

UNITED AGAINST RACISM: DIGNITY AND JUSTICE FOR ALL

DURBAN REVIEW CONFERENCE UPDATE

Issued by the Office of the High Commissioner for Human Rights to provide regular updates and information in the lead-up to the Durban Review Conference, to be held in Geneva 20-24 April 2009.

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New OHCHR Update on Durban Review Conference

Welcome to the first issue of the “Durban Review Conference Update” from the Office of the High Commissioner for Human Rights. The “Update” is designed to keep all stakeholders – Member States, National Human Rights Institutions, Non-Governmental Organizations, the media, and others interested in efforts to combat racism, racial discrimination, xenophobia and related intolerance – informed about issues related to the Review Conference. It will cover developments and technical issues relevant to the Conference and its preparatory process, as well as looking at the substantive issues behind the Review and implementation of the [Durban Declaration and Plan of Action](#).

Substantial Negotiations to Begin Next Week

Members of a working group established to negotiate and finalize a draft outcome document for the Review Conference will begin formal negotiations on 19 January, 2009.

A compilation of proposals for an outcome document was put together at last October’s Review Conference Preparatory Committee meeting, but the compilation was made up of six initial proposals submitted by regional and other groups, and because it contained elements from so many sources, it was long, repetitive and not coherently organized.

The intersessional open-ended intergovernmental working group was charged by the Preparatory Committee to continue work on the document. At its first formal meeting on November 27, 2008, the working group, which is open to the participation of all Member States, agreed that its preliminary stage of work should be a technical review of the proposals and that it should remove duplications, harmonize sections and drastically reduce the text.



The working group will meet next week at the Palais des Nations in Geneva - © OHCHR

One month later, following work that had been conducted in a series of informal meetings, the Chair of the working group, Russian Diplomat Yuri Boychenko, submitted to Member States a streamlined



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and rationalized compilation, reduced from more than 130 pages to just 38. The new [version of the compilation](#) can be found on the Durban Review Conference Website.

Member States have now had time to consider the document and the working group Chair is holding informal meetings this week to assess their initial reactions before the formal session begins next week. The first task of the formal session, which will be held from January 19 – 23, will be to agree on whether the new compilation document is acceptable as a basis for negotiations. If it is, it will formally become the Draft Outcome Document for the Durban Review Conference, and negotiations on the substance of its language will begin.

At its October 2008 substantive session, Review Conference Preparatory Committee agreed that the outcome document would be structured as follows:

1. Review of progress and assessment of implementation of the [DDPA](#) by all stakeholders at the national, regional and international levels, including assessing the contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance;
2. Assessment of the effectiveness of the existing Durban follow-up mechanisms and other United Nations mechanisms dealing with the issue of racism, racial discrimination, xenophobia and related intolerance in order to enhance them;
3. Promotion of the universal ratification and implementation of the [International Convention on the Elimination of All Forms of Racial Discrimination](#) and proper consideration of the recommendations of the [Committee on the Elimination of Racial Discrimination](#);
4. Identification and sharing of best practices achieved at the national, regional and international levels in the fight against racism, racial discrimination, xenophobia and related intolerance;
5. Identification of further concrete measures and initiatives at all levels for combating and eliminating all manifestations of racism, racial discrimination, xenophobia and related intolerance, in order to foster the implementation of the DDPA and to address challenges and impediments thereto, including in the light of developments since the adoption of the DDPA in 2001.



Durban Review Conference Website



OHCHR has launched a dedicated Durban Review Conference Website, which will be its major tool in communicating logistical and procedural matters on the Conference as well as substantive issues related to implementation of the DDPA. The website is on-line in English at: <http://www.un.org/durbanreview2009/> and will shortly be available in all six official UN languages. The site provides a clear and comprehensive outline of the background to and preparations for the Conference. All Conference-related documents are available and easy to find on it. There is also information about NGO participation on the process and information for the media. The site will be constantly updated and evolving.

