

COUNCIL MONITOR

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Updated Report by the Special Rapporteur on Contemporary Forms of Racism, Racial
Discrimination, Xenophobia and Related Intolerance¹

Mandate holder

Doudou Diéne

Mandate

The mandate was created in 1993, based on the recognition of racism and racial discrimination as among the most serious violations of human rights in the contemporary world, and the continuing and widespread prevalence of these types of practices. The mandate was also established in view of the growing magnitude and changing forms of racism and racial discrimination that require periodic re-examination of the methods used to combat them. The Special Rapporteur monitors incidents of racism, racial discrimination, xenophobia and related intolerance, as well as governmental measures to overcome them, and makes recommendations on specific measures which should be taken at the national, regional and international levels.

Activities

Update of the report E/CN.4/2006/05 written for the 62nd session of the former Commission on Human Rights.

Updated report²

Scope:

This report provides an update to the study (E/CN.4/2005/05) in accordance with the Commission on Human Rights *Resolution 2005/36* on the incompatibility between democracy and racism. In this resolution the Commission invited the Independent Expert to expand this study on the question of political platforms which promote or incite interracial discrimination (E/CN.4/2004/61) and submit it to the Commission at its 62nd session. This session never commenced and the report was submitted to the Human Rights Council pursuant to Council *Decision 1/102*, in which the Council decided to extend all mandates, mechanisms, functions and responsibilities of the Commission on Human Rights.

¹ Summary prepared by Johanna Somerville, Intern, ISHR, supervised and edited by Gareth Sweeney, Information Program, ISHR

² A/HRC/5/10, 25 May 2007.

This study takes into account replies provided by the Member States to a letter sent by the Special Rapporteur on the 14 July 2005 requesting information as well as the conclusions of a workshop on the issue organised in Brasilia on 29 July 2006, following the Regional Conference of the Americas. This report confirms patterns noted in previous reports including: the normalisation of racism, racial discrimination and xenophobia for political ends; the penetration of the racist political platforms of extreme right-wing parties and movements in the political programmes of democratic parties; and the growing intellectual legitimisation of those platforms.

Summary and key conclusions:

General issues on the incompatibility between democracy and racism

- There has been increasing role of racism, racial discrimination, xenophobia and related intolerance in the **political arena**.
- Faced with legal constraints, politicians have exchanged their discourse of ‘racial superiority’ for one of ‘**cultural incompatibility**’.
- Many **political organisations** marginalised for their right wing extremist ideologies are now finding power as members of governing coalitions and an increasing number of **democratic parties** are resorting to racist and discriminatory discourse to maintain political power.
- It is **political leaders** who can play the fundamental role in strengthening democracy by combating racism, racial discrimination, xenophobia and related intolerance.
- In addition, leaders need to promote the participation and representation of **groups that are vulnerable** to racism, racial discrimination, xenophobia and related intolerance.

Regional Analysis

This section of the report covers political platforms which promote racial discrimination in more than thirty countries. Due to limited space this summary will discuss regional trends and briefly mention issues in some of the countries discussed in the report.

Europe

- The report discusses the **main political parties** with platforms that incite or promote racism, discrimination and xenophobia in the following countries: Austria; Belgium; Denmark; Germany; France; Italy; Poland; the Netherlands; Switzerland; Russia; the United Kingdom and Hungary.
- Racism, racial discrimination, xenophobia and related intolerance affect **minorities** in terms of race, ethnicity, national origin or national language, as well as immigrants, refugees and asylum-seekers. This includes Roma, Gypsies, Sinti and Travellers, who are dispersed across all countries and are subjected to discrimination in all sectors of public life.
- Immigrants, migrants and refugees are the new preferred targets of **right-wing extremist political parties**.
- These parties are the main proponents of racist discourse in European politics. This discourse is legitimized by ‘progressive nationalism’ which sees multiculturalism as a threat to national identity and social solidarity.
- Use of racist and xenophobic discourse for building political consensus has been compounded by the aftermath of the tragedies of 11 September 2001, namely the ‘**global war on terror**’, resulting in a climate of exclusion and heightened violence towards minority groups.
- The **European Commission against Racism and Intolerance (ECRI)** of the Council of Europe (set up in 1993 to task is to combat racism, xenophobia, anti-Semitism and intolerance in Europe from a human rights perspective) adopted on 17 March 2005 a ‘Declaration on the use of racist, anti-Semitic and xenophobic elements in political discourse’³, condemning them as ethically unacceptable.

