

**Intersessional intergovernmental
Working Group on the Durban Review Conference
Session 19 to 23 January 2009**

**Address and Proposals by the representative of the International Coordinating
Committee of National Institutions for the Promotion and Protection of Human
Rights (ICC)**

Chairperson,
Excellencies,

I am speaking on behalf of the ICC. We are grateful for the opportunity to participate in our capacity as independent national human rights institutions in the deliberations of this Working Group.

Our institutions attach great importance to the Durban Review Conference and the preparatory process leading towards it. The review conference and its preparatory process is an opportunity for all actors - Member states, NHRIs, civil society, international agencies and regional organizations - to reflect on progress made in the implementation of commitments since the World Conference. It should also provide impetus to reinvigorate pledges and to foster and actualize strategies in the effective implementation of the rights to equality and non-discrimination.

Hence we share with you, Chairperson, and others, the view that the draft outcome document, which you will commence to elaborate on during this session, should provide an appraisal of progress made in the implementation of the DDPA. It should also provide effective strategies to be taken by each actor at the national, regional and international level along with a functional agenda against which to measure actions taken.

Chairperson,

As stated in the Durban Declaration, NHRIs that comply with the international standards for the establishment of national institutions - the Paris Principles - are important actors in the combat against racism, racial discrimination, xenophobia and related intolerance. Indeed the Paris Principles stipulate among the responsibilities of a NHRI “publicizing human rights and efforts to combat all forms of discrimination, in particular racial discrimination, by increasing public awareness, especially through information and education and by making use of all press organs.”

Many NHRIs have placed racism and related intolerance as a priority area on their agenda, as evidenced through their action at the national, regional and international level. In accordance with the Paris Principles NHRIs have a mandate to develop activities in the field of education and training. Some NHRIs are empowered to deal with complaints, to conduct formal investigations and to provide remedies and redress where there is evidence of discrimination. Moreover, NHRIs have the power to submit opinions,

recommendations and proposals to the authorities to promote harmonization of laws with international norms. They are essential as focal point to promote dialogue for Governments, non-governmental organizations, international agencies, and civil society in addressing racism and in building partnerships to this end.

NHRIs actively engaged in the Durban Conference in 2001 and submitted a joint statement, which reflects not only their firm determination to fight all forms of racism but also provides NHRIs effective strategies to that end. Since 2001, NHRIs engaged internationally, regionally and nationally on racism and related intolerance. The 2002 international conference of NHRIs was devoted to the theme of racism, during which NHRIs shared information and examined potential best practices in the areas of remedies, monitoring, and advocacy and education. NHRIs participated in pre-sessional meetings to this conference in 2008. The ICC is greatly committed to this process and has established a working group on the Durban Review process in order for NHRIs to collectively contribute substantively and consolidate their efforts to follow up the recommendations of this process.

We therefore encourage this working group to include in the draft outcome document measures to establish, where they do not exist, national institutions in compliance with the Paris Principles and with pluralistic composition and broad mandates to combat racial discrimination. NHRIs should be equipped with adequate powers, expertise and financial resources. They should be empowered to deal effectively with individual complaints about discrimination, to implement effective preventive strategies including community education and to make recommendations on reforms, policies and national action plans.

NHRIs are bridges between international norms and their practical realization at the national level and can be sustainable national actors with a legislative mandate to promote and protect human rights, especially with regard to particular treaties relating to racism, racial discrimination, xenophobia, and related intolerance, including the CERD. NHRIs have been working closely with international treaty bodies and special mechanisms in the implementation of their mandates.

We thus encourage the working group to include in the outcome document concrete measures to support the strengthened participation of independent NHRIs:

- at the national level, in implementing the recommendations of the Durban review conference together with other national actors;
- at the international level, including at the Human Rights Council, its mechanisms and the treaty bodies, and to support the strengthening of cooperation between NHRIs including NHRIs regional and international networks and OHCHR and other related United Nations organizations

We will submit with your permission, some preliminary proposals in writing to this working group for your consideration. We also hope that the responses provided by NHRIs to the OHCHR questionnaire, as well as the reports from NHRIs conferences and workshops since the World Conference, will further inform your deliberations.

Let me conclude by reiterating that our institutions fully support the collective efforts for an ambitious agreement between States Parties. We would welcome seeing all States and all other actors in this room participating in these deliberations to work for achieving this objective in the best spirits, and wish great success in these endeavours.

Thank you.

