HUMAN RIGHTS COUNCIL
Tenth session
Agenda item 9

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

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).
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Bureau (IPB), UNESCO Centre Basque Country (UNESCO ETXEA), 3HO Foundation (Healthy, Happy, Holy Organization), Dzeno Association, Country Women Association of Nigeria (COWAN), International Movement against all Forms of Discrimination and Racism (IMADR), Association Nigérienne des Scouts de l’Environnement (ANSEN), International Peace Research Association (IPRA), International Association of Gerontology and Geriatrics (IAGG), Asia Pacific Forum on Women, Law and Development (APWLD), International Progress Organization (IPO), 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.

[18 February 2009]
Human right to peace versus racism, racial discrimination, xenophobia and other forms of intolerance

The Spanish Society for International Human Rights Law (SSIHRL) welcomed on 30 October 2006 the adoption of the Luarca Declaration on the Human Right to Peace. It was drafted by a Committee of independent experts and it was the culmination of a process of extensive consultations with Spanish civil society, with the support of the Catalonian Agency for Cooperation to Development.

Following the adoption of the Luarca Declaration, the SSIHRL has continued in all regions of the world the process of consultations with civil society through the organization of conferences and expert meetings on the human right to peace. In 2010 the SSIHRL will call for a World NGO Conference to analyze and incorporate inputs received from international civil society and to adopt the final text of the Universal Declaration on the Human Right to Peace which will be submitted to the HR Council, urging its Member States to initiate the official codification of the human right to peace.

On 15 March 2007 the Luarca Declaration on the Human Right to Peace was presented to the fourth session of the Human Rights Council in an oral statement delivered by UNESCO Etxea on behalf of SSIHRL. Since then several parallel meetings have taken place at the Palais de Nations in Geneva during the following sessions of the Human Rights Council.


Conferences and expert meetings have already taken place in the following places: Bilbao and Geneva (November 2006); Mexico (December 2006); Bogotá, Barcelona and Addis Ababa (March 2007); Caracas and Santo Domingo (April 2007); Morelia (Mexico, 12 May 2007), Bogotá (12 May 2007), Oviedo and Santa Fe (New Mexico, USA, 16-17 May 2007); Washington (14 June 2007), Nairobi (15 June 2007), Geneva (28 June 2007); Feldkirch (Austria, 31 August 2007); Geneva (11, 12 and 21 September 2007), Luarca (28 September 2007); Madrid (23 October 2007); Monterrey (1st November 2007), Mexico DF, Geneva, Las Palmas de Gran Canaria, Zaragoza and Navia, Asturias (December 2007); on the occasion of the UN Commission on the Status of Women, New York (February 2008); Geneva (March 2008); Parliament of Catalonia, Barcelona, Geneva, Dakar, Madrid and Valencia (April 2008); Rome and Gwangju, Republic of Korea (May 2008); Geneva and Bilbao (June 2008); Cartagena and Geneva (July 2008); Paris, Geneva and Montevideo (September 2008); Oviedo, Turin, New York and Basque Parliament, Vitoria (October 2008); La Plata and Buenos Aires, Argentina, and Bosco Marengo, Italy (November 2008); Luxembourg, Geneva and Barcelona (December 2008); Geneva and Barcelona (January 2009); Yaoundé, Cameroon (February 2009).

For more information on these meetings, please see http://www.aedidh.org.

On 15 March 2007 both the SSIHRL and the International Society of Human Rights (Frankfurt) convened an open Information Meeting on the Luarca Declaration; on 16 March 2007, the SSIHRL...
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In recent years the reported acts of incitement to racial, ethnic and religious hatred have dramatically increased in the world. In all Continents vulnerable communities, especially members of minorities, are victims of public utterances calling for intolerance and discrimination and, in some cases, physical and psychological violence. They are often associated with certain types of crimes, such as drug trafficking, illegal immigration, pickpocketing or shoplifting. Furthermore, as a result of the overriding focus on prioritizing security over the international human rights law in the prevailing political context, treatment of immigrants, refugees and asylum-seekers is characterized by suspicion that they may be dangerous.

