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The Durban Review Conference: Validating Constraints on Fundamental Rights

Intervention at the Durban Review Conference

United Nations, Geneva
April 23, 2009
Draft Transcript

Thank you Mr. President,

We share the sentiment of many in the NGO community that the treatment of our organizations this week has been disappointing to say the least. In this venue and for this conference, the value of input from national, regional, and international NGOs prior to the adoption of the outcome document would have been particularly constructive.

As it is, the final outcome document was adopted on the second day of the conference before a single NGO had the opportunity to make an intervention. Certainly some NGOs participated in the preparatory meetings for the Durban Review Conference, but the vast majority of NGOs cannot afford to travel to Geneva on multiple occasions and were relying upon this week to be heard.

For some reason that has not been adequately explained, the outcome document was rushed to a conclusion and we are sitting here today speaking about issues that have already been decided.

We appreciate the fact that the final outcome document is better than earlier drafts that made numerous overt and implicit references disparaging Israel and calling upon states to restrict fundamental rights to freedom of opinion and expression in order to combat so-called "defamation of religions".

Unfortunately, there remain a great many concerns that we have about the outcome document adopted earlier this week.

We concur with the U.S. government's stated disappointment over the outcome document's unqualified endorsement of the Durban Declaration and Program of Action, which unjustly singles out Israel and alleges that Palestinians are victims of Israeli racism.

We also strongly oppose at least six of the paragraphs remaining in the outcome document that call for constraints on the freedom of opinion and expression and, in a few instances, freedom of assembly.

The phrase “defamation of religions” has been excised, but the “defamation of religions” doctrine remains intact. It was a change in form, not substance.

No reasonable person wishes to be in the position of defending intolerant, defamatory or racist speech or individuals endorsing such sentiments. Yet freedom of speech and assembly mean very little unless they apply equally to everyone, even groups that may be political or moral pariahs.

Uncontroversial ideas or organizations do not need to fear constraints on the rights to freedom of speech and assembly. A society’s adherence to these rights is truly measured by the extent to which even objectionable ideas and groups are accorded protection.

In conclusion, other NGOs have asked “what has this conference accomplished?” As they have pointed out, it has not confronted a single instance of state sanctioned racism, racial discrimination or religious intolerance – despite ample evidence of such in China, Iran, Sudan, and in many of the other countries represented in this room.

But the conference has accomplished something.

The disappointing reality is that the outcome document provides justification for countries around the world to constrain freedom of speech and expression.

Constraining fundamental freedoms will not resolve religious or racial tensions. More open dialogue and tolerance, not less, is necessary.

Thank you Mr. President.