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Statement by Mary Robinson  
United Nations High Commissioner for Human Rights



COORDINACION DE HUMANIDADES

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Latin America and Caribbean Regional Seminar of Experts

“IMPLEMENTATION OF THE DURBAN  
PROGRAMME OF ACTION:  
AN EXCHANGE OF IDEAS  
ON HOW TO MOVE FORWARD”

Organized by the Office of the High Commissioner for Human Rights  
with the support of the Economic Commission for Latin America and the  
Caribbean

Mexico City, 1 - 3 July 2002

1. Racismo  
2. Discriminación  
3. Migración  
4. América Latina

Ms. Under-Secretary for Human Rights and Democracy

Distinguished Representative of the Economic Commission for Latin America and the Caribbean

Excellencies,

Ladies and Gentlemen,

It is a pleasure to be with you here today in historic and beautiful Mexico City. Its legacy of culture and civilisation is reflected in the rich diversity of its peoples and traditions. I am grateful to the Government of Mexico, who played such a prominent role in the World Conference against Racism, and very pleased that the first post-Durban expert seminar is being held in this great country. My thanks also go to the Economic Commission of Latin America and the Caribbean for its invaluable support.

It is a popular cliché to say that the world changed on September 11 last year. To an extent, it did. Some of the reactions towards Arabs, Muslims and Jews in various parts of the world since September have been ugly and unacceptable. The actions of some governments, as they seek to protect their civilian populations, has also been troubling. But clearly the fundamental issues of racism, racial discrimination, xenophobia and related intolerance long predate September 11.

Ironically, we were grappling with these very issues in Durban just three days prior to the act of hatred and intolerance that cost so many innocent people their lives.

You meet at a challenging time for the human rights community. Apart from the events of September 11 and their aftermath, we have seen serious ethnic violence flaring-up around the world, nervous electorates have voted in unprecedented numbers for politicians with racist agendas, the situation of some indigenous peoples and minorities remains dire, and issues such as migration and refugee policy currently dominate many national newspapers.

How do you as experts begin to address these grave matters, without becoming overwhelmed by them? At the closing of the Durban Conference I said that “the true measure of our work will be whether it makes a real difference in the lives of the victims of racism and discrimination”. This is a useful test to apply to your own work. The purpose of this seminar is to gather ideas and suggestions from experts of the region about how to implement the Durban Declaration and Programme of Action in Latin America and the Caribbean. The more practical those ideas, the better. I hope that you avoid delving into the political and ideological disagreements that surfaced at the Durban Conference, and focus

instead on the concluding documents which, against the odds I must say, revealed a remarkable degree of international consensus on the key challenges facing us.

### Focus on the Victims

Amongst the most striking aspects of the consensus which emerged out of Durban was the identification of a number of specific victim groups, and agreement on measures for redressing the injustices they continue to face. For me personally, the most vivid memories of that complex and difficult conference were of the ordinary people, many of whom had never travelled before, who had come from all corners of the globe to tell their own stories. I hope your work will build on these efforts, including with regard to the situation of migrants, indigenous peoples, those of African descent and people who suffer multiple forms of discrimination.

Migration is an important issue for Latin America and the Caribbean, given the movement of people between the countries of the region, and migration to the countries of North America. The Durban Declaration and Programme of Action has a great deal to say about migrants. Indeed, according to the Director-General of the International Labour Organisation, Juan Somavia, the Durban provisions concerning migrants are the most progressive he has ever seen in an international

text. I would like to acknowledge the role of the Government of Mexico who, with other States in the region, championed the cause of migrants during the World Conference process. It is my hope that the same determination that went into forging these important provisions of the Durban text on migrants can now be focused on generating ideas and suggestions on how those commitments made in South Africa can now be applied in practice. One specific issue I would draw to your attention is the International Convention on the Rights of Migrant Workers and their Families. It is one ratification short of the 20 necessary to bring it into force. The Durban texts call on all states to ratify and, so far, six Latin American states have done so. There could be no better way of following up on the World Conference's concerns than to bring this important Convention into force, with the widest possible number of ratifications.

The plight of the many indigenous peoples of this region should also weigh heavily in your considerations. You should be aware that, since the World Conference, a new international mechanism has been created that will advance the rights of indigenous peoples and open more space for their voices to be heard. Just two months ago I participated in the launch of the Permanent Forum on Indigenous Issues in New York. The objectives of the Forum are complementary to, and build upon, the commitments made to indigenous peoples in the Durban final documents.