³ Declaration on the use of racist, anti-Semitic and xenophobic elements in political discourse, available at http://www.coe.int/T/E/Human_Rights/Ecri/1-ECRI/4-Relations_with_civil_society/1-Programme_of_action/14-Public_Presentation_Paris_2005/Declaration%20eng.asp

- Across Europe right wing political parties are beginning to have an impact on **governmental policies and popular opinion**. They are gaining political power, entering into state and federal parliaments.
- A recent study in **Germany** concluded that right wing extremist ideology is found not only in the right fringe but across all population classes, generations and amongst voters of all parties.
- In **Denmark** the main far-right political party is the 3rd largest party in the Danish Parliament.
- These parties call for strict regulations on **immigration** and the **right of asylum** and they connect laxity in both areas with increasing insecurity, terrorism and economic crisis.
- The parties use overtly **racist and xenophobic rhetoric** to support an ideology that is predominantly anti-democratic, nationalistic, anti-multicultural, anti-European Union, anti-Semitic and anti-Islamic.
- There is a particular emphasis on **anti-Islamic** sentiment, questioning its compatibility with Christian, democratic values.

Asia

- Millions of people are being affected by problems deriving from **ethnic-nationalism, discrimination, xenophobia and related intolerance**.
- Political movements are overtly resorting to exclusionary ideologies, policies and practices to build **political consensus**. These platforms promote hostility between different groups on grounds of race, ethnicity, religion, indigenesness, statelessness and migrant/refugee status.
- In **India**, the caste system is still a main source of inequity and discrimination. Political parties propagate racist/discriminatory ideology. This ideology exacerbates the social and political situations of the traditionally oppressed, the Dalits, through an emphasis on *Hindutva* (Hindu supremacy).
- In **Japan**, except for the anti-discrimination provision in the constitution, there are no other instruments that sanction discriminatory acts or enforce equality. Racial discrimination mainly affects three categories of people in Japan: national minorities; people and descendents of former Japanese colonies; and foreigners and migrants.

Africa

- Most nation states in Africa are **multi-ethnic, multi-cultural and multi-religious**.
- Partisan politics in Africa are often organised along **ethnic lines** rather than social, ideological or economic divides.
- Politicians attempt to **consolidate political power** by emphasising ethnic divides and inciting violence.
- Political platforms in Africa play a crucial role in **fuelling ethnic hatred** and violence. Clear examples of this can be seen in violence in **Rwanda** in 1994 and in **Sudan** in present times.
- In **Nigeria** political competition has exacerbated regional, ethnic and religious conflict.
- In **Somalia** the continuing conflict has taken on religious connotations since the inception of the Union of Islamic Courts.
- In **Côte d'Ivoire** lines of ethnic divide are drawn to legitimise political power. The concept of '*ivoirité*' - the essence of being Ivorian is used to neutralise political opponents.
- In **Zimbabwe** the Governing ZANU (Zimbabwe African National Union), uses racially based ideology, emphasising that victory by the opposition would benefit white masters and betray the free and independent Zimbabwe.

South America

- In South America racial discrimination permeates **social and power relations** in most of the region.
- Vulnerable groups are predominantly **Amerindians, people of African origin, immigrants and asylum seekers**. Many of the poor and marginalized areas are those where these groups are situated.
- **Political participation** by Amerindians and people of African descent is low.
- In recent years, vulnerable groups have had some success in drawing attention to problems of racism. Politicians of these descents have been elected in top political positions, encouraging further participation by other members of those groups.
- Marginalization in South America is furthered by a low **recognition of racism** from government institutions and a concomitant unawareness of its **impact on social cohesion**.

