



# General Assembly

Distr.: General  
1 September 2016

English only

---

## Human Rights Council

Thirty-third session

Agenda item 9

**Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up and implementation of the Durban Declaration and Programme of Action**

### **Written statement\* submitted by the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), a non-governmental organization in special consultative status**

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

[11 August 2016]

---

\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.16-15126(E)



\* 1 6 1 5 1 2 6 \*

Please recycle



## The Rising Tide of Racism against Migrants

### Migration and racial discrimination in Europe

2016 marks the fifteenth year of the implementation of the Durban Declaration and Program of Action, which was conceived as a new framework to combat racism, racial discrimination, xenophobia and related intolerance for generations to come. Today however, safeguarding those higher aspirations for tolerance, diversity and harmonious co-existence in the international community might seem to be a rather utopian ideal for some people. Instead, ideas based on racial superiority or hatred are rapidly gaining consensus, especially following the growing fear of terrorism and the latest waves of mass migration.

The European political scene, in particular, has witnessed a worrying growth in the number and influence of radical political parties that promote extremist ideological movements on the basis of misguided false ideals, which have resulted in what the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance refers to in his report<sup>1</sup> as “the stigmatization and targeting of vulnerable groups, such as migrants and refugees”. This is certainly a reality which needs to be tackled as the migrant crisis advances.

Some of the migrants that enter Europe “irregularly” are fleeing situations of wars, conflicts, famine, extreme poverty or other mitigating circumstances. To them Europe offers safety, stability, and a better life expectancy. When reaching the shores of the Mediterranean hosting countries, though, migrants have increasingly been targeted by xenophobic, racist and/or sexual predators, and some have easily fallen prey to criminal traffickers and smugglers, as reported by the OHCHR<sup>2</sup>. The commonly-shared perception of being “illegal” has proved to have a negative impact on the general public’s perception of migrants<sup>3</sup> which has often made them afraid or unable to seek protection and relief from the authorities in countries of origin, transit or destination.

Furthermore, migrants are faced with unequal treatment and unequal opportunities compared to “regular” citizens, including exploitation, “social dumping” and low-wage labour<sup>4</sup>. This is the result of multiple factors, such as the lack of appropriate assistance and support to facilitate integration into the hosting society. Among other issues is the unwillingness of European Union Member States to guarantee legal protection, by for example, ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, in clear opposition to the recommendations made by the Special Rapporteur on the human rights of migrants<sup>5</sup>.

Another factor that contributes to the marginalization of migrants is the widespread perception that citizens’ economic security is undermined by the presence of such groups. The Special Rapporteur on the human rights of migrants confirmed that the public increasingly conceives migrants as “job stealers”<sup>6</sup>. This perception has largely been fuelled by the media’s negative portrayal of migrants and refugees as an economic threat. Whereas a high concentration of migrants certainly poses a greater amount of pressure on certain countries, especially those which are already going through a grave financial crisis (namely Greece, Italy and Spain but also non-EU Turkey), this cannot become a pretext for spreading xenophobic ideologies that mistakenly identify migrants as a primary threat to one’s economic stability.

### The rise of “islamophobia”

A further factor which leads to marginalization and discrimination against migrants, especially those of Arab origins, and probably the most effective of all in its intent, has to do with the rise of the threat of terrorism. The increasing

---

<sup>1</sup> *Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance*, submitted to the Thirty-Second Session of the Human Rights Council, A/HRC/32/49, p. 3, para. 8, (June 2016);

<sup>2</sup> OHCHR, *The Economic, Social and Cultural Rights of Migrants in an Irregular situation*, New York and Geneva, 2014;

<sup>3</sup> *Report of the Special Rapporteur on the human rights of migrants, François Crépeau. Banking on mobility over a generation: follow-up to the regional study on the management of the external borders of the European Union and its impact on the human rights of migrants*, submitted to the Twenty-Ninth Session of the Human Rights Council, A/HRC/29/36 p. 14, para. 72 (May 2015);

<sup>4</sup> *Report of the Special Rapporteur on human rights of migrants on the impact of bilateral and multilateral trade agreements on the human rights of migrants*, submitted to the Thirty-Second Session of the Human Rights Council, A/HRC/32/40 (June 2016);

<sup>5</sup> *Ibid. Report of the Special Rapporteur on the human rights of migrants* A/HRC/29/36 p. 12, para 118;

<sup>6</sup> *Ibid. Report of the Special Rapporteur on the human rights of migrants. A/HRC/29/36 p. 14, para 73;*

number of terrorist attacks in Europe, the latest of which in Brussels airport on 22<sup>nd</sup> March 2016, followed by a second attack on the Maalbeek metro station shortly after, at the hands of the so-called (ISIS), has contributed to foment a state of general fear which has been used as a disturbing tool to promote xenophobic campaigns by individuals, groups and political parties.

