



DURBAN REVIEW CONFERENCE - GENEVA 2009

RACISM AND INTERNATIONAL HUMAN RIGHTS LAW

The principles of equality and non-discrimination are enshrined at the heart of modern international law, including in the Universal Declaration of Human Rights and in the Charter of the United Nations. They also permeate the two key international human rights Covenants, on Economic Social and Cultural Rights, and on Civil and Political Rights, as well as dozens of conventions, treaties, declarations and other important international legal instruments.

The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) is the most comprehensive instrument concerned with combating racial discrimination. It was adopted by the UN General Assembly on 21 December 1965 and entered into force on 4 January 1969. As of August 2008, it had been ratified by 173 states.

The Convention lays down the measures that states should undertake to eliminate racial discrimination, which Article 1 defines as: "any distinction, exclusion, 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 in the political, economic, social, cultural or any other field of public life."

The implementation of the Convention is overseen by the Committee on the Elimination of Racial Discrimination (CERD), which is composed of 18 independent experts, elected in a personal capacity by states that are party to the Convention, for a four-year term with due regard to equitable geographical distribution.

CERD is responsible for monitoring states' progress in fulfilling their legal obligations under the Convention and, for this purpose, examines the reports that each state should submit every two years. The examination takes place in the presence of a government delegation which responds to numerous questions raised by the experts. In order to assess the implementation of the Convention at the national level, the Committee also takes into account information from various other sources, including national and international NGOs.

After a six-hour dialogue with the government delegation, the Committee adopts concluding observations which reflect the main points of discussion and indicate concerns and issues requiring follow-up. The concluding observations, which are made public, point out positive aspects as well as principal issues of concern, and make concrete suggestions and recommendations for future action. They are transmitted to the government of the state under review, and also submitted to the UN General Assembly.

Along with CERD and seven other human rights treaty-monitoring committees, there are a number of other United Nations mechanisms which monitor and respond to human rights challenges, including the Human Rights Council and its Special Procedures.

Special Procedures is the general name given to special rapporteurs, independent experts and working groups established by the Commission on Human Rights and assumed by its successor, the Human Rights Council, to address either country-specific situations or thematic issues at the global level.



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Several of the 30 thematic mandates focus on issues related to racism, particularly the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, who undertakes frequent missions to gather first-hand information on the situation in individual states, meeting with a range of interlocutors including government authorities and civil society. The Office of the UN High Commissioner for Human Rights (OHCHR) supports the work of the special procedure mandate-holders. They report their findings and recommendations to the Human Rights Council, and many also report to the General Assembly.

The UN system

Other UN international instruments specifically designed to protect against discrimination are:

- the Equal Remuneration Convention (1951) and the Discrimination (Employment and Occupation) Convention (1958), which were both adopted by the General Conference of the International Labour Organization (ILO);
- the Convention against Discrimination in Education (1960) and the Declaration on Race and Racial Prejudice (1978) which were adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO);
- and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, proclaimed by the General Assembly in 1981.

Efforts to fight discrimination have been further strengthened over the past two years. In September 2007, the General Assembly adopted the Declaration on the Rights of Indigenous Peoples, and in May 2008 the Convention on the Rights of Persons with Disabilities entered into force, along with an Optional Protocol. A new treaty body will be established soon to monitor compliance with this Convention.

Finally, the 2009 Durban Review Conference should give new impetus to the implementation of the Durban Declaration and Programme of Action, adopted in 2001 at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

ABOUT OHCHR

The Office of the United Nations High Commissioner for Human Rights (OHCHR), a part of the United Nations Secretariat, has been given a unique mandate to promote and protect all human rights. Headquartered in Geneva, the Office is also present in some 40 countries. Headed by the High Commissioner for Human Rights, a position established by the General Assembly in 1993 to spearhead the United Nations' human rights efforts, OHCHR takes action based on the unique mandate given it by the international community to guard and advocate for international human rights law. For more information please visit www.ohchr.org