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**Statement by Githu Muigai  
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Discrimination, Xenophobia and Related Intolerance**

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Mr. President,  
Excellencies,  
Ladies and Gentlemen,

It is a privilege to come before you and engage in an interactive dialogue with the Third Committee on issues relating to my mandate as Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. In this oral statement, I intend to raise some key issues included in my interim report (A/64/271) and in my report on the implementation of GA resolution 63/162 (A/64/295).

Mr. President,

This year has been very much marked by the holding of the Durban Review Conference, which represented a unique opportunity to rebuild strong international consensus on the struggle against racism. As I have said before, the Durban Declaration and Programme of Action and the Durban Outcome Document constitute comprehensive blueprints which provide the international community with a comprehensive plan of action encompassing legislative, political and awareness-raising measures needed to combat racism. While acknowledging those initiatives already undertaken, I therefore reiterate my call to all stakeholders, including those who did not attend the Conference, to identify concrete measures at the domestic level and to establish a roadmap with realistic benchmarks in order to implement these important international documents.

Excellencies,

My interim report provides an overview of my activities since last year. These include country missions, which are an invaluable tool for Special Rapporteurs, since we can engage directly with governmental and non-governmental representatives and obtain first-hand information. Since my appointment in August 2008, I have conducted two country visits: one to Germany last June and another one to the United Arab Emirates a month ago. During these missions, I experienced good cooperation from both Governments concerned and there was always a genuine dialogue aimed at strengthening the capacity of States to comply with their human rights obligations. A detailed analysis of my findings will be presented to the Human Rights Council in June 2010.

Other activities undertaken include participation in meetings addressing diverse topics and a variety of communications. I would like to take this opportunity to share with the Assembly some of the key thematic issues raised during the past months.

Racial discrimination unfortunately affects individuals in all societies and regions of the world. While the manifestations of racism may vary in nature and degree depending on the historical, geographical and cultural context, all individuals, regardless of their race, colour, descent or national or ethnic origin, should be offered robust and effective protection against racial discrimination. In this regard, I was particularly pleased at the recent positive developments within the United Nations on the question of discrimination based on work and descent. Allow me here to refer to the "Draft UN principles and guidelines to eliminate caste discrimination" which were presented in Geneva last September, with the support of the Office of the High Commissioner for Human Rights and which were endorsed by the Government of Nepal. I have already expressed my serious concerns about this form of discrimination and have in this respect associated myself with the clear position taken by the Committee on the Elimination of Racial Discrimination. As said two weeks ago by the High Commissioner for Human Rights, "the time has come to eradicate the shameful concept of caste". It is therefore my hope that in the coming months, States will engage in

substantive discussions on this topic and will eventually rally around these draft principles and guidelines to eliminate caste-based discrimination.

Another issue which has drawn my attention since my appointment is the situation of Roma. Last year, a joint press statement was released with the Independent Expert on minority issues on this subject. We underlined that effective action was required to stem the growing tide of anti-Roma hostility and violence. I however regret to say that I continue to receive reports indicating that the situation has hardly evolved and that Roma are still being the daily victims of societal discrimination. It is unacceptable for any sector of society to be vilified, threatened and attacked. The growing number of such incidents requires both a national and European-wide response. I strongly reiterate my call upon concerned governments to commit to find solutions addressing the root-causes of the problems as well as the violent manifestations affecting Roma people in Europe.

Mr. President,

My attention has very much focused on the question of incitement to racial or religious hatred. Most recently, at the request of the Human Rights Council, I presented a report on “all manifestations of defamation of religions, and in particular on the serious implications of Islamophobia, on the enjoyment of all human rights by their followers”. During the interactive dialogue held with Member States of the Human Rights Council, I noted that the terminology controversy around the concepts of “defamation of religions” and “incitement to racial or religious hatred” had unfortunately detracted our attention from real problems affecting the persons we aim to protect. I therefore recommended focusing on the rights of individuals affected by racial and religious intolerance, discrimination or violence, as well as on the best ways to prevent and combat such deplorable acts. In doing so, I took the view that we rely on existing human rights norms in order to find a way out of the terminology controversy. We will obviously need to continue the debate on this matter and it is my sincere hope that its outcome will provide effective and concrete responses to individuals who are victims of discrimination or violence on the grounds of ethnicity, religion or belief.

