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**PREPARATORY COMMITTEE
OF THE DURBAN REVIEW CONFERENCE
1st substantive session
(Geneva, 21 April - 2 May 2008)**

Item 6

(Objective 1): "To review progress and assess implementation of the DDPA by all stakeholders...and identify concrete measures and initiatives for combating and eliminating all manifestations of racism..."

**Statement by Ms Eva Tomič
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on behalf of the European Union**

Geneva, 23 April 2008

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First Substantial Prepcom of the Durban Review Conference:

EU Statement under item 6: (Objective 1): "To review progress and assess implementation of the DDPA by all stakeholders...and identify concrete measures and initiatives for combating and eliminating all manifestations of racism..."

Madame Chairperson

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

The Candidate Countries Turkey, Croatia* and the former Yugoslav Republic of Macedonia*, the Countries of the Stabilisation and Association Process and potential candidates Albania, Bosnia and Herzegovina, 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 statement.

The European Union reiterates its deep commitment to actively contribute to the elimination of all forms of racism, racial discrimination, xenophobia, and related intolerance. Against this backdrop we welcome the opportunity the Review Conference will offer to take stock of the degree to which the DDPA has been implemented, to identify the 'lessons learned', and consequently decide on measures to further and better foster the implementation of the DDPA also in the light of events that have happened since 2001.

The Durban Review Conference marks an important moment in the fight against racism, racial discrimination, xenophobia and related intolerance. In 2001 the International Community has succeeded in arriving at an agreement on shared and collective engagements. It is crucial to safeguard this *acquis* throughout this review process and to not attempt to revise the DDPA or the existing international human rights framework.

The major value of the DDPA is its universality. For its implementation and follow-up to be successful, the broad consensus achieved in Durban has to be maintained. We should avoid at all cost letting Durban fall victim to excessive polarization by either focusing on only a select number of topics or by singling out specific geographic situation so as to not be confronted with similar tensions as those that surrounded the Durban Conference in 2001, as exemplified by, inter alia, the unacceptable anti-Semitism that damaged the NGO forum there through impacted on the reputation of the Conference.

We must equally avoid giving disproportionate attention to only some topics of the DDPA to the detriment of other important issues in this document. One of the most fundamental achievements of Durban lies indeed in the unequivocal affirmation that all forms of racism, racial discrimination, xenophobia and related intolerance are unacceptable and that no hierarchy between potential victims of racism can be installed.

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

We must not be diverted from focusing on problems faced in today's world by victims of racism.

The European Union believes that with the Durban Declaration and Programme of Action all forms of racism, racial discrimination, xenophobia and related intolerance can be comprehensively addressed regardless of where they occur and who they are directed against.

Madam Chairperson,

The starting point of our discussions and indeed the main focus of the Review Conference on the implementation of the DDPA can only be racial discrimination which, as reminded to us by CERD in its contribution, shall mean "any distinction, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise on an equal footing, of human rights and fundamental freedoms on the political, economic, social, cultural or any other field of public life".

Since 2001, however, the European Union has witnessed the increasing negative effect, on groups and individuals in all part of the world, of racial discrimination combined with other forms of discrimination, provision for which was already made in paragraph 2 of the DDPA. We have come to the conclusion that in all parts of the world victims are increasingly suffering from multiple or aggravated forms of discrimination based on other related grounds such as for instance sex, age, religion or sexual orientation. The EU has increased efforts to tackle discrimination in the European Union and would welcome the opportunity to learn about efforts to address these scourges in other parts of the world. While we believe that the present international framework adequately covers all forms of discrimination, we should look at the Durban Review Conference as an occasion to deepen our common understanding of this phenomenon of multiple and aggravated forms of discrimination. Also we should, by fostering the better implementation of the DDPA, identify measures and initiatives to remedy the dire situation of groups and individuals suffering from such discrimination.

Madame Chairperson,

We have embarked upon a very important exercise of reviewing the steps that have been taken since 2001 to implement the DDPA. The success of this endeavor shall be measured by the extent to which the protection against racism, racial discrimination, xenophobia and related intolerance can be made a reality for all potential victims in all parts of the world. Such a victim's perspective should be guiding us throughout the preparations for the 2009 Conference.

The EU looks forward to further participate in a fair and comprehensive assessment of the implementation of the DDPA. In addition to what we have said earlier in this statement the following areas should in our view deserve special attention.

Firstly, all of the mechanisms we have listened to yesterday have at some point confirmed the importance of adequate national legislations and action plans as well as the establishment of national mechanisms to fight racism and racial discrimination. The Review Conference should therefore evaluate the quality and existence, in all parts of the world, of such national measures, including judicial and administrative mechanisms such as mediation and prevention services. In this respect we would also like to highlight the important role to be played by parliaments, not only as a forum to promote debate around the problem of discrimination but also as a key actor in the creation of national legal frameworks in tune with international human rights instruments and fostering the effective implementation of the latter.

Secondly, another important area for the review process to focus on has been highlighted in the contribution by the Special Rapporteur on the right to education. The Special Rapporteur rightly speaks of the need to foster quality education based on the teaching and the living of human rights and he qualifies this as a pre-requisite for developing resistance against all forms of exclusion and discrimination. The European Union would therefore support the Review Conference in actively promoting measures to strengthen the role of education and awareness raising measures in the fight against racism and racial discrimination.

Thirdly, the European Union is convinced that more attention needs to be paid to prevention measures against racism and racial discrimination including as a means to prevent conflicts and violence. The past has shown that all too often heinous acts of genocide, war crimes and crimes against humanity have first started amidst racial or ethnic tensions. The EU finds it important to direct the attention of the international community to the important role that preventive measures of early warning and urgent action can play in the prevention of conflicts through addressing occurrences of racial and/or ethnic conflict at the earliest possible stage.

Fourthly, it is our view that effective measures against racism and racial discrimination have to spring from a democratic system respecting the rule of law, including legislation protecting freedom of expression as a means to denounce racism, while at the same time avoiding incitement to violence and hatred in accordance with articles 19 and 20 ICCPR. We therefore believe that such issues, as well as good governance, should continue to figure prominently in the Durban review process. Equally the promotion of access to justice for victims has to be reinforced as a means to fight against impunity for racist and xenophobic crimes.

Fifthly, the Prepcom has before it contributions from both the Council of Europe as well as the European Union Fundamental Rights Agency. The Member States of the EU are convinced of the positive and complementary role that regional organizations can play in the fight against racism and racial discrimination. We look forward to sharing our experiences regarding regional cooperation during this preparatory process and we look forward to hearing from other regions in this regard.

Lastly, the European Union holds the opinion that the Review Conference on the implementation of the DDPA should also engage in evaluating the existence and efficiency of measures to counter discrimination against women suffering from racism and racial discrimination and should equally take advantage of this opportunity to promote gender mainstreaming.

Madame Chairperson,

The European Union considers the CERD convention as the cornerstone in the fight against racism and racial discrimination. The EU will go deeper into the role of CERD and the CERD Committee later on under item 6 but would like already at this point to concur with the CERD committee in its assessment that the non-compliance of States with their reporting obligations under the Convention as well as the lack of implementation of recommendations included in concluding observations constitute major obstacles to the work of the Committee and to the effective implementation of the Convention.

Thank you Madame Chairperson.