**Proposals submitted on behalf of the ICC:
References on NHRIs in the draft outcome document for the Durban Review
Conference**

- The Durban Review Conference reaffirms the **important and constructive role played by national institutions** for the promotion and protection of human rights in the struggle against racism, racial discrimination, xenophobia and related intolerance, particularly with regard to their advisory capacity to the competent authorities, to their role in remedying human rights violations and to their role in the dissemination and promotion of human rights;
- The Durban Review Conference **encourages the establishment, strengthening and reinforcement of national institutions** for the promotion and protection of human rights in conformity with the Principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). The Durban Review Conference recommends in particular that national institutions for the promotion and protection of human rights be vested with wide mandates and that they be established as independent bodies with pluralistic and inclusive composition;
- The Durban Review Conference urges all States, competent agencies and institutions to **provide national institutions for the promotion and protection of human rights adequate financial resources, competence and capacity**, including for investigation, research, relevant policy initiatives, and education and public awareness activities to effectively implement anti racism strategies;
- The Durban Review Conference welcomes and expresses support for the **strengthening of cooperation between national institutions for the promotion and protection of human rights**, *inter alia* through their regional coordinating bodies and the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (the ICC) and with the support of the Office of the High Commissioner for Human Rights (the OHCHR), including through the convening of periodic meetings and conferences, exchanges of

information and expertise to examine ways and means of improving their work relating to racism, racial discrimination, xenophobia and related intolerance;

- The Durban Review Conference reaffirms the **important role played by the Office of the High Commissioner for Human Rights (OHCHR)** in the establishment and strengthening of national institutions for the protection and promotion of human rights in compliance with the Paris Principles, and supports the strengthening of activities and programs undertaken by OHCHR to provide assistance to national institutions for the promotion and protection of human rights, including in their work related to racism, racial discrimination, xenophobia and related intolerance;
- The Durban Review Conference reaffirms the importance for States to **develop national action plans** to combat racism, racial discrimination, xenophobia and related intolerance, and urges all States that have not done so to elaborate such plans and monitor their implementation in consultation with all relevant stakeholders, including national human rights institutions and civil society;
- The Durban Review Conference supports the **advisory and policy roles** of national institutions for the promotion and protection of human rights, including their advisory activities on legal instruments and mechanisms to combat racism; developing new and innovative strategies, including community dialogue; developing indicators, measures and statistics for effective public policy development;
- The Durban Review Conference recalls the particular concern expressed by national institutions in the promotion and protection of human rights regarding **situations which risk escalating into genocide, ethnic cleansing or armed conflict** and notes that national institutions have a particular role to play in providing early warning of the dangers in this regard;
- The Durban Review Conference reaffirms the important role played by national institutions in **providing victims of racism and related intolerance just remedies, recourses and compensation**, including through complaints handling, petitions and hearings, investigations and inquiries, and through strengthening the administration of justice and the rule of law;
- The Durban Review Conference reaffirms the important role played by national institutions for the promotion and protection of human rights in **human rights advocacy and education**, including through promotion of the universal ratification of international treaties and withdrawals of reservations thereto; dissemination of information on international and domestic human rights laws; developing partnerships and strategies with the media, educational institutions, civil society, community organizations and other institutions; and taking measures to build a culture of human rights and ensure access by all to human rights;

- The Durban Review Conference recognizes the key role played by national institutions in **promoting cultural diversity and cultural dialogue**, including through dialogue frameworks and specific fora to engage with all relevant stakeholders, including with communities affected by racism, racial intolerance, xenophobia and related intolerance;
- The Durban Review Conference supports and encourages the further strengthening of **work relationship between NHRIs and civil society, including NGOs, and with groups and individuals** who have experienced and continue to experience discrimination or threats of discrimination, when developing policies and programs, and act to protect human rights defenders;
- The Durban Review Conference recognizes the important and independent role played by national institutions for the promotion and protection of human rights in the **international human rights system** to ensure that international human rights norms be applied at the national level, including through reporting and monitoring activities and in facilitating follow-up action to the recommendations resulting from the international human rights system;
- The Durban Review Conference **urges the continued enhancement of the role and participation of national institutions for the promotion and protection of human rights in the international human rights system**, including the Human Rights Council, the Universal Periodic Review, the Special Procedures, the Commission on the Status of Women and the Treaty Bodies;
- The Durban Review Conference strongly supports the independent monitoring role of national institutions in the promotion and protection of human rights **under all treaties relevant to the elimination of all forms of racism**, including CERD and those which highlight the intersection of racism with other aspects of identity and disadvantage such as gender, age, sexuality, the rights of non-citizens and immigrants, indigenous populations and economic status.