- In **Guyana** there is still a strong ethnic division among people of African, Indian and Amerindian descent. Although Guyana has legal provisions outlawing incitement of racial/ethnic hatred, the use of racial divisions to build political support is common practice.
- In **Trinidad and Tobago** there are racial and ethnic divisions among its multi-ethnic population of African, Indian, mixed European, Chinese and Syrian/Lebanese descent. However, they are not as strong as in Guyana.
- In the **Dominican Republic** people of African and Haitian descent commonly face racial discrimination. Expressions of anti-Haitian sentiment are common at all levels of society, with NGOs reporting that the Dominican Government has conducted a series of massive deportations of Haitian immigrants. The Government also turned down a ruling by the Inter-American Court of Human Rights for having 'denied citizenship on the basis of race and rendered children of Haitian descent effectively stateless'.
- In **Honduras** human rights organizations have noted the use of politically motivated criminal charges to deter those defending certain environmental, economic and social rights including the rights of indigenous people. Much of this abuse has been related to efforts in the area of Native-Title.
- Although the **Brazilian** Government has a strong commitment to combating racism and discrimination, a significant portion of the population is still affected by racism, xenophobia and related intolerance. Principally affected are the indigenous people (the Xukuru and the Truká), people of African decent, migrant workers, refugees and asylum-seekers. In addition to social, economic, political and education marginalisation, manifestations of racism include racial violence, such as death threats or even murder.
- This pattern of discrimination against indigenous people and people of African descent is also apparent in **Guatemala**.

The Middle East

- In many countries in the Middle East political parties are structured along confessional and religious lines and competition for political power is often closely linked to **religious affiliation**.
- In **Iraq**, in the post-Hussein era, violent conflict occurs between people of different ethnic and religious subgroup identities. This situation offers opportunities for extremist forces to incite racial hatred and perpetrate civilian massacres.
- In **Lebanon**, ethnic polarization continues to manifest itself in acts of violence. The country's complex ethnic and religious mix is easily exploited for political (more often than religious) gain.
- In **Egypt** the constitution provides for equal rights without discrimination. However, discrimination against Egyptian Christians, the Baha'i and unorthodox Islamic groups remains.
- The **Israeli-Palestinian** conflict is marked by racism, ethnocentrism, anti-Semitism and xenophobia. On both sides, political platforms constantly incite ethnic and religious hatred and violence.
- In **Iran** in 2006, the Government sponsored an international conference which questioned the reality of the Holocaust. In addition, prejudicial and violent public statements were made by the Government, including a remark that Israel be 'wiped off the map'.
- **Migrant workers** in the Gulf States continue to suffer from severe forms of labour exploitation, which can often border on slavery-like conditions. Their situation is further worsened by discrimination they face with regard to gender, religion and race. These prejudicial beliefs form the foundation of unfair public policy and governmental regulations.

North America

- In the **USA** racist discourse is not illegal as it falls under provisions for freedom of expression in the First Amendment of the Constitution. At the policy level attempts to redress social wrongs are being undermined by populist parties and movements propagating racist and ethnic hatred.
- By the late 1990s there were over 540 extremist groups in the United States. This situation has been worsened by the 11 September attacks which gave rise to a resurgence of racist and xenophobic violence.
- In **Canada** incitement to racial hatred is punishable under the Canadian Criminal Code. This has enabled the Government to counter activities of neo-Nazi groups. However there still is a strong far-right element in the country with many groups advocating a return to white sovereignty and holocaust denial.

- In his mission report to Canada⁴ in 2003 the Special Rapporteur noted a resurgence of a far-right political platform that was particularly vocal with regard to the Jewish population.

Key recommendations:

- Manifestation of **a strong political will** to combat racism, racial discrimination and xenophobia.
- Political parties should provide **leadership** by promoting solidarity, tolerance and respect and also through recognition of **vulnerable groups**.
- Voluntary **codes of conduct** should be implemented in support of a non-racist ideology.
- States should encourage **participation by groups that are particularly vulnerable** to racism and racial discrimination.
- States should implement all appropriate **human rights instruments**. Particularly, the *International Convention on the Elimination of all Forms of Racial Discrimination* and the *Durban Declaration and Programme of Action*. States should also implement all complementary domestic: legal, political, administrative and judiciary measures.
- **Intercultural and inter-religious dialogue** should be promoted at both the national and international level, in order to deepen reciprocal knowledge between communities and to increase their interaction.

⁴ E/CN.4/2004/18/Add.2

COUNCIL MONITOR STAFF

Gareth Sweeney, Human Rights Officer, Information Program

Michael Ineichen, Fellow, Information Program

Eléonore Dziurzynski, Communications Officer, Information Program

Contributors

Johanna Somerville, Intern

ABOUT THE PUBLICATION

The Council Monitor forms part of the Human Rights Monitor Series produced by ISHR. It provides you with information about all the key developments at the Human Rights Council, including Daily Updates during the session of the Council, an Overview of the session, briefings and updates on the major issues of concern in the transition from the Commission on Human Rights to the Council and other key reports. It is currently an online publication that can be found at www.ishr.ch/hrm/council

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