As recognized by the former Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, discrimination, racism and xenophobia constitute by definition a rejection of or a failure to, recognize differences. Combating racism requires not only identifying its manifestations and expressions but also analysing and better understanding its underlying causes. The resurgence of the racist and xenophobic culture and mentality can feed and foster a dynamic of conflicts between cultures and civilizations, which constitutes the most serious threat to world peace and therefore to the human right to peace.

The lack of recognition of multiculturalism is an underlying factor of racism and the central issue in present-day crisis in most of the regions of the world. Although societies are the outcome of lengthy historical processes involving contact between peoples, cultures and religions, the central problem of most modern societies lies in the fundamental contradiction between the framework of the nation state, the expression of an exclusive national identity and the dynamic of multiculturalization.

The identity crisis is developed around the dilemma of whether to preserve an ethnic centred identity or to recognize the reality of cultural and inter-religious pluralism. Identity should be not an obstacle to, but a factor that enables dialogue, mutual understanding, rediscovery of the proximity of the other and pluralism. The concept of diversity should not be interpreted as radical difference, inequality and discrimination

organized a Technical Meeting with NGO and human rights experts with a view to building a common strategy for a world-wide campaign on the human right to peace; 11 June 2007, both UNESCO Etxea and SSIHR organized an additional parallel meeting on the relationship between peace and solidarity rights; on 12 September 2007, the SSIHRL in collaboration with the UNESCO Liaison Office in Geneva organised a Roundtable on the legal content of the human right to peace; on 21 September 2007, the SSIHRL organised the commemoration of the International Day of Peace in the Council Chamber of the Palais de Nations; on 7 March 2008, the SSIHRL, the International Society of Human Rights (Frankfurt) and UNESCO Etxea organised a Roundtable on the relationship between extreme poverty and the human right to peace; on 4 June 2008, the SSIHRL and UNESCO Etxea organised a Roundtable on the right to education on peace and human rights; on 12 September 2008, the SSIHRL and UNESCO Etxea organised a Roundtable on the human right to peace and indigenous peoples; on 19 September 2008, the SSIHRL, UNESCO Etxea and the NGO Liaison Office of UNOG organised the commemoration of the International Day of Peace in the Council Chamber of the Palais de Nations

5 Report submitted by Mr Doudou Diène, A/HRC/7/19, 20 February 2008, paragraph 51 and 65
6 Report submitted by Mr. Doudou Diène, supra note 3, paragraph 5
7 Report submitted by Mr Doudou Diène, E/CN.4/2006/54, 13 January 2006, paragraph 5
against the other, but as a vital element enabling to build a new social vision based on the
dialectic of unity, diversity and promotion of the value of cross fertilization between
cultures, peoples, ethnic identities and religions9. This new social vision should lead to
peace.

The concept of clash of civilizations, cultures, ethnic identities or religions has
been the new front of the cold war theorists. This ideology has not only shaped the world
view of a growing number of influential politicians and media leaders, but it also became a
new paradigm for some intellectuals and academics. The ideological paradigm was based
both on the use of the defence of national identity and security10, and the creation of an
enemy in the process of the construction of a national identity.

In their contributions to the Durban Review Conference the African Group stated
that, against the culture of fear, is necessary to promote dialogue, peace, cultural diversity
and mutual understanding11; and the Latin American and Caribbean Group concluded
that the promotion of tolerance and cross-cultural values is closely linked to the spirit of
the Durban Declaration and Programme of Action12.

Educational policies and programmes should be orientated to promote peace,
respect for cultural diversity and universal human rights. Furthermore, as indicated by
Intergovernmental Working Group on the Effective Implementation of the Durban
Declaration and Programme of Action, human rights education should play a prominent
role in combating racism, racial discrimination, xenophobia and related intolerance and
promoting a culture of peace and dialogue13.

