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ADDRESS BY LOUISE ARBOUR
UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

Mr. President,
Distinguished Delegates,
Excellencies,
Ladies and Gentlemen,

Six years ago, the adoption of the Durban Declaration and Programme of Action set the pace and framework for progress on the pressing issue of eradicating racism, racial discrimination, xenophobia and related intolerance.

Since then, multiple initiatives have sought ways to realize the visions and aspirations of the Durban Declaration.

Mr. President,

The fundamental premise of Article 1 of the Universal Declaration of Human Rights is that: "All human beings are born free and equal in dignity and rights." All human rights treaties, including the International Convention on the Elimination of All Forms of Racial Discrimination, which entered into force in 1969, rest on that foundation of equality and non-discrimination.

In 1970, the International Court of Justice reaffirmed that the prohibition of racial discrimination constituted an overarching obligation. Subsequently, the Court found that to enforce "distinctions, exclusions, restrictions and limitations exclusively based on grounds of race, colour, descent or national or ethnic origin constitute a denial of fundamental human rights" which is a flagrant violation of the Purposes and Principles of the Charter of the United Nations.

It is therefore clear that those who, in law or practice, reject or negate the principles of equality and non-discrimination not only hold the totality of human rights in contempt, they also violate international law.

Distinguished Delegates,

Racism, together with related ideologies of intolerance and exclusion, manifests itself as the ultimate pathology of the human desire to belong. But the legitimate aspirations to a cultural, historical and psychological space that preserves and nurtures one's identity should never be allowed to degenerate into practices of exclusion and rejection.

Yet ingrained suspicions against difference continue to trigger all forms of prejudice. As a result, racial discrimination persists, and in some regions may even be growing, fueled by competition over resources and employment, and by fear, much of which irrational and manipulated.

These are the grievous ills that the Durban process sought to combat by establishing both a vision and clear parameters for a future of tolerance, appreciation of diversity, and harmonious coexistence. The Conference empowered the excluded

and the marginalized to break the barriers of silence and impotence. Far from being a mere exercise in rhetoric, Durban provided a precise diagnosis of the different causes and manifestations of racism and offered a springboard for practical measures to eradicate them.

Thus, the Durban pledges were to be translated into national action plans and programmes for better treatment of victims; into more stringent anti-discrimination legislation and administrative measures; into universal ratification and implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and other relevant international treaties. The follow up to the Durban debate envisaged measures for strengthening education, for improving the remedies and recourses available to victims, and for collecting statistical data—disaggregated by race—to assess the situation of victims of racisms, as well as to evaluate corrective measures.

Another important achievement of the World Conference was addressing the legacy of the terrible wrongs of the past, including the transatlantic slave trade and the Holocaust, and recognizing that the right to truth regarding past abuses was an essential element of reconciliation and justice.

In sum, through the Programme of Action and the Declaration of the World Conference, participants unanimously challenged the historical, socio-economic and political structures that enabled discrimination to persist.

Ladies and Gentlemen,

The process set in motion at Durban promoted new United Nations mechanisms for evaluating progress and challenges in combating racism, racial discrimination, xenophobia and related intolerance. To that end, the Working Group of Experts on People of African Descent, the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action and the Independent Eminent Experts Group to follow up with the Durban measures were established.

Since their inception, these mechanisms have studied complementary standards to fill normative gaps, as well as the interrelation between racism and thematic areas, such as education, poverty, health, globalization, racial profiling and the internet. These bodies have made concrete recommendations to States, as well as non-governmental organizations to spur action.

As a result of a mature debate and of a sharpened focus on the scourge of discrimination, the international community has further refined its normative tools and responses. In this regard, I welcome the entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in 2003. The Convention on the Protection and Promotion of the Diversity of Cultural Expressions last March represents an additional important step. Finally, I commend the recent adoption of the Convention on the Rights of Persons with Disabilities.

