



ENADE  
MOT  
RASISM

Demonstration against racism in Stockholm, Sweden. The text on placard reads 'United against racism'.



# Enhancing equality and countering discrimination

## Relevance of the issue

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The elimination of all forms of discrimination has been one of the core objectives of the United Nations since its inception. Non-discrimination and equality before the law constitute fundamental principles of international human rights law and are essential elements of human dignity. Indeed, the international human rights framework was built upon and operates in accordance with the fundamental premise of equal respect for all persons and freedom from discrimination on any ground. In far too many countries, however, people continue to be excluded, marginalized, distinguished and restricted in the exercise of their rights based on grounds of race, colour, national, ethnic or social origin, language, sex, religion, political or other opinion, descent, birth, caste, age, disability, health status, migration status, sexual orientation or gender identity. The burden is even greater for those who experience multiple forms of discrimination.

Discrimination is also one of the root causes of conflicts and manifestations of violence, particularly against women and girls, that continue unabated around the world. In times of economic crisis, inequalities can be further accentuated and members of vulnerable and marginalized groups face greater risks, exclusion and barriers in the exercise of their rights. Many of them are exposed to xenophobia that may be fuelled by austerity measures or tightening of immigration laws. At the same time, in recent years, the world has witnessed a formidable quest by people, especially those who are marginalized, to claim their rights.

Despite efforts undertaken at the international and national levels, discriminated groups continue to face intolerance and violence. The existing international legal instruments and standards are not sufficiently



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Kevin-Prince Boateng (left), professional footballer, Patrick Vieira (right), former captain of the French national team and Navi Pillay, UN High Commissioner for Human Rights during a panel discussion on "Racism and Sport."

incorporated into the domestic legal system and national policies and national protection frameworks or mechanisms are not strong enough to counter all forms of discrimination. In fact, national laws, institutions and practices may perpetuate direct or indirect discrimination. In many countries, political transitions have led to positive changes but have also brought about additional risks resulting from social unrest and instability, an erosion of State control and increased violence. This has made the protection of minorities more difficult, especially against incitement to national, racial and religious hatred.<sup>1</sup> In some cases, traditional or cultural beliefs and practices can limit the freedom enjoyed by women, and their participation in political life, as well as the ability of victims of other forms of discrimination to exercise their rights.

<sup>1</sup> Incitement to hatred is used with reference to article 20 of the International Covenant on Civil and Political Rights which reads that: "Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law." Reference is also made to General Comment No. 34 (Freedom of Opinion and Expression) by the Human Rights Committee and General Recommendation No. 35 (Combating Racist Hate Speech) by the Committee on the Elimination of Racial Discrimination.

## OHCHR added value

OHCHR, as the lead UN entity for human rights, has a long history and extensive experience in the anti-discrimination field. It serves as the Secretariat to the UN human rights treaty bodies, which consistently address discrimination in multiple sectors and contexts and have issued both general comments and specific recommendations aimed at preventing discrimination and improving protection measures at the national level.

Combating discrimination is the central focus of three of the treaty bodies, namely the Committee on the Elimination of Racial Discrimination (CERD), the Committee on the Elimination of Discrimination against Women (CEDAW) and the Committee on the Rights of Persons with Disabilities (CRPD). It is also a recurrent theme in the work of other treaty bodies, including the Human Rights Committee, the Committee on Economic, Social and Cultural Rights (CESCR), the Committee on the Rights of the Child (CRC), the Committee on Migrant Workers (CMW) and the Committee against Torture (CAT), each of which has issued recommendations concerning discriminatory restrictions on the exercise of treaty-protected rights. The work of these bodies

has helped to clarify the extent of the obligations of States Parties to protect individuals from discrimination on grounds of race, colour, national, ethnic or social origin, language, sex, religion, political or other opinion, descent, birth, caste, age, disability, health status, migration status, sexual orientation, gender identity or other grounds and areas where awareness about such discrimination has increased in recent years.

The Office also supports special procedures and other subsidiary bodies of the Human Rights Council, including those dealing specifically with discrimination, such as the Working Group of Experts on People of African Descent, the Special Rapporteur (SR) on the rights of migrants, the SR on contemporary forms of racism, the Working Group on the issue of discrimination against women, the SR on the rights of indigenous peoples, the Independent Expert on the enjoyment of all human rights by older persons, the Expert Mechanism on the Rights of Indigenous Peoples, the Forum on Minority Issues and intergovernmental bodies such as the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the Ad Hoc Committee on the Elaboration of Complementary Standards and the Open-ended Working Group on Ageing.

