

The role National Human Rights Institutions (NHRIs) in implementing the Durban Declaration and Programme of Action (DDPA)

Commitments by NHRIs at the Durban Review Conference, 20-24 April 2009

On 20 April 2009, NHRIs held a side event on their role in implementing the Durban Declaration and Programme of Action (DDPA) to share best practices on, and key challenges to, monitoring racism, discrimination, xenophobia and related intolerance. Those NHRIs attending made the following commitments to strengthen monitoring and implementation in relation to anti-discrimination.

1. The DDPA strongly emphasized the role of National Human Rights Institutions.
2. The Paris Principles also emphasize the role of NHRIs in combating discrimination and require them to have a pluralistic composition.
3. The Committee on Elimination of Racial Discrimination (CERD) has recognized the role of NHRIs through the adoption of General Recommendation XXVIII, and by formalizing engagement with NHRIs in its rules of procedures.
4. In the Copenhagen Declaration, in 2002, on the follow up to Durban National Human Rights Institutions expressed their commitment to implement the DDPA.
5. In the Nairobi Declaration, in 2008, on the administration of justice National Human Rights Institutions identified practical steps to increase cooperation with the judiciary, police and prison administrations.
6. NHRIs have welcomed the work of OHCHR since Durban in supporting the development of their role and in increasing the number of National Human Rights Institutions.
7. NHRIs have welcomed their increased role, since Durban, in the UN human rights system, in particular in relation to the CERD and the Human Rights Council's UPR process.
8. NHRIs recognize the importance of ensuring that racism is dealt with within a human rights and equality framework and that in addressing issues of racism we must use a human rights-based approach and emphasize the universality and indivisibility of human rights.
9. Nevertheless, issues relating to racism need to be addressed specifically. Because: societies are increasingly ethnically diverse; racism is recalcitrant and continues despite efforts; domestic laws do not reflect international standards in all respects; religion has become an important issue in relation to racism; there are ongoing issues, for example concerning migrant workers, refugees, trafficking, and cyber racism. All of these may become more pronounced as a result of the global economic crisis.

10. NHRIs have an important role to play because they: are constitutionally independent; relate both with government and civil society; provide processes and remedies for complaints of racial discrimination; monitor and report incidences of racism; can conduct inquiries; provide human rights education and advocacy; can intervene in legal proceedings; promote intercultural dialogue, diversity and harmonious relationships; foster community partnerships; and advise government and parliament.

11. Looking ahead, priorities for NHRIs following the Durban Review Conference include:

- promoting the goals of the Durban process as a global effort to combat racism;
- promoting and participating in the development of national plans of action;
- promoting the ratification of the relevant international treaties on racism and the implementation of their provisions through domestic legislation;
- exercising their mandates in relation to the rights of Indigenous Peoples;
- engaging with NGOs, Indigenous Peoples, ethnic and religious minorities, vulnerable groups, business and the media;
- monitoring racism at the local, regional and global levels by such means as annual and special reports on racism and cultural diversity; discrimination testing; government contracts; complaints analysis; reviewing the performance of public institutions and national strategies;
- ensuring that data about racism is collected and that research is conducted, and collating existing data from a range of sources relating to racism, and contributing this information to the observatory proposed and to be further developed by the High Commissioner for Human Rights;
- establishing focal points on racism within NHRIs and networking with each other, including through electronic networks, the NHRI web forum, regional meetings, roundtables, and side events at the ICC to share good practice and discuss issues;
- recognizing that there are different manifestations of racism in different regions and countries;
- engaging with the wider public on racism;
- further increasing engagement with the UN human rights system and the OHCHR, as a two way process;
- gaining public confidence in our procedures by being accessible to victims;
- promoting CERD reporting and developing national plans of action to combat racism;
- ensuring that governments adequately resource NHRIs to carry out their functions under the Paris Principles independently and effectively, despite the current environment of financial constraints.

At a subsequent meeting of NHRIs on 23 April 2009, NHRIs proposed 6 initial practical steps to implement the Durban process:

1. Establish focal points within institutions and identify a contact person
2. Establish a network of focal point contact persons, with an electronic newsletter managed by the OHCHR Nation Institutions Unit in consultation with persons designated by the ICC
3. Develop web pages on www.nhri.net to publish examples of good practice, other resources and reports on implementation of the above priorities
4. Strengthen the relationship between NHRIs, the National Institutions Unit and Anti-Discrimination Unit of OHCHR
5. Contribute to the OHCHR observatory and the Durban process website
6. Request the ICC to place the Durban process on the agenda of the next ICC meeting, including the above commitments and the further implementation of the Durban process