The website was formally launched on January 13, 2008 - © OHCHR

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The Review Conference: a Tool to Combat Intolerance

In 2001, the United Nations organized the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban, South Africa. The conference was attended by more than 10,000 people from all regions of the world and led to the adoption of the [Durban Declaration and Plan of Action](#) (DDPA). The DDPA is the most important and comprehensive framework in the combat against racism and racial discrimination ever undertaken. In 2006, the United Nations General Assembly decided to convene a Review Conference in 2009 on the implementation of the DDPA. The Review Conference will take place at the U.N. Geneva Headquarters from April 20 to 24, 2009.

In August 2007, the Preparatory Committee agreed by consensus on the following objectives for the Durban Review Conference:

- To review progress and assess implementation of the DDPA by all stakeholders at the national, regional and international levels, including assessment of contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance, through an inclusive, transparent and collaborative process, and identification of concrete measures and initiatives for combating and eliminating all manifestations of these phenomena;
- To assess the effectiveness of the existing Durban follow-up mechanisms and other relevant UN mechanisms dealing with the issues of racism, racial discrimination, xenophobia and related intolerance in order to enhance them;
- To promote the universal ratification and implementation of the [International Convention on the Elimination of All Forms of Racial Discrimination](#), and proper consideration of the recommendations of the [Committee on the Elimination of Racial Discrimination](#);
- To identify and share good practices achieved in the fight against racism, racial discrimination, xenophobia and related intolerance.

The Review Conference will serve as a catalyst to fulfilling the promises of the [Durban Declaration and Plan of Action](#) agreed at the 2001 World Conference through reinvigorated actions, initiatives and practical solutions, with the aim of building a world less plagued by xenophobia and hatred. It will be “A great opportunity for states to assess their achievements and gaps in the implementation of the commitment made in 2001, as well as to identify concrete ways to improve performance and impact on the ground,” according to High Commissioner for Human Rights, Navanethem Pillay, who serves as the Secretary-General of the Conference. “The review is also meant to share and take ownership of good practices in the fight against racism, racial discrimination, xenophobia and related intolerance. All too often national policies and practices lag behind states’ pledges. Yet progress in combating racism and intolerance is sorely needed in every region of the world, she added.”

For more on the Review Conference and its goals, see the [Durban Review Conference website](#).

Navanethem Pillay: Nations Must Unite against Racism

On December 16, 2008, the Guardian published an Op-Ed by the U.N. High Commissioner on Human Rights, Navanethem Pillay. It was also published on December 17 in Haaretz. Following is an extract.

“I grew up in Durban under a system of apartheid that institutionalised racial discrimination, denying equal rights of citizenship to all those who were not white. I later sat as a judge on the Rwanda tribunal where I came to know in painful detail, killing by killing, the unimaginable destruction of humanity when ethnic hatred exploded into genocide. I know that the consequences of allowing discrimination, inequality and intolerance to fester and spiral out of control can be genocidal. But South Africa's experience shows with political will and a commitment to act, discrimination, inequality and intolerance can be overcome. We



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have just witnessed the election of the first African-American president of the United States, a country where racial segregation is as live a memory for some as it is for me.

States will have an opportunity to demonstrate their determination to fight intolerance by moving the anti-racism agenda forward when, in April 2009, an international review conference meets in Geneva. The conference will evaluate the implementation of commitments governments made seven years ago in Durban to eradicate racial hatred and discrimination. It is imperative that all states participate and contribute to this crucial process in order to consolidate and improve the common ground on fundamental human rights issues we all agree on. Regrettably, last January Canada announced its intention to withdraw from the Durban review conference. And this month, so did Israel.

Behind these decisions stands the controversy that tainted the 2001 Durban Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and that was caused by the antisemitic behaviour of some non-governmental organisations at the sidelines of the conference. Yet the document that emerged from the conference itself, the Durban Declaration and Programme of Action (DDPA), transcended divisive and intolerant approaches.

The DDPA offers a comprehensive global framework that calls for the adoption of more effective anti-discrimination laws and policies. It highlights discrimination against minorities, migrants, and indigenous people, and it empowers civil society to demand accountability for actions committed or omitted by strengthening victims' grounds for recourse."

The [article in full](#) is available on the OHCHR website.