OHCHR has in-house expertise on a wide range of discrimination-related issues and is well placed to address contemporary and emerging issues related to anti-discrimination and equality. It provides a global forum to facilitate dialogue and an exchange of views on a multitude of discrimination concerns and issues.

The Office has accumulated a wealth of experience in supporting States in complying with their international obligations and commitments and following up on the recommendations issued by human rights bodies and mechanisms. These recommendations may include the repeal of discriminatory laws, the adoption, reform and implementation of anti-discrimination laws, public policies, programmes and national action plans (NAPs) or the strengthening of national human rights institutions (NHRIs), specialized equality bodies and civil society actors. OHCHR will continue to support national efforts in these areas on the basis of lessons learned in the course of experience. This experience

has shown, for example, that insufficient political will, lack of adequate monitoring and evaluation schemes and procedures or lack or insufficient awareness at the national level have hindered the implementation of NAPs and limited the impact of specialized anti-discrimination and/or equality bodies.

OHCHR is also well placed to raise awareness of the international standards on the elimination of all types of discrimination among discriminated groups and strengthen their capacity to claim their rights, thereby supporting grassroots and community-based efforts to combat discrimination. Nevertheless, national protection mechanisms, including judges and courts, have not been proactive in enforcing these standards in their decisions and rulings. Further, discriminated groups are still not using national protection mechanisms to seek redress for discriminatory practices against them.

In this context, the Office has in some cases developed public information campaigns to address and challenge public attitudes and negative stereotypes contributing to discriminatory practices. OHCHR's engagement on the issue of caste-based discrimination in Nepal demonstrates that when sufficient efforts, a broad network of actors and a ground swell of opinion are mobilized, including through the media, positive change is possible. In Nepal, national legislation criminalizing caste-based discrimination was passed in 2011 under the impetus garnered by the OHCHR Nepal Office which was followed by a 100-day campaign launched by the President of the country to end caste-based discrimination.

Combating discrimination is inherent to the three pillars of the United Nations – peace and security, development and human rights – and requires system-wide, coordinated engagement. It is recognized that system-wide collaboration between the Office and UN agencies, funds and programmes on issues of discrimination should be strengthened. OHCHR is working to increase its role and effectiveness in mainstreaming the principles of equality and non-discrimination throughout the work of the UN system at the global, regional and national levels, including through the implementation of the Secretary-General's Guidance Note on racial discrimination and the protection of minorities.

## OHCHR expected contribution

Enhancing equality and countering discrimination	
RIGHTS-HOLDERS CLAIM THEIR RIGHTS	DUTY-BEARERS COMPLY WITH THEIR OBLIGATIONS
<p><b>[EA5]</b> ▶ National human rights institutions and civil society create and support participatory mechanisms to enhance equality and counter discrimination</p> <p>▶ Increased and effective use of national protection systems by individuals and groups faced with discrimination</p>	<p><b>[EA1]</b> ▶ Increased use of anti-discrimination and equality standards by judges and prosecutors</p> <p>▶ State agents and political and faith-based actors increasingly comply with human rights standards related to public freedoms and take measures for the development of an independent and pluralistic civil society</p> <p>▶ Constitutions, laws and policies increasingly protect human rights, especially land and housing rights and with particular attention to non-discrimination and gender equality, in the context of development and exploitation of natural resources</p> <p>▶ Legal frameworks, public policies and institutions are in place and functioning to combat sexual and gender-based violence, trafficking and related exploitation</p>
	<p><b>[EA2]</b> ▶ Increased ratification of international human rights instruments and review of reservations</p>
	<p><b>[EA4]</b> ▶ Legislation, policies and practices increasingly comply with anti-discrimination and equality standards</p> <p>▶ Increased number of specialized equality bodies, focal points and NHRIs working on equality and non-discrimination in line with international standards</p> <p>▶ Increased representation of marginalized and discriminated groups in State institutions and decision-making bodies</p>
<p><b>[EA7]</b> ▶ Increased number and diversity of rights-holders, and of national human rights institutions and civil society actors acting on their behalf, making use of United Nations and regional human rights mechanisms and bodies</p>	<p><b>[EA6]</b> ▶ Increased compliance and engagement of Member States with international human rights mechanisms</p>
	<p><b>[EA8]</b> ▶ Progressive development of international and regional human rights law in areas relevant to the thematic priorities</p>
<p><b>[EA10]</b> ▶ Increased integration of human rights in international and regional processes relevant to migration</p> <p>▶ Increased responsiveness of the international community in ensuring accountability for gross human rights violations</p>	
<p><b>[EA11]</b> ▶ Implementation of the Secretary-General's Guidance Notes and Guidelines on Racial Discrimination and Protection of Minorities and the UN Indigenous Peoples' Partnership</p>	

