

**General Assembly high-level meeting to commemorate the tenth anniversary
of the adoption of the Durban Declaration and Programme of Action**

New York

22 September 2011

Opening remarks by Mr Anwar Kemal

Chairperson of the Committee on the Elimination of Racial Discrimination

Round table 1

**Victims of racism, racial discrimination, xenophobia and related intolerance:
recognition, justice and development**

Mr Chairperson,
Distinguished Heads of State and Government,
Mr Secretary-General,
Madame High Commissioner for Human Rights
Excellencies,
Ladies and Gentlemen,

It is my honour to represent the Committee on the Elimination of Racial Discrimination at this high-level meeting to commemorate the tenth anniversary of the Durban Declaration and Programme of Action (DDPA). Ever since the adoption of the DDPA, the Committee has regularly stated its clear commitment to press for its implementation. CERD values the DDPA and the outcome document of the Durban Review Conference, because they comprehensively complement the International Convention on the Elimination of All Forms of Racial Discrimination.

On the occasion of the tenth anniversary, the Committee issued a statement at its 79th session, ending earlier this month, emphasizing that the DDPA and the outcome document of the Durban Review Conference offer a comprehensive United Nations framework for combating racism, racial discrimination, xenophobia and related intolerance.

Moreover, the Committee has adopted two relevant General Recommendations: No. 28 of 2002, dealing with the follow up to the DDPA and General Recommendation No. 33 of 2009 on the follow-up to the Durban Review Conference. The Committee systematically requests during its constructive dialogues with State parties that they give effect to the DDPA when implementing the Convention and provide specific information on action plans and other measures taken to implement the DDPA at the national level.

You will recall that the Durban Review Conference reaffirmed that the International Convention on the Elimination of All Forms of Racial Discrimination is the principal international instrument to prevent, combat and eradicate racism, racial discrimination, xenophobia and related intolerance and that its full implementation is equally fundamental. The DDPA also called for the universal ratification of the Convention and its effective implementation by States parties. This universal ratification is not yet attained while the number of States parties to the Convention rose from 158 to 174 between 2001 and 2011.

Excellencies,
Ladies and Gentlemen,

The Convention came into force more than 40 years ago. At that time, the system of apartheid based on the odious concept of racial superiority held sway in much of Southern Africa. The world has become a different place today thanks to the heroic sacrifices of the peoples of Southern Africa and the sustained efforts of the international community. Yet while impressive progress has been made in the fight against racism, racial discrimination, xenophobia and related intolerance since the adoption of the Convention and the DDPA, so much more needs to be done.

Discrimination persists in our modern society and is manifested both openly and insidiously,

with all its mutations and combinations. The experience of CERD suggests that it is quite difficult to compute the number of people who are victims of racial discrimination because victims suffer in silence, while remedies available to them are not necessarily effective. The Committee calls upon States parties to strengthen their data collection system and to provide the Committee with adequate information to be able to assess the extent of racial discrimination.

The Committee has also noticed that in many cases it is extremely difficult to establish racial discrimination and provide relief for victims. In some cases, reparation for victims of racial discrimination has been completely ignored in national laws and, in others, legal proceedings have been too lengthy and cumbersome for speedy redress. CERD has consistently raised issues like hate speech, racism in sports, dissemination of racist ideas, be it on the internet or by politicians and media persons in their public discourse. States have been requested to establish or strengthen appropriate mechanisms at the national level to fight racial discrimination.

As part of its mandate, CERD always focuses on the needs of vulnerable groups, such as indigenous peoples, immigrants, migrant workers, Afro-descendants, Roma and other minorities that face multiple forms of discrimination, including *de facto* segregation, and lack of access to adequate housing or education. Such groups are often subjected to new forms of racial discrimination and their insidious manifestations. They also face the consequences of the lack of equality before the law in the enjoyment of their human rights.

During its dialogue with State parties, States are requested, as appropriate to enact legislation to prohibit racial discrimination, to prosecute offenders and ensure that effective remedies are available to victims.

Provided that the State concerned has made a declaration to recognize the Committee's competence under Article 14, victims of racial discrimination have the right to send individual communications to the Committee. In this regard, there is room for improvement as only 54 States parties have made the optional declaration and as a consequence the individual communication procedure is underutilized, in spite of repeated requests to States parties by the Committee and the General Assembly.

CERD has also put into place an early warning and urgent action procedure to deal with potentially grave violations of human rights.

In line with its mandate and in order to facilitate the implementation of the Convention by State parties, the Committee has adopted a number of General Recommendations setting out the legal bases for the recognition of categories of vulnerable groups. Among these, I wish to highlight the Committee's General Recommendation 25 (2000) on gender-related dimensions of racial discrimination in which the Committee recognises that some forms of racial discrimination have a unique and specific impact on women and therefore advises States parties to identify, compare and take steps to remedy forms of racial discrimination against women that may otherwise go unnoticed and unaddressed.

Furthermore, at its recently concluded 79th session, the Committee adopted General Recommendation No. 34 (2011) on racial discrimination against people of African descent as it

has become evident from the examination of States parties reports that racial and structural discrimination continue to affect the lives of people African descent. The General Recommendation seeks to clarify the responsibilities of States parties, including the collection and analysis of disaggregated data on the situation of people of African descent.

Excellencies,
Ladies and Gentlemen,

Allow me to reaffirm the vital and positive role of civil society actors, particularly national human rights institutions and non-governmental organizations in the fight against racial discrimination, a role which often benefits victims of racial discrimination.

The Committee provides ample time for in depth exchange with these organizations.

The economic and financial crisis is another hurdle that has cropped up recently, which could lead to the curtailment of programs in State parties that were designed to improve the situation of groups most vulnerable to racial discrimination. And it is precisely now that the OHCHR Secretariat needs adequate resources to carry out its significantly enlarged mandate.

As we start discussing the theme of this Round Table: "Victims of racism, racial discrimination, xenophobia and related intolerance: recognition, justice and development", we remain mindful of our responsibility to eliminate and combat racism and racial discrimination. Protecting the countless victims of insidious or blatant forms of racial discrimination in their daily lives in our societies is also part of our mission. Where necessary, the international community is required to act in face of potential threats of genocide, war crimes, ethnic cleansing or crimes against humanity.

Mr. President,

Let me conclude by reaffirming my Committee's strong support to this high-level meeting in mobilizing and energizing the political will of States to build a world free from all forms of racism, racial discrimination, xenophobia and related intolerance.