My interim report also briefly addresses the questions of racism and poverty, as well as genocide. In this regard, allow me to put emphasis on two points. First, in order to further clarify the nexus between poverty and racism and in accordance with the recommendations made in the Durban-related documents, it is necessary to collect ethnically-disaggregated data. I am fully aware of the reluctance expressed by some States against the collection of such data and I also understand the reasons underlying such a reaction, including the risk of its pernicious use. However, the lack of accurate data has up to now prevented States to devise specific and appropriate public policies aimed at redressing ethnic imbalances. I therefore would like to reiterate my call to shift away from the debate on the need or not to collect ethnically disaggregated data to a thorough discussion on how to best collect it.

Second, the importance of early-warning indicators with regard to situations which could lead to genocide has been underlined on several occasions and most recently at a roundtable on “Early warning and emerging issues”, in which several Special Procedures mandate-holders participated. While I could regrettably not attend this event, I nonetheless would like to take this opportunity to add my voice to what has been said by my colleagues. Indeed, as Special Rapporteurs, we provide an independent assessment and present recommendations on steps to be taken by States and the international community to defuse tensions at an early stage. Through tools such as country visits, reports and allegation letters, we can draw attention to emerging problems. I believe that the early-

warning function of Special Procedures is an essential one and I have therefore the intention to focus more on this issue in the framework of my mandate in the coming months.

Mr. President,

Allow me now to turn to my second report. Adopted last year, GA resolution 63/162 on the inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance, requests the Special Rapporteur to prepare a report on the implementation of the resolution, based on the views collected from stakeholders. In this regard, I am grateful to all States that sent me their contributions, which are summarized in the report. Such an exchange of information allows for the establishment of an initial catalogue of good practices in the fight against racism. While I am aware that these practices are country-specific, I am nonetheless of the view that they might also apply to, or at least constitute a source of inspiration for, other countries facing similar problems.

There is of course no easy answer on how to best deal with extremist political parties, movements and groups, including neo-Nazis and skinhead groups. My report however attempts to reflect on the ways and means to cope with this disturbing phenomenon. The implementation by States of international human rights standards, in particular article 4 of ICERD, should in this regard, be treated as a matter of priority.

But in addition to legislation prohibiting the dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts, States ought to contemplate other measures. Indeed, laws on their own are usually insufficient to prevent deeply racist mentalities and behaviours. States should therefore engage in broader efforts to combat negative stereotypes of, and discrimination against, individuals and groups, and to promote intercultural understanding. Education is, in this regard, key. Other positive measures described by some States in their contributions include training seminars for State agents and media professionals, as well as various initiatives bringing communities together and providing them with space for genuine dialogue. The participation in decision-making of members of diverse communities, particularly those targeted by racial discrimination, is an important tool to help counter negative stereotypes and ensure the adequacy of measures taken to combat racism. The existence of accessible and effective remedies is also an absolute necessity to deter and fight the dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as acts of violence or incitement to such acts against a specific group of persons. Let me here take this opportunity to encourage all States parties to the ICERD that still have not done so, to make the declaration under its article 14, which enables the Committee on the Elimination of Racial Discrimination to examine individual communications. States should also disseminate information about this procedure at the domestic level.

Finally, Mr. President, I would like to conclude by recalling that unfortunately no countries are immune to racism. Although its manifestations may vary widely, according to the context in which it evolves, racism is still a pervasive phenomenon affecting all layers of society in all regions of the world. I therefore would like to recommend that all States acknowledge that racism exists in their society and that they adopt a broad understanding of the notions of racism, racial discrimination, xenophobia and related intolerance in order to take appropriate measures to fight its manifold manifestations.

I thank you.