



BADIL



9 April 2009

Dr. Navanethem Pillay
UN High Commissioner for Human Rights
OHCHR – Palais Wilson
CH 1211 Geneva 10
Switzerland

Dear High Commissioner Dr. Pillay,

We, the undersigned, write to protest the decision of the UN Office of the High Commissioner for Human Rights (OHCHR) to preclude civil society from holding side-events pertaining to human rights violations of the Palestinian people and other victims of severe racial discrimination during the upcoming Durban Review Conference (DRC).

The DRC is planned to evaluate progress towards the goals set by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban (2001). As such, the evaluation process should not exclude any of the victims of racism and racial discrimination, particularly those explicitly identified as such in the Durban Declaration and Program of Action (DDPA). While we appreciate the need to address general cross-cutting thematic issues relating to racism and racial discrimination, and to identify universal principles by which racism can be addressed, we must remain aware that racial discrimination is not an abstract problem, but a practical one which adversely affects millions of people every day. In the interest of truly universal human rights, it is therefore imperative that the victims of racial discrimination have an independent platform to represent themselves at the DRC, to share their own distinct and specific plights, in order to be able to learn from each other's experiences and to collectively identify and address the root causes of racial discrimination.

The Palestinian people were among those explicitly listed by the DDPA as victims of racism and racial discrimination. The DDPA expressed concern about their plight under foreign occupation, and reconfirmed the inalienable right of the Palestinian people to self-determination and to the establishment of an independent State. Accordingly, many Palestinian NGOs have expressed the wish to hold side-events during the DRC in order to provide the opportunity to assess the implementation of the DDPA in connection to the Palestinian people. However, Palestinian NGOs have recently been informed by representatives of the OHCHR that any such events that

focus on discrimination against Palestinians will not be approved. We are concerned that this is also the case for other DDPA-specified victims of racial discrimination. It is unclear to us, how an *effective, impartial and comprehensive evaluation* of the DDPA is to be achieved, when the victims of racial discrimination are excluded from this evaluation, and blocked from holding side-events to present their specific cases.

Regrettably, the DDPA adopted in 2001 has already failed to halt the racial discrimination practiced against the Palestinian people, and thus failed to put an end to their suffering. A side-event that highlights this reality is the last resort at our disposal in the effort to convince member States not to omit the Palestinians from the evaluation process until “a just, comprehensive and lasting peace in the region in which all peoples shall co-exist and enjoy equality, justice and internationally recognized human rights, and security” is achieved as envisaged in the DDPA.

In light of the above, we kindly ask the OHCHR to reconsider its decision to turn down NGO requests to hold side-events pertaining to the violations of the human rights of specific victims of racial discrimination, and let the *Palais des Nations* truly be the place where the voices of *all* nations are equally heard. Otherwise, we would appreciate an official reply that explains the OHCHR’s decision to prohibit these side-events.

Sincerely yours,

Ingrid Garadat Gassner, Director, Badil Resource Center for Palestinian Residency and Refugee Rights

Shawan Jabarin, General Director, Al-Haq

Hassan Jabareen, Advocate, General Director, Adalah – The Legal Center for Arab Minority Rights in Israel

Cc:

Dr. Ibrahim Salama, OHCHR Coordinator of the Durban Review Conference

Ms. June Ray, the Head of the Civil Society Unit

Mr. Orest Nowosad, the Coordinator of the Civil and Political Rights Unit