Nevertheless, racial discrimination and xenophobia will rise dramatically up in our
societies unless States would adopt effective measures designed to correct persistent forms
of structural racism and to eradicate social inequalities which represent the legacy of
slavery and colonialism, and feed poverty.

Since peoples of the world are entitled to equality of opportunity and the enjoyment
of their human rights, including the right to development and the right to live in peace14,
actions undertaken by Governments aimed at eliminating racism should include economic
and social measures in support of peoples marginalized by racial discrimination. As
emphasized by the Asian Group “poverty, underdevelopment, marginalization, social
exclusion and economic disparities are closely associated with racism, racial
discrimination, xenophobia and related intolerance, and contribute to the persistence of
racist attitudes and practices which in turn generate more poverty”15.

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10 Report submitted by Mr. Doudou Diène, supra note 4, paragraph 56
11 Report of the Regional Preparatory Meeting for Africa for the Durban Review Conference (Abuja, 24-26
August 2008), A/CONF.211/PC.3/4, 3 September 2008, paragraphs 10 and 18
12 Report of the Regional Conference for Latin America and the Caribbean, Preparatory to the Durban
paragraph 20
13 Compilation of conclusions and recommendations adopted by the Intergovernmental Working Group on
the effective implementation of the Durban Declaration and Programme of Action, doc. A/CONF.211/PC.2/7,
15 April 2008, paragraph 19
14 Durban Declaration and Programme of Action, Preamble, paragraph 21
15 Reports of preparatory meetings activities at the international, regional and national levels, Durban Review
Conference, Preparatory Committee, A/CONF. 211/PC.3/5, 10 October 2008, p. 7, paragraph 10
Racism, racial discrimination, xenophobia and related intolerance manifest themselves in an aggravated and differentiated manner for women and girls “causing their living standards to deteriorate, generating multiple forms of violence and limiting or denying them the exercise of their human rights …”\textsuperscript{16}. As we are approaching the 15\textsuperscript{th} Anniversary of the Beijing Declaration and Programme of Action, it should be reaffirmed that all forms of gender-based violence should be eliminated. Moreover, gender-based violence, such as battering and other domestic violence, sexual abuse, sexual slavery and exploitation, and international trafficking in women and children, prostitution, pornography and sexual harassment, are often aggravated by or resulting of racism, cultural prejudice, racial discrimination and xenophobia\textsuperscript{17}. The Convention on the Elimination of Discrimination against Women, as well as its Committee’s General Recommendations, in particular GR 19 (1992) on violence against women, including older and immigrant women, should also be stressed.

A transformed partnership based on equality between women and men is needed as a condition for people-centred sustainable development and world peace\textsuperscript{18}. In addition, the role played by men and boys in advancing gender equality is vital, as recognized both by the Beijing Declaration and the Commission on the Status of Women\textsuperscript{19}. Therefore leaders at all levels, as well as parents and educators, should promote positive male role models that facilitate boys to become gender-sensitive adults and enable men to support, promote and respect women’s rights\textsuperscript{20}.

Discrimination and racism is an extended phenomenon affecting people of African descent and indigenous peoples. Although some legal and administrative measures have been adopted to promote, enhance and strengthen the ethnic, cultural, religious and linguistic identities, participation of minority groups at the political, economic, social and cultural spheres, continues to be irrelevant in many countries were racial policies based on superiority, xenophobia or discrimination are prevailing\textsuperscript{21}. This is in flagrant violation of the Charter of the United Nations and relevant international human rights treaties. To efficiently implement main human rights standards, States should promote dialogue among cultures and religions, enhance respect for the dignity of peoples of diverse racial origin and belief, including indigenous peoples and people of African descent; and finally, promote the human right to peace.

