

Committee on the Elimination of Racial Discrimination

Thematic discussion

“Racial discrimination against People of African Descent”

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‘Combating xenophobia, racism and discrimination against refugees and asylum-seekers in Europe and elsewhere’

- If one reviews the newspapers in Europe in the last few years, or even the last few days, one can see that the issue of **refugees and discrimination is on the rise**.
- The **escalating conflict in Libya** and the particular threats faced by African refugees, targeted by Gaddafi’s forces as supposed “mercenaries”, bring to reality the very difficult predicament they face.
- Hundreds of refugees and other migrants have drowned on the Mediterranean trying to reach Europe from North Africa in recent years.
- Many others face many other forms of discrimination if they should reach Europe, including detention, denial of right to work and to fair wages, and even attacks and violence.
- **Combating racism, xenophobia and related forms of intolerance against refugees, asylum-seekers and stateless persons** is one of the principle objectives of UNHCR and these forms of discrimination are one of the greatest threats to the rights of refugees and asylum-seekers, in Europe and elsewhere.
- **Non-discrimination is central to UNHCR’s protection mandate**. In a recent statement on the renewal of his mandate, the High Commissioner cited “growing intolerance and xenophobia” as one of the main challenges that lie ahead. Additionally, the UNHCR's governing body has specifically exhorted UNHCR to make progress in this area, working in partnership with States and others, what underscores our interest in working together with CERD.

- **UNHCR’s interest** in this issue is based in **two main aspects**:
 1. Racism, racial discrimination, xenophobia and related intolerance have always been among the **primary root causes of persecution, leading to displacement, as well as to statelessness**. The right to seek and enjoy asylum from such forms of persecution must be ensured – in addition to being a right in itself, the right to non-discrimination is an important component of prevention of displacement.

2. There is an **increase of racism, xenophobia and discrimination targeted towards asylum seekers and refugees**, including against those who have sought international protection from such acts. This increases their trauma, and decreases their chances of ‘integrating’ into new societies. The conflation of refugees with irregular migration more broadly has also led to a “securitization” discourse, and has allowed governments to shift away from the language of obligation to the language of discretion. It should be noted that the manifestations of racism and xenophobia are not directed against asylum-seekers or refugees, *per se*, but against non-nationals in general. Extremist political parties, movements and groups often rely on intolerance, discrimination, exclusion and xenophobia, thereby undermining the principle of non-discrimination. They frequently incite discrimination against specific groups of individuals, creating or exacerbating racist or xenophobic attitudes by designating certain vulnerable groups, such as refugees, asylum-seekers and members of minorities as the main source of the problems causing anxiety among the population. This may lead to the perpetration of racist and xenophobic crimes against migrants, refugees, asylum-seekers and other vulnerable groups.
- Racism and xenophobia manifest themselves in many ways that has an **impact on the right to seek and enjoy asylum**:
 - (i) First, it has resulted in **more restrictive asylum policies**, especially in Europe, in regard to access to procedures, extended applications of the exclusion clauses, increasing rates of detention, and attempts to apply exceptions to the principle of *non-refoulement* .
 - (ii) Second, increased discrimination has made it **more difficult for refugees to access economic and social rights** – for example, they are often seen as competitors rather than contributors to the labor market – **and to find quality protection and durable solutions**.
 - (iii) Third, discrimination on the basis of race, color, descent, or national or ethnic origin, sometimes in combination with discrimination on other grounds, in particular gender, is also a **recurring reason for the denial or deprivation of nationality and is therefore a cause of statelessness**. Statelessness itself often leads to discrimination and where stateless populations belong to racial, ethnic or other minorities, their lack of nationality may reinforce existing patterns of discrimination.
 - (iv) Fourth, it has not only led to reluctance by some states to facilitate local integration, it has also made it **more difficult for UNHCR to find resettlement countries** for refugees from certain regions.
 - (v) Fifth, this negative trend has led to **asylum-seekers and refugees becoming targets of violence and racially motivated acts**.
 - (vi) Sixth, **the stigmatization of asylum-seekers and refugees** is often further **fuelled by restrictive laws, policies and practices**.

