

Stalemate at the Ad Hoc Committee on complementary standards

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During the second session of the Ad Hoc Committee on the elaboration of complementary standards (19 to 30 October) the extremely divergent views of States on the necessity, content and format of future international standards became apparent. It took over a week of public and private discussions for States to agree on a programme of work. The main sticking points for the adoption of the programme were a reference to discrimination on the basis of sexual orientation, the inclusion of two separate items on discrimination against refugees, IDPs, asylum seekers and on the protection of migrants, and the way to reflect that the list of issues for discussion did not reflect State positions on these issues. States were also divided on whether the discussions should focus on general comments or specific proposals.

Nigeria (on behalf of the African Group) and Pakistan, on behalf of the Organisation of Islamic Conference (OIC), proposed specific provisions for an optional protocol to the *International Convention on the Elimination of All Forms of Racial Discrimination* (ICERD). They argued that it is time to move away from expert consultations and general comments to the elaboration of specific proposals for complementary standards. States who oppose the elaboration of an optional protocol, such as the USA, Norway and Sweden (on behalf of the EU) merely made very general comments, arguing that the existing legal framework provides sufficient protection against discrimination. Discussions on the content of possible new standards also reflected divided views. The OIC insisted on the inclusion of the concept of defamation of religions, whereas non-Islamic, mainly Western and several Latin American States rejected this concept altogether. Participating NGOs expressed their concerns on the proposals made by the African Group and the OIC arguing that the submissions undermine existing international human rights protection of both the right to freedom of expression and the right to equality. It is unclear how the Ad Hoc Committee will proceed with these discussions at its next session in 2010.