



**Statement by Githu Muigai
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DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE**

**Seminar “the fight against discrimination
based on racial, ethnic, religious or other bias”**

**Cooperation and common approaches in the combat of racism and racial discrimination
and suggestions for possible improvements**

10 January 2011
Ankara, Turkey



Ladies and Gentlemen,

It is a great pleasure to be among you today for this important conference. I would like to thank the Government of Turkey, the Council of Europe, and the European Commission against Racism and Intolerance for this invitation.

Before beginning to address this morning's topic, **cooperation and common approaches in the combat of racism and racial discrimination and suggestions for possible improvements**, I would like to acknowledge the presence of so many representatives of regional, specialized and UN mechanisms. Our presence here today demonstrates that we are all interested in fostering cooperation.

Since I have taken up my mandate as Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; I have looked to cooperate with all regional mechanisms. The specificity of the information compiled and the knowledge of the region helps us to better understand the particular context of each region, of each country. In my case, I have benefited from specific information on certain countries, in particular those which I have or would like to visit to assess the situation on the ground and be able to provide technical assistance if so needed. Let me give you an example, in the preparation of my mission to Germany, the report of the European Commission against Racism and Intolerance (ECRI)¹ was very useful to better understand the situation in this country and better define the framework of my visit. My mandate has also visited Czech Republic, Estonia, France, Hungary, Italy, Latvia, Lithuania, Russian Federation, Switzerland, Romania and United Kingdom of Great Britain and Northern Ireland.

As demonstrated by the agenda of our meeting, international and regional mechanisms established at the European level share the same concerns. I am therefore convinced that, in the interest of victims, information sharing among us and enhanced cooperation should continue.

Ladies and Gentlemen,

I have been asked to speak about common approaches in combating racism. The international framework certainly provides for basic principles in this regard. The first legal binding instrument to combat racism was the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) which I am sure my colleague Gün Kut, member of the Committee on the Elimination of Racial Discrimination, will further elaborate on it.

I would like to refer also to the Durban Declaration and Programme of Action (DDPA) and the Durban Outcome Document. The breadth and ambition of the DDPA created a beacon of hope for those working against all forms of racism, racial discrimination, xenophobia and related intolerance. Never before had we identified so clearly the key international, regional and national strategies that need to be implemented. The DDPA and the Durban Outcome Document constitute the most comprehensive blueprint we have in our documents provide a comprehensive plan of action encompassing legislative, political and awareness-raising measures.

¹ ECRI, Fourth Monitoring Report on Germany, published on 26 May 2009,

The DDPA and the Durban Review Conference recognize the important role relevant regional bodies can play in combating racism, racial discrimination, xenophobia and related intolerance, and in monitoring and raising awareness about intolerance and discrimination at the regional level. Indeed, ECRI, ODHIR and FRA have made considerable contribution to the fight against racism at the European level. And as further stated in the Durban documents, I would also like to remind all of us of the importance of independent national human rights institutions conforming to the Paris Principles. National and regional mechanism should be encouraged and created so that they can be mutually reinforcing. I welcome the fact that this issue will be discussed during our meeting. It is certainly an issue where, by joining our efforts and having a common approach, we can help States to establish strong national institutions.

Ladies and gentlemen,

Let me now highlight some issues on which I have worked recently and on which, in my view, a common approach would be worthwhile.

I would like to begin with 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.

I have as well addressed several thematic issues in my reports, conferences and other meetings, some of which will be addressed during this seminar. These include racism and conflict; incitement to racial or religious hatred; the situation of migrants, refugees and asylum-seekers; the collection of ethnically-disaggregated data; and racism and sports.

On racism and conflict, I examined how conflict and racism, racial discrimination, xenophobia and related intolerance correspond. I have emphasized the need to identify early warning signs that help recognize situations which might lead to conflict. I call upon all stakeholders to give due attention to certain issues, such as the way in which the concept of so-called "national identity" is debated within a given country, the presence of socio-economic discrimination against members of specific groups of the population, as well as political manipulation of racist or nationalist ideology.

I have also addressed the question of hate speech as a factor that contributes to exacerbate a conflict. Relying on the dehumanization of the other, hate speech may indeed, incite people to commit acts of violence, including killings, against specific individuals or groups of individuals, including in times of conflict. In the context of post-conflict situations, it is essential to ensure that the root causes of a conflict be appropriately addressed to avoid the resurgence of tensions and violence. Let me emphasize that this is of particular importance in the aftermath of internal conflicts, where people who fought against each other continue living together. Racism may lead to genocide, war crimes, ethnic cleansing and crimes

against humanity. In this context, let me stress that it is the State's primary responsibility to protect its population; however, the responsibility to protect is also an obligation of the international community.

