

Anti-Racism and Non-Discrimination



Federal Ministry
for Foreign Affairs
of Austria



“Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

Art. 2, Universal Declaration of Human Rights, 1948.

Racism and racist discrimination constitute gross violations and obstacles of the full enjoyment of all human rights.

Discrimination is...

- ...any distinction, exclusion, restriction or preference aimed at the denial or refusal of equal rights and their protection.
- ...the denial of the principle of equality.
- ...an affront to human dignity.

1. **Actions** such as distinctions, exclusions, restrictions or preferences.
2. **Categorisations** such as ethnicity, colour, descent, national origin, gender, age, disability, etc.
3. **Purpose and/or consequences** of preventing victims from exercising and/or fully enjoying their human rights and fundamental freedoms.

- ▶ **Direct Discrimination:** a person is treated less favourably than another in a comparable situation.
- ▶ **Indirect Discrimination:** an apparently neutral provision or practice *de facto* disadvantages one person or group compared to others.
- ▶ **Positive Discrimination or Affirmative Action:** a temporary special governmental measure to reach *de facto* equality and to overcome institutional forms of discrimination.

- ▶ **State:** positively with the enactment of laws to prosecute discrimination and negatively as the perpetrator.
- ▶ **Non-state actors:** as perpetrators as well as lobbyists for strengthened laws to prosecute discriminations.
- ▶ **Individuals:** as victims and as perpetrators.

- ▶ No universally accepted definition exists.
- ▶ According to UNESCO “racism includes racist ideologies, prejudiced attitudes, discriminatory behaviour, structural arrangements and institutionalised practices resulting in racial inequality as well as the fallacious notion that discriminatory relations between groups are morally and scientifically justifiable; it is reflected in discriminatory provisions in legislation or regulations and discriminatory practices as well as in anti-social beliefs and acts”.

- ▶ Racism exists and manifests itself at different levels:
 - **personal level:** attitudes, values beliefs.
 - **interpersonal level:** behaviour towards others.
 - **cultural level:** values and norms of social conduct.
 - **institutional level:** laws, customs, traditions and practices.
- ▶ A classical example for racism is the former **Apartheid** System of South Africa with an institutionalized form of racism and racial discrimination.

- ▶ **Anti-Semitism:** hatred and often violent form of hostility against Jews.
- ▶ **Xenophobia:** morbid fears of foreigners or foreign countries.
- ▶ **Intolerance:** an attitude, feeling or belief which shows the contempt for other individuals based on their race, colour, national origin, gender, sexual orientation, political or religious belief...
- ▶ **Prejudice:** antipathy based on faulty and inflexible generalization.

- ▶ **International Convention on the Elimination of All Forms of Racial Discrimination of 1965 (ICERD):** the international instrument to combat racist discrimination.
- ▶ **Committee on the Elimination of Racial Discrimination (CERD):** body of experts interpreting the ICERD by the “General Comments” and monitoring its implementation by four procedures:
 - States reporting procedure.
 - Early-warning procedure.
 - Inter-state complaints.
 - Individual complaints.

- ▶ **UN Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and related Intolerance:**
 - Transmits urgent appeals and communication to states.
 - Publishes country reports.
 - Submits annual or thematic reports to the Human Rights Council and the General Assembly.
- ▶ **European Commission against Racism and Intolerance:** body of independent experts monitoring the CoE member states.
- ▶ Anti-Discrimination and Anti-Racism Ombudspersons.
- ▶ Regional laws sanctioning discrimination among non-state actors, such as the “Employment Equality Directive” and the “Racial Equality Directive” EU directives.

- ▶ **Public efforts:** anti-discrimination clauses in public procurement contracts as implemented by the Swedish government.
 - ▶ **Local efforts gone international:** UNESCO International Coalition of Cities against Racism.
 - ▶ **Private efforts:** Voluntary Codes of Conduct.
-
- ▶ Relation between poverty and racism and discrimination.
 - ▶ Racism on the Internet is rising.
 - ▶ Islamophobia after 11 September 2001.

- 1926 League of Nations Convention to Suppress the Slave Trade and Slavery.
- 1945 Charter of the United Nations, Art. 1(3).
- 1948 UN Universal Declaration of Human Rights, Arts. 1 and 2.
- 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms, Art. 14.
- 1951 Convention relating to the Status of Refugees.
- 1960 UN Declaration on the Granting of Independence to Colonial Countries and Peoples.
- 1960 UNESCO Convention against Discrimination in Education
- 1965 International Convention on the Elimination of All Forms of Racial Discrimination.
- 1966 International Covenant on Civil and Political Rights, Art. 2(1).

- 1966 International Covenant on Economic, Social and Cultural Rights, Art. 2(2).
- 1967 Protocol relating to the Status of Refugees.
- 1969 American Convention on Human Rights, Art. 1.
- 1973 International Covenant on the Suppression and Punishment of the Crime of Apartheid.
- 1978 UNESCO Declaration on Race and Racial Prejudice.
- 1978 1st World Conference to Combat Racism and Racial Discrimination, Geneva.
- 1979 Convention on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief.
- 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief.
- 1981 African Charter on Human and People's Rights, Art. 2.

- 1983 2nd World Conference to Combat Racism and Racial Discrimination.
- 1989 ILO Indigenous and Tribal Peoples Convention.
- 1989 Convention on the Rights of the Child, Art. 2.
- 1990 International Convention on the Protection of the Rights of All Migrant Workers and members of their Families.
- 1992 UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.
- 1993 European Commission against Racism and Intolerance.
- 1993 UN Special Rapporteur on Contemporary Forms of Racism and Intolerance.
- 1998 Rome Statute establishing the ICC.
- 1998 European Monitoring Centre for Racism and Xenophobia.
- 1999 Treaty of Amsterdam, establishing the European Community's competence to combat racist discrimination.

- 1999 Charter of Fundamental Rights of the EU, Art. 21.
- 2000 Protocol No. 12 to the ECHR, establishing a general prohibition of discrimination.
- 2001 3rd World Conference Against Racism and Racial Discrimination, Xenophobia and Related Intolerance, Durban.
- 2001 UN Special Rapporteur on the Rights of Indigenous Peoples.
- 2004/5 Anti-discrimination laws for the private sector in the EU.
- 2004 International Coalition of Cities against Racism.
- 2006 Convention of the Rights of Persons with Disabilities.
- 2007 UN Declaration on the Rights of Indigenous Peoples.
- 2007 European Union Agency for Fundamental Rights.
- 2009 Durban Review Conference, Geneva.