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Item 68. Elimination of Racism and Racial Discrimination

Introductory Statement by

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First Secretary**

on behalf of the European Union

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Mr. Chairman,

I have the honour to speak on behalf of the European Union. The Candidate Countries Croatia* and the former Yugoslav Republic of Macedonia*, the Countries of the Stabilisation and Association Process and potential candidates Albania, Bosnia and Herzegovina, Montenegro and Serbia, as well as Ukraine, the Republic of Moldova, Armenia and Georgia align themselves with this declaration.

The EU has as one of its fundamental founding principles the concept that all men and women are born free and equal in dignity and in rights. Racism, racial discrimination, xenophobia and related intolerance undermine this principle and are a challenge that the EU is fully determined to tackle.

Therefore, the EU has been and continues to be fully committed to the fight against these phenomena. Besides policies and actions taken by Member-States at national level, including the implementation of National Action Plans as requested by the Durban Declaration and Programme of Action, the Union has its own strategy, at regional level, to combat racism. According to its own competences in the area, the EU had two major pieces of legislation entering into force in 2004, namely the Directives on Racial Equality and on Employment Equality. These are applicable in all Members States and address discrimination on the grounds of race, ethnic origin, religion, disability, age and sexual orientation. In order to monitor the implementation of the Directive on Racial Equality, the European Commission has set up a network of legal experts to provide information and advice on recent developments at the implementation level. The Employment Equality Directive urges Member-States to take concrete measures to end racial discrimination at workplace.

Furthermore, a Framework Decision on Racism and Xenophobia, of the Council of the European Union, has been enacted last April. This distinctive legal tool criminalizes acts of racism and xenophobia throughout Member States of the European Union, preventing the impunity of crimes motivated by racist or xenophobic attitudes. Finally, 2007 marks the 10th anniversary of the European Year against Racism, which enabled considerable progress to be made in the elimination of racial discrimination. The EU now celebrates the *Year for Equal Opportunities for All*, which will contribute to raise awareness on the implementation of European legislation on non-discrimination. Several initiatives are being undertaken, as an on-line consultation promoted by the European Commission to help planning new measures to tackle discrimination. As paragraph 76 of the Durban Declaration points out, genuine equality of opportunity for all is fundamental for the eradication of racism. In that context, one

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

of the priorities of the EU social agenda for 2005-2010 is the promotion of equal opportunities for all as a means of eradicating discrimination and reaching a more inclusive society.

Mr. Chairman,

These are only some of the initiatives taken by the EU in the context of the fight against racism. They demonstrate that the Union considers this combat with utmost seriousness and as one of its major priorities. Racism is a continuing scourge that affects societies all over the world, including in Europe. It is the obligation of all States to eliminate racial discrimination and every form of discrimination. The EU will continue to pursue its efforts at the national, regional and international level to fight racism, racial discrimination, xenophobia and related intolerance.

We believe that it is extremely counter-productive to polarise and politicize the question of racism, to use it to selectively target particular regions of the world or to try to establish an hierarchy between victims. Quite differently, we consider that the plight of all victims must be equally addressed and that all States must show the political will to recognize the existence of the scourge of racism and to strive for its elimination.

At the international level, the Convention on the Elimination of all forms of Racial Discrimination is the core legal instrument which full implementation is fundamental for the success of the global fight against racism. We urge all States to ratify this Convention and implement its provisions as a matter of priority, and to adopt effective measures at a national level to combat the symptoms and causes of racism and discrimination. This Convention is a living document. Through its work, the Committee on the Elimination of Racial Discrimination has demonstrated the pertinence and usefulness of the Convention to address new and contemporary forms of discrimination, xenophobia and intolerance. The EU wishes to express its appreciation and support for the work of the Committee. Also, we are grateful for the very relevant contribution to combating racism, racial discrimination, xenophobia and related intolerance of the Office of the High Commissioner for Human Rights, including through its Anti-Discrimination Unit, and of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance.

Mr. Chairman,

Another cornerstone of the global fight against racial discrimination is the Durban Declaration and Programme of Action. The European Union and its Member States were among those who actively participated in the negotiations at the Durban World Conference, in 2001, and agreed on the final document. We have since focused our efforts on the full implementation of the agreed principles and operational recommendations of the Durban DPA.

Last year, this General Assembly took the very important decision to convene for 2009 a Review Conference on the implementation of the Durban DPA within the framework of the GA. This was an initial proposal of the G77 and, after lengthy and difficult negotiations, the

EU was able to vote in favour of the draft resolution that included this decision. As we announced then, our understanding of OP33 of that draft resolution, taking into account the negotiation process, was that the review would be conducted at a high-level meeting in the framework of the GA, that it would focus on the implementation of the Durban DPA, without any reopening of that document, and that its preparation by the Human Rights Council would not entail the creation of new mechanisms. On the basis of this understanding, we are fully committed to the realization and success of this Conference and we welcome the opportunity that it will give us to share what the European Union has done to implement the Durban DPA and to learn from the experiences of our partners from other regions.