The Durban Declaration and Programme of Action

The [Durban Declaration and Plan of Action](#) (DDPA) contains recommendations and practical measures to tackle racism, discrimination, xenophobia and related intolerance at the national, regional and international level. The objective of the April Conference is to review progress and assess and improve implementation of the DDPA. The DDPA has a strong moral value and serves as a basis for advocacy efforts worldwide.

- The DDPA reasserts the principles of equality and non-discrimination as core human rights, thus transforming victims of discrimination into rights-holders and States into duty bearers.
- Assigning the primary responsibility of combating racism, racial discrimination, xenophobia and related intolerance to States, the DDPA also calls for the active involvement of international and non-governmental organizations, political parties, national human rights institutions, the private sector, the media and civil society at large.
- The DDPA calls for the universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination and its effective implementation by State Parties to the Convention.
- The DDPA adopts a victim-oriented approach to problems of racism, racial discrimination, xenophobia and related intolerance. Specific recommendations are formulated to combat discrimination against Africans and persons of African descent, Asians and persons of Asian descent, indigenous peoples, migrants, refugees, minorities, the Roma and other groups.
- The DDPA recognizes that victims often suffer from multiple or aggravated forms of discrimination based on sex, language, religion, political or other opinion, social origin, property, birth or other status. It highlights the gender dimension of racial discrimination and attributes a key role to women in the development of programmes to combat racism and intolerance.
- The DDPA emphasizes the importance of preventive and concerted action, especially in the field of education and awareness-raising, and calls for the strengthening of human rights education.
- The DDPA calls for comprehensive national action plans to eradicate racism, racial discrimination, xenophobia and related intolerance. It calls for the reinforcement of national institutions and it

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formulates concrete recommendations in the areas of national legislation and the administration of justice.

- The DDPA outlines measures to address discrimination in the fields of employment, health, policing, and education. It calls on States to adopt policies and programmes to counter incitement to racial hatred in the media, including on the Internet. It calls for the collection of disaggregated data, as well as additional research, as the basis for targeted actions.
- The DDPA urges States to adopt measures of affirmative or positive action to create equal opportunities for victims of racism, racial discrimination, xenophobia and related intolerance in the political, economic, social and cultural decision-making spheres.
- The DDPA urges governments to provide effective remedies, recourse, redress and compensatory measures to victims and to ensure that victims have access to legal assistance so they can pursue such measures. It also recommends the creation of competent national bodies to adequately investigate allegations of racism, racial discrimination, xenophobia or related intolerance.
- The DDPA acknowledges that slavery and the slave trade are crimes against humanity, and should have always been so. It expresses regret over the fact that the slave trade and colonialism contributed to lasting social and economic inequalities. It welcomes the efforts of UNESCO's Slave Route Project.
- Concerning the Middle East, the DDPA expresses concern about the plight of the Palestinian people under foreign occupation and recognizes the inalienable right of the Palestinian people to self-determination and the right to an independent state. It also recognizes the right to security for all countries in the region, including Israel, and calls upon all governments to support the peace process and bring it to an early conclusion.
- The DDPA recalls that the Holocaust must never be forgotten.
- Last but not least, the Programme of Action spells out a number of strategies to achieve full and effective equality through international cooperation. They involve an effective international legal framework, enhanced regional and international cooperation, an active role for the Office of the High Commissioner for Human Rights, and the participation of a wide variety of actors, including civil society, non-governmental organizations and youth in the struggle against racism, racial discrimination, xenophobia and related intolerance.

Note: This article is intended for information purposes; it does not constitute an official summary of the document.

The European Agency for Fundamental Rights and the Council of Europe's Commissioner for Human Rights issued a [joint statement](#) in December supporting European engagement in preparations the Durban Review Conference.

OHCHR Supporting NGO Participation in the Process



NGO workshop during Abuja regional meeting for Africa in preparation for the Review Conference - © OHCHR

Non-Governmental Organizations play a key role in combating racism and racial discrimination around the world and are among the stakeholders specifically called upon to help implement the DDPA. OHCHR, in its role as Secretariat of the Review Conference, is encouraging NGOs to participate actively in the Review Conference and its preparatory process. OHCHR provided financial support for a limited number of NGOs to participate in the regional preparatory meetings in Brasilia and Abuja and will purchase air tickets to Geneva for a limited number of

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NGO representatives to enable them to take part in the Conference in April.

