

**Interpretative statement by HE Ambassador Peter Gooderham on the adoption of the Outcome Document of the Durban Review Conference, 24 April 2008**

The United Kingdom welcomes adoption by consensus of the outcome document of the Durban Review Conference. We were pleased to join that consensus. And in that regard, I would like to make the following precisions about my Government's understanding of the commitments it has undertaken in agreeing to the Outcome Document.

At the outset, my Government would like to make two general points. Firstly, it reaffirms the precisions contained in the statement delivered by Belgium, on behalf of the European Union, during the 20<sup>th</sup> plenary meeting of the World Conference Against Racism on 8 September 2001, following adoption of the Durban Declaration and Programme of Action.

Secondly, the UK's support for the outcome document of the Review Conference is on the clear understanding that it is a generic document and does not single out any particular country or region for consideration. It applies equally to all states.

Mr Chairman

I would also like to make the following points about specific issues addressed in the Outcome Document.

The fight against racism, discrimination and intolerance is a priority for the UK. Crimes motivated by racial, religious, or other forms of hatred are not just attacks on the individual, they are attacks on the whole of society. We therefore have strong and effective laws against racially and religiously motivated violence and incitement to racial and religious hatred. Our judges can impose higher penalties where the crime is motivated by hatred of the person's sexual orientation or disability. Our laws are underpinned by strong policies and programmes to promote equality, understanding and good relations between different groups.

Regarding paragraphs 13, 60, 69, and 99, the UK has a long tradition of freedom of expression, which allows individuals and organisations to hold and express views that may be offensive or distasteful to the majority. We believe that such people have their right to express those views, however abhorrent, so long as they are not expressed violently or incite violence or hatred. The UK therefore maintains its interpretation of Article 4 of the International Convention for the Elimination of all forms of Racial Discrimination, stated on signature of the Convention in 1966, that article 4 requires a party to the Convention to adopt further legislative measures in the fields covered by subparagraphs (a) (b) and (c) only if it considers - with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of the Convention (in particular the right to freedom of opinion and expression and the right to freedom of peaceful assembly and association) - that any additional legislation or variation of existing law and practice is necessary to meet those

ends. The UK's understanding of the treatment of these issues by the Review Conference Outcome Document is therefore subject to that same interpretation.

We condemn all individuals and organisations that promote racism, anti-Semitism or religious and other forms of intolerance. They, and their message of division and fear, must be condemned marginalised. The UK's combination of legislative, judicial and policy measures to tackle does just that.

We believe that positive action can be a powerful tool to tackle inequality, when carefully targeted at groups that experience particular disadvantage. We note that paragraph 72 cites two particular groups, but interpret those as examples, which may vary from country to country.

The Outcome Document makes a number of references to indigenous people. The UK would like to reiterate that it does not recognise the concept of collective human rights in international law, with the exception of the right of self-determination. As explained in our interpretative statement made on 29 June 2006 at the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, the UK considers that indigenous individuals are entitled to the full protection of their human rights and fundamental freedoms in international law, on an equal basis to all other individuals, as human rights are universal and equal to all. However, the UK does not accept that some groups in society should benefit from human rights that are not available to others. This is a long-standing and well-established position of the UK. It is one we consider to be important in ensuring that individuals within groups are not left vulnerable or unprotected by allowing rights of the group to supercede the human rights of the individual. This is without prejudice to the UK's recognition of the fact that the governments of many States with indigenous populations have granted them various collective rights in their constitutions, national laws and agreements. Our support for the Outcome Document as a whole, and paragraph 73 more specifically, does not change in any way our general position on collective rights, which remains as set out in our interpretative statement made at the adoption of the UN Declaration on the Rights of Indigenous Peoples on 29 June 2006.

The United Kingdom was disappointed not to have seen a PBI before adoption of the Outcome Document. We should therefore stress that any additional costs arising from this document should be met from within existing resources.

Finally, Mr Chairman, the UK would like especially to endorse the references in paragraphs 35, 85, 87 and 94 of the Outcome Document to multiple discrimination. In the UK, our laws protect people from discrimination on grounds of race, gender, disability, sexual orientation, religion or belief and age. There must be no hierarchy of discrimination. It is no more acceptable to discriminate against a person because of their sexual orientation than it is to discriminate against a person because of their racial or ethnic origin. Disapproval of a person's beliefs, sexual orientation or personal characteristics can never justify violence or hatred. Victims of such crimes, including lesbian, gay, bisexual and transsexual people, deserve the full protection of the law.

I request that this statement be reflected verbatim in the report of the Conference.