



E– Bulletin for NGOs on the Durban Review Conference

This new series of E-bulletins is issued by the Office of the High Commissioner for Human Rights to provide regular updates and guidance for NGOs in the lead up to and the post Durban Review Conference, which took place in Geneva from 20 to 24 April 2009.

Issue No. 08/2009
12 May 2009



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 by consensus of the Durban Declaration and Programme of Action, which to date is the most important framework in the combat against racism and racial discrimination. In 2006, the United Nations General Assembly, in its resolution 61/49, decided to convene in 2009 a Review Conference on the Implementation of the Durban Declaration and Programme of Action and requested the Human Rights Council to undertake preparation for the Conference.

Durban Review Conference

The Durban Review Conference (20 – 24 April 2009) concluded with a consensus among Member States on how to achieve real changes for the millions of victims of racism worldwide. Calling the successful result "a platform for a new beginning," The High Commissioner for Human Rights, Ms Navi Pillay, urged all to implement vigorously the outcome document.

The outcome document of the Durban Review Conference is designed to bring real changes for the millions of victims of racism worldwide. It has identified “concrete measures and initiatives at all levels” to stamp out racial discrimination and intolerance.

Victims are given special consideration in the document, which was adopted by consensus at the Durban Review Conference. It represents the latest global consensus on how to fight all forms of racism.

The Durban Review Conference and its outcome did not focus on a single issue, conflict or group of people – the Middle East for instance is not mentioned in the

outcome document. Rather, it emphasizes that all victims of racism “should receive the same necessary attention and protection and accordingly appropriate treatment.”

The outcome document includes specific measures to address multiple forms of discrimination against vulnerable groups, such as migrant workers, refugees, asylum seekers and internally displaced persons, children, women and girls, persons with disabilities, victims of slavery and exploitation, trafficking and people living with HIV/AIDS.

It also urges governments worldwide to promote greater participation and opportunities for people of African and Asian descent, indigenous peoples and individuals belonging to ethnic, religious or linguistic minorities.

Concerning “defamation of religion”, there were concerns that the outcome document would introduce such a concept and threaten freedom of expression. The document does no such thing. It unequivocally reaffirms 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, as manifested in Islamophobia, anti-Semitism, Christianophobia and anti-Arabism.

The outcome document also launches a process to examine how the prohibition of incitement to hatred, a well-established concept as reflected in Article 20 of the International Covenant on Civil and Political Rights, has been implemented in various parts of the world.

OHCHR is to organize a series of expert workshops on the legislative patterns, judicial practices and national policies in the different regions of the world on the subject in order to assess the level of implementation of the prohibition of incitement.

While the outcome document represents pledges by governments across the globe to tackle all forms of racial discrimination, it also underlines the important role of international and regional organizations, national human rights institutions, civil society and their cooperation in fighting the formidable battle against racism.

It “invites the Human Rights Council, its special procedures and mechanisms, as well as relevant treaty bodies” to take into account the 2001 Durban Declaration and Programme of Action (DDPA) in their work. It acknowledges the need to make the three follow-up mechanisms created by the DDPA more effective, and urges all governments to “cooperate fully” with the UN human rights mechanisms in the fight against racism.

OHCHR, which provides secretariat and substantive support to the UN human rights mechanisms, is also requested to continue its contribution to this end.

The outcome document further calls on governments to ratify the International Convention on the Elimination of All Forms of Racial Discrimination and other instruments adopted after the 2001 anti-racism conference, such as the Convention on the Rights of Persons with Disabilities and its Optional Protocol, and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

In the words of the Secretary-General of the Durban Review Conference, High Commissioner for Human Rights, Ms Navi Pillay, it is “a carefully balanced and yet meaningful outcome enshrining a common aspiration: to defy racism in all its manifestations and work to stamp it out wherever it may occur.”

The outcome document, adopted by consensus in the plenary on 21 April, will serve as a landmark in the fight against racism. The outcome document “recognizes that a broad sharing of best practices in all regions of the world, aimed at preventing, combating and eradicating racism, racial discrimination, xenophobia and related intolerance, can assist Governments, Parliaments, the judiciary, social partners and civil society with the effective implementation of the provisions of the DDPA, when considered appropriate to adapt or replicate best practices, including international cooperation”. The outcome document is available on website:

http://www.un.org/durbanreview2009/pdf/Durban_Review_outcome_document_En.pdf

NGO contributions to the Durban Review Conference

OHCHR welcomed the participation of a large number of NGO representatives at the Durban Review Conference. The contributions made by the NGOs enriched the preparatory phases and the Conference itself. The proactive engagement and diversity of civil society organizations in the review process is a manifestation of the global willingness and commitment to play an active role in the fight against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

A total of 452 NGOs registered for the Conference, of which 315 attended. A total of 2,073 representatives of NGOs in consultative status with ECOSOC were registered in advance of the Conference, of which 831 attended, while a total of 741 representatives of NGOs with alternative forms of accreditation for the Conference, had registered in advance, of which 301 actually attended.