The deadline for applications was December 15 and OHCHR is currently reviewing the applications. NGOs will be selected according to the following criteria: they must be accredited to the Durban Review Conference; they must represent one of the victims groups identified in the DDPa; and they must have undertaken activities related to follow-up on implementation of the DDPa. Priority for funding selection is being given to NGOs operating at the national and/or grass-roots level.

The air tickets will be provided for one representative per selected NGO and a letter informing the selected NGOs that they will be receiving this travel assistance will be sent out by 1 March 2009.

OHCHR is meeting regularly with NGO representatives and responding to their queries and proposals.

OHCHR is also producing a [Durban Review Conference E-Bulletin](#) with information aimed specifically at NGOs interested in the Review Conference and its preparatory process.

NGOs Meet Working Group Chair

The Chair of the intersessional open-ended intergovernmental working group charged with negotiating towards a Review Conference draft outcome document met with NGO representatives in Geneva on December 5. In a meeting arranged by OHCHR, Russian Diplomat Yuri Boychenko welcomed the positive and constructive role NGOs have played in the process and said he would welcome further NGO contributions. He said NGOs should have the opportunity to participate at all steps of the process and that he would be available to meet with NGO representatives either individually or in groups. The next scheduled meeting between NGOs and the Chair of the working group will take place on Friday, 16 January, 2009.

New Schengen Visa Requirements

A heads-up for NGOs, journalists and others planning to attend the Durban Review Conference in April 2009: Switzerland has now joined the Schengen group of countries, which means Swiss visa regulations have changed. Although it is not a member of the European Union, Switzerland formally became a part of the EU's Schengen Agreement 12 December 2008. The Agreement allows for freedom of movement between the 22 European Union and three other countries that have signed on to its provisions. This may mean that applying for a Swiss visa will take more time than on previous occasions.

The Schengen [regulations concerning the issuance of visas](#) as well as details on the new procedures are available on the website of the UN's Central Support Services. In addition, travellers to Switzerland are encouraged to seek specific information and guidance at the Swiss diplomatic representation in their country well in advance.

Member States Reach Consensus on Complementary International Standards

In December 2008, the Ad Hoc Committee on the elaboration of complementary international standards adopted a text by consensus, in which States agreed on a roadmap to tackle the issue.

Since the adoption of the DDPa in 2001, there has been a debate on complementary standards on how to address new manifestations of racism that might require new standards to complement existing law. Among other issues, the question of the relationship between freedom of expression and incitement to religious hatred, sometimes approached from a "defamation of religions" perspective, has been the object of many debates between Member States.



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On 2-4 October 2008, OHCHR held an expert seminar on freedom of expression and advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence. [Information and papers relating to the seminar](#) are posted on the OHCHR website.

The Chair of the Ad Hoc Committee on the elaboration of complementary international standards will solicit contributions from Member States no later than the end of the second week of May 2009. He will then compile, integrate and structure all contributions received before

consulting Member States. The Chair will send the outcome no later than 15 June 2009 to OHCHR and will ascertain that this outcome is submitted to Member States by 31 July 2009 as the basis for the work of the second session of the Ad Hoc Committee. This session is to be scheduled as early as possible in October 2009, for a period of 11 days.

GA Adopts Resolutions on Racism and Related Issues

On 18 December 2008, the UN General Assembly adopted a Resolution 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.



The General Assembly concluding its 63rd session in December 2008

The Resolution was among 52 Resolutions on a wide range of Human Rights, Social and Humanitarian Issues adopted by the GA on the recommendation of the Third Committee.

Other Resolutions relating to racism and racial discrimination include, inter alia, Resolutions on: indigenous issues; the inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance; the International Convention on the Elimination of All Forms of Racial Discrimination; combating defamation of religions; and the elimination of all forms of intolerance and discrimination based on religion or belief.

More [information on the GA session and all the adopted Resolutions](#) is available on the UN website.

