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RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED FORMS OF INTOLERANCE, FOLLOW-UP AND IMPLEMENTATION OF THE DURBAN DECLARATION AND PROGRAMME OF ACTION

**Joint written statement* submitted by
International Alliance of Women (IAW), Commission of the Churches on International
Affairs of the World Council of Churches (CCIA/WCC), Brahma Kumaris World
Spiritual University (BKWSU), International Association of Soldiers for Peace, Zonta
International, International Federation of Settlements and Neighbourhood Centres (IFS),
International Council Of Women (ICW-CIF), International Women's Tribune Centre,
International Federation of Business and Professional Women (BPWI), International
Youth and Student Movement for the United Nations (ISMUN), International Association
for Religious Freedom (IARF), Soroptimist International (SI), World Movement of
Mothers, Asian Legal Resource Centre (ALRC), Women's Federation for World Peace
International (WFWPI), CIVICUS: World Alliance for Citizen Participation, World Vision
International (WVI), Buddha's Light International Association, International Council on
Social Welfare (ICSW), World Young Women's Christian Association (World YWCA),
Association for Progressive Communications (APC), non-governmental organizations in
special consultative status, Conscience and Peace Tax International (CPTI), Dominicans
for Justice and Peace (Order of Preachers), Federación de Asociaciones de Defensa y
Promoción de los Derechos Humanos (España), Interfaith International, Pax Romana
(International Catholic Movement for Intellectual and Cultural Affairs and International
Movement of Catholic Students), Temple of Understanding (TOU), Women's International
League for Peace and Freedom (WILPF), Women's World Summit Foundation (WWSF),
International Society for Human Rights (ISHR), International Federation of University
Women (IFUW), Femmes Africa Solidarité (FAS), Lutheran World Federation (LWF),
Worldwide Organization for Women (WOW), Anglican Consultative Council (ACC),
Union of Arab Jurists, Rencontre Africaine pour la Defense des Droits de l'Homme**

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(RADDHO), Foundation for the Refugee Education Trust (RET), International Bridges to Justice (IBJ), Inter-African Committee on Traditional Practices Affecting the Health of Women and Children (IAC), American Association of Jurists (AAJ), Lassalle-Institut, UNESCO Centre of Catalonia, Anti-Racism Information Service (ARIS), Colombian Commission of Jurists (CCJ), Pan Pacific and South East Asia Women's Association (PPSEAWA), Ius Primi Viri International Association (IPV), Permanent Assembly for Human Rights (APDH), International Movement for Fraternal Union Among Races and Peoples (UFER), Women's International Zionist Organization (WIZO), International Federation of Women Lawyers (FIDA), International Federation of Women in Legal Careers (FIFCJ), Canadian Federation of University Women (CFUW), International Association for Women's Mental Health (IAWMH), European Union of Women (EUW), European Women's Lobby, International Women's Year Liaison Group (IWYLG), African Services Committee, Inc., International Federation of Family Associations of Missing Persons from Armed Conflict (IFFAMPAC), Institute of International Social Development, African Action on AIDS, International Society for Traumatic Stress Studies (ISTSS), Lama Gangchen World Peace Foundation (LGWPF), Pax Christi International, International Catholic Peace Movement, Tandem Project, Al-Hakim Foundation, Canadian Voice of Women for Peace (VOW), Organization for Defending Victims of Violence (ODVV), Solar Cookers International (SCI), Medical Women's International Association (MWIA), World Federation for Mental Health (WFMH), United States Federation for Middle East Peace, Susila Dharma International Association, Network Women in Development Europe, Nord -Sud XXI, General Arab Women Federation , United Towns Agency for North-South Cooperation, World Association for the School as an Instrument of Peace, International Organization for the Elimination of All Forms of Racial Discrimination, Latin American Committee for the Defense of Women's Rights (CLADEM), African Women's Association (AWA), United Nations Association of Spain (ANUE), Maryknoll Fathers and Brothers, Maryknoll Sisters of St. Dominic, International Forum for Child Welfare, BADIL Resource Center for Palestinian Residence and Refugee Rights, Virginia Gildersleeve International Fund, African Commission on Health and Human Rights Promoters, Arab Lawyers Union, General Federation of Iraqi Women, Wittenberg Center for Alternative Resources, International Federation of Social Workers (IFSW), International Association of Peace Messenger Cities (IAPMC), Interreligious and International Federation for World Peace (IIFWP), Committee for Hispanic Children and Families, Peace Boat, Prison Fellowship International (PFI), MYOCHIKAI (Arigatou Foundation), International Association of Charities (AIC), National Council of Women of Great Britain (NCWGB), Indian Movement Tupaj Amaru (MITA), Peter Hesse Stiftung Foundation, The Salvation Army, Action Internationale pour la Paix et Développement dans la Region des Grands Lacs (AIPD), Federation for Peace and Conciliation (FPC), National Council of Women of the United States of America, Cairo Institute for Human Rights Studies (CIHRS), Comite International pour le Respect et l'Application de la Charte Africaine des Droits de l'Homme et des Peuples (CIRAC), World for the World Organisation (WFWO), Education International (EI), Universal Esperanto Association, National Council of German Women's Organisations, Associated Country Women of the World (ACWW), International Grail, Council of American Overseas Research Centres, ICVolunteers (ICV), International Association for the Defence of Religious Liberty (AIDLR), Zenab for Women in Development, The Grail, non-governmental organization in general consultative status, Institute for Planetary Synthesis (IPS), International Peace