My Office will continue to support the Forum and, with your help, will ensure that the Durban provisions become an integral part of the Forum's work plan.

Among the issues which emerged most strongly during the preparations for Durban, and at the conference itself, was the situation of people of African descent. The Durban Programme of Action recommended the establishment of an expert working group to consider the follow-up and implementation of the Durban outcomes in this area. The United Nations Commission on Human Rights, at its last session, created such a working group, consisting of five experts to be drawn from each regional group, which will meet in November of this year and again in early 2003. I believe that the working group will play an important role in proposing specific measures to improve the situation of people of African descent, but it will require input from all regions – not least this region, whose representatives pushed so strongly for attention to this serious issue.

Finally, in identifying groups of victims, the Durban documents highlighted the gender dimension of racial discrimination, as well as the broader issue of multiple discrimination. I am glad that this subject is also on your agenda. Think about those millions of women who have to bear the burden of double



discrimination in so many countries, and I am sure that you will find innovative ways to address their particular problems.

### Tools and Strategies

The range of issues that you need to deal with is broad. But so too is the range of tools and strategies available to you. As a young lawyer in Ireland seeking to bring about social change, I learned to use all of the political, legal and social mechanisms at my disposal, including the new European institutions. The best advice I can give you is to be creative.

National Plans of Action have demonstrated their worth in terms of developing overall frameworks for human rights policy making. They can also become key planning tools for governments in moving forward with implementing their Durban commitments in areas such as the administration of justice, employment, health and education. Often, the process of developing a National Plan of Action – which must involve all elements of government and civil society – can be just as valuable as the final outcome.

The importance of independent National Human Rights Institutions is also being increasingly recognised. It is an area where my Office has been very active in all regions. Such institutions have proved effective in providing assistance to victims of discrimination, and helping them to obtain full and adequate redress. Many National Human Rights Institutions undertake other valuable work that helps to combat racism and promote equality through awareness raising activities, research and educational programmes and by advising the government on measures that could be considered to combat racism, promote social cohesion and value diversity.

The Durban Programme of Action places the main burden for implementation on States. In your deliberations you should focus on the role of governments in reviewing and adopting new legislation to combat discrimination, particularly in those areas where the Durban final documents call for new measures to be taken. You should also consider how your regional political structures can be mobilised to support individual government efforts.

Although Durban was an intergovernmental conference, those of us who were there will always remember it primarily as a great coming together of people. The young people in particular inspired us with their constant energy and idealism,



and effectively counter-balanced the exhaustion and cynicism that sometimes threatened to prevail elsewhere in the conference. In your discussions during the next three days, it is my hope that you will also reflect on how NGOs and other organisations from the civil society, especially youth organisations, can assist in implementing the Durban Programme of Action.

### The Role of OHCHR

As you generate new ideas for realising the promises of Durban, bear in mind the support available from my Office.

We have established an anti-discrimination unit which is devoted to the implementation of the anti-discrimination agenda adopted in Durban. Its first task has been to work actively on mainstreaming the Programme of Action into all relevant activities of the Office, as well as those of other UN bodies and specialized agencies. The unit will serve to focus the attention of States through the regular reporting to the General Assembly and the Commission on Human Rights. It will also service the open ended intergovernmental working group established at the last session of the Commission and the Eminent Persons group which the Secretary General will shortly be appointing, both of which are charged with overseeing the

implementation of Durban. Finally, the unit will spearhead public awareness and information activities worldwide.

My Office also stands ready to provide technical co-operation and advice in support of national initiatives to combat racism and discrimination, including in the drafting of National Action Plans, the establishment or strengthening of National Human Rights Institutions, and in the drafting of legislation.

Ladies and Gentlemen,

The multiethnic and multicultural character of countries in Latin American and the Caribbean was born of a complex history of conquest, colonialism, slavery and migration. Both history and contemporary events have demonstrated that combating racism in all its forms is of fundamental importance if we are to ensure the stability, security and prosperity of our societies. I attach great importance to this seminar, and look forward to receiving recommendations from you that will advance the effective implementation of the Durban Programme of Action, particularly in the Latin American and Caribbean Region.

I wish you great success in your deliberations.