\textsuperscript{16} Ibidem, p. 10, paragraph 29
\textsuperscript{18} Ibidem, paragraphs 1 and 132
\textsuperscript{20} Special Session of the UN General Assembly on Population and Development, held in New York in June/July 1999, paragraph 50
\textsuperscript{21} According to Yakin Ertürk, Special Rapporteur on violence against women, “the positive cultural elements should be emphasized, while the oppressive elements in culture-based discourses should be demystified”, paragraph 52, A/HRC/4/34, 17 January 2007
As requested in Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, States Parties should adopt immediate and positive measures designed to eradicate all incitement to, or acts of, racial discrimination. In addition, the Human Rights Committee stated in its General Comment 18 that the principle of non-discrimination, together with equality before the law and equal protection of the law without any discrimination, constitute a basic and general principle relating to the protection of human rights.

In addition, the Committee on the Elimination of Racial Discrimination requested States to take all necessary measures in order to avoid any form of discrimination against immigrants, in particular asylum-seekers of Roma origin and undocumented non-citizens.

As stated in paragraph 17 of the Preamble of the Luarca Declaration on the Human Right to Peace, adopted on 30 October 2006,

“Affirming that the effectiveness of the right to peace will not be achieved without the realisation of equal rights for men and women and the respect for their difference, without respect for the various cultural values and religious beliefs compatible with human rights, and without the eradication of racism, xenophobia and the contemporary forms of racial discrimination”

CONCLUSIONS

We therefore urge the Human Rights Council to further promote the rights of minority groups, African descent people and indigenous peoples suffering from racism, racial discrimination and xenophobia, to social justice and equity, non-discrimination and gender equality, respect of all human rights, cultural diversity, linguistic rights, solidarity, peace and friendly relations among all nations, races, ethnicities or religions.

We recommend that the Human Rights Committee update its General Comment 11 (1983) on Article 20 of ICCPR (war propaganda should be prohibited by law) in order to address current challenges.

We also request the Human Rights Council to remind Member States to be aware of the existing links between efforts to combat racism, racial discrimination and xenophobia, and the construction of democratic, interactive and egalitarian multiculturalism, as well as the promotion of dialogue among cultures, civilizations and religions, as a means to achieve the human right to peace and to combat racial and religious intolerance.

22 Adopted and opened for signature and ratification by General Assembly resolution 2106 (XX) of 21 December 1965, entry into force 4 January 1969
25 General Recommendation XXX on discrimination against non-citizens, Sixty-fifth session (2005), ibidem, pp. 44-49 (Spanish text)
We further request Member States to take necessary measures aiming at the realization of fundamental rights of minority groups, as contained in the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of Discrimination against Women, the Convention on the Political Rights of Women, the Durban Declaration and Plan of Action, the UNESCO Universal Declaration on Cultural Diversity, the UNESCO Convention against Discrimination in Education, and the ILO Convention No. 111 on non-discrimination in access to employment and occupation.

The Human Rights Council should request the Committee on the Elimination of Racial Discrimination to analyse the issue of multiple discrimination and aggravated forms of discrimination with a racial component, and to adopt general recommendations on the methodology for countering this phenomenon.

We also urge Member States to recognize the need to eliminate discrimination against women as requested by the Convention on the Elimination of Discrimination against Women and the Beijing Declaration and Platform for Action of the Fourth World Conference on Women of 1995; to promote women participation at all levels of decision-making on peace and security issues, as provided for in Security Council Resolution 1325; and to foster the role of men and boys in advancing gender equality.

We further recommend that a Draft Declaration on human rights education and training be proposed by the Advisory Committee to define positive obligations of States regarding the incorporation of human rights education in their education systems, including private, religious, and military schools; to ensure access to a continuous life-long education at all ages in a society marked by professional mobility and migration; and to include the right to education on peace and human rights.

Finally, we invite all international actors to fully participate at the Workshop on the right of peoples to peace, to be organized by the High Commissioner in April 2009 pursuant to Council resolution 8/9, adopted on 18 June 2008.