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**RACISM, RACIAL DISCRIMINATION, XENOPHOBIA
AND ALL FORMS OF DISCRIMINATION**

**Report of the joint OHCHR/UNESCO workshop to develop a publication
to combat racism and foster tolerance**

(Paris, 19-20 February 2003)

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I. OPENING OF THE WORKSHOP

A. Mandate for the workshop

1. Pursuant to paragraph 7 (k) of the Revised Programme of Action for the Third Decade to Combat Racism and Racial Discrimination (General Assembly resolution 49/146, annex), the Office of the High Commissioner for Human Rights (OHCHR) held a workshop for educational and training experts, including non-governmental organizations, in cooperation with the United Nations Educational, Scientific and Cultural Organization (UNESCO), aimed at the development of educational materials for teachers and other opinion leaders on eliminating prejudice and fostering tolerance.

B. Organization of the workshop

2. The main aim of the workshop was to develop documentation for a publication for university teachers, young scholars and university students on combating racism and racial discrimination in its contemporary forms and fostering tolerance.

3. At the workshop, 10 experts presented background papers in which they analysed the problems of racism and racial discrimination in relation to specific themes, making reference to empirical data when appropriate. An eleventh expert, Ms. Cristina Torres, was unable to attend, but her paper was made available to participants. After the experts had introduced their papers, a discussion followed with other participants. The discussion was intended to provide a review of each paper. It was also aimed at generating practical suggestions on how to introduce each subject to students; on questions that could be raised to generate discussion among students; and on ideas for further research to be undertaken by students. This review was designed to facilitate the preparation of papers that, after modification and editing, could be integrated into a joint UNESCO/OHCHR educational publication. The organizers took note of ideas generated at the workshop for possible inclusion in the future publication.

C. Participation

4. Annex I to the present report contains the list of experts who participated in the workshop, as well as of the States Members of the United Nations and intergovernmental and non-governmental organizations that were represented as observers. Some 150 participants attended throughout the workshop.

D. Opening of the workshop and election of the Chairperson/Rapporteur

5. The workshop commenced on 19 February 2003 with opening statements by the Assistant Director-General for Social and Human Sciences of UNESCO, Mr. Pierre Sané, and by the Deputy High Commissioner for Human Rights, Mr. Bertrand Ramcharan.

6. Mr. Sané recalled that the struggle against racism and discrimination was at the heart of the mandate of UNESCO. He briefly introduced UNESCO actions in the field of scientific research, cultural exchanges and educational programmes aimed at sensitizing the general public, notably young people. He underlined that UNESCO was currently preparing an overall strategy

for follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in order to strengthen further its actions in cooperation with diverse partners, such as States, other United Nations agencies, human rights defenders, academics, universities, NGOs and associations. He also stressed the crucial role that education played in combating racism.

7. Mr. Ramcharan provided an historical overview of how non-discrimination provisions found their way into the Charter of the United Nations, the Universal Declaration of Human Rights and, later, the various international human rights treaties, including the International Convention on the Elimination of All Forms of Racial Discrimination. He stressed that the continued struggle for equality was at the heart of the work of the United Nations. In that regard, awareness raising, fostering attitudes of respect and sensitizing the young were crucial. Finally, Mr. Ramcharan thanked colleagues at UNESCO for undertaking to hold the workshop jointly with OHCHR and for hosting it in Paris.

8. Mr. Doudou Diène, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, was elected Chairperson/Rapporteur of the workshop by acclamation.

E. Adoption of the agenda

9. The following agenda of the workshop was adopted:

1. Opening of the meeting:
2. Topic 1: "Racism in a changing world" - an introduction to the workshop.
3. Topic 2: Racism, racial discrimination, xenophobia and related intolerance relating to education.
4. Topic 3: Racism, racial discrimination, xenophobia and related intolerance relating to health.
5. Topic 4: Racism, racial discrimination, xenophobia and related intolerance relating to HIV/AIDS.
6. Topic 5: Racism, racial discrimination, xenophobia and related intolerance relating to contemporary forms of slavery.
7. Topic 6: Racism, racial discrimination, xenophobia and related intolerance relating to employment.
8. Topic 7: Racism, racial discrimination, xenophobia and related intolerance relating to migration.
9. Topic 8: Racism, racial discrimination, xenophobia and related intolerance relating to the administration of justice.

10. Topic 9: Racism, racial discrimination, xenophobia and related intolerance relating to the media, including new information technologies.
11. Topic 10: The gender dimension of racism, racial discrimination, xenophobia and related intolerance.
12. Topic 11: The international framework to combat racism with specific emphasis on the International Convention on the Elimination of All Forms of Racial Discrimination.
13. Closing of the workshop.

II. INTRODUCTION OF BACKGROUND PAPERS AND DISCUSSION

A. Topic 1: “Racism in a changing world” - an introduction to the workshop

10. Mr. Doudou Diène, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, introduced his background paper (HR/PARIS/SEM.3/2003/BP.1).