Bureau (IPB), UNESCO Centre Basque Country (UNESCO ETXEA), 3HO Foundation (Healthy, Happy, Holy Organization), Dzeno Association, Country Women Association of Nigeria (COWAN), International Movement against all Forms of Discrimination and Racism (IMADR), Association Nigérienne des Scouts de l'Environnement (ANSEN), International Peace Research Association (IPRA), International Association of Gerontology and Geriatrics (IAGG), Asia Pacific Forum on Women, Law and Development (APWLD), International Progress Organization (IPO), non-governmental organizations on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[18 February 2009]

Human right to peace versus racism, racial discrimination, xenophobia and other forms of intolerance¹

I

The Spanish Society for International Human Rights Law (SSIHRL) welcomed on 30 October 2006 the adoption of the *Luarca Declaration on the Human Right to Peace*. It was drafted by a Committee of independent experts and it was the culmination of a process of extensive consultations with Spanish civil society, with the support of the Catalanian Agency for Cooperation to Development.

Following the adoption of the *Luarca Declaration*, the SSIHRL has continued in all regions of the world the process of consultations with civil society through the organization of conferences and expert meetings on the human right to peace². In 2010 the SSIHRL will call for a World NGO Conference to analyze and incorporate inputs received from international civil society and to adopt the final text of the *Universal Declaration on the Human Right to Peace* which will be submitted to the HR Council, urging its Member States to initiate the official codification of the human right to peace.

On 15 March 2007 the *Luarca Declaration on the Human Right to Peace* was presented to the fourth session of the Human Rights Council in an oral statement delivered by UNESCO Etxea on behalf of SSIHRL. Since then several parallel meetings have taken place at the *Palais de Nations* in Geneva during the following sessions of the Human Rights Council³.

¹ The following NGO and peace research centres and foundations without consultative status with ECOSOC are also supporting the statement: Alberico Gentili International Studies of the University of Jaen, Foundation Research Seminar on Peace (Zaragoza), Association for Peace Research Gogoratz-Gernika, Association of Trebolgar Coviello, Culture of Peace Foundation, Galician Seminar of Education on Peace, Spanish League for Human Rights, the Catalan Network of Organizations on the Human Right to Peace (Catalan Federation of NGOs for human rights, Catalan Federation of NGOs for Development, Association for Human Rights in Afghanistan, Human Right Institute of Catalonia, Justice and Peace –Catalonia-, Group of Jurist Roda Ventura, Jurists without Borders, Foundation for Peace, Foundation Culture of Peace – Barcelona-, Foundation Alfonso Comin, UNESCO Center of Catalonia, Escarré International Center for the Ethnic Minorities and Nations, Peace International University, Virtual Peace Culture Center of Catalonia), Luna del Sur (Oaxaca, Mexico), Women's Doctors in Algeria, Peace and Conflict Institute of the University of Granada, Mexican Commission on Defense and Human Rights Promotion, Educaterapia Association, Association for the Recovery of Historical Memory of Catalonia, Federation of Action Verapaz Associations, International Press Club of Galicia