By 2017, OHCHR expects to have contributed to the achievement of the results outlined on the table above. OHCHR will pursue these behavioural, institutional and legislative changes in cooperation with relevant partners and using the different strategic tools at its disposal (see Part I on OHCHR's Theory of Change). It is expected that if achieved, these results will contribute to improving the duty-bearers' compliance with their international human rights obligations and to the rights-holders' ability to claim their rights, and thereby to enhancing equality and countering discrimination. To illustrate the interrelated nature of the Thematic Strategies, the table shows all the results to which OHCHR is planning to contribute in this area, including relevant results from other strategies which can be identified as follows:

▶ Mechanisms Strategy; ▶ Rule of Law Strategy; ▶ Development Strategy; ▶ Democracy Strategy; ▶ Violence Strategy.

## Compliances of laws, policies and institutions [EA1]

### Increased use of anti-discrimination and equality standards by judges and prosecutors

OHCHR intends to contribute to this change by:

- ▶ Supporting capacity-building activities for judges and prosecutors on the application of anti-discrimination and equality standards, including through the organization of seminars to allow for sharing of experiences and the development of a handbook on anti-discrimination standards.
- ▶ Undertaking research on gender stereotyping in judicial decision-making and raising awareness about the harmful effects of stereotypes, especially gender stereotypes, among judges and prosecutors.



By the end of 2017, OHCHR expects to have contributed to increasing the use of international law, especially anti-discrimination and equality standards, by judges and prosecutors in court proceedings and decisions in Argentina, Cambodia, Chile, Colombia, Democratic Republic of the Congo, Guatemala, Guinea, Madagascar, Republic of Moldova, Paraguay, Rwanda, Serbia, South Sudan, Timor-Leste, Tanzania and countries of South Asia.

## Anti-discrimination laws, policies and institutions [EA4]

### Legislation, policies and practices increasingly comply with anti-discrimination and equality standards

OHCHR intends to contribute to this change by:

- ▶ Engaging with Member States and civil society to raise awareness on the importance of introducing comprehensive anti-discrimination legislation or legislation to combat discrimination, including equality laws. Where anti-discrimination and equality legislation exists but is not compliant with international standards, the focus will be on advocating for its revision.
- ▶ Disseminating good practices in integrating anti-discrimination in legislation policies and practices.
- ▶ Supporting the development and implementation of national action plans against racial discrimination and on the protection of minorities.
- ▶ Providing technical advice and assistance on the adoption and reform of legislation and policies relating to women's human rights, in line with CEDAW.
- ▶ Providing technical advice and assistance on the adoption and reform of legislation and policies relating to racism, racial discrimination, xenophobia and related intolerance, in line with ICERD and other relevant standards.



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Indigenous communities in Cambodia claim their land rights.

- ▶ Providing technical assistance and assistance on the adoption and reform of legislation and policies on discrimination against persons with disabilities, in line with CRPD.
- ▶ Supporting national efforts to ensure that normative frameworks concerning indigenous peoples and minorities are in line with the UN Declaration on Indigenous Peoples, the UN Minorities Declaration and other relevant standards.



By the end of 2017, OHCHR expects to have contributed to efforts to adopt anti-discrimination laws and policies or regulations in accordance with international standards in Algeria, Burkina Faso, Cape Verde, Egypt, Gambia, Malawi, Republic of Moldova, Morocco, Senegal, South Sudan, Ukraine and Kosovo\*.

In certain countries, the focus will be on supporting national laws or policies to protect women and or specific groups against discrimination (i.e., caste discrimination; indigenous peoples; lesbian, gay, bisexual, transgender and intersex (LGBTI) persons; migrants; persons with such disabilities; and racial and religious minorities) such as in Bolivia, Cameroon, Gabon, Iraq, Libya, Mauritania, Mexico, Myanmar, Nigeria, Paraguay, Sierra Leone, Sri Lanka, Tunisia, Uganda and other countries in the Americas, South Asia, the Pacific, the Middle East and the Gulf States. In Europe, with the efforts of OHCHR, it is expected that a comprehensive EU non-discrimination directive aiming to protect individuals from discrimination on the grounds of disability, age, religion and sexual orientation in education, health care, social protection and access to goods and services, including housing, will be adopted, thus providing for its transposition into the legal systems of 28 EU member states. Moreover, OHCHR will support efforts in the region to ensure that Roma inclusion policies comply with the recommendations of international human rights mechanisms, with a particular focus on article 3 of ICERD (prohibition of segregation).