NGO briefings

Daily briefings were organized, from 20 to 24 April, with the NGO Liaison Office and served as an opportunity for inter-active communication between NGOs and OHCHR.

The High Commissioner for Human Rights, Ms. Navi Pillay, met with around 350 NGO representatives on Wednesday 22 April. The High Commissioner in her opening address highlighted the following points:

- She had, since the start of her tenure, called for full participation in the Durban Review Conference by Member States and repeatedly encouraged civil society organizations to engage fully. She extended a warm welcome to all those present, and looked forward to hearing their views and proposals.
- Referring to her experience as a judge on the UN Rwanda Tribunal, the High Commissioner said that she had learned what happens when ethnic hatred is fomented and eventually explodes into genocide. The Holocaust, and more recently the wars in the Balkans, together with the Rwandan genocide, showed

that epic forms of racist violence are an ever-present threat. And there are myriad examples of smaller-scale, but also grotesque, forms of hatred which are tolerated or ignored even though, day after day, they are blighting the lives of millions of people all over the world. In fact, no country is immune from these abhorrent practices.

- The High Commissioner noted that what is important to millions of victims all over the world is that States agree on global strategies to implement the anti-racism agenda. She added, “We are looking for best practices that will then filter these measures all the way to the national and the community levels. That is my goal as High Commissioner of Human Rights. I speak for victims; and I keep that vision straight before me.”
- The framework set out in the Durban Declaration and Programme of Action (DDPA) had been instrumental in many countries in improving conditions for migrants, domestic workers, indigenous people, and victims of multiple discriminations.
- The High Commissioner welcomed the adoption by consensus of the Outcome Document of the Durban Review Conference and appealed to all to study it carefully and ensure that this is recognized as a landmark in the fight against racism – but clearly far from being an end to the matter.
- Stressing that implementation remains a huge challenge, the High Commissioner added that the monitoring role of civil society plays a crucial part, in that NGOs have their hands on the pulse of the communities they serve. As such, civil society participation is indispensable to ensure that implementation strategies produce concrete results on the ground where it matters the most.
- The diversity of civil society’s groups, as well as individuals, participating in this Review Conference attests to the fact that racism, discrimination, xenophobia are widely shared and pressing concerns. The High Commissioner urged NGOs to value and build on shared principles during the remaining days of the Conference, emphasizing that acts of provocation and conduct which fly in the face of the goal which brought all participants together would not be tolerated. “We have no hesitation in withdrawing the badge of any individual who manifestly breaches the rules and procedures which are set in place to protect the rights to freedom of opinion and expression in an environment of mutual respect within the confines of UN premises.”
- Many NGOs now are experiencing the urgency of fighting discrimination in all its old and new forms, particularly now that the economic conditions in both poor and rich countries have the potential of pitting communities against one another. Migrant workers and minorities may be the first ones to lose their jobs, particularly when they are employed in sectors that are either structurally marginal and therefore more exposed to the vagaries of market forces, or that are more directly affected in times of crisis. In a context of growing unemployment accompanied by shrinking States’ resources, the High Commissioner noted, policy adjustments, such as cutbacks in spending in the

health, education and social protection sectors, might be taken at the expense of, or have a disproportionate impact on the most vulnerable.

- At the same time, there is a need to ensure that freedom of association and freedom of expression that are so fundamental for civil society to thrive are upheld. Contrary to what has been purported by many, both of these freedoms reinforce freedom of religion. Likewise, both are essential to creating an environment in which a constructive--though sometimes critical--discussion about religious matters could be held. The High Commissioner noted, however, that we must be cognisant that violent and abusive criticism against a particular religion is likely to create a threatening and discriminating context for the followers of that creed who, consequently, may become afraid to openly express their beliefs. This has been particularly problematic in the security environment that has prevailed after September 11, 2001.
- It is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms. It is incumbent upon all to promote tolerance to foster understanding for diversity so that even contrasting views and convictions can be freely and respectfully expressed in the public arena. Human rights are universal and deeply rooted in all civilizations and cultures. They are not the product or the exclusive preserve of specific doctrines and traditions.
- Racism and related intolerance do not affect all members of groups suffering from discrimination in the same way. The Durban Declaration and Programme of Action focused attention on the issue of multiple, or aggravated forms of discrimination. This multi-faceted discrimination is most significantly experienced by the most vulnerable members of society. These may include women, but also persons with disabilities, or affected by HIV/AIDS, or children, or elderly people. Marginalised individuals may be ostracised for one of these characteristics or for a combination of them. To be sure, it is such people that are at greater risk of economic hardship, exclusion and violence.
- Finally, the High Commissioner noted that the magnitude of the tasks ahead should prompt all of us to gather and make the best use of our energies and resources. "It is crucial for us, men and women of good will, States, international organizations, and civil society alike, not to get distracted from the main objective: to help create a world of equal opportunity and treatment for all of us, or at the very least for our children, and our children's children."

