



GENEVA INTERNATIONAL CENTRE *for* JUSTICE

**TACKLING RACIAL DISCRIMINATION RELATED TO
EMERGING DIGITAL TECHNOLOGY AND THE RISE OF NEO-
NAZISM**

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GICJ report on ITEM 9- An Interactive Dialogue with the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia, and related intolerance
The 44th Session Human Rights Council

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A. BACKGROUND

During the 44th Regular Session of the Human Rights Council, an interactive dialogue was held under Item 9 to discuss reports by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia, and related intolerance. Countries and NGOs expressed their concerns and questions which were answered by the Special Rapporteur, Ms. E. Tendayi Achiume, throughout the interactive dialogue. Four different reports were open for discussion during this meeting which were as follows:

Thematic Reports

“Racial discrimination and emerging digital technologies: a human rights analysis”
(A/HRC/44/57)

“Combating glorification of Nazism, neo-Nazism and other practices that contribute to fueling contemporary forms of racism, racial discrimination, xenophobia and related intolerance”
(A/HRC/44/58)

Country Reports

Visit to Qatar (A/HRC/44/57/Add.1)

Visit to the Netherlands (A/HRC/44/57/Add.2)

Geneva International Centre for Justice (GICJ) calls on all States to urgently adopt and implement the recommendations provided by the Special Rapporteur in her reports. With the number one priority to combat structural and indirect forms of discrimination that exist in all societies, States need to foster a structural and intersectional human rights approach to mitigate the racial discrimination involved in the design and use of emerging digital technologies and when combatting the rise of neo-Nazism in societies.

In its joint statement with EAFORD, GICJ urges all member states to:

- Assume responsibility and stay committed to combatting all forms of racism.
- Collect, analyse, and make available reliable data on racial discrimination.
- Lastly, we strongly recommend states to support, adopt and fully implement the Durban Declaration and Programme of Action.

B. THE INTERACTIVE DIALOGUE

Special Rapporteur

Ms. E. Tendayi Achiume brought to the Council's attention the importance of her findings and why her suggestions for how countries should move forward prove adequate. In terms of Ms. Achiume's report on "Racial discrimination and emerging digital technologies: a



"No State, institution, group or individual shall make any discrimination whatsoever in matters of human rights and fundamental freedoms in the treatment of persons, groups of persons or institutions on the ground of race, colour, or ethnic origin"

Article 2.1 - United Nations Declaration on the Elimination of All Forms of Racial Discrimination (1963)

human rights analysis," she points out that technology is never neutral. In fact, technology has run in a continuous cycle that reproduces all existing inequalities within the society it is designed and used in. This is due to the fact that inequality and discrimination practices are very much involved in the systematic structure of emerging technologies because racial and

ethnic minorities are rarely involved in the decision-making roles. In private corporations, where most technology around the world is produced, involving minorities is exceptionally rare. Ms. Achiume suggests that countries should enhance their efforts to bring more minorities up the social ladder so they can help strategize ways to combat racially discriminatory designs within technology. Whether technology companies are practicing direct discrimination, indirect discrimination, or are involved in racially discriminatory structures, all of these practices need to end immediately. Not only does accountability need to take place, but impact assessments, effective remedies, and minority inclusion need to be obligations for all states and companies involved in emerging digital technologies. Ms. Achiume stresses that her report contains a non-exhaustive list of recommendations to help foster a structural and intersectional human rights approach to mitigate the racial discrimination involved in the design and use of emerging digital technologies. She also welcomes dialogue in regards to her other three reports.

Netherlands

In regards to the Special Rapporteur's country report on the Netherlands, Ms. Achiume acknowledged the state's current frameworks for racial equality and recognized the Netherlands as a role model for other countries. However, like all nations, systemic discrimination remains deeply rooted in various infrastructures in the Netherlands, especially with their colonial past. The Special Rapporteur provided ways in which the Netherlands can begin to tackle the racial discrimination that continues to persist.