11. In his paper, he states that cultural implications of globalization, profound human interactions generated by large-scale movement of people, in particular migration, create the conditions for the rising sensitivity about self-recognition and consequently the promotion of “ghetto-identity”. In the context of a general erosion of ethical and spiritual values, oversensitivity about identity aggravates insular attitudes based on the notion of nation, community, group, race, religion or way of life. The emergence of the figure of “the Other” as a threat is a common feature of cultural antagonisms. This is the basis for some of the major present-day conflicts which are profoundly cultural, mixing and interlinking race, religion and ethnicity. The prevalence of old forms of racism is strengthened by the surge of new and more subtle forms of discrimination. The ideology and discourse of discrimination have also found their way into new information technologies. He stressed the urgency of complementing legal and political strategy against racism with an intellectual strategy aimed at the deeper cultural and ethical roots of discrimination and racism, their origins, workings, processes, shapes and forms of expression.

12. In his paper, Mr. Diène promotes the need, in this context, to revisit the concepts of diversity and identity which ultimately shape the mentality of discrimination, the culture of togetherness or otherness. He highlights the fact that the concept of diversity carries strong connotations of the philosophical and scientific thinking of the eighteenth and nineteenth centuries and at times served to justify theories and practices of exploitation or domination, such as the slave trade and colonization. Diversity can be instrumentalized, according to ideological and political contexts, to promote differences. The concept of identity could be a “Janus-concept”, depending on the historic and political context: at one and the same time affirmation of self and denial of “the Other”. To eradicate discrimination, these concepts should

be transformed into values. Thus the concept of diversity should be transformed into the value of pluralism that links diversity and unity dialectically. In the end, the aim is to promote an intercultural dialogue which allows people to protect and respect specificity (ethnic, spiritual, community or other) and, at the same time, to recognize shared universal values.

13. An intellectual strategy against racism and discrimination requires a review of the writing and teaching of history, its content and the lessons learned from it, particularly in regard to how identities were formed and how they framed the image of “the Other”. It is necessary against this background to promote intercultural education and communication. Even economic underdevelopment is being explained by certain scholars as the expression and consequences of the prevalence in the societies concerned of backward and non-modern values. Thus the value of intercultural dialogue should also be central to the process of exchange that lies at the heart of trade, through for example developing a culture-based code of ethics to attenuate the negative aspects of market forces. This intellectual strategy might achieve interaction and mutual understanding of the more profound human and spiritual values.

14. After introducing his paper, Mr. Diène also highlighted the priority to be given to the implementation of the Declaration and the Programme of Action of the World Conference against Racism and expressed his appreciation, in the spirit of the Conference, for the presence and interaction of representatives of States and civil society at the workshop.

15. In the statements made and questions raised following his presentation, a number of speakers expressed their concern that the picturing, in certain media, of the World Conference against Racism as a failure had become a misleading campaign, which needed to be counteracted. The elaboration of a publication was seen as an excellent tool for moving away from such negative connotations. In developing such a publication, its target group should not be forgotten, i.e. the format and language used should appeal to university students. “HIV/AIDS and Human Rights, Young People in Action, a kit of ideas for youth organizations” developed by UNESCO and UNAIDS could serve as one successful example in this regard. The situation of specific victim groups should be taken into account in the publication. It was pointed out that Mr. Diène’s presentation highlighted the importance of addressing the past and revisiting concepts and value-systems, and their historic and present-day connotations. Intercultural dialogue could be enhanced if more people were able to learn languages other than their own. At the same time, as an educational tool, the publication should be specific and translated into a number of languages in order to be accessible. It was also pointed out that it was important that the approach pursued in order to overcome discrimination should not only be cultural, but should also include a strong legal component.

B. Topic 2: Racism, racial discrimination, xenophobia and related intolerance relating to education

16. Ms. Katarina Tomasevski, Special Rapporteur on the right to education, introduced her background paper (HR/PARIS/SEM.3/2003/BP.2).

17. In her paper, she states that education can be a means to retain and eliminate equality. Strategies aimed at the elimination of racial discrimination in education were globally an exception rather than a rule. The prerequisite for developing strategies to eliminate racial discrimination would be the statistical monitoring of discrimination and the availability of internationally comparable education statistics.

18. The paper outlines that the right to education requires enforceable individual entitlements to education, safeguards for human rights in education and instrumentalization of education to the enjoyment of all human rights through education. Ms. Tomasevski explains that the extension of the right to education to previously excluded categories has undergone four stages, which she explains and illustrates with concrete examples. The first stage entailed overcoming legalized and institutionalized exclusion from education, which had been a prominent feature of pre-human-rights education laws and a prominent feature of colonialism regarding racial exclusion. The second stage involved dismantling racially segregated educational institutions, the first step towards overcoming exclusion. The third stage involved a transformation of education from segregation to integration. The fourth stage embodies the biggest challenge as it necessitates adaptation of education to the equal rights of all, taking into account the diversity of learners, with a view to enhancing equal enjoyment of all human rights through education.