OHCHR will also be contributing to ensure that selected institutions with potential impact on specific groups work in accordance with international standards in countries such as Colombia, Democratic Republic of Congo, Ecuador, Guatemala, Haiti, Honduras, Jamaica, Myanmar and Senegal.

With the support of OHCHR, it is expected that national action plans against racial discrimination will be adopted in Honduras, Mauritania and Niger.

### Increased number of specialized equality bodies, focal points and national human rights institutions working on equality and non-discrimination in line with international standards

OHCHR intends to contribute to this change by:

- ▶ Providing technical assistance and training programmes to develop or enhance the capacity of existing NHRIs to raise awareness and address issues pertaining to equality and non-discrimination.
- ▶ Advocating that specialized equality bodies more effectively address discrimination, particularly on grounds of race, colour, national, ethnic or social origin, language, sex, religion, political or other opinion, descent, birth, caste, age, disability, health status, migration status, sexual orientation and gender identity, as well as incitement to hatred.
- ▶ Developing guidance material for specialized equality bodies, focal points and independent NHRIs working on equality and non-discrimination on how to monitor progress and promote the implementation of international norms and standards countering discrimination.



By 2017, OHCHR expects to contribute to ensuring that specialized equality bodies effectively advise discriminated groups and monitor and report on their human rights concerns in Bolivia, Chad and Tanzania.

With the support of OHCHR, NHRIs will have established units or programmes that work on issues related to discrimination in Botswana, Cameroon, Gabon, Republic of the Congo, Russian Federation, Zambia, Zimbabwe and countries of Central America. In countries of South Asia, OHCHR will support networking and the exchange of best practices among existing NHRIs and specialized commissions to combat discrimination.



«Femmes - Hommes, c'est KifKif»



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“Women and men they are the same.” Tunisia’s remote regions react positively to a campaign led by OHCHR to inform and mobilize women of their rights. UN Women and the United Nations Population Fund joined OHCHR in taking the campaign across the country.

**Increased representation of marginalized and discriminated groups in State institutions and decision-making bodies**

OHCHR intends to contribute to this change by:

- ▶ Raising awareness of the importance of integrating groups which are marginalized and facing discrimination in State institutions and decision-making bodies.
- ▶ Advocating for the introduction of special measures to ensure representation of underrepresented groups at all levels of State institutions, including the judiciary and decision-making bodies.
- ▶ Assisting national actors in collecting and analysing data on the extent of representation of marginalized and discriminated groups in State institutions and decision-making bodies and the causes for under- or non-representation of these groups.



By 2017, OHCHR expects to have contributed to the establishment of internal policies of selected State institutions to promote the enhanced representation of marginalized and discriminated groups in Guatemala (indigenous peoples, particularly indigenous women), Paraguay (indigenous peoples, women, people with disabilities and other discriminated groups) and South Africa. In Guinea-Bissau, the focus will be on increasing women’s representation in parliament, governor positions and the judiciary.

**Participation [EA5]**

**National human rights institutions and civil society create and support participatory mechanisms to enhance equality and counter discrimination**

OHCHR intends to contribute to this change by:

- ▶ Developing the capacities of NHRIs and civil society groups, including organizations working to defend the rights of discriminated and marginalized groups, and providing technical assistance to these groups to enable them to create and support anti-discrimination mechanisms.
- ▶ Developing advocacy tools to increase the commitment and awareness of civil society groups regarding diversity and non-discrimination.
- ▶ Providing capacity-building for anti-discrimination and equality bodies on the international standards related to discrimination, including the Rabat Plan of Action and the Outcome Document of the Durban Review Conference.
- ▶ Supporting national actors in their efforts to collect disaggregated data on discrimination and the collection and sharing of data and good practices regarding anti-discrimination among NGOs, NHRIs and other civil society groups at the national levels.
- ▶ Advocating for the development of databases as well as web tools, portals containing data and



Bangladeshi migrant workers wait at the Egyptian-Libyan border in Sallum, Egypt, after fleeing violence in Libya. Migrants, particularly those who are poor, low-skilled and in irregular situations, are often victims of discrimination in the countries of transit like the countries of destination.

good practices regarding anti-discrimination, that are accessible at the national and regional levels.

- ▶ Advocating for a diverse representation of the population in national media and providing guidance to media professionals on international human rights standards to foster non-discriminatory reporting.
- ▶ Providing training and strengthening capacities of civil society groups, especially groups working on women's human rights, to address the linkages between discrimination, sex and gender-based violence, sexual and reproductive health and rights and other women's human rights issues, including through the development of fact sheets and information materials.



