The representative of Pakistan, on behalf of the Organization of the Islamic Conference, supported the position of the African Group, noting that the concluding remarks of the Chairperson should not be subject to debate.

101. Greece stated that the Chairperson's remarks did not enjoy an operational character and questioned the legal bearing of the identified way forward.

102. The European Union noted that it accepted that the Chairperson's concluding remarks be included in the report of the session adding that it was pleased with the Chairperson's leadership and skilful guidance which had brought the Ad Hoc Committee out of a deadlock.

103. Nigeria, on behalf of the African Group, noted that the Chairperson had been elected by acclamation, adding that the Ad Hoc Committee could not assume powers which it did not possess and that legal authority was solely vested in the Human Rights Council.

104. Zimbabwe associated itself with the interventions by Nigeria, on behalf of African Group, and Pakistan, on behalf of the Organization of the Islamic Conference. Senegal expressed its appreciation to the Chairperson and supported the intervention made by Nigeria on behalf of the African Group.

105. The delegations of the European Union and the Czech Republic urged for respect among colleagues during sessions of the Ad Hoc Committee.

106. The delegate from Namibia expressed appreciation for and support to the Chairperson and asked that the report be adopted bearing in mind changes made by delegations and the concluding remarks of the Chairperson. Sudan also expressed its support for the Chairperson.

107. The delegate from Austria appealed for constructive negotiations in the "Vienna Spirit" and hoped that the future sessions would take place in this spirit.

108. The Chairperson made final comments. He noted that racism was a difficult and sensitive issue, as witnessed by the reticence of every region except Africa to assume the complex role of Chairperson of the Ad Hoc Committee. South Africa had taken on that responsibility, but he asked other regions to consider if they were now ready to take on the responsibility of serving as Chairperson of the Ad Hoc Committee on the Elaboration of Complementary Standards. He had learned from his recent role as Chairperson of the ILO Governing Body of the importance of advance agendas being established, thereby removing

uncertainty as to the steps to come. It was important to learn from such best practices. It was his hope that, during the fourth session in October 2011, the agenda and work programme for 2012 could be set in order to remove uncertainty about next steps and be transparent and allow delegations to prepare themselves. He wished to assist the Ad Hoc Committee in planning the future together. He expressed his appreciation to all delegations for their goodwill and support.

109. The report of the third session was adopted ad referendum, with the understanding that delegations would forward, in writing, technical corrections to their interventions, to the Secretariat by 10 May 2011.

Annex I

Provisional agenda for the resumed third session of the Ad Hoc Committee on the Elaboration of Complementary Standards

1. Opening of the session.
2. Election of the Chairperson-Rapporteur.
3. Adoption of the agenda.
4. Organization and programme of work.
5. Adoption of the report.

Annex II

Programme of work

<i>1st week</i>					
	Monday 11.04	Tuesday 12.04	Wednesday 13.04	Thursday 14.04	Friday 15.04
10:00 – 13:00	Election of the Chairperson Item 1 Opening of the session Item 2 Discussion of the agenda and programme of work Item 3 Adoption of the agenda adoption of the programme of work Item 4 Introduction on the discussion topic(s) by the Chairperson	Item 6 Informal consultations on the topic(s)	Item 6 Informal consultations on the topic(s)	Item 6 Informal consultations on the topic(s)	Regional consultations
15:00 – 18:00	Item 5 First discussion on the topic(s) as proposed by the Chairperson	Item 6 Informal consultations on the topic(s)	Item 6 Informal consultations on the topic(s)	Item 6 Informal consultations on the topic(s)	Regional consultations
<i>2nd week</i>					
	Monday 18.04	Tuesday 19.04	Wednesday 20.04	Thursday 21.04	Friday 22.04
10:00 – 13:00	Item 7 Discussion on the topic(s)	Item 7 Discussion on the topic(s)	Item 9 Conclusions and Recommendations	Item 10 Adoption of the report of the third session	UN Holiday
15:00 – 18:00	Item 7 Discussion on the topic(s)	Item 8 Discussion on the topic(s)	Compilation of the report	Adoption of the report of the third session	

Programme of work (*adopted as amended, 18 April 2011*)

<i>1st week</i>					
	Monday 11.04	Tuesday 12.04	Wednesday 13.04	Thursday 14.04	Friday 15.04
10:00 – 13:00	<p>Election of the Chairperson Item 1 Opening of the session Item 2 Discussion of the agenda and programme of work Item 3 Adoption of the agenda Item 4 Introduction on the discussion topic(s) by the Chairperson</p>	Informal consultations on the topic(s)	Informal consultations on the topic(s)	Informal consultations on the topic(s)	Informal consultations on the topic(s)
15:00 – 18:00	Item 5 First discussion on the topic(s) as proposed by the Chairperson	Informal consultations on the topic(s)	Informal consultations on the topic(s)	Informal consultations on the topic(s)	
<i>2nd week</i>					
	Monday 18.04	Tuesday 19.04	Wednesday 20.04	Thursday 21.04	Friday 22.04
10:00 – 13:00	<p>Item 6 Report back of the facilitator on informal consultations Item 7 Discussion on the topic(s) Bilateral discussions of the Chairperson with regional groups</p>	<p>Item 8 Report back of the Chairperson on bilateral discussions Item 9 Adoption of the programme of work</p>	Item 11 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”	Item 12 Adoption of the report of the third session	UN Holiday
15:00 – 18:00	Bilateral discussions of the Chairperson with regional groups	Item 10 Discussion on the topic of “Xenophobia”	Compilation of the report	Adoption of the report of the third session	

Annex III

List of attendance

A. Member States

Albania, Algeria, Angola, Argentina, Armenia, Austria, Azerbaijan, Bahrain, Bangladesh, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Chile, China, Colombia, Costa Rica, Cote d'Ivoire, Cuba, Cyprus, Denmark, Ecuador, Egypt, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Jamaica, Lao People's Democratic Republic, Lesotho, Liechtenstein, Lithuania, Malaysia, Mauritania, Mauritius, Mexico, Morocco, Namibia, Nepal, Netherlands, Nigeria, Norway, Pakistan, Panama, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Russian Federation, Rwanda, Saudi Arabia, Senegal, Serbia, Singapore, Slovenia, South Africa, Spain, Sudan, Sweden, Switzerland, Syrian Arab Republic, Thailand, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of), Zimbabwe.

B. Non-Member States represented by observers

Holy See.

C. Intergovernmental organizations

African Union, European Union.

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

Association of World Citizens, Cercle de recherche sur les droits et les devoirs de la personne humaine, Human Rights Watch, Indian Council of South America, International Movement against All Forms of Discrimination and Racism, United Nations Watch.

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

Indigenous Peoples and Nations Coalition, International Council for Human Rights.