- **UNHCR has taken various initiatives** at the global policy and advocacy level to combat manifestations of racism, racial discrimination, xenophobia and related intolerance:
 - Contribution to the elaboration of the **Durban Declaration and Plan of Action (2001) and the Durban Review Conference**, in which discrimination, racism, xenophobia and related intolerance is identified as contributing to forced movement of people from their countries of origin as refugees and asylum-seekers (DDPA para 52).
 - **UNHCR issued a Strategy Note entitled *Combating Racism, Racial Discrimination, Xenophobia and Related Intolerance through a Strategic Approach*** in December 2009, which outlines seven elements for a strategic approach to combat racism, racial discrimination, xenophobia and related intolerance. This Note does not only serve as a guide for UNHCR offices around the world, but can also be a useful reference in strategic discussions among all relevant stakeholders - authorities, persons of concern, local community groups and civil society actors, including municipal actors in large urban contexts to form and enhance partnerships.
 - **The UNHCR Policy on Refugee Protection and Solutions in Urban Areas and the High Commissioner's dialogue on Urban Refugees:** acknowledges that urban refugees can be at heightened risk due to xenophobic violence and other forms of hate crimes and calls for working closely and in partnership with international institutions, host governments, donors and civil society to develop a comprehensive set of measures to address the impact of hate crimes on refugee protection.
 - Preparation of a Cooperation Agreement **between UNHCR and ODIHR's Tolerance and Non-Discrimination Department (TNDD)** as a way of formalizing partnership on the field of monitoring, reporting and training related to hate crimes (yet to be finalized).
 - **Annual Consultation with Non-Governmental Organizations**, Thematic Session entitled *Working together: Strategies for Protection from Xenophobia, Racism, Intolerance and Bias-Motivated Violence*: Human Rights First and UNHCR convened this session in 2010 to discuss strategies for improving protection for refugees, returnees, asylum-seekers, stateless and displaced persons who are affected by xenophobia, racism, intolerance and bias-motivated violence.
 - Continuous coordination with the **Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance**.
 - **UNHCR promotes the strategic use of human rights mechanisms and contributes to the work** of the Human Rights Council and its Universal Periodic Review, the treaty monitoring bodies (in particular

the CERD) and the work of relevant Special Procedures Mandate Holders. **UNHCR uses their recommendations** as protection advocacy tools.

- In 2011, we will hold a **global roundtable on alternatives to immigration detention in conjunction with the OHCHR.**
- Additionally, UNHCR country operations have undertaken or cooperated in a **selection of initiatives at the national level** aimed at combating discrimination and xenophobia, targeting in particular people of African descent. To give you but a few examples:
 - **In Costa Rica:**
 - In April 2010, UNHCR took part in a biennial video festival as part of its effort to tackle xenophobia and the widespread negative perceptions in Costa Rica about refugees.
 - In January 2010, refugee and Costa Rican youth used radio to tackle xenophobia in high schools, through a project aimed at spreading awareness about refugees and combating xenophobia.
 - In **South Africa**, where violent attacks on foreign communities – mainly Africans – had forced asylum-seekers and refugees to flee their settlements in 2008 and 2009:
 - UNHCR in partnership with organizations such as the Nelson Mandela Foundation, organized a Community Media programme under the name of “Reporting on Refugees and Xenophobia”, which was held in Johannesburg. The training workshop was focused on building the capacity for story telling techniques and on enhancing journalists’ knowledge for reporting on refugees.
 - In **Italy**, the Office was among 27 organizations supporting a national campaign against racism and xenophobia launched in March 2009, entitled “Don’t be Afraid, Be Open to Others, Be Open to Rights”. The Italian National Council of journalists and the Italian National Press Federation in cooperation with UNHCR developed a Code of Conduct for journalists called the “Charter of Rome”.
 - In **Ukraine**, 13% of the recognized refugees are from Africa. Responding to an increasing number of suspected racially motivated attacks in Ukraine, UNHCR together in partnership with IOM, Amnesty International and other civil society organizations formed the **Diversity Initiative in April 2007** to address the issue in a coordinated way. This initiative is a platform to facilitate information exchange and identify common issues. It also serves as a mechanism for coordination and advocacy. Overall it seeks to raise awareness and promote diversity among the general population, and specifically seeks to support the Ukrainian government and populations in need of assistance after suffering from hate crimes. The DIN promotes the idea that one of the ways to achieve intercultural understanding and dialogue is through raising the awareness of the general public about the benefits of diversity and the positive outcomes of mixing cultures.

- **Partnership:** UNHCR alone cannot change racist or xenophobic sentiments. A strategic broad-based alliance of partners from different sectors needs to be engaged and their actions must reach out to different groups according to their respective roles and responsibilities in society. Key partners in this area include government institutions, donor governments, the corporate sector, the Office of the High Commissioner for Human Rights (OHCHR), UN Country Teams and Resident Coordinators in individual countries, the International Organization for Migration (IOM), regional organizations, NHRIs, civil society and academic institutions, trade unions, networks of journalists, teachers' associations, faith-based groups and, most importantly, UNHCR's persons of concern as well as hosting communities. Some of these actors will be both partners and recipients of awareness-raising activities and advocacy.
- **We** look forward to working more closely with the CERD over the year, in particular on issues relating to the integration of refugees and asylum-seekers, and we thank you for the opportunity to address you here today.

Thank you.