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Statement by

**the Representative of Slovenia
on behalf of the European Union**

Item 9

**Racism, racial discrimination, xenophobia and related forms of
intolerance, follow-up and implementation of the Durban
Declaration and Programme of Action**

Geneva, 25 March 2008

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HUMAN RIGHTS COUNCIL - 7th Session

EU Statement

Item 9: Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up and implementation of the Durban Declaration and Programme of Action

Mr. President,

I have the honour to speak on behalf of the European Union.

The Candidate Countries Croatia* and the former Yugoslav Republic of Macedonia¹, the Countries of the Stabilisation and Association Process and potential candidates Albania, Montenegro, Serbia, and the EFTA country Liechtenstein, member of the European Economic Area, as well as Ukraine, the Republic of Moldova and Armenia align themselves with this declaration.

The European Union continues to be fully committed to the fight against racism, racial discrimination, xenophobia and related intolerance. Besides policies and actions taken by Member States at national level, including the development and implementation of national action plans as requested by the Durban Declaration and Programme of Action, the EU has its own regional strategy to combat racism, mainly the Directives on Racial Equality and on Employment Equality. These instruments are applicable in all Member States and comprehensively address discrimination on the grounds of race, ethnic origin, religion, disability, age and sexual orientation.

Furthermore, a Framework Decision on Racism and Xenophobia, of the Council of the European Union, has been enacted in April 2007. This distinctive legal tool criminalizes acts of racism and xenophobia throughout Member States of the EU, preventing the impunity of crimes motivated by racist or xenophobic attitudes.

Mr. President,

This year is a year of preparation for the Review Conference on the implementation of the Durban Declaration and Programme of Action. The underlying question in the debates on this Review Conference has been whether it should, as agreed by the General Assembly, focus on the implementation of the DDPA or whether it should focus on issues outside of the framework of the DDPA. We believe that only by concentrating on reviewing the implementation of the major challenges in the framework of the DDPA, the Review Conference could contribute to a more coordinated and effective fight against racism and serve to affirm the unity of the International Community behind this common strategy. This should certainly be our collective goal. In this regard, the EU stresses its strong desire to avoid focusing on country-specific situations. Such a focus would be divisive and not contribute to a successful Review Conference. By focusing, on the contrary, on issues outside the framework of the Durban DPA, the Review Conference

¹ Croatia and the former Yugoslav Republic of Macedonia continue to be part of the Stabilisation and Association Process.

would lose all focus on progress made since 2001. Venturing beyond the already large array of items covered in Durban would, however, be detrimental to the effective implementation of the agreements reached in Durban and would undermine the broad consensus that exists around the DPA and the progress made since 2001. We must not weaken our global and common fight against racism.

Let me reiterate, Mr. President, that for the EU all forms of discrimination are unacceptable. In order to be relevant to ordinary citizens, the Durban Review Conference must focus on the challenges of contemporary racial discrimination. Multiple and aggravated discrimination in particular including on the basis of sexual orientation, must be fought with absolute determination by all states. However, in the context of the Durban DPA, the international community has found a universal and broadly consensual strategy to combat these scourges, which should not be undermined.

Mr. President,

The European Union thanks H.E. Mr. Idriss Jazaïry for the oral report he presented to the Council as Chairperson of the Ad Hoc Committee on the elaboration of complementary standards. At the international level, the Convention on the Elimination of all forms of racial discrimination is the core legal instrument which full implementation is fundamental for the success of the global fight against racism. The European Union therefore urges all States to ratify the Convention and implement its provisions as a matter of priority, and to adopt effective measures at the national level to combat the symptoms and causes of racism and discrimination. This Convention is a living document. The Committee on the Elimination of Racial Discrimination has demonstrated the pertinence and usefulness of the Convention to address new and contemporary forms of discrimination, xenophobia and related intolerance.

The EU remains engaged in the work of the Ad Hoc Committee on complementary standards but is of the view that the potential of existing mechanisms should first be fully utilised before reaching out for additional machinery whether at the substantial or at the procedural level. The EU however is open to further consider the elaboration of such standards but believes that key criteria must be met: the existing normative structure must be fully implemented and further explored in order to address current challenges; new standards should only be elaborated if there is a proven need and if there is a broad consensus. Our aim indeed is to bring the fight against racism on a universal level; and possible new standards must improve, and not diminish the universal character of our fight for the promotion and protection of human rights.

There is a strong universal consensus on the abhorrence of the phenomena of racism, racial discrimination, xenophobia and related intolerance and the urgent need to eliminate them. The European Union is concerned, however, to see the process of elaboration of possible complementary standards moving in a direction that would dilute this concept by the inclusion of controversial issues not at the heart of the fight against racism. This would, we fear, distract the international community of our common endeavor to eliminate racism from our societies.

Mr. President,

The European Union thanks H.E. Mr. Dayan Jayatilleka for the report he presented as chairperson of the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action. After the fifth session of the IGWG the EU holds the position that the IGWG should best resume its activities only after the 2009 Review Conference on the implementation of the DDPA. We believe that streamlining and avoiding overlap - in particular with the Durban Prepcom - is beneficial also to the preparations for the Conference. In a spirit of consensus and constructive engagement the EU agreed to a programme of work for the sixth session of the IGWG including the elaboration of a contribution to the Durban Prepcom. The EU believes that in deciding on

its contribution to the Prepcom in last session, the IGWG has effectively fulfilled its mandate in 2008 of ensuring follow-up to the Durban Declaration and Programme of Action.

Mr. President,

Combating racism and xenophobia remains a global challenge that requires an equally global response. The EU urges all states to take effective action at the national, regional and international levels to put an end to racism, xenophobia, discrimination and other forms of intolerance and confirms its willingness to work together with every country to oppose racism, xenophobia, discrimination, and other related forms of intolerance, irrespective of the place of occurrence.

Thank you.