19. During the ensuing exchange of views, the following ideas were noted. The school curriculum should reflect the life and reality of students. Teaching in today's reality also means that schools compete against the media. Teaching also needs to be interesting. Language free from bias should be used. Examples of good practices for enforcing the right to education should be collected and published. Human rights education is crucial. Racism should be viewed and explained in its historical context. The child should be viewed as a whole. Training the trainers is essential. Those who teach should give a living example of what they teach. When looking at education, the non-formal education sector should also be revisited. Cultural exchange programmes between students should be encouraged. Major works of other cultures should be translated.

20. With a view to raising awareness of the situation of indigenous peoples, the recommendations of the Permanent Forum on Indigenous Issues relating to education should be taken into account. One should teach about the positive contributions made by people of African descent to different cultures. The educational needs of girls and handicapped children should be especially considered. Some non-governmental organizations also reported about their education activities, such as the training of students in Durban during the World Conference; the schools without racism project; the "living values" education project; and the working group established by the International Association of Universities on intercultural dialogue, which as a first step wants to build a web site among universities for dialogue, and as a second step to invite universities to make a critical self-assessment of their curricula and management structure.

21. Ms. Tomasevski stressed that when one used language, one should explain why. History should be presented from two different points of view. Elaborating best practices should be accompanied by listing worse practices, as the latter could be very educational in that they could provide insights into the state of discriminatory attitudes and practices in the past. She also highlighted that a common position on education among the international community did not exist: the Organisation for Economic Cooperation and Development (OECD) ranked countries

by quality of education and schooling, the World Bank considered education as an investment in wealth creation. Ms. Tomasevski advocated human rights education. She stressed that citizenship education was not sufficient as it was not the functional equivalent of human rights education, but to the contrary, an exclusive concept.

C. Topic 3: Racism, racial discrimination, xenophobia and related intolerance relating to health

22. Ms. Cristina Torres, of the Pan-American Health Organization, could not attend the workshop, but her background paper (HR/PARIS/SEM.3/2003/BP.3), was made available to the workshop. The paper gives a short historical overview explaining that, in the twentieth century, equality for citizens in society has been reflected in public policies through the design and implementation of “universal access” programmes. In the past five years, the health sector in different countries has been striving constantly to reduce infant and child mortality, improve general health conditions and extend coverage. The “Health for All” initiative of the World Health Organization in 2000 to reach the most disadvantaged groups was recalled.

23. In the last few decades of the twentieth century, discussion began as to whether those efforts were sufficient to sustain equality of opportunity. Wide gaps between different groups in society in areas such as health, education or housing have been revealed. Analysing these gaps, Ms. Torres looks at four areas in which ethnic origin has a significant differential impact on health: (i) health status and life expectancy at birth; (ii) access to health care, disease prevention and health promotion services; (iii) the timing of consultations; and (iv) the quality of the services provided. In these four areas she provides a range of statistical information from different countries to measure health inequalities.

24. A number of reasons are given why health inequalities continue to exist: (i) deep-rooted social inequities that are difficult to be overcome; (ii) the egalitarian model followed in public policy is never perfect and there are usually restrictions due to budgetary constraints; (iii) human or geographical resource constraints restrict coverage or the quality of services; (iv) the cost of services and medicines and the level of education; and (v) cultural barriers result in the provision of services that fail to meet the specific requirements of ethnic groups. Ms. Torres also names priorities for the future, such as working with institutions responsible for collecting information and with ministries of health to include the ethnic group variable into national statistics. Other priorities could include the collection of successful experience in the field of the organization of services to permit the dissemination of those methodologies, and the redesigning of policies and programmes, in conjunction with health ministries, to target these population groups with a view to bridging gaps in health services.

D. Topic 4: Racism, racial discrimination, xenophobia and related intolerance relating to HIV/AIDS

25. Ms. Shalini Bharat, Professor for Family Studies, Tata Institute of Social Sciences, Mumbai, India, introduced her background paper (HR/PARIS/SEM.3/2003/BP.4).

26. In her paper, Ms. Bharat refers to the increasingly acknowledged reality that throughout the world those most deeply affected by the HIV epidemic are also the most severely disadvantaged, whether on grounds of race, economic status, age, sexual orientation or gender. The paper explores the links between racism, racial discrimination and HIV/AIDS, and explains the concepts of race, stigma and discrimination. AIDS-related stigma and discrimination are described as complex social processes that are neither unique nor randomly patterned. They usually build upon and reinforce pre-existing fears, prejudices and social inequalities pertaining to, inter alia, poverty, gender, race, sex and sexuality. In this sense, racist attitudes and racial discrimination linked to HIV/AIDS status are only playing into, and reinforcing, existing racial stereotypes and inequalities in general. Just like other forms of stigma, AIDS-related stigma also results in social exclusion, scapegoating, violence, blaming, labelling and denial of resources and services meant for the consumption of all. On the part of society a four-part process of stigmatization can be described: (i) identifying and defining the disease; (ii) assigning responsibility for its appearance to some person, group or thing; (iii) determining whether those affected by the disease are to be viewed as innocent or guilty; and (iv) assigning responsibility for identifying a cure or solution to another segment of society.