By 2017, OHCHR expects to have contributed to the establishment of a participatory mechanism supported by civil society to counter discrimination in Zambia. In some contexts, the focus will be on certain groups, such as in Botswana (indigenous peoples), Haiti (LGBTI persons), Liberia (women and persons with disabilities), Nigeria (women, children and persons with disabilities), Paraguay (indigenous peoples, women, people with disabilities and LGBTI persons) and Yemen (women, persons with disabilities, migrants and minorities). In other contexts, the focus will be on specific processes, such as the constitutional and law review processes underway in South Sudan.

With the support of OHCHR, NHRIs and equality bodies in countries such as Iraq, Zimbabwe and countries in Europe will undertake concrete measures to address human rights challenges in the non-discrimination field and increase direct participation of rights-holders from groups at risk, including in their own activities.

### **Increased and effective use of national protection systems by individuals and groups faced with discrimination**

OHCHR intends to contribute to this change by:

- ▶ Providing technical assistance and capacity-building to empower individuals and groups, including the most marginalized, to use strategic litigation, mediation and other alternative dispute resolution methods to address discrimination.
- ▶ Developing capacity-building tools on the use of national protection systems for individuals and groups facing discrimination.
- ▶ Supporting national anti-discrimination and equality bodies in processing complaints and requests from individuals and groups alleging discrimination and in following-up on their decisions. Developing guidelines to support them in these efforts.
- ▶ Strengthening engagement with national and community-based media to develop public awareness strategies on existing national protection systems which address discrimination.
- ▶ Developing channels of communication through national, community-based and web-based media in order to disseminate information on best practices in addressing discrimination.



By 2017, OHCHR expects to have contributed to the increased use of protection systems in Niger, Nigeria, South Sudan and Kosovo\*. In Azerbaijan, the focus will be on women and persons with disabilities; in Georgia on ethnic and religious minorities, LGBTI persons, persons with disabilities and women; in Guatemala on indigenous organizations and rural women, especially on issues related to violence against women; in Timor Leste on women, persons with disabilities, members of religious minorities, migrants and LGBTI persons; and in Yemen on women, marginalized groups, persons with disabilities and migrants.

## Responsiveness of the international community [EA10]

### Increased integration of human rights of migrants in international and regional processes relevant to migration

OHCHR intends to contribute to this change by:

- ▶ Engaging in key international, regional and inter-agency processes on migration, including the Global Forum on Migration and Development and the Global Migration Group, to advocate for a focus on the human rights of migrants.
- ▶ Advocating and making public interventions on migration and human rights issues, including opinion editorials, press statements and briefings.
- ▶ Developing training materials and capacity development modules on migration and human rights for government, civil society and UN actors.
- ▶ Supporting the human rights mechanisms in addressing the situation of migrants, including through the increased integration of migration-related human rights concerns in lists of issues, concluding observations and general comments of the human rights treaty bodies; thematic reports, country visits and allegation letters of special procedures mandate-holders; and the Universal Periodic Review (UPR).

## Human rights mainstreaming within the United Nations [EA11]

### Implementation of the Secretary-General's Guidance Notes and Guidelines on Racial Discrimination and Protection of Minorities and the UN Indigenous Peoples' Partnership

OHCHR intends to contribute to this change by:

- ▶ Coordinating the UN Network to support the implementation of the S-G's Guidance Note on Racial Discrimination and Protection of Minorities and related Action Plan.
- ▶ Disseminating recommendations of international and regional human rights bodies and supporting their follow-up, with a particular focus on racial discrimination, minorities and indigenous peoples.
- ▶ Strengthening the capacity of United Nations Country Teams (UNCTs) on racial discrimination, the protection of minorities and indigenous peoples by exchanging knowledge and good practices, including on mapping tools, through existing knowledge portals, enhancing training tools and delivering capacity-building activities.
- ▶ Supporting the participation of minorities and indigenous peoples in UN programmes through the UN Indigenous Peoples' Partnership and other collaborative mechanisms.



By 2017, OHCHR expects to have contributed to the increased implementation of the Secretary-General's Guidance Note on Racial Discrimination and Protection of Minorities by UNCTs in Bolivia, Dominican Republic, Honduras, Jamaica, South Africa, Sri Lanka, the former Yugoslav Republic of Macedonia and countries of North East Asia and South Asia. In South Africa, the emphasis will be on ensuring that the UNCT implements the S-G Guidance Note to support the implementation of the constitutional vision and in Bolivia, OHCHR's efforts will be geared towards the implementation by the UNCT of the "Guidance Note on Indigenous Peoples in Voluntary Isolation and in Initial Contact."