As progress unfolded on the international arena, regional and national initiatives also gathered momentum. At the regional level, the 2006 Regional Review Conference for the Americas contributed vital insights on the implementation of the Durban Programme of Action. This event offered a crucial opportunity to compare best practices, and to analyze the long-standing and emerging obstacles to the realization of the vision of Durban. And it formulated targeted recommendations to counter inequality and discrimination. Much progress has also been achieved at the national level. Several countries have put in place the requisite legislation and constitutional provisions for protection against racism, racial discrimination, xenophobia and related intolerance. Specific bodies and action plans have also been devised to that end.

These normative scaffolding and operative frameworks are indispensable to confront the tensions that permeate increasingly multiethnic and multicultural countries. Moreover, such standards and practices enable societies around the world to take full advantage of the added value of resources and energy that diversity brings. But in and of themselves norms cannot eradicate ideological and historical legacies of racism and discrimination, which profoundly affect the perceptions, values and behaviors of many societies. Tragically, racist and xenophobic views are dangerously acquiring renewed legitimacy and vigor when they are invoked to bolster the political platforms or even the very "raison d'être" of the political leadership in some countries.

As I have noted on many occasions, the use of harmful stereotypes and the perpetuation of myths that demonize, ridicule, or insult peoples' deeply held religious feelings and their profound sense of identity have also acquired new intensity. They must be denounced as vigorously as the right to champion unpopular ideas must be asserted and protected according to national and international law.

In the face of such powerful challenges, I believe that countering the structural, cultural and psychological dimensions of racism, all of which contribute to mistrust, requires a new approach, including different ways to communicate with one another, as well as new cultural and ethical strategies.

The promotion of dialogue within and among communities, as well as beyond national borders, and awareness-raising activities constitute important tools which, combined with legal protection and safeguards, could create real paths towards equality of treatment, mutual respect and fairness in perceptions and actions.

Mr. President,

This is what my Office strives to achieve, as the fight against racism and discrimination in all its forms represents an overarching priority of my work and that of my colleagues. In our daily activities we are constantly reminded of the need to fully grasp the implications of exclusion. Consequently, we seek ways to promote education and devise concrete remedies. Central to our activities is correcting the imbalances that affect minorities, women, people of African descent, indigenous peoples and migrants, and people with disabilities, as well encouraging reforms in the administration of justice to close the equality gaps.

We are acutely aware that discrimination is intertwined with destitution and exclusion, unequal access to resources and opportunities, and social and cultural stigmatization. Since poverty reflects asymmetric power relations and societal cleavages, the focus of action to combat it must be on the empowerment of people themselves, especially those most affected or exposed to discrimination. Thus, we have sought to ensure that rights-based approaches, which protect the disadvantaged, are part and parcel of strategies and initiatives aimed at reducing poverty, such as the realization of the Millennium Development Goals.

Ladies and Gentlemen,

The fight against racial and other forms of discrimination is essential to the enjoyment of all human rights and to the consolidation of the rule of law, sustainable development, peace and human security.

Six years ago we made the long journey to Durban. We engaged in that trajectory because we reject the notion that the human rights of some are superior to the human rights of others.

The process that we initiate today should ultimately strengthen our commitment to protect the weaker and the most vulnerable; the marginalized and the excluded. To better serve their interests and rights, your deliberations must lead to a deeper understanding of both how to bolster the gains achieved thus far and how to overcome obstacles to further progress. Such honest reflection would strengthen the Durban vision and, what matters the most, render justice to the universal aspirations that it captured.

As former UN Secretary-General Kofi Annan noted, the imperative at Durban six years ago—and our guiding principle now—is mustering and reinvigorating the commitment “to help heal old wounds without reopening them,” confront the past, but most importantly, “set a new course against racism in the future.”

In the last instance, our true measure of success will be whether we are concretely making a difference in the lives of those who are, today, the most disempowered and whether we can ensure that generations to come would be spared the ills of discrimination and inequality.

I wish you a constructive meeting and assure you of my continuing support.

Thank you.