

Check against delivery



**STRENGTHENING EU-UN CO-OPERATION
IN THE STRUGGLE AGAINST ALL FORMS OF
DISCRIMINATION**

Intolerance and discrimination against Arabs and Muslims

Statement by Mr. Githu Muigai
Special Rapporteur on contemporary forms of racism, racial
discrimination, xenophobia and related intolerance

Brussels, 14 October 2009

Chairperson,
Excellencies,
Ladies and Gentlemen,

It is a great honour and an immense pleasure to be here and have this opportunity to exchange views on ways and means of strengthening EU-UN cooperation in the struggle against all forms of discrimination in Europe. I was invited to speak on intolerance and discrimination against Arabs and Muslims.

As UN Special Rapporteur on racism, racial discrimination, xenophobia and related intolerance, discrimination targeting Muslims falls within the remit of my mandate when linked to discrimination on the ground of ethnic origin. But, while I will mainly focus my presentation on the situation of Arabs and Muslims in Europe, I would like to stress that other regions are also affected by instances of racial and religious discrimination and incitement to hatred. Moreover, I am of the view that discrimination and incitement to hatred affect members of other religious and ethnic groups and should also be addressed in appropriate fora.

There is a definite correlation between ethnicity and religious affiliation. The UN Committee on the Elimination of Racial Discrimination (CERD), in which our distinguished moderator was a member, has also come to this conclusion by referring to intersectionality between race and religion. Indeed CERD also addresses issues of religious discrimination when linked to racial discrimination.

In Europe, people of Arab origin are often associated with Islam. It is therefore often very difficult to address cases of racial or religious discrimination as they relate to Arabs and Muslims separately. Indeed, the European Union Agency for Fundamental Rights has conclusively documented that cases of discrimination and violence affecting Arabs and Muslims are complicated by the fact that they are invariably linked with multiple forms of discrimination based on ethnic origin, religion and gender. It is therefore essential to adopt a comprehensive approach towards these acts.

In my report to the Human Rights Council three weeks ago, I addressed this problem of discrimination and intolerance against Arabs and Muslims and the growing problem of Islamophobia. My report drew on information received from, among others, the European Union Agency for Fundamental Rights. I would especially like to thank this institution for having provided me with information on “acts related to the phenomenon of Islamophobia” as well as on immigrant and ethnic minority groups’ experiences of discrimination and racist crimes.

While there is evidence that most countries in Europe are aware of the magnitude of the problem and are committed to addressing it, these reports demonstrate that intolerance and discrimination experienced by Muslims and Arabs in the EU remains a major human rights issue.

We must all strongly deplore acts of violence against individuals based on their ethnic origin or their religious affiliation. We cannot remain silent when a woman is killed in a Court room where she had gone to vindicate her rights against discrimination as a Muslim, when places of worship or cultural centers are attacked, when a young man cannot find a job because he is Arab or when a child is attacked at school for the same

reason. Several reports refer to the recurrence of such heinous incidents.

In my last report, I therefore called upon States - and will continue to do so - to take all necessary and appropriate measures to investigate these acts as well as prosecute and sanction the perpetrators in accordance with international human rights law. Not a single act of racism or discrimination towards Arab and Muslims should be tolerated. All acts should be fully investigated and perpetrators should be brought to justice.

According to the recent report issued by the European Union Agency for Fundamental Rights, hate crimes against Muslims are often underreported or unregistered. More should be done to collect data on hate crimes, including those affecting Arabs and Muslims. Precise data is needed to ensure an appropriate and determined response. The European Commission against Racism and Intolerance (ECRI), the Office of Democratic Institutions and Human Rights of the OSCE and the UN have provided useful guidelines in this regard.

Outreach measures and education tools need to be further developed. The main objective should be to ensure meaningful participation of all in public life so as to foster social integration. When needed, special or positive measures should be considered in order to ensure full equality.

Our priority should be the protection of victims' rights. By adopting a victim-oriented approach, we will ensure that our actions really respond to the concrete needs of those experiencing racism and discrimination. All victims should receive the same attention and protection. I am convinced of the need to avoid establishing any hierarchy amongst the different manifestations of discrimination, even if they may vary in nature and degree depending on the historical, geographical and cultural context. All forms of racism and discrimination should be addressed with the same emphasis and the same determination. I am convinced of the strong need to have a comprehensive approach which encompasses all manifestations of racism and discrimination.

In the spirit of partnership which marks this event, I would like to propose five concrete ideas on how to strengthen cooperation between the relevant European institutions and my mandate to combat intolerance and discrimination:

A) By adopting a comprehensive legal framework addressing all forms of racism and discrimination, the EU has, in my view, adopted the correct strategy. But in order for a policy against racism and discrimination to be efficient, any legislative framework needs to be complemented by a range of other measures, such as education, awareness-raising or confidence building measures aiming at promoting understanding within society. The EU and the UN have taken several initiatives to promote education or dialogue among all parts of society:

- The EU and the UN have launched information campaigns to foster tolerance;
- Several seminars and conferences have been held to address the issue of racism and discrimination;
- The EU has put into place good exchange programmes at various levels, including for schools, universities and vocational training schemes which contributed to a better knowledge and understanding of different cultures. This could usefully be extended to other regions.

A more regular exchange of experiences between both institutions can certainly provide a framework for the development of useful tools to fight discrimination and racism, making use of the lessons learned by both institutions. Cooperation with human rights mechanisms from other regions may also be envisaged in order to deepen our understanding of this global phenomenon.

B) The exchange of information between the European Union Agency on Fundamental Rights, which has long experience in the fight against racism in the EU, and my mandate, can be identified as a good practice. Nevertheless, further joint action could be considered, such as joint seminars or joint press releases. In the preparation of country visits to European countries, any public report published by this Agency represents a very valuable source of information for me.

This Agency also constitutes a good practice model regarding the collection of data and the monitoring of racism and discrimination in the EU. More visibility should be given to the work done by the FRA, including by ensuring its participation in international seminars and conference on this issue.

C) The European Parliament has progressively enhanced its role within the EU and has an important role to play in resolutely fighting all forms of discrimination in relation to European States and the Commission. I would welcome strengthened cooperation between this institution and my mandate. A good example of previous interaction was the invitation to my colleague Asma Jahangir, Special Rapporteur on freedom of religion or belief, to address the European Parliament in June last year on the occasion of the European Year of Intercultural Dialogue.

D) European civil society is also very active. Their initiatives can provide useful tools to promote tolerance. A recent example is the launching of the Camden Principles on freedom of expression and equality by the NGO Article 19 earlier this year.

E) Finally, the Durban Declaration and Programme of Action and the Durban Outcome Document constitute the most comprehensive blueprint we have in our efforts to move forward to eliminate the scourges of racism and discrimination. These documents provide a comprehensive plan of action encompassing legislative, political and awareness-raising measures. But this framework has yet to be implemented fully. The EU played a key role in the adoption of both documents. I would therefore encourage all EU Member States, including those which did not attend the Durban Review Conference, to be as active in the follow up and implementation of these documents. By being proactive and by showing its readiness to implement the Durban Declaration and Programme of Action and the Durban Outcome Document, the EU can demonstrate its political will and seriousness to tackle this issue.

Let me conclude by underscoring the fact that the struggle against racism and discrimination against Muslims and Arabs in Europe and against all persons through the world is our common responsibility. I therefore look forward to hearing your views on how we can improve our work to achieve equality and justice for all, especially for the most marginalized.

I thank you.