² Conferences and expert meetings have already taken place in the following places: Bilbao and Geneva (November 2006); Mexico (December 2006); Bogotá, Barcelona and Addis Ababa (March 2007); Caracas and Santo Domingo (April 2007); Morelia (Mexico, 12 May 2007), Bogotá (12 May 2007), Oviedo and Santa Fe (New Mexico, USA, 16-17 May 2007); Washington (14 June 2007), Nairobi (15 June 2007), Geneva (28 June 2007); Feldkirch (Austria, 31 August 2007); Geneva (11, 12 and 21 September 2007), Luarca (28 September 2007); Madrid (23 October 2007); Monterrey (1st November 2007), Mexico DF, Geneva, Las Palmas de Gran Canaria, Zaragoza and Navía, Asturias (December 2007); on the occasion of the UN Commission on the Status of Women, New York (February 2008); Geneva (March 2008); Parliament of Catalonia, Barcelona, Geneva, Dakar, Madrid and Valencia (April 2008); Rome and Gwangju, Republic of Korea (May 2008); Geneva and Bilbao (June 2008); Cartagena and Geneva (July 2008); Paris, Geneva and Montevideo (September 2008); Oviedo, Turin, New York and Basque Parliament, Vitoria (October 2008); La Plata and Buenos Aires, Argentina, and Bosco Marengo, Italy (November 2008); Luxembourg, Geneva and Barcelona (December 2008); Geneva and Barcelona (January 2009); Yaoundé, Cameroon (February 2009). For more information on these meetings, please see <http://www.aedidh.org>

³ On 15 March 2007 both the SSIHRL and the International Society of Human Rights (Frankfurt) convened an open *Information Meeting on the Luarca Declaration*; on 16 March 2007, the SSIHRL

II

In recent years the **reported acts of incitement to racial, ethnic and religious hatred** have dramatically increased in the world. In all Continents vulnerable communities, especially members of minorities, are victims of public utterances calling for intolerance and discrimination and, in some cases, physical and psychological violence. They are often associated with certain types of crimes, such as drug trafficking, illegal immigration, pick-pocketing or shoplifting⁴. Furthermore, as a result of the overriding focus on prioritizing security over the international human rights law in the prevailing political context, treatment of immigrants, refugees and asylum-seekers is characterized by suspicion that they may be dangerous⁵.

As recognized by the former *Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance*, discrimination, racism and xenophobia constitute by definition a rejection of or a failure to, recognize differences⁶. Combating racism requires not only identifying its manifestations and expressions but also analysing and better understanding its underlying causes. The resurgence of the racist and xenophobic culture and mentality can feed and foster a dynamic of **conflicts between cultures and civilizations, which constitutes the most serious threat to world peace**⁷ and therefore to **the human right to peace**.

The **lack of recognition of multiculturalism** is an underlying factor of racism and the central issue in present-day crisis in most of the regions of the world. Although societies are the outcome of lengthy historical processes involving contact between peoples, cultures and religions, the central problem of most modern societies lies in the fundamental contradiction between the framework of the nation state, the expression of an exclusive national identity and the dynamic of multiculturalization⁸.