27. Ms. Bharat then outlines the linkage between race and HIV/AIDS, which cannot be seen in isolation from the dimensions of gender, socio-economic status and sexual orientation (intersectionality). Empirical data on the geographical dimension of HIV/AIDS, including evidence on race-based data linked to HIV/AIDS, is provided by drawing on country examples for which HIV/AIDS epidemiological data is reported by ethnicity or race. Owing to its political sensitivity, however, for example because the data might serve to perpetuate stigma linked to these groups, this data is not broadly available. In conclusion, a number of future actions are suggested, including the collection of race disaggregated data, the development of research programmes to examine the interplay of race, socio-economic status, gender and sexuality in the production of HIV/AIDS stigma, and the documentation of and awareness raising about good legislative practices and national responses in this regard.

28. In the discussion of Ms. Bharat's paper, participants highlighted their experiences concerning education on stigma and HIV/AIDS and referred to activities such as bringing together traditional leaders, youth, local government and medical staff; campaigning to allow migrants infected with HIV/AIDS access to hospitals; and the UNAIDS World Campaign on Stigma and Discrimination. Other initiatives highlighted included the joint UNESCO/World Bank initiated World AIDS Youth Debate and "HIV/AIDS and Human Rights, Young People in Action, a kit of ideas for youth organizations" developed by UNESCO and UNAIDS, which beyond the six languages it is published in should be translated into further languages. It was pointed out that primary-level education should already address taboos on that subject.

29. Ms. Bharat also commented that sex education, although important, was not accepted in many countries. Also, many patients did not know about their rights. Legal rights education therefore needed to be increased. She added that the curricula of medical colleges should also address the challenge of stigma.

E. Topic 5: Racism, racial discrimination, xenophobia and related intolerance relating to contemporary forms of slavery

30. Ms. Jessica Reitz, Development and Outreach Director, Free the Slaves, Washington D.C., introduced her background paper (HR/PARIS/SEM.3/2003/BP.5). This document was prepared by Ms. Reitz and Mr. Kevin Bales, Director, Free the Slaves.

31. In the paper, a working definition of slavery is provided. Slavery is described as a social and economic relationship in which a person is controlled through violence or its threat, paid nothing, and economically exploited. The definitions of slavery and slavery-like practices in international instruments since 1926 are also listed. An estimated 27 million people are slaves today. Among the contemporary forms of slavery, chattel slavery, debt bondage and contract slavery are specifically referred to.

32. Slavery today is described as different from in the past as slaves are cheaper than they have ever been. Enslavement is often temporary and not anymore lifelong, and slavery in different parts of the world has become more and more alike. It is also explained that in the new forms of slavery race means much less than it did in the past when ethnic and racial differences were used to explain and excuse slavery. Today, most slaveholders do not feel a need to explain or defend their choice to use slavery and they make their choice on whom to enslave not on the basis of colour but vulnerability. However, in many instances ethnicity or religious differences reflect vulnerability to enslavement.

33. In drawing conclusions, the authors point out that the liberation of slaves is a process and not an event. Stopping slavery needs serious commitment to supporting the rehabilitation process of freed slaves that may take years. This includes gaining a deeper understanding and building new economic routes from slavery into self-sufficiency. Ms. Reitz referred to the educational tools that her organization developed and which can be viewed on the web site: www.freetheslaves.net. She viewed education about the links that tie different societies to slavery and how to break those links as essential.

34. In the ensuing discussion, one participant suggested that the addition to the paper of indicators and precise steps for combating contemporary forms of slavery (for example writing letters to Governments, working with corporations, providing information on what products one should not buy). Another participant mentioned that the element of violence should be eliminated from the working definition used in the paper in order for the definition to include the exploitation of migrants. It was stressed that slavery had a clear race and gender profile to it. Trafficking of women was also specifically mentioned. Ms. Reitz explained that trafficking was being dealt with in the educational tools developed by her organization and also referred to the definitions provided in the paper of how slavery and slavery-like practices are defined in international instruments, including slavery, forced labour, servitude, servile status, freedom to choose work and trafficking.

F. Topic 6: Racism, racial discrimination, xenophobia and related intolerance relating to employment

35. Mr. Julio Faundez, Professor of Law, University of Warwick, United Kingdom of Great Britain and Northern Ireland, introduced his background document (HR/PARIS/SEM.3/2003/BP.6).

