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Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up and implementation of the Durban Declaration and Programme of Action

Joint written statement* submitted by the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), Association Ma'onah for Human Rights and Immigration, Indian Movement "Tupaj Amaru", International-Lawyers.Org, Union of Arab Jurists, United Towns Agency for North-South Cooperation, non-governmental organizations in special consultative status, International Educational Development, Inc., World Peace Council, non-governmental organizations on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[03 February 2020]

* Issued as received, in the language(s) of submission only.



Neglected racism and racial discrimination in modern society

Focus

Today, racism and racial discrimination is an overlooked and under-acknowledged human rights violation and threatens the lives of millions of people across the globe. Governments have failed in their decades-long commitments towards eliminating the scourge of racism and racial discrimination. Furthermore, they have also failed across the globe in taking the necessary steps and adequate measures toward properly implementing existing international laws that protect humans against racially-based violence, hate crimes, institutionalised racism, and other such race-based acts and fears.

This written statement addresses current instances of racism and racial discrimination that persist in today's society, which continues to devastate innocent individuals, families, and communities. It also addresses concerns that have allowed this scourge to perpetuate in the 21st century.

Current situation

Despite a number of international treaties that outlaw racism and racial discrimination, including one of the most comprehensive and important documents in the Durban Declaration and Program of Action (DDPA) and its Programme of Activities, discrimination based on race in many cases continues to grow and worsen in multiple facets. Moreover, governments are reluctant to implement already signed and agreed on legislation and policies and instead of eliminating racism they actually perpetuate the scourge of racism with impunity.

Indigenous peoples

Systemic racism against indigenous peoples continues to be a growing travesty across many countries and regions. Worse still, they have also been specifically targeted for protecting the environment and protecting the rights of indigenous peoples worldwide, as well as, for speaking out against targeted hate crimes, including murder, committed by large-scale corporations that continue to endanger humanity in general and the very environment that we live in. In the past few years, reports of arbitrary arrests, kidnappings, and arbitrary and wanton killings against indigenous peoples surface with barely any response or accountability of the perpetrators.

Islamophobia

Islamophobia also continues to be on the rise in the year 2019-2020, especially across Western societies. According to the All-Party Parliamentary Group on British Muslims "Islamophobia is rooted in racism and is a type of racism that targets expressions of Muslimness or perceived Muslimness".¹ Several examples of incidents based on hatred, fears, and xenophobia, including hate speech demonstrate that violence against Muslims is specifically targeted.

Worse still, it is even encouraged throughout the public. For instance, in the United Kingdom of Great Britain in 2018 letters were circulated encouraging recipients to take part in "Punish a Muslim Day" that not only galvanized citizens to take part in violence against Muslims but also generated fears across the general public. Similar such instances including verbal abuse have been reported across the United States of America and Europe as well.

Minorities in the United States of America

African Americans in the United States of America continue to face police brutality, a form of institutionalized racism that is sometimes unacknowledged by people in power. They also suffer racial-profiling that contributes to the high disproportionate numbers of African

¹ <https://static1.squarespace.com/static/599c3d2febbd1a90cffdd8a9/t/5bfd1ea3352f531a6170cccc/1543315109493/Islamophobia+Defined.pdf>

Americans in custody. The National Association for the Advancement of Colored People (NAACP) noted a rise in racially-motivated hate crimes as well as a rise in anti-Semitism over the past several years.

Additionally, hate-crimes against Latinos continues to increase as they experience personal incidents of racially-based acts of violence and discrimination based on their ethnicity. Furthermore, the head of the Washington-based Latino civil rights organization (UnidosUS), Janet Murguía, said that President Donald J. Trump bears some responsibility due to his frequent hate-speech against Latinos and his referral in bigoted ways²

Hate speech

Hate speech is an alarming phenomenon that has been on the rise across the globe. In Europe, it has contributed to increased racism and racial discrimination against not only people of African Descent but also Arabs, Romani, Jewish community, and others. Such race-baiting by politicians and people with political power is a worrying trend as it encourages their followers to show prejudice and fuels them with hatred against fellow human-beings.

These hate-based acts, behaviours, attitudes and practices further perpetuates institutionalized racism and unequal access to basic services such as health and education, and puts the safety of innocent people in jeopardy. Disinformation, misinformation as well as inaccurate and demeaning portrayals and depictions of groups of people, especially in the media, including social media, further exacerbates the situation making it almost impossible to tackle the issue with any positive results.