We are grateful for the flexibility then shown by the G77 that allowed the formation of a broad consensus around this resolution. The EU has repeatedly affirmed that the international follow-up of the Durban DPA must be done through a framework that ensures a broad consensus and includes all regions of the world. This is because we believe that the major added value of the Durban DPA is its universality. Most States and regions have strategies to combat racism. But what we agreed in Durban goes further than these national and regional strategies and constitutes our global agenda to strive for the elimination of racial discrimination all over the world. For its implementation and follow-up to be successful the broad consensus achieved in Durban has to be maintained.

This is why we were very disappointed when, last year, even before our compromise at the Third Committee was confirmed by the GA Plenary, two draft resolutions were presented at the Human Rights Council that contradicted the letter and the spirit of the New York decision. The European Union was forced to vote against both these drafts in Geneva and the broad consensus achieved at the General Assembly was broken.

Nevertheless, the European Union participated actively and constructively in the Organizational Session of the Review Conference's Preparatory Committee last August in Geneva. We are grateful for the spirit of compromise that all delegations have shown and the serious negotiations on all proposals that followed, lead by the President of the Preparatory Committee and facilitators. Once again, the openness, hard work and strong will of all delegations to achieve consensus allowed the Preparatory Committee to adopt 15 decisions without a vote, including on the objectives of the Review Conference.

However, history seems to have a tendency to repeat itself in this process: Less than one month after this compromise, three drafts were presented at the Sixth Session of the Human Rights Council that were not in line with the compromises reached at the Preparatory Committee regarding the objectives of the Review Conference. Once again, the European Union was forced to vote against these proposals, because we remain committed to these compromises.

The obvious question to ask after these two disappointing experiences is whether it is worth for all delegations to make such hard efforts to reach compromises if they can be so easily

broken. It also raises some doubts on whether some of the main players in this process are really interested in keeping the follow-up of the Durban process in a framework that ensures a broad consensus and includes all regions of the world. From its part, Mr. Chairman, the EU continues to be fully committed to the implementation of the Durban DPA and to the global combat against racism. As we said, we believe that the fight against the scourge of racism is too important to be used as a political tool. We consider that this combat must be done on the basis of the broadest possible consensus. With that ultimate goal in mind, we will continue to be actively engaged in the search of such consensus. We hope negotiations will take place in a spirit of openness and compromise. We have all indeed demonstrated in the past, in this process, that it is possible and produces effective results.

Mr. Chairman,

The underlying question in the debates over the objectives of the Review Conference has been whether it should, as agreed by the General Assembly, focus on the implementation of the Durban DPA or whether it should focus on issues outside of the framework of the Durban DPA. By focusing on reviewing the implementation of the Durban DPA, the sharing of good practices and the identification of the major challenges faced, the Review Conference can make a strong contribution to a more co-ordinated and effective implementation of the DPA and serve to reaffirm the unity of the International Community behind this common strategy. This should certainly be our collective goal. However, by focusing on issues outside of the framework of the Durban DPA, the Review Conference would dilute the focus on progress made since 2001 and addressing the challenges ahead. To do so would be detrimental to the effective implementation of the agreements reached in Durban and could undermine the broad consensus that exists around the DPA. The result would in fact be the weakening of the global and common fight against racism. We urge all States to ensure that we remain focused on our task as set down by the GA.

Mr. Chairman,

Another controversial issue in this process in the last years is the eventual elaboration of complementary standards to the ICERD. The European Union is aware that such elaboration is a part of the agreement reached in Durban. We are therefore open to further consider such elaboration. Nonetheless, we believe that some criteria must be met: The existing normative structure must be fully implemented and further explored in order to address current challenges; new standards should only be elaborated if there is a proved need and if there is a broad consensus, since they aim to be universal; and eventual new standards must expand, and not be detrimental to, the promotion and protection of human rights.

According to these principles, the EU is concerned to see the process of eventual elaboration of complementary standards going in a direction that can reduce the level of promotion and protection of human rights by shifting from the protection of the rights of individuals to the protection of ideas or concepts. This seems to be exactly the opposite of what bodies like the

Human Rights Council, in accordance with its mandate, should do, namely to protect the human rights of all persons, especially victims and vulnerable individuals.

There is a strong universal consensus on the abhorrence of the phenomena of racism, racial discrimination, xenophobia and related intolerance and the urgent need to eliminate them. To dilute this concept with other issues and to weaken its strength and consensual basis by mixing it with controversial questions not related to the heart of the fight against racism would, we fear, distract the international community of our common endeavour to eliminate racism from our societies.

Let us be clear: All forms of discrimination are unacceptable. Discrimination on the basis of religion or belief, discrimination on the basis of sexual orientation, as all other forms of discrimination, including multiple discrimination, must be fought with absolute determination by all States. The rise in particular forms of discrimination, also as identified by the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, is extremely worrying and must be addressed by the International Community. However, in the context of the Durban DPA, the International Community has found a universal and broadly consensual strategy to combat racism, racial discrimination, xenophobia and related intolerance, which should not be undermined.

The victims of racism worldwide expect us to concentrate on their suffering and to find ways to protect and promote their rights and find remedies for past violations. The full implementation of ICERD and of the Durban DPA on a consensual basis offer us a great opportunity to answer to their plea. They cannot afford the luxury of us missing it.

Thank you, Mr. Chairman.