36. The paper provides an overview of the policies used mainly by industrialized countries to eradicate racial discrimination in employment, identifying the strengths and weaknesses of these policies and suggesting ways in which they can be complemented, taking into account the political and institutional conditions prevailing in most developing countries, as well as the realities of the contemporary world economy. The paper consists of three parts. The first explains basic concepts and outlines theoretical perspectives with regard to employment discrimination. Employment decisions are deemed to be fair when there is equal opportunity for all. Equal opportunity is generally understood as decisions made on the basis of merit. However, stereotyping is one of the reasons why even among equally qualified candidates employers would decline to hire a member of a minority group because of assumptions made about his or her character. Also, the concept of equal opportunity does not take into account historical factors that today place members of certain marginalized groups at a disadvantage. In addition, equal treatment in the decision-making process might not lead to equal outcomes with regard to, for example, representation at more senior levels of an establishment. Equality in the labour market can therefore only be achieved when the present consequences of past discriminatory practices are also taken into account.

37. In a second section, the paper describes the institutional mechanisms used to combat racism in employment. Reference is made to non-binding codes of conduct, legislation against racism, and the establishment of independent institutions that facilitate dialogue between the different stakeholders. Specific reference is also made to the Durban Programme of Action, which in addition recommends positive action. Finally, the third section discusses whether these mechanisms are transferable to developing countries, especially in view of the impact that the process of globalization has upon the capacity of States to regulate labour and economic policies.

38. In the following discussion, it was suggested that other regions should establish bodies similar to the European Monitoring Centre on Racism and Xenophobia and study, among other topics, discrimination in the workplace. States should provide a good example through representative minority employment in the public sector. Also, different ministries such as ministries of education, labour and trade should enhance their inter-ministerial dialogue to combat employment discrimination. At the same time, when analysing employment discrimination, a clear distinction should be made between the public and private sectors. The vicious circle in which victims of racial discrimination in the past were unable to compete today in the labour market under conditions of equality should be further studied and illustrated to students. It was also noted that there was frequently a relationship between child labour and racism.

39. A number of topics were suggested for further research, such as “How can non-discrimination provisions be mainstreamed into human resources departments?” or “How are international labour standards adhered to in national labour courts?”. Students could draft codes of conducts for various kinds of industries for the purpose of classroom discussions.

G. Topic 7: Racism, racial discrimination, xenophobia and related intolerance relating to migration

40. Mr. August Gächter, Senior Researcher, Centre for Social Innovation, Vienna, introduced his background paper (HR/PARIS/SEM.3/2003/BP.7).

41. The aim of his paper is to foster an interest by university students in discrimination research, both theoretical and empirical, and to convey a basic understanding of current techniques using the example of migration. Better theories and more evidence would have an impact on public perception and State practice. Against the background of around 175 million people currently residing in a country other than the one where they were born, the paper gives the example of an index developed to analyse discrimination that non-citizens suffer under the law. The paper then looks into different methods of investigating the existence of discriminatory attitudes and practices such as (i) collecting information on incidents; (ii) research on behaviour and practice; (iii) inferring (unobserved) discrimination from the relation of outcomes to inputs; and (iv) research on attitudes.

42. These methods are illustrated with examples that also highlight the difficulties associated with them. For example, though the European Statistical Atlas on Racial Violence (Virtanen 2001) might be a good example of collecting information on incidents, there are limits to the exercise regarding which crimes to include, whether all incidents were recorded, and whether inclusion should be based on suspicion, court charges or conviction. Research on behaviour and practice through discrimination testing, for example where one tester belonging to a majority and one to a minority group apply for the same job, brought to light some conspicuously different results in one out of four tested countries. Studies relating outcomes to inputs also can never really prove (or disprove) the existence of discrimination, since discrimination (or its absence) is an unobserved variable in these studies and can only be inferred from outcomes related to inputs in a different (or the same) manner in all groups. When researching attitudes, problems relating to the comparability of questions across languages and historical contexts also arise.

43. The paper lists strategies to influence attitudes and practices, including tried and tested training approaches. The author comes to the conclusion that further thinking about research methods is required in order to make the results more useful and more convincing. In addition, many research questions have remained unexplored and much more research should therefore be done. The latter would include the evaluation of training activities.

44. During the discussions, it was pointed out that the papers on employment and migration complemented each other, as the first provided the legal framework concerning discrimination and the second outlined research issues on discrimination faced by one particular group often confronted with it. Social science approaches were seen as necessary to measure and identify existing discrimination and courts could rely on statistical information when dealing with it, in

particular in its indirect form. It was suggested to include in the paper an example of a court decision relying on social sciences in order to underline the need for multi-disciplinary approaches. Another proposal would be to include information on major initiatives relating to migration from relevant international forums, for example the International Labour Conference 2004, for which migration had been chosen as the agenda item for general discussion and the World Commission on the Social Dimension of Globalization, which was also addressing the issue. It was also suggested to include in the paper the situation of refugees and asylum-seekers. Mr. Gächter replied that the substantive focus of the paper should probably be broadened. However, his emphasis had been more on examining research methods in the field of discrimination against migrants in general. He pointed out that many societies had to recognize that they were societies of immigration.