I have also addressed the question of human rights challenges faced by migrants, refugees and asylum-seekers. Having departed from their countries of origin, these persons encounter several obstacles because of differences in language, customs and culture, a lack of awareness of their rights, and economic and social difficulties. As a result, migrants are particularly exposed to human rights violations and abuse, including racial discrimination and xenophobia. It is through common approaches, coordinated strategies and joint initiatives involving a large range of actors, including civil society, that migrants will be offered enhanced protection against racism and xenophobia.

Ladies and Gentlemen,

Another thematic issue I continue to address is the collection of ethnically-disaggregated data. Let me recall that the collection of ethnically disaggregated data and indicators is an essential tool to identifying the persons and groups affected by racial discrimination and to better understand the nature and extent of the inequalities they face. Such data are then important to design appropriate and effective anti-discrimination legislation, policies and programmes that take into consideration the situation of vulnerability of certain individuals and groups of individuals. Nonetheless, I am aware of concerns by States relating to the fact that the collection of such data may aggravate tensions between individuals and groups of individuals by exacerbating differences; lead to further prejudice and stereotypes concerning certain groups of individuals; be misused for racist and exclusionary policies; and that they may conflict with individuals' human rights and fundamental freedoms, in particular the right to privacy and the protection of personal data. While acknowledging the potential risks, these problems may be overcome if States abide by some key principles, including self-identification, the right to privacy and protection of personal data, and involvement of relevant stakeholders. I welcome the opportunity given by this seminar to discuss this challenging issue further and find a common approach.

In addition, I have addressed the issue of the persistent existence of extremist political parties, movements and groups poses major challenges to a wide range of human rights and to democracy. I believe that a comprehensive approach is crucial in achieving concrete results in countering extremist political parties, movements and groups. Due to the fact that extremist political parties, movements and groups, most often rely on intolerance, discrimination, exclusion and xenophobia, their persistent existence poses major challenges to democracy and to a number of human rights and freedoms, including the principle of non-discrimination. Indeed these parties frequently incite discrimination against specific groups of individuals and often designate them as the main source of socio-economic difficulties encountered. Sometimes, their rhetoric may go beyond simple advocacy of discrimination against specific groups. It may indeed incite people to commit acts of violence or justify its use. States are faced with a complex dilemma when countering extremist political parties, movements and groups. It is therefore essential that States adopt legislation in conformity with international human rights standards, and complement their legislative framework with a broad range of preventive and proactive measures. On this issue, I certainly believe that a common approach can be found and any action undertaken in this framework would be

incomplete without the adoption of policies which aim to address the root causes of the existence of extremist political parties, movements and groups. In this respect, human rights education is a precious tool.

In the spirit of continuous cooperation, I would like to propose some ideas on how to strengthen cooperation:

Adopting a comprehensive legal framework addressing all forms of racism and discrimination, as it exists at the UN and the European level, is 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. Best practices regarding such existing measures should be shared with other countries and regions on a regular basis. As I mentioned previously, a constant exchange of information encourages improvement of practices. A more regular exchange of experiences between our 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.

Joint action of national, regional and international mechanisms fighting discrimination should be further encouraged as well as a continuous exchange of information, including for the collection of data. This seminar is a good example and should be built upon, and I would welcome more interaction with European mechanisms, in particular in the preparation of my country visits to European countries and ensuring follow up to these visits; addressing common concerns in joint press releases, soliciting inputs on each other's initiatives. Other opportunities for cooperation are the organization of joint activities, including awareness-raising initiatives; regularly exchange information, including data, studies, case-law, legal and policy measures. Perhaps holding regular meetings among regional and national racism related mechanisms could be considered.

Overcoming racism also requires addressing public and private attitudes which comfort, justify and perpetuate racism at all levels and in all areas of life. To that effect, approaches which have the ability to get the message across in a simple and powerful manner are more than ever necessary to encourage as many people as possible to engage in this fight. With this view, I would like to propose to use international events, such as the International Day for the Elimination of Racial Discrimination to jointly express our views on issues of common interest.

Finally, I would like to invite all of us to focus on giving real life to existing international instruments which are the result of long and fruitful reflections. We should bear in mind their recommendations and take them as guidelines to future developments of policies to fight discrimination.