The identity crisis is developed around the dilemma of whether to preserve an ethnic centred identity or to recognize **the reality of cultural and inter-religious pluralism**. Identity should be not an obstacle to, but a factor that enables dialogue, mutual understanding, rediscovery of the proximity of the other and pluralism. The concept of **diversity** should not be interpreted as radical difference, inequality and discrimination

organized a *Technical Meeting* with NGO and human rights experts with a view to building a common strategy for a world-wide campaign on the human right to peace; 11 June 2007, both UNESCO Etxea and SSIHR organized an additional parallel meeting on the relationship between peace and solidarity rights; on 12 September 2007, the SSIHRL in collaboration with the UNESCO Liaison Office in Geneva organised a Roundtable on the legal content of the human right to peace; on 21 September 2007, the SSIHRL organised the commemoration of the International Day of Peace in the Council Chamber of the Palais de Nations; on 7 March 2008, the SSIHRL, the International Society of Human Rights (Frankfurt) and UNESCO Etxea organised a Roundtable on the relationship between extreme poverty and the human right to peace; on 4 June 2008, the SSIHRL and UNESCO Etxea organised a Roundtable on the right to education on peace and human rights; on 12 September 2008, the SSIHRL and UNESCO Etxea organised a Roundtable on the human right to peace and indigenous peoples; on 19 September 2008, the SSIHRL, UNESCO Etxea and the NGO Liaison Office of UNOG organised the commemoration of the International Day of Peace in the Council Chamber of the Palais de Nations

⁴ Report submitted by Mr Doudou Diène, former Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E/CN.4/2004/18, 21 January 2004, paragraph 8

⁵ Report submitted by Mr Doudou Diène, A/HRC/7/19, 20 February 2008, paragraph 51 and 65

⁶ Report submitted by Mr. Doudou Diène, *supra* note 3, paragraph 5

⁷ Report submitted by Mr Doudou Diène, E/CN.4/2006/54, 13 January 2006, paragraph 5

⁸ Report submitted by Mr Doudou Diène, Addendum E/CN.4/2006/16, 18 January 2006, paragraph 29-30

against the other, but as a vital element enabling to build a new social vision based on the dialectic of unity, diversity and promotion of the value of cross fertilization between cultures, peoples, ethnic identities and religions⁹. This new social vision should lead to **peace**.

The concept of **clash of civilizations**, cultures, ethnic identities or religions has been the new front of the cold war theorists. This ideology has not only shaped the world view of a growing number of influential politicians and media leaders, but it also became a new paradigm for some intellectuals and academics. The ideological paradigm was based both on the use of the defence of national identity and security¹⁰, and the creation of an enemy in the process of the construction of a national identity.

In their contributions to the Durban Review Conference the **African Group** stated that, against the **culture of fear**, is necessary to promote dialogue, **peace**, cultural diversity and mutual understanding¹¹; and the **Latin American and Caribbean Group** concluded that the promotion of **tolerance** and cross-cultural values is closely linked to the spirit of the Durban Declaration and Programme of Action¹².

Educational policies and programmes should be orientated to promote **peace**, respect for cultural diversity and universal human rights. Furthermore, as indicated by Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, human rights education should play a prominent role in combating racism, racial discrimination, xenophobia and related intolerance and promoting a **culture of peace** and dialogue¹³.

Nevertheless, racial discrimination and xenophobia will rise dramatically up in our societies unless States would adopt **effective measures** designed to correct persistent forms of **structural racism** and to eradicate social inequalities which represent the legacy of slavery and colonialism, and feed poverty.

Since peoples of the world are entitled to equality of opportunity and the enjoyment of their human rights, including the right to development and the right to **live in peace**¹⁴, actions undertaken by Governments aimed at eliminating racism should include **economic and social measures** in support of peoples marginalized by racial discrimination. As emphasized by the **Asian Group** “poverty, underdevelopment, marginalization, social exclusion and economic disparities are closely associated with racism, racial discrimination, xenophobia and related intolerance, and contribute to the persistence of racist attitudes and practices which in turn generate more poverty”¹⁵.