H. Topic 8: Racism, racial discrimination, xenophobia and related intolerance relating to the administration of justice

45. Ms. Leila Zerrougui, a member of the Sub-Commission on the Promotion and Protection of Human Rights, introduced her background paper (HR/PARIS/SEM.3/2003/BP.8).

46. In her paper, Ms. Zerrougui describes different manifestations of racism and discrimination in the administration of justice. When discrimination occurs in society, the judicial system is implicated because it is often unable to protect victims effectively and to secure them against repeated violation of their rights. The shortcomings and inadequacies are multiple: they include the non-criminalization of discriminatory acts in some countries, the absence of remedies or their ineffectiveness in others, the victims' precarious status, their ignorance of their rights and their distrust of the courts. Furthermore, threats of reprisal, social pressures and, in the case of illegal immigrants, the risks of detention and deportation, are an added concern.

47. In most countries the judicial system does not have the necessary legal and material means to avoid reflecting the discriminatory practices based on socio-economic, cultural, ethnic, national, political and material distinctions that exist in all societies to varying degrees. She added that marginalized or low-status groups are underrepresented in the administration of justice in most countries and are the least able to influence judicial policy and its reform. However, there is also a need to acknowledge that in the administration of justice discrimination is structural and institutional. Discrimination is to be found in criminal law, procedural rules, judicial policy and the organization and operation of the police, the judicial system and the prison service. It is usually suffered by people belonging to disadvantaged or historically stigmatized social categories. In police stations, prisons and other places of detention these people are the most at risk of torture and inhuman and degrading treatment. Yet although manifestations of racism and discrimination are, generally speaking, recognized and their victims identified, the mechanisms that are often responsible for the persistence of discrimination in the administration of justice have not yet been recognized.

48. The paper indicates that discrimination in the administration of justice against minorities, foreigners and women is all too frequent. It emphasizes the importance of non-discrimination provisions in international law in regard to the criminal justice system, as well as the international community's strategy for eliminating discrimination in the administration of justice,

through, for example, programmes of assistance intended for law enforcement personnel. In conclusion, Ms. Zerrougui points out that the complexity and diversity of discriminatory mechanisms in the administration of justice in many countries, the wide range of discriminatory practices and grounds for discrimination, the differences between legal and judicial systems, and the heterogeneity of institutional solutions adopted nationally are all fields for further exploration by academics and researchers.

49. Following the presentation of the paper, several speakers said that the independence of the judiciary could not be stressed enough. It was suggested that addressing discrimination was also important in informal dispute settlement mechanisms. It was also suggested that reform in the administration of justice could be achieved through clear political commitment, strong leadership within the institutions, and through education. Working on the attitudes of judges was also viewed as crucial to increase their sensitivity to issues of discrimination.

I. Topic 9: Racism, racial discrimination, xenophobia and related intolerance relating to the media, including new information technologies

50. Mr. Bent Sørensen, Head of the Information and Communication Unit at the European Monitoring Centre on Racism and Xenophobia, Vienna, introduced his background paper (HR/PARIS/SEM.3/2003/BP.9).

51. In his paper, he argues that the media influence attitudes, prejudices and people's capacity to act. Societies are therefore called upon to examine the influence and to shape the effects of the media in a positive and constructive way, especially with regard to dealing with cultural, ethnic and religious diversity, and confronting racism, xenophobia and right-wing extremism. Even though many minorities have become valued customers, readers, listeners and viewers, and forced the media to become more balanced, some groups remain more vulnerable than others. Being marginalized in society, some minorities cannot expect much media attention as customers. Mr. Sørensen argues that the media create fear and prejudice through suppressing positive information about groups that are frequently subject to racism, through focusing on negativity, problems and crime and through negative labelling of minorities. Reporting on racism and the extreme right, according to Mr. Sørensen, can also lead to racist attitudes through dramatization and over-reaction.

52. With regard to post-September 11, the paper refers to a "Summary report on Islamophobia" issued by the European Monitoring Centre on Racism and Xenophobia (see http://eumc.eu.int/eumc/material/pub/112001/Synthesis_report-en.pdf). Where positive and balanced attitudes were identified in the various media, the reporting was built on dialogue and a critical engagement with the Muslim community. With regard to the Internet, Mr. Sørensen notes potential problems associated with the ease of access, which might contaminate naive or uninformed people or bring in potential recruits for hate activities, without teachers and parents being able, or knowing how or when, to intervene. He observes that there are a number of strategies for the media to supply information and to communicate in multicultural societies, including self-regulation through codes of conduct, diversity in the media through reviewed recruitment policies, training for tolerance, dialogue and awareness-raising among journalists.

