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HUMAN RIGHTS COUNCIL  
Seventeenth Session

**Panel on best practices in the fight against racism, racial discrimination, xenophobia  
and related intolerance in the context of the tenth anniversary of the Durban  
Declaration and Programme of Action**

**Statement by Mr. Githu Muigai  
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xenophobia and related intolerance**

*Geneva, Palais des Nations, 15 June 2011*

Madam High Commissioner,  
Mr President,  
Excellencies,  
Distinguished delegates,  
Ladies and Gentlemen,

It is a great opportunity and a pleasure to be among you today for this important panel on best practices in the fight against racism, racial discrimination, xenophobia and related intolerance held in the context of the tenth anniversary of the Durban Declaration and Programme of Action to be celebrated this year. In this regard, allow me to congratulate the Human Rights Council for dedicating part of the programme of work of its seventeenth session to such a discussion.

Ten years after the Durban Conference multiple initiatives have been adopted to realize the visions and commitments accepted in 2001 and affirmed in 2009. Therefore it is crucial to consider how these commitments have been translated into domestic orders, including through the development of good practices.

Mr President,

During my mandate, I have identified a number of good practices in the fight against racism, racial discrimination, xenophobia and related intolerance. They include legal, policies and institutional measures that I have highlighted during my country visits and in my reports to the Human Rights Council and the General Assembly. Before sharing my experience on this issue, I would like to emphasize that the examples of good practices that I will present are not exhaustive.

The Durban Programme of Action (para. 68) urges States to adopt national legislation to combat racism. In the course of my work I have noted that in general, most States have prohibited racial discrimination under their legislation. This is an important and useful development. For instance, in my last report to the Human Rights Council I noted the development of national laws against racism and racial discrimination that provide good protection for Roma people. I also noted that a number of national legislation and constitutions prohibit discrimination based on work and descent.

The Outcome Document of the Durban Review Conference (para. 28) reaffirms the call upon States to formulate action plans to prevent, combat and eradicate racism, racial discrimination, xenophobia and related intolerance. Many countries have already developed such action plans. This is a positive step. For instance in Germany I noted that a National Action Plan against Racism was prepared in line with the provisions of the Durban Declaration and Programme of Action. Similarly, in my last report to the Human Rights Council I welcomed the national action plans and strategies which have been developed for Roma.

Excellencies,

Experience shows that it is essential to establish specialized institutions to monitor and raise awareness about racism, racial discrimination, xenophobia and related intolerance. States should ensure that such institutions have a robust mandate and adequate resources. In 2006 for example, in Brazil my predecessor highlighted institutions specifically in charge of combating racial discrimination, including the Special Secretariat for the Promotion of Racial Equality.

Another major area of intervention is education. Indeed education is a key tool in promoting democratic values and human rights and instilling a sense of tolerance at an early age. Several countries have already invested in education to foster mutual understanding and respect for cultural diversity. In Singapore for instance some educational policies and programmes have been developed to contribute to the peaceful coexistence of the diverse communities.

Ladies and Gentlemen,

National legislative framework should provide effective judicial and other remedies or redress to victims of racial discrimination. According to my experience migrants workers are one of the most vulnerable groups, and several countries have adopted specific measures for their protection. For example during my visit to the United Arab Emirates in 2009, I noted the setting up of channels for foreign workers to submit complaints and the establishment of language and financial assistance to file lawsuits in court.

Other positive examples identified include the training of law enforcement agents and awareness raising measures. For instance in my last report to the General Assembly on the implementation of the General Assembly resolution 64/147, a number of States provided information about the development of such trainings of law enforcement agents and awareness-raising measures. In this context I highlighted the importance of such information for the sharing of experiences and best practices.

Excellencies,

While good practices apparently have been adopted some challenges remain that require further efforts from Governments. These challenges mainly lie in the lack of effective implementation of the various measures taken to eliminate racism and racial discrimination, and the limited sharing of experiences and good practices. The lack of implementation resulting from the absence of political will is indeed a major obstacle. The elimination of racial discrimination and racism is not always seen as a priority at the national level and local authorities sometimes fail to implement properly the legislation and policies developed.

Creating an institutional framework for the adequate promotion and sharing of best practices in the fight against racism will help States to draw on positive lessons that can be transferred to other contexts. Furthermore, the Office of the High Commissioner for Human Rights best practices database once finalised will be a key tool in the identification and sharing of good practices. As stated in the Durban Programme of Action (para. 191 (d)), we have to ensure that such a database will be as accessible as possible to those in authority and the public at large. States can also make better use of the Universal Periodic Review process to share good practices.

Ladies and Gentlemen,

There is a need to encourage States to develop a comprehensive approach when developing good practices. Such an approach should include legislation consistent with international human rights standards; the elaboration of national action plans; effective human rights institutions to prevent and eliminate racism; and strengthened and better coordinated implementation efforts at the national and local levels. Such an approach should be complemented also by others positive measures, such as affirmative action; the collection of ethnically disaggregated data; human rights training of law enforcement officials; and education.

I thank you for your attention and look forward to our discussion today.

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