⁹ Report submitted by Mr Doudou Diène, , E/CN.4/2003/24, 30 January 2003, paragraph 13-15

¹⁰ Report submitted by Mr. Doudou Diène, *supra* note 4, paragraph 56

¹¹ Report of the Regional Preparatory Meeting for Africa for the Durban Review Conference (Abuja, 24-26 August 2008), A/CONF.211/PC.3/4, 3 September 2008, paragraphs 10 and 18

¹² Report of the Regional Conference for Latin America and the Caribbean, Preparatory to the Durban Review Conference held in Brasilia on 17-19 June 2008, A/CONF.211/PC.3/3, 29 September 2008, paragraph 20

¹³ Compilation of conclusions and recommendations adopted by the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action, doc. A/CONF.211/PC.2/7, 15 April 2008, paragraph 19

¹⁴ Durban Declaration and Programme of Action, Preamble, paragraph 21

¹⁵ Reports of preparatory meetings activities at the international, regional and national levels, Durban Review Conference, Preparatory Committee, A/CONF. 211/PC.3/5, 10 October 2008, p. 7, paragraph 10

Racism, racial discrimination, xenophobia and related intolerance manifest themselves in an aggravated and differentiated manner for **women and girls** “causing their living standards to deteriorate, generating multiple forms of violence and limiting or denying them the exercise of their human rights ...”¹⁶. As we are approaching the 15th Anniversary of the Beijing Declaration and Programme of Action, it should be reaffirmed that all forms of gender-based violence should be eliminated. Moreover, gender-based violence, such as battering and other domestic violence, sexual abuse, sexual slavery and exploitation, and international trafficking in women and children, prostitution, pornography and sexual harassment, are often aggravated by or resulting of racism, cultural prejudice, racial discrimination and xenophobia¹⁷. The Convention on the Elimination of Discrimination against Women, as well as its Committee’s General Recommendations, in particular GR 19 (1992) on violence against women, including older and immigrant women, should also be stressed.

A transformed partnership based on **equality between women and men** is needed as a condition for people-centred sustainable development and **world peace**¹⁸. In addition, the role played by men and boys in advancing gender equality is vital, as recognized both by the Beijing Declaration and the Commission on the Status of Women¹⁹. Therefore leaders at all levels, as well as parents and educators, should promote **positive male role models** that facilitate boys to become gender-sensitive adults and enable men to support, promote and respect women’s rights²⁰.

Discrimination and racism is an extended phenomenon affecting **people of African descent and indigenous peoples**. Although some legal and administrative measures have been adopted to promote, enhance and strengthen the ethnic, cultural, religious and linguistic identities, participation of **minority groups** at the political, economic, social and cultural spheres, continues to be irrelevant in many countries where racial policies based on superiority, xenophobia or discrimination are prevailing²¹. This is in flagrant violation of the Charter of the United Nations and relevant international human rights treaties. To efficiently implement main human rights standards, States should promote dialogue among cultures and religions, enhance respect for the dignity of peoples of diverse racial origin and belief, including indigenous peoples and people of African descent; and finally, promote **the human right to peace**.

¹⁶ *Ibidem*, p. 10, paragraph 29

¹⁷ Beijing Declaration and Platform for Action, Fourth World Conference on Women, 15 September 1995, A/CONF.177/20 (1995) and A/CONF.177/20/Add.1 (1995), paragraph 225

¹⁸ *Ibidem*, paragraphs 1 and 132

¹⁹ Report of the Expert Group Meeting that took place in Brasilia, Brazil from 21 to 24 October 2003: The role of men and boys in achieving gender equality. United Nations Division of Advancement of Women, EGM/MEN-BOYS-GE/2003/REPORT, 12 January 2004; Report of the Secretary General, Thematic issue before the Commission: the role of men and boys in achieving gender equality, Commission on the Status of Women, E/CN.6/2004/9, 22 December 2003

²⁰ Special Session of the UN General Assembly on Population and Development, held in New York in June/July 1999, paragraph 50

²¹ According to Yakin Ertürk, Special Rapporteur on violence against women, “the positive cultural elements should be emphasized, while the oppressive elements in culture-based discourses should be demystified”, paragraph 52, A/HRC/4/34, 17 January 2007

As requested in Article 4 of *the International Convention on the Elimination of All Forms of Racial Discrimination*²², States Parties should adopt immediate and positive measures designed to eradicate all incitement to, or acts of, racial discrimination. In addition, **the Human Rights Committee** stated in its **General Comment 18**²³ that the **principle of non-discrimination**, together with equality before the law and equal protection of the law without any discrimination, constitute a basic and general principle relating to the protection of human rights.