Racism as a result of crises

The phenomenon of migration, poverty, and climate change have inadvertently given rise to discrimination and fears of xenophobia against victims of such crises. These worrying trends are an indication that there is a growing divide and disconnect between groups of people across the globe yet not much is being done to eliminate discrimination and create solidarity. This is especially important nowadays as movement of people and people on the move as a result of forced migration is increasing largely due to such crises and/or phenomena.

For instance, economic hardships, internal conflicts, and poverty have forced many Africans to search for better opportunities. In West Africa, African migrants are specifically targeted, coerced, and fed false information in order to capture, threaten them or their family, and finally enslave them as they make their journey over and in Northern Africa, and specifically Libya. Across the Mediterranean several reports of instances where African migrants are sometimes deliberately left to die when they are in danger or need emergency rescuing have often fallen on deaf ears.

Racism and racial discrimination must also be addressed in the context of climate change. The results of climate catastrophes have already started to take place as people are being forced to evacuate their homes due to sea-level rise or other related calamities that have rendered their current environment inhabitable. The tragic situation on Manus Island is an example of what can happen when a group of people seek refuge but are not given the right to do so and are not protected by governments in any way. Legislation was even written and enforced that made it increasingly harder for families from West Papua to enjoy the most basic of human rights. As more and more people evacuate their homes and seek refuge governments must ensure that they will not suffer any forms of racial discrimination.

Conclusion

Legislation and standards against racism and racial discrimination in current international laws are not being enforced and a large part of the problem of implementation is the lack of political will. This is partly intertwined with the on-going discussions and disputes on the definitions of the term race or concept of racial discrimination in international treaties such

² <https://www.reuters.com/article/us-hatecrimes-report/victims-of-anti-latino-hate-crimes-soar-in-us-fbi-report-idUSKBN1XM2OQ>

as the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). However, there is enough legislation in international law that can help curtail racial discrimination if properly implemented. Moreover, root causes are not being addressed and at times are outrightly ignored. This only means that racism will continue to endanger the lives of millions of people. We believe that the Durban Declaration and Programme of Action (DDPA) is the most comprehensive document towards the elimination of racism and racial discrimination as it also addresses root causes of persistent and institutionalized racism.

As we welcome the result of the 17th Session of the Intergovernmental Working Group (IGWG) on the effective implementation of the Durban Declaration and Programme of Action we regret that the conditions under which the meetings were held were not as constructive and successful as it could have been. In light of this situation, it is critical that future meetings be held timely and constructively with member states and civil society alike to ensure productivity towards implementation of the DDPA and its Programme of Activities, and especially in achieving the celebration of the 20th Anniversary.

It is also with deep regret that the IGWG have also decided to divide the report of the 17th Session of the IGWG into two parts and critically leaving undisclosed the recommendations on the 20th Anniversary until September 2020. Such an action without precedence has ever been taken before.

The 20th Anniversary of the Durban Declaration and Programme of Action will be a momentous opportunity to strengthen the Durban follow-up mechanisms as a means to combatting racism and provide increased publicity and outreach of the DDPA.

Recommendations

- Human Rights Council and its member states must urgently implement the Durban Declaration and its Programme of Action and take advantage of its 20th Anniversary to address and promote underlying measures toward combatting and eliminating the evils of racism.
- The Human Rights Council should adequately and seriously address the evil of racism and racial discrimination with utmost urgency.
- All member states should eliminate any ideology that promotes racial superiority and racial bias.
- All member states must increase their efforts and allocate necessary funds towards collecting disaggregated data on racially-based hate crimes and all other acts of targeted-violence towards individuals or groups of people based on their race/ethnicity. All member states must do the same with regards to addressing the root causes of racism and racial discrimination.

Geneva International Centre for Justice (GICJ), The Arab Lawyers Association-UK, Human Rights Defenders (HRD), The Brussels Tribunal, The Iraqi Commission for Human Rights (ICHR), Association of Humanitarian Lawyers (AHL), Association of Human Rights Defenders in Iraq (AHRD), General Federation of Iraqi Women (GFIW), Organisation for Justice & Democracy in Iraq (OJDI), The Iraqi Centre for Human Rights, NGO(s) without consultative status, also share the views expressed in this statement.