53. During the ensuing discussion, it was suggested that the promotion of media events, for example, to commemorate 21 March, the International Day for the Elimination of Racial Discrimination, would be useful and constructive. The importance of educational programmes for journalists and editors was emphasized. It was also observed that prejudices are interlinked and mutually reinforcing and it should be studied how they are sometimes transmitted from one region to another.

J. Topic 10: The gender dimension of racism, racial discrimination, xenophobia and related intolerance

54. Ms. Sapana Malla, Coordinator, Women Law and Development, Kathmandu, introduced her background paper (HR/PARIS/SEM.3/2003/BP.10).

55. She referred to the growing recognition that racism does not always affect women and men in the same way. In some circumstances, according to Ms. Malla, women belonging to particular racial or ethnic groups may face dual or multiple forms of discrimination based on race, gender, religion, nationality, social class, caste, age and/or other status. Intersectionality of racism and gender occurs in a number of countries in the context of trafficking of women and children, migrant women workers, refugee women, HIV/AIDS and other health related problems, violence against women in situations of armed conflict, caste-based discrimination, access to justice and discrimination based on religion, she added.

56. The majority of the world's 1.3 billion people living in poverty are women. Women of disadvantaged racial groups are even more adversely affected by poverty, particularly because of their lack of access to education and training programmes, and limited employment opportunities. The literacy rate for women worldwide is 17.48 per cent compared to 83.71 per cent for men. Although these figures are not disaggregated by race, other evidence suggests that women and girls of disadvantaged racial, ethnic, immigrant and indigenous groups have fewer educational resources. Discriminatory and exploitive labour practices disproportionately affect women of disadvantaged communities and limit their employment opportunities. Young women in developing countries and minority women in the United States for example experience disproportionately high rates of HIV/AIDS. Differentials in maternal and infant mortality rates based on race and ethnicity, with indigenous women in some countries experiencing higher maternal mortality than women of other groups, could also be observed. She underlined that minority women also have fewer opportunities for political empowerment.

57. A number of participants indicated that trafficking and gender discrimination were widespread in many countries. It was pointed out that when analysing trafficking, social and economic factors, as well as racial discrimination should be taken into account.

K. Topic 11: The international framework to combat racism with specific emphasis on the International Convention on the Elimination of All Forms of Racial Discrimination

58. Ms. January-Bardill, a member of the Committee on the Elimination of Racial Discrimination (CERD) introduced her background paper (HR/PARIS/SEM.3/2003/BP.11).

59. Ms. January-Bardill noted how, over the years, the international community has, through the United Nations framework generally and the International Convention on the Elimination of All Forms of Racial Discrimination particularly, struggled to eliminate all forms of racial discrimination, particularly after the World Conference against Racism and post-September 11. Reference was also made to the Charter of the United Nations, the Universal Declaration of Human Rights, the Declaration on the Elimination of All Forms of Racial Discrimination (1963), the Three United Nations Decades to Combat Racism and Racial Discrimination (1973-2003), the three world conferences against racism (1978, 1983 and 2001) and the International Convention on the Elimination of All Forms of Racial Discrimination (1965).

60. Ms. January-Bardill indicated that many States have amended their national Constitutions to include provisions prohibiting racial discrimination and have adopted and amended existing laws to comply with the principle of non-discrimination and other provisions of the Convention. Also, through its decisions on States' reports and its general recommendations, CERD remains a dynamic rather than a static tool for addressing the enormous challenge of fighting racism.

61. Challenges that CERD faces include the fact that the Convention does not give sufficient attention to institutionalized or the more structural characteristics of racism. In addition, the Committee can only be as effective as its members. In this regard, the inclusion of the gender related aspects of racism in the analysis of the Committee, for example, was the direct result of the efforts of one individual who was personally driven by her commitment to race and gender equality. Also, CERD members work in the Committee on a part-time basis and most have other jobs. They therefore often lack the time to reflect on the volume of information that they have access to. In addition, there is a need to maximize the invaluable contributions that NGOs make.

62. During the discussion on the paper, the importance of raising awareness about the international legal instruments that exist to combat racism, racial discrimination, xenophobia and related intolerance was highlighted. Also, the importance of political will to implement existing standards was stressed, as the adoption and ratification of such legal instruments without their effective application would be of little help to victims of discrimination. Several speakers made further suggestions for the future publication. These included adding a chapter explaining concepts and working definitions such as racism or tolerance. Internet sites that provide additional information on each of the topics discussed during the workshop should be further consulted. It was also suggested that networks of experts across regions could be established to exchange ideas on causes and consequences with respect to the various topics.