In addition, the **Committee on the Elimination of Racial Discrimination** requested States to take all necessary measures in order to avoid any form of discrimination against immigrants, in particular asylum-seekers of Roma origin²⁴ and undocumented non-citizens²⁵.

As stated in paragraph 17 of the Preamble of the *Luarca Declaration on the Human Right to Peace*, adopted on 30 October 2006,

*“Affirming that the effectiveness of the **right to peace** will not be achieved without the realisation of equal rights for men and women and the respect for their difference, without respect for the various cultural values and religious beliefs compatible with human rights, and without the eradication of racism, xenophobia and the contemporary forms of racial discrimination”*

CONCLUSIONS

We therefore urge the **Human Rights Council** to further promote the rights of **minority groups, African descent people and indigenous peoples** suffering from racism, racial discrimination and xenophobia, to social justice and equity, non-discrimination and gender equality, respect of all human rights, cultural diversity, linguistic rights, solidarity, **peace** and friendly relations among all nations, races, ethnicities or religions.

We recommend that the **Human Rights Committee** update its **General Comment 11 (1983) on Article 20** of ICCPR (war propaganda should be prohibited by law) in order to address current challenges.

We also request the **Human Rights Council** to remind Member States to be aware of the existing links between efforts **to combat racism**, racial discrimination and xenophobia, and the construction of democratic, interactive and egalitarian **multiculturalism**, as well as the promotion of **dialogue among cultures**, civilizations and religions, as a means to achieve **the human right to peace** and to combat racial and religious intolerance.

²² Adopted and opened for signature and ratification by General Assembly resolution 2106 (XX) of 21 December 1965, entry into force 4 January 1969

²³ Human Rights Committee, General Comment 18, Non-discrimination (Thirty-seventh session, 1989), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev.9 (Vol. I) of 27 May 2008, pp. 234-236 (Spanish text)

²⁴ General Recommendation XXVII on discrimination against Roma, Fifty-seventh session (2000), HRI/GEN/1/Rev.9 (Vol. II) of 27 May 2008, pp. 30-35 (Spanish text)

²⁵ General Recommendation XXX on discrimination against non-citizens, Sixty-fifth session (2005), *ibidem*, pp. 44-49 (Spanish text)

We further request **Member States** to take necessary measures aiming at the realization of fundamental rights of **minority groups**, as contained in the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of Discrimination against Women, the Convention on the Political Rights of Women, the Durban Declaration and Plan of Action, the UNESCO Universal Declaration on Cultural Diversity, the UNESCO Convention against Discrimination in Education, and the ILO Convention No. 111 on non-discrimination in access to employment and occupation.

The Human Rights Council should request the **Committee on the Elimination of Racial Discrimination** to analyse the issue of **multiple discrimination and aggravated forms of discrimination** with a racial component, and to adopt general recommendations on the methodology for countering this phenomenon.

We also urge **Member States** to recognize the need to eliminate **discrimination against women** as requested by the Convention on the Elimination of Discrimination against Women and the Beijing Declaration and Platform for Action of the Fourth World Conference on Women of 1995; to promote **women participation** at all levels of decision-making on **peace and security** issues, as provided for in Security Council Resolution 1325; and to foster the **role of men and boys** in advancing gender equality.

We further recommend that a Draft **Declaration on human rights education and training** be proposed by the **Advisory Committee** to define positive obligations of States regarding the incorporation of human rights education in their education systems, including private, religious, and military schools; to ensure access to a continuous life-long education at all ages in a society marked by professional mobility and migration; and to include **the right to education on peace and human rights**.

Finally, we invite all international actors to fully participate at *the Workshop on the right of peoples to peace*, to be organized by the High Commissioner in April 2009 pursuant to Council resolution 8/9, adopted on 18 June 2008.

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