The High Commissioner was joined by the Deputy High Commissioner, Ms Kyungwha Kang, to respond to questions from the floor, relating to OHCHR's work with civil society; role of NGOs in influencing the outcome document in the preparatory phases; and implementation of national action plans.

The OHCHR Coordinator of the Durban Review Conference, Mr. Ibrahim Salama, held two briefings with NGOs: on the first and final days of the Conference. Mr. Salama extended a particularly warm welcome to those NGOs based far away from Geneva and who were attending a UN meeting for the first time. He explained the

proceedings and addressed questions from the floor. At the conclusion of the Conference, he invited NGOs to share their feedback and analysis and identify the gaps that need to be filled in order to address issues of racism. He emphasized the importance of NGOs' proposals on how to implement the outcome document. Mr. Salama further stated that this is an opportunity for OHCHR and civil society to increase cooperation and collaboration in the fight against racism, and that the Durban Review Conference should be seen as a continuing process, rather than an event. He noted that perseverance and persistence characterize the approach and that NGOs' endeavours are vital in order to work together in implementing the outcome document and fight effectively against racism.

Side events

A number of side events were organized at the Palais des Nations throughout the Durban Review Conference. These included expert panel discussions, debates and cultural events focusing on themes of the DDPA. A full list of side events may be accessed at:

<http://www.un.org/durbanreview2009/pdf/Final%20Side%20Events%20and%20Cultural%20Activities.pdf>

OHCHR organized and co-organized with other stakeholders side events on themes such as the rights of indigenous peoples, the link between racism and poverty, and policing in diverse societies. The side events enabled a large number of stakeholders to exchange views and share good practices on the range of issues highlighted in the DDPA. Additional events were organized by UN Agencies, Members States and National Human Rights Institutions as well as by accredited NGOs.

Written statements

More than 30 written statements were received from NGOs, and these were posted on the OHCHR Extranet under the name of the accredited NGO which can be accessed:

<http://portal.ohchr.org/portal/page/portal/DurbanReviewConferenceroot>

The user name is: hrc durban

Password: ohchr123

and by following the link to **Contributions** and **NGOs**.

Oral statements

The list of NGO speakers was opened on 20 April 2009 immediately after the formal adoption of the agenda and closed at 13:00h on 22 April 2009. A total of 104 NGOs took the floor under Item 9 between 23 and 24 April 2009. Issues repeatedly mentioned in the NGO oral statements included the discriminatory treatment of migrants; the situation of indigenous people; incitement to hatred, particularly religious hatred; Islamophobia and anti-Semitism; the impact of the fight against terrorism on the struggle against racism; foreign occupation; reparations for past tragedies; multi-faceted discrimination and the impact of the economic and financial crisis on the most vulnerable. NGO oral statements are now available on OHCHR's Extranet.

Procedures and rules

In order to ensure smooth running of all meetings and consultations in the context of the Conference, the Secretariat compiled and circulated a set of rules and requirements, to which all NGO representatives were required to adhere, keeping in mind the goals and objectives of the Durban Review Conference. Copies of procedures and rules were made available to NGOs and were also posted on OHCHR's Extranet.

During the course of the Conference and the side events, the vast majority of NGO representatives was respectful of other participants and fully adhered to the rules and procedures. Representatives of some NGOs, however, resorted to disruptive behaviour inside the Palais des Nations, in breach of the rules, and a total of 76 badges of representatives of NGOs involved in disruptive behaviour were removed.

After examining the types of conduct, and patterns of conduct, the High Commissioner, in her capacity as Secretary-General of the Durban Review Conference, instructed that the badges of all participants of three NGOs be removed for the remaining days of the Conference.

NGO Liaison Office

OHCHR set up an NGO Liaison Office at Palais des Nations from 14 – 24 April 2009 to provide information and advice for NGOs attending the Conference and its Preparatory Committee. This provided OHCHR with an excellent opportunity to meet and get to know the work of a large number of NGO colleagues. The Civil Society Unit will be following up in the coming weeks with all participating NGOs to seek feedback on the Conference as well as plans for implementing the outcome document.

Draft NGO participation list

The draft list of accredited NGOs to the Durban Review Conference has been placed on the Extranet and can be accessed at:

<http://portal.ohchr.org/portal/page/portal/DurbanReviewConferenceroot/NGO%20participation/DurbanReviewConferenceNGOParticipationList>. NGOs were invited to check the list and propose any amendment(s) by no later than 8 May 2009. The amendments were to be addressed to: ADUSecretariat@ohchr.org or Fax: +41 (0) 22 928 90 50.

Kindly note that the email address: NGOdurbanrevconf@ohchr.org has now been discontinued.

For inquiries please contact: civilsocietyunit@ohchr.org