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Statement by Mutuma Ruteere

**SPECIAL RAPPORTEUR ON CONTEMPORARY FORMS OF
RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND
RELATED INTOLERANCE**

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Honourable Chair,
Excellencies,
Distinguished Delegates,
Ladies and Gentlemen,

It is an honor to come before you and to engage in an interactive dialogue with the Third Committee of the General Assembly for the first time since I took up my responsibilities as Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance in November 2011. I am deeply honored to have been appointed to this important mandate and I am grateful to Member States for their continuing support to the mandate.

Honourable Chair,

The two reports that I will present today are submitted pursuant to General Assembly resolution 66/144 on "Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action" (A/67/326), and General Assembly resolution 66/143 on the "Inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance" (A/67/328).

In the interim report submitted pursuant to General Assembly resolution 66/144, I address the issue of racism on the Internet. I would like to indicate that this report is a preliminary examination of the issue of racism and the Internet, and I intend to explore the topic further in a follow-up report. The next study on the topic will seek to identify possible good practices and will involve consultations with States, regional and international organizations and non-State actors.

Addressing the promotion of racial, ethnic and xenophobic hatred through the Internet presents a fairly new and complex challenge. Indeed while positive legal and policy measures have been taken important challenges remain, including inter alia, the increase of extremist hate websites; the use of the Internet and social media by extremist groups and individuals to propagate hate speech and incite racial violence; and the increased number of incidents of racist violence and crimes prompted by racist content on the Internet.

Furthermore the transborder and decentralized nature of the Internet; the lack of clarity of legal terms applicable to inappropriate or illegal Internet content, including racist content; the differing laws, policies and approaches adopted by States with regard to hate or racist content on the Internet; and the differing criteria applied for defining the threshold between freedom of expression and criminal acts or behaviour in such cases, limit the effectiveness and enforcement of the adopted legislation. Technical measures developed to counter racism on the Internet also have to contend with pitfalls such as unintended consequences and the potential for misuse, often with serious human rights implications, including limitation of freedom of expression and opinion. The lack of expertise and capacity to regulate or deal with Internet-related hate crime cases is also an important challenge.

Combating racism on the Internet requires a comprehensive and cohesive approach developed through dialogue and consultation amongst different actors, including governments, civil society organisations, Internet service providers and the private sector in general. Legislative measures are also central and I encourage those States that have not enacted legislation to combat and prevent racism through the Internet to do so. Additional measures such as self- and co-regulatory initiatives developed by service providers and other relevant actors may also be useful in making efforts more effective.

States should also adopt effective and concrete policies and strategies to make the Internet widely available, accessible and affordable to all. Indeed owing to the lack of access to the Internet, the voices of the victims of racial discrimination most often remain absent in the global digital network. It is similarly important to further examine the link between various manifestations of racism on the Internet and hate crimes committed.

I also believe that a possible way of countering racism on the Internet is through content diversification, in particular by promoting local content. Indeed feeding more local content to the global network offers great potential for reducing information asymmetry and misperceptions that feed racist and xenophobic expressions. It would also contribute to greater understanding, tolerance and respect for diversity. Education about racist content on the Internet and awareness raising measures are also important tools.

Honourable Chair,

I would like to emphasise that any measures taken to counter racism on the Internet should comply with international human rights law. In particular they should not unduly limit the right to freedom of expression and opinion. Any restrictions, control and censorship of the content disseminated via the Internet should be done on a clearly defined legal basis and in a manner that is necessary, proportionate and compatible with States' international human rights obligations including under the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination.

Honourable Chair,

I would like now to turn to my second report on the implementation of General Assembly resolution 66/143 on the "Inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance" which summarizes contributions received from States, NGOs, and the United Nations High Commissioner for Refugees. I note with appreciation that a number of positive legal, institutional and policy developments were reported. Indeed information received show that non-discrimination is enshrined in most of the Constitutions and legislation cited, including discrimination based on sexual orientation, and that pieces of legislation were adopted specifically to address the challenges posed by extremist political parties, movements and groups. The incorporation into domestic law of the relevant human rights instruments and criminal law provisions proscribing racist and xenophobic motivation as an aggravating circumstance attracting heavier sanctions are also appreciated. However, there are still countries that have not yet adopted legislation on racial discrimination and where such pieces of legislation exist they do not always include a definition of racial discrimination. I therefore strongly reiterate that a comprehensive approach based on a solid legal framework is essential and I encourage States to ensure that any constitutional or legislative measures to counter

extremist political parties, movements and groups fully comply with the relevant international human rights standards, and to close gaps by adopting the necessary legislation. I also recommend that States effectively guarantee to vulnerable groups who are victims of racist and xenophobic attacks by extremist groups or individuals, the right to security and access to justice without discrimination. The prosecution and adequate sanction of those responsible must also be ensured.

Complementary measures should be implemented to tackle extremist political parties, movements and groups. In this regard, I encourage States to strengthen the implementation of awareness raising activities aimed at fostering tolerance, respect for cultural diversity, and mutual understanding; and to collect data on racist and xenophobic incidents. I also recommend the increase in measures to sensitize youth on the dangers of ideologies and activities of extremist political parties, movements and groups; and I recall that education in general and human rights education in particular, remains a key tool in countering their influence in society. Human rights trainings to sensitize State agents and strengthen their capacity to address racist crimes are also strongly recommended.

Furthermore cooperation with all the relevant actors, including civil society, international and regional human rights mechanisms, and national human rights institutions is crucial to effectively prevent the rise and dissemination of extremist ideologies based on racial superiority. In this regard, I recall in particular the responsibility of political leaders and parties in condemning and refraining from disseminating messages that scapegoat vulnerable groups and incite racial discrimination, and I highlight the key role that media can play in fighting racism and intolerance.

I thank you for your attention.
