

HIGHLIGHTS OF PRESS CONFERENCE BY HIGH COMMISSIONER FOR HUMAN RIGHTS ON ADOPTION OF DURBAN REVIEW CONFERENCE OUTCOME DOCUMENT

21 April 2009

(The High Commissioner for Human Rights, Navi Pillay, was joined by Yuri Boychenko, Chairperson-Rapporteur of the intersessional open-ended working group mandated to continue and finalize the process of negotiations on and drafting of the outcome document, and Ibrahim Salama, Head of the Durban Review Conference Secretariat, OHCHR)

High Commissioner for Human Rights Navi Pillay said she was very happy to announce the great news that the outcome document of the Durban Review Conference was adopted by consensus today. She drew attention to the statement by the Foreign Minister of Switzerland, who said that the adoption of the outcome document by consensus is the right answer to the disinformation and misinformation that had raged throughout the preparatory process. Ms. Pillay renewed her appeal to all to consult the document to ascertain exactly what it contains and what it does not contain.

The High Commissioner was pleased that some of the proposals she submitted in a report to the conference process in March were reflected in the final outcome document. She said that since the landmark anti-racism document, the Durban Declaration and Programme of Action (DDPA) was adopted in 2001, several major challenges have impeded its full realization. Some of those challenges include increased and complex migration movements, poverty, terrorism and some of the measures used to counter terrorism.

Among the most valuable additional elements contained in this outcome document were: that it reinvigorated the political commitment to the implementation of the DDPA; it highlighted the increased suffering, since 2001, of many different sorts of victims of racism, racial discrimination, xenophobia and similar forms of intolerance; it identified, shared and disseminated some best practices in the fight against racism; it unequivocally reaffirmed the positive role of freedom of expression in the fight against racism, while also deploring derogatory stereotyping and stigmatization of people based on their religion or belief; and it launched a process that will examine how the prohibition of incitement to hatred, as reflected in Article 20 of the International Covenant on Civil and Political Rights, has been implemented in various parts of the world.

Ms. Pillay stressed the need to continue discussions on these often hotly disputed issues in a non-confrontational and non-politicized manner, whilst at the same time safeguarding the fundamental importance of freedom of expression. She expressed hope that this would help take some heat out of the current debate on these issues. Durban was a process and not an end in itself. Following the successful adoption of the outcome, the international community is called upon to continue the fight against racism, racial

discrimination, xenophobia and related intolerance. Ms. Pillay expressed hope that those who decided to stay away from this Conference would join the international community again soon in the fight against these scourges.

Yuri Boychenko added that the adoption of the outcome document marked a new beginning. While the document was adopted, a lot remained to be accomplished. Mr. Boychenko was optimistic that the document would have a great future and would lead states to combat racism and racial discrimination all over the world.

In response to a journalist's question about whether the document was adopted in haste to avoid other states from withdrawing, Ms. Pillay said it was not because anybody harboured any fear of further withdrawal, but because the main committee that was constituted to consider the document was ready to adopt it. There was no further reason to hold up the process of adoption.

Asked whether it was still necessary that the Germans and Americans and other countries who withdrew from the Conference join the process in Geneva over the next few days or should at a later stage, Ms. Pillay said as European States had fully participated in the drafting of the document she was confident that these States would join in efforts to implement the document.

Asked to elaborate on her comments about the increased suffering of many groups since 2001, Ms. Pillay said the situation with regards to racial discrimination had dismayingly worsened over the last eight years. She attributed this to the level of poverty, as the economic crisis and unemployment hit the poorest the hardest and those at the lowest rung tend to suffer worst from discrimination. This made it all the more imperative that States, who have not carried out the pledges they made in 2001, be held to their commitments now.

Asked why the Roma Gypsies were singled out in the outcome document, Mr. Boychenko said the drafters had decided to devote one substantial paragraph to the Roma Gypsies and travellers and single them out as one of the most vulnerable groups as they were subjected to a very specific situation of concern; in addition migrants, people living with HIV/AIDS, and disabled persons, among others, were also mentioned in the adopted text.

In response to a question about funding for the conference, Mr. Salama said a big part of the funding was extra-budgetary and that he would provide full figures later. He said the expenses included the planning of 44 side events and the travel of representatives from least developed countries, of experts and of 65 non-governmental organizations from different parts of the world.

Asked how many States actually adopted the document, Mr. Salama stated that the entire membership of the UN, with the exception of the nine States [corrected to indicate 10 States] who declared they would not be part of the Conference, had adopted the document. In a related question, he mentioned that States were expected to make

statements at the conclusion of the Conference on Friday although the discussion on the adopted text itself would not be re-opened. It was also clarified that the text could be supported by any UN member State regardless of whether they participated in the Conference or not.

Asked about discrimination on the basis of caste, class and social status, Ms. Pillay said the conference was about racism, racial discrimination, xenophobia and related intolerance, and she personally felt that "related intolerance" would cover some of the above-mentioned issues. She agreed that all forms of discrimination should be addressed and said her office has suggested that an observatory be established as a database to collect information on all kinds of discrimination.

Regarding the programme for the coming days now that the document had been adopted, Ms. Pillay mentioned that, beginning today at 6.30 p.m., there would be a cultural event. Over the next two days the high-level and general segments would continue and on Friday the report of the Conference would be adopted. Mr. Boychenko added that the outcome document dealt with non-discrimination in employment, access to social services, health services, and other spheres of life.

Responding to a question about denial of the Holocaust and of the suffering of the Palestinian people, Ms. Pillay said the outcome document was an important tool to educate those who continue to deny the Holocaust and the right of statehood to Palestine.

Asked whether she felt the events of yesterday would damage the reputation of the UN, Ms. Pillay, after recalling she had made a statement yesterday about the speech of the President of Iran, stated that the fact that the document had been adopted by all but nine States [correction 10 States] was a measure of success and that one State was not able to detract from the document.

Asked about concrete steps in the fight against racism, Mr. Salama said the worrying dichotomy between the protection of freedom of expression and incitement to hatred or defamation of religions was dealt with in this outcome document. It was agreed in the text that the grounds are incitement to hatred. A comparative analysis of policies, legislation and judicial practices from different regions would be conducted on how to combat incitement to hatred and enhance its prohibition. The document turned the issue from political polemic into a technical issue. He added that there was a call for resources in the document because the fight against racism would require resources. The issue of synergy between institutions was also addressed to avoid the operation of multiple institutions on parallel tracks.

On the issue of space given to civil society organizations throughout the Durban review process, the High Commissioner said she was committed to giving space to civil society organizations in these processes and NGOs did, in fact, participate in the deliberation of this document leading up to its adoption. Mr. Salama emphasized that NGOs had been given ample space to voice their views throughout the process to which Mr. Boychenko

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added that many NGOs participated in the drafting phase and made valuable contributions, many of which were reflected in the text.

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