III. CLOSURE OF THE WORKSHOP

63. At the end of the meeting, the secretariat indicated that following the workshop UNESCO and OHCHR would determine, after additional consultations with educational experts, how to proceed with the planned publication. It was indicated that the 11 papers prepared by the experts would be the basis for chapters in the publication, and that note had been taken of the interesting and useful suggestions made by the participants.

64. Mr. Doudou Diène made a statement thanking the experts, States, NGOs and other participants for their valuable contributions and closed the workshop.

Annex

LIST OF PARTICIPANTS

Experts

Ms. Shalini Bharat, Professor and Head of Unit for Family Studies, Tata Institute of Social Sciences, Mumbai, India

Mr. Doudou Diène, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia, and related intolerance

Mr. Julio Faundez, Professor in Law, Warwick University, United Kingdom

Mr. August Gächter, Senior Researcher, Centre for Social Innovation, Vienna

Ms. Nozipho January-Bardill, member of the Committee on the Elimination of Racial Discrimination (CERD)

Ms. Sapana Malla, Coordinator, Forum for Women, Law and Development, Kathmandu

Ms. Jessica Reitz, Development and Outreach Director, Free the Slaves, Washington, D.C.

Mr. Bent Sørensen, Head of Information and Communication Unit, European Monitoring Centre on Racism and Xenophobia, Vienna

Ms. Katarina Tomasevski, Special Rapporteur on the right to education

Ms. Leila Zerrougui, member of the Sub-Commission on the Promotion and Protection of Human Rights

UNESCO educational experts

Dr. Gloria Ramirez Hernandez, National Autonomous University of Mexico

Professor N.S. Rembe, University of Fort Hare, South Africa

Ms. Fouzia Rhissassi, University Ibn Tofail, Kenitra, Morocco

Professor A.V. Torkunov, Moscow State Institute of International Relations

States

Algeria, Barbados, Belarus, Canada, Colombia, Croatia, Denmark, Ethiopia, Germany, Haiti, Honduras, Indonesia, Italy, Kuwait, Lebanon, Libyan Arab Jamahiriya, Lithuania, Luxembourg, Mexico, Morocco, Netherlands, Oman, Pakistan, Poland, Portugal, Republic of the Congo, Republic of Korea, Senegal, Slovenia, Spain, Turkey, Yemen

Other observers

Holy See

United Nations agencies

International Labour Office, United Nations Educational, Scientific and Cultural Organization

Intergovernmental organizations

European Commission

Non-governmental organizations

In consultative status with the Economic and Social Council

African Society of International and Comparative Law, Baha'I International Community, Brahma Kumaris World Spiritual University, Consejo Indio de Sud America, Coordination française pour le lobby européen des femmes, Education International, Fraternité Notre Dame, Hadassah - The Women's Zionist Organization of America, Inc., Indian Movement "Tupaj Amaru", International Council of Jewish Women, International Federation of Business and Professional Women, International Federation of Social Workers, International Federation of University Women, International Organization of Indigenous Resource Development, Migrants Rights International, Minority Rights Group International (UK), New Humanity, Penal Reform International, Rural Environment Protection Association, Simon Wiesenthal Center, Soroptimist International, Society for Threatened Peoples, Tiye International, Women's International League for Peace and Freedom

Specially accredited to the World Conference against Racism

African Union in Luxembourg, African Youth in Norway, Antirasistisk Senter, Association pour l'égalité dans l'éducation nationale (APEEN), Bulgarian Gender Research Foundation, Comité national d'action pour les droits de l'enfant et de la femme (CADEF), Conseil national des citoyens et citoyennes d'origine Haitienne (CONACOH), Consejo de Ayllus Y Markas del Qullasuyo (CONAMAQ-B), Développement rural par la protection de l'environnement et l'artisanat (DERPREA), Diaspora Afrique (AFAA), Eveil de la femme, Forum of European Muslim Youth and Student Organisations, France Libertés, Kawa League for Kurdish Culture, Mother of Red Nations Womens Council of Manitoba (MORN), National Coalition to abolish the Death Penalty, National Society for Human Rights, Netherlands National Bureau against Racial Discrimination (LBR), Stichting Magenta

Indigenous non-governmental organizations

Assembly of First Nations-National Indian Brotherhood, Foundation for Aboriginal and Islander Research Action (FAIRA)

Non-governmental organizations accredited to UNESCO

B’Nai B’Rith, CICT/UNESCO, World Federation of UNESCO Clubs, Centres and Associations

Others

International Federation of Red Cross and Red Crescent Societies

University teachers/students

Ms. Caitlin Sainsbury, Native Law Center of Canada

Mr. El Hadji Bara Dieng, Department of Political Science, University of Geneva

Dr. Liam Gearon, Centre for Research in Human Rights, University of Surrey, Roehampton,
United Kingdom

Ms. Myriam Chantereau, Argenteuil, France

Dr. Mark Kirton, Dean, Faculty of Social Sciences, University of Guyana

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