In particular, the phenomenon of “islamophobia” has been on the rise since 2001 notorious 9/11 terrorist attack in New York. Anti-Muslim sentiment has been compared to the antisemitism of the 1930s and, most certainly, is a threat to peace and security, since it can lead to as much catastrophic consequences. Muslim migrants are perceived by some parts of the hosting population as a potential threat, on the presumption that ISIS jihadists might be hiding among them, thus are increasingly marginalized and excluded from the society. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance advised<sup>7</sup> that this modern anti-Muslim trend in various regions around the world highlights the vulnerability of religious minorities in communities where they are socially or politically constructed as “outsiders” and reported<sup>8</sup> that, for instance, threats against Muslim women wearing headscarves and physical attacks on imams at mosques have been occurring.

Such rising manifestations of contemporary forms of discrimination represent a breach to Article 1<sup>9</sup> and Article 2<sup>10</sup> of the United Nations Universal Declaration of Human Rights, as well as, a violation of the 1965 UN International Convention on the Elimination of All Forms of Racial Discrimination<sup>11</sup>, the 1966 International Convention on Civil and Political Rights<sup>12</sup> and the International Convention on Economic, Social and Cultural Rights<sup>13</sup>.

How is it possible that after all the suffering the world has witnessed as a consequence of ideologies of racial discrimination, these appalling ideals still attract supporters?

Education and misinformation play the biggest role. Older and younger generations, especially due to outmoded education systems and limited opportunities to come into contact with different cultures, are easily influenced by the propaganda of political leaders as well as by the media. Sadly, these actors are in fact able to shape public opinion to support their campaigns of defamation, especially against Arab migrants.

Modern day generations are increasingly supporting such extremist political parties too. This is once more attributable to the prejudiced and politicized flow of nationalist and xenophobic misinformation widely disseminated following the latest migratory wave of Arab refugees. Certain national media would give more coverage to events that involve crimes committed by an Arab migrant, rather than crimes committed by a “regular” European citizen, in order to lead public opinion to think that such individuals represent in fact a danger to society. This is occurring frequently across Europe, especially where there are political interests connected to the promotion of “islamophobia”.

Furthermore, a wrongful use of the Internet and social media has certainly helped in the promotion of the “islamophobic” discourse. Today, politicians make a large use of such means of communication to attract supporters for

<sup>7</sup>Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, submitted to the Thirty-Second Session of the Human Rights Council, p. 11, para. 33, A/HRC/32/50 (June 2016);

<sup>8</sup>Ibid. Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, A/HRC/32/49;

<sup>9</sup>1948 UN Universal Declaration of Human Rights, Article 1 recites the following: “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.”;

<sup>10</sup>1948 UN Universal Declaration of Human Rights, Article 2 recites the following: “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. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.”;

<sup>11</sup>See full text of the International Convention on the Elimination of All Forms of Racial Discrimination: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx>

<sup>12</sup>See full text of the International Convention on Civil and Political Rights: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

<sup>13</sup>See full text of the International Convention on Economic Social and Cultural Rights: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

their political campaigns, and this can have dangerous repercussions that incite violence and hatred against certain vulnerable groups on the basis of their ethnic background and religious beliefs.

### **Democracy and racial discrimination**

The 2001 Durban Declaration highlighted<sup>14</sup>, at the time of its elaboration, the fundamental incompatibility of racism, racial discrimination, xenophobia and related intolerance with democracy and with human rights law. Today, this issue could not be more relevant. In this regard, the Report of the United Nations High Commissioner for Human Rights of May 2016 stated that racism conflicts fundamentally with the central principles and values of democracy<sup>15</sup>. Ideologies as such have, in fact, a clear marginalization and exclusion intent, which fundamentally opposes the very principles of equality and inclusiveness of democracy. A country where certain groups are not granted equal rights on the basis of their race or religion, is not, and will never be, a democratic one. Democracy and discrimination are therefore mutually exclusive, and they cannot both exist at the same time.

Therefore, countries of Europe in specific and across the globe in general, need to urgently address and control the latest wave of racial discrimination, especially against migrants and refugees, as this would deeply undermine the very democratic values that such nations claim to be built upon.

### **Recommendations**

In light of the rise of new forms of racism, racial discrimination, xenophobia and related intolerance, especially against Arab migrants, in response to the latest wave of migration in Europe, concerned NGOs including the International Organization for the Elimination of All Forms of Racial Discrimination recommend to the United Nations relevant bodies to exert the necessary pressure on Member States to:

- Fully comply with the 2001 Durban Declaration and Programme of Action, including all the international legal measures to protect and safeguard the rights and freedoms of vulnerable individuals and groups, regardless of their race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
- Counter the hate speech of extremist political parties, movements and groups while preserving and consolidating the values of democracy.
- Control with criminal laws the dissemination of ideas based on racial superiority and/or incitement to hatred while promoting the rights of freedom of expression.
- Guarantee educational programs that promote the principles of tolerance of and respect for ethnic, religious and cultural diversity.
- Investigate promptly and prosecute impartially the perpetrators of crimes with racist, xenophobic or anti-Muslim motivations in order to end impunity.

Alessia Vedano  
EAFORD

---

<sup>14</sup>See for example Article 85 of *Declaration of World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance* (Durban Declaration), 2001;

<sup>15</sup>*Report of the High Commissioner for Human Rights, Panel discussion on the incompatibility between democracy and racism Report of the United Nations High Commissioner for Human Rights*, submitted to the Thirty-Second Session of the Human Rights Council, A/HRC/32/29, p. 2, para. 7 (June 2016);