

STATEMENT BY AMBASSADOR G MTSHALI OF SOUTH AFRICA AT THE 9TH SESSION OF THE HUMAN RIGHTS COUNCIL UNDER AGENDA ITEM 9, GENEVA, 19 SEPTEMBER 2008

Mr President,

My delegation aligns itself with the statements made by Egypt on behalf of the African Group and Cuba on behalf of the Non-Aligned Movement (NAM). We welcome the newly appointed Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr Githu Muigai and would also like to express appreciation to the former Special Rapporteur, Professor Doudou Diene, for his comprehensive studies. We also thank the High Commissioner for her reports under this agenda item.

Mr President,

The generosity of the Government of Nigeria allowed us to meet in Abuja last month for the African Regional Meeting Preparatory to the Durban Review Conference. The World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR) provided a forum to address and redress the situation of all victims of racism. The Durban Declaration and Program of Action (DDPA) sought to guarantee maximum protection and remedies to the victims of all scourges of racism, racial discrimination, xenophobia and related intolerance.

One of the objectives of South Africa at the Abuja Regional Meeting was to work towards ensuring that the outcome of the Durban Review Conference complement the DDPA rather than undermine or negate its spirit and intent. Importantly, the Abuja Meeting reaffirmed that genocide, which is a crime under international law, is the most serious manifestation of racism, racial discrimination, xenophobia and related intolerance.

Mr President,

South Africa has established legislative measures and institutions to combat racism, and monitor racist acts and phenomena and is taking strengthened measures to eradicate xenophobia and related intolerance. The South African Government is very clear in its commitment to eradicate all acts not compatible with the DDPA.

While we recognize the ongoing progress at the national, regional and international levels, my delegation expresses serious concern at the surge of incidents relating to the incitement to religious hatred. We are alarmed at the intolerance and discrimination based on religion or belief and the frequent and erroneous association of Islam with human rights violations and with terrorism. South Africa believes that the practice of defending the incitement to religious hatred as an exercise of the right of the freedom of expression renders meaningless the permissible limitations articulated in the relevant human rights instruments such as the International Covenant on Civil and Political Rights (ICCPR). It is regrettable that the tenuous line between the exercise of the freedom of opinion and expression and incitement, despite existing international human

rights law provisions, continues to divide the world. However, we are encouraged by the decisive steps undertaken by states, the United Nations system and the wider international community, including non-governmental organizations, to oppose religious intolerance.

An in-depth dialogue will go a long way in enhancing our understanding of this challenge and contribute to finding solutions at the Durban Review Conference. In this regard, we look forward to actively participating in the expert seminar to be organised by the Office of the High Commissioner on the freedom of expression in the framework of international human rights law, norms and standards. We wish to repeat the call of the Abuja Meeting to States to increase their efforts to enhance dialogue with the aim of understanding and promoting tolerance and full respect of cultural and religious diversity and their value systems.

Mr President,

As we commemorate the Vienna Declaration and Programme of Action (VDPA) this year, we are reminded that the VDPA called on the international community to treat human rights in a 'fair and equal manner'. The South African delegation fully concurs with the inaugural statement of the High Commissioner which reaffirmed that the two sets of rights are interdependent and equally important. We strongly encourage Member States and the human rights machinery to address the imbalance between civil and political rights and economic, social and cultural rights.

In conclusion, Mr President,

It is incumbent upon us to use the opportunity presented by the upcoming Durban Review Conference to learn from each other, as no review conference can be meaningful if we cannot share best practices. We are encouraged by the spirit of cooperation that has up to now existed in the Durban Review Preparatory processes. As we stated in Abuja, we are confident that the governments and peoples of the world will work together to ensure that the Review Conference achieves its objectives.

I thank you.