The Netherlands took this meeting to show their appreciation for their country report and agreed to analyze carefully all of the recommendations provided by the Special Rapporteur. They

“All effective steps shall be taken immediately in the fields of **teaching, education and information**, with a view to eliminating racial discrimination and prejudice and **promoting understanding, tolerance and friendship among nations and racial groups**, as well as to propagating the purposes and principles of the Charter of the United Nations, of the Universal Declaration of Human Rights, and of the Declaration on the granting of independence to colonial countries and peoples”

Article 8 - United Nations Declaration on the Elimination of All Forms of Racial Discrimination (1963)

expressed the need to work even harder to create an inclusive, diverse environment and conveyed the government can do its part by holding accountable existing laws and policies that are not being upheld. The Netherlands also demonstrated that they are beginning to take action steps such as promoting grassroots organizations which are vital to increasing dialogue and creating change. With a colonial past, many still today do not feel they are included in the Dutch national identity. By increasing investment in education and implementing more training for officials, the Netherlands Human Rights Institute proclaimed that the government should take a leading role to eradicate all forms of racism and racial discrimination.

Qatar

In the Special Rapporteur's report, she focuses on her observation that access to human rights is different for citizens depending on their origin and nationality. She points out structural discrimination against non-citizens and calls for equality and equal rights for everyone in Qatar. On the other hand, Ms. Achiume commends Qatar for having completed big steps in terms of human rights treaty ratifications, policy reforms, and labour and immigration reforms. However, as always, further action remains necessary until discrimination is obliterated and all citizens have equal access to human rights.

Qatar's addendum to its country report stated the state's willingness to fully cooperate with the Special Rapporteur and implement her suggestions. During the interactive dialogue, Qatar answered questions inquired by the Special Rapporteur by providing information about their current labor conditions. The National Human Rights Committee of Qatar followed by stating ways Qatar can play a stronger role in combatting discrimination. Examples they mentioned include enhancing access to justice for non-citizens and allowing Qatari women to be able to transfer their citizenship to their spouse and children. Further, they addressed Ms. E. Tendayi Achiume's request that a proper definition of racial discrimination must be immediately adopted as a first step in a long line of legal and educational reforms.

Hungary's Prime Minister, Viktor Orbán, said to German newspaper *Bild*, "We don't see these people as Muslim **refugees**. We see them as Muslim **invaders**."

Geographical Groups

Arab Group

The State of Palestine, speaking on behalf of the Arab Group, commended the Special Rapporteurs report on racial discrimination and emerging digital technologies. Stating that the digital age has helped enhance and promote racist and extremist ideologies, the Arab Group urged all member states to uphold the Durban Declaration and Programme of Action (DDPA). Further, they urged the international community to



unite in order to encourage self-determination for those under occupation and asked the Special Rapporteur how they can best combat racism and hate speech for those currently living under occupation.

European Union

The European Union recommitted itself to fighting against all racial intolerances. Also, they stated that privacy, dignity, and integrity should be upheld and respected for everyone and that the digital transformation should benefit all people. The European Union concluded by asking the Special Rapporteur what the number one priority would be to ensure that the right to equality and non-discrimination is respected. Ms. Achiume later addressed this question by stating the number one priority should be combatting structural and indirect forms of discrimination that exist in all societies.

African Group

Burkina Faso spoke on behalf of the African Group, and began by agreeing with the Special Rapporteur that technology can disparately impact people on the basis of race, ethnicity, gender, and religion. Taking the stance of promoting accountability, the African Group argued that corporations, especially those in the Global North, need to bear a responsibility to respect human rights as they have been at the forefront of gaining power through reproducing inequalities in societies.

China's joint statement with other countries

China, speaking on behalf of a Group of Countries, provided evidence that minorities have been disproportionately impacted by COVID-19 around the world. With deep-rooted discrimination costing people everywhere to lose their lives, the fight against racism and racial discrimination is far from over. Lastly, they urged for concrete steps to be taken to implement the DDPA by all member states.

In 2018, the United Nations called out the Italian government for refusing rescue ships carrying refugees in the Mediterranean to enter Italy. UN High Commissioner for Human Rights, Michelle Bachelet, announced she would send investigators to Italy to check the reports of racism and violence against migrants.

General Consensus

Throughout the interactive dialogue, many States recognized that technology breeds intolerance and were quick to point out that COVID-19 has amplified racist discourse online and has provided justification for hate speech and discrimination against minorities who have been the most affected. Many countries emphasized powerful conclusions from the Special Rapporteur's reports by agreeing that because technology's design and use reproduces inequalities in a given society, technology is therefore not neutral or objective. All nations need to work harder to ensure minorities are included in the design of emerging technologies. Too many perpetrators are using social media platforms to promote extremism, racism, and intolerance and it is understood that this needs to end immediately.

In 2019, ten parties in Australia's federal election were listed as openly Islamophobic.

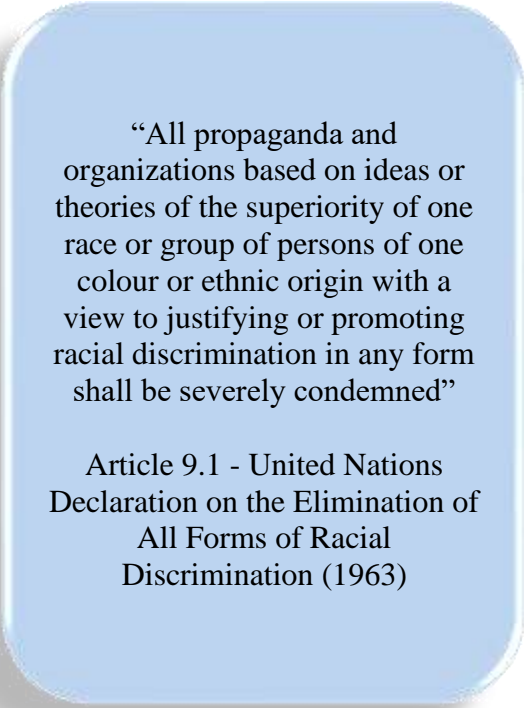
Many nations agreed that transparency and regulation are essential to begin fighting discrimination in the design and use of technology. Many are also worried about how Artificial Intelligence (AI) could dramatically amplify the scale on which discrimination occurs.

In regard to neo-Nazism, states supported UN mechanisms to combat the new surge of anti-Semitism, hate speech used by politicians, and the glorification of Nazism occurring in many nations. The racist ideology and supremacist attitudes of Nazi Germany continue to exist in our world today. Many agreed that in order to deplete racism, education is the key to raising awareness, promoting dialogue, and changing discriminatory behavior.

Lastly, all states called on the Human Rights Council to emphasize the urgency on ensuring all countries adopt and implement the Durban Declaration and Programme of Action.

Special Rapporteur's Comments and Answers

Throughout the interactive dialogue, Ms. Achiume was prompt in answering questions directed towards her throughout various countries statements. Many of her answers highlight the importance as to why these reports were necessary in the first place. For instance, Ms. Achiume emphasizes that there is an urgent need for states to disrupt the dynamic of corporations whose profit making is consistent with intolerance and discrimination. Further, in response to a question about what practices to implement first, Ms. Achiume hones in on her worry that domestic inclusion of racial and ethnic groups in designing and using digital technologies is going to translate to a “token member” who isn’t actually part of the decision-making. She highlights that we, as an international community, need meaningful shifts of power within technology companies to deplete racism at every level. She suggests racial discrimination experts should be included in the conversation with technology designers and experts. However, to achieve these goals, governments need to do their part to encourage racial and ethnic minority groups to climb up the ladder and access these opportunities. Ms. Achiume



“All propaganda and organizations based on ideas or theories of the superiority of one race or group of persons of one colour or ethnic origin with a view to justifying or promoting racial discrimination in any form shall be severely condemned”

Article 9.1 - United Nations Declaration on the Elimination of All Forms of Racial Discrimination (1963)

emphasizes that COVID-19 is making it easy to see that most countries lack strong anti-discrimination frameworks.

In addition, she warns countries not to rush to technological solutions as this only reproduces inequalities to a greater extent. Technology should be adopted to help solve problems, whereas today it is mainly implemented as a temporary solution to solve efficiency efforts.

NGO's Response at the Interactive Dialogue

Many NGO's came prepared with specific initiatives for the Human Rights Council to adopt. Throughout the interactive dialogue, it became clear that urgent action is needed to combat racial discrimination whether it is embedded into technology or intertwined in neo-Nazism. In this respect, NGOs were alarmed at the rise of neo-Nazism and hate speech around the world and agree that more steps need to be taken to combat the rise of anti-Semitism. The fight against structural and systemic racism is far from over and international cooperation is vital.

C. GICJ POSITION


GICJ, in two joint statements with other organizations, called on the nations of the world to continue to strive to end all forms of racism, discrimination, and xenophobia in order to obliterate hate and intolerance in our societies. In regards to combatting Nazism and neo-Nazism, GICJ expresses grave concerns over the use of hate speech by politicians and groups, in order to provoke division, racism, and hate in society. Despite existing international human rights laws, more concrete steps need to be taken by the international community.

On the topic of emerging digital technologies reproducing inequalities, we agree with the Special Rapporteur that minorities and racial discrimination experts must be involved in the design and use of technology as a first step. All countries need to collect, analyze, and make

In June of 2020, half of the Italian members of the European Parliament voted against a resolution to condemn all forms of racism, hate and violence.

available reliable statistical data to increase transparency and practice accountability in regards to existing discriminatory practices. We urge all member states to take responsibility for discrimination and stay committed to combatting all forms of related intolerance.

We note the Special Rapporteur's conclusion that emerging digital technologies can be used to produce racially discriminatory structures that holistically or systematically undermine the enjoyment of human rights for certain groups. GICJ is particularly concerned that certain states are using biometric identification and surveillance to track and restrict the movements and activities of certain ethnic groups. We implore the Human Rights Council to take a strong position against such use of digital technology by states.



In recent years, Germany has seen an intense rise of neo-Nazi provocations, some taking place at former concentration camps. In 2019 alone, the government banned three different far-right groups who brand themselves as followers of Adolf Hitler, plan and carry out attacks to murder government officials and Jews, and distribute racist and anti-Semitic writing.

Moreover, it is unfortunate that despite the lessons of the past, Nazi and neo-Nazi ideologies persist. It is the responsibility of states to break the foundations for these ideologies, especially given the relationship between anti-Semitic racism and other forms of racism and related intolerance. The demonization of “the other” is what needs to be addressed by states, whether the hatred being propagated is addressed towards a racial, ethnic or religious group.

Most importantly, we strongly recommend states to support, adopt and fully implement the Durban Declaration and Programme of Action. We urge the Special Rapporteur to continue to insist on its implementation by states as a comprehensive strategy to eliminate racism, racial discrimination, xenophobia and related intolerance.

D. CONCLUSION

Overall, this interactive dialogue displayed the urgency for all states to implement the recommendations provided by the Special Rapporteur in her reports on the threats of emerging digital technology and the rise of neo-Nazism. International cooperation is essential to deplete racism and racial discrimination and all countries need to do their part. With digital technology emerging rapidly, the nations of the world must take action immediately by ensuring minorities have a seat at the table. Further, with the normalization of hate speech and discriminatory behavior, governments must help to eradicate the spread of neo-Nazism by condemning racial discrimination and racism in all its forms. With individual and collective actions, history can be made and equal access to human rights for all can be achieved.

“All States shall take effective measures to revise governmental and other public policies and to rescind laws and regulations which have the effect of creating and perpetuating racial discrimination wherever it still exists. They should pass legislation for prohibiting such discrimination and should take all appropriate measures to combat those prejudices which lead to racial discrimination”

Article 4 - United Nations Declaration on the Elimination of All Forms of Racial Discrimination (1963)

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