

Agenda Item 9 – General Debate –Oral Intervention on 23 April 2009 at The UN Durban Review Conference 20-24 April 2009. Presented by Alice Mogwe, DITSHWANELO – The Botswana Centre for Human Rights.

The International Federation for Human Rights, DITSHWANELO – The Botswana Centre for Human Rights, The Bahrein Human Rights Society and UFTDU (Italy), welcome the adoption of The Declaration of the Durban Review Conference.

We recognise that the Declaration does not place different values on the experiences and the suffering of victims. Instead, it reflects common agreement on the unacceptability of racism, racial and ethnic discrimination, xenophobia, and related intolerance. It also recognises the persistence and increase of this scourge within all our societies.

Consequently, we regret the absence of several Western States from this Conference. In doing so, they curtail the global impact of this important consensus. We particularly deplore the departure of some of these States, after they had engaged in negotiations which had satisfied a number of their demands.

We note that the Conference deplores incidents of religious intolerance and violence which have been witnessed in the context of the fight against terrorism. It further deplores derogatory stereotyping and stigmatisation of persons based on their religion. This is a positive move away from a narrow, politically defined notion of ‘defamation of religion’.

States also noted progress to eradicate multiple discrimination against persons living with and affected by HIV/AIDS and recommended that States guarantee universal and effective access to all health services. However, we are aware that such access is currently not effectively available to persons on grounds of their sexual orientation in countries where homosexuality is criminalised.

Mr President, The Declaration contains an important recognition of the rights of migrants, including domestic workers, which in many countries are not even included in their labour laws. It notably urges the international community to take into account the human rights of migrants while developing bilateral and international partnerships on migration. We made this recommendation to the Global Forum on Migrations and Development, to countries of the Arabic peninsula, and to the European Union.

We regret however that the Declaration does not urge States to ratify the International Convention on the Rights of Migrant Workers and their Families. This instrument has not yet been acceded to by any Western country.

We further regret that the Declaration does not recognize some of the important interpretative and jurisprudential developments which have occurred since the Durban Conference of 2001, such as the General Comments of the ICERD on the Roma, on descent, including the caste system, and on non-citizens.

We also regret that the document fails to refer to foreign occupation as a cause of racism and discrimination. This would have implicitly condemned the closure of territories, the seizure of land, the development of illegal settlements, the systematic violations of cultural rights and of the right to education.

While the Declaration recalls States' obligations to provide reparations to victims of racism and racial discrimination, it deliberately limits the obligation to provide reparation within their

jurisdiction. This is a *de facto* denial of people's rights to reparations for crimes committed by States other than their own or by business entities from foreign countries. We restate our recommendation to States that they apologise and guarantee non-repetition of crimes committed under contemporary and past colonialism and slave trades.

The Declaration recognizes the link between poverty, economic disparities and racism. We are aware that such disparities also contribute to the unequal exposure to the consequences of environmental degradation, including the dumping of toxic waste, dangerous working and living conditions and unsafe and unregulated methods of extracting natural resources.

In conclusion, we appreciate that it has been a difficult process to reach consensus, which inevitably excluded a number of issues affecting individuals and communities around the world. We nevertheless remain committed to promoting their recognition and resolution.