



General Assembly

Distr.: General
30 July 2019

Original: English

Human Rights Council

Forty-second session

9–27 September 2019

Agenda items 2 and 9

**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

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

Intersessional high-level panel discussion on the incompatibility between democracy and racism: identifying challenges and good practices

Report of the Office of the United Nations High Commissioner for Human Rights*

Summary

The present report is submitted pursuant to Human Rights Council resolution 38/19. It provides a summary of the intersessional high-level panel discussion, held on 2 April 2019, on the theme of incompatibility between democracy and racism: identifying challenges and good practices.

* The present report was submitted after the deadline as a result of consultations with the Member States.



I. Introduction

1. Pursuant to its resolution 38/19 of 6 July 2018, on the incompatibility between democracy and racism, on 2 April 2019 the Human Rights Council convened a panel discussion that addressed the challenge of the incompatibility between racism and the central principles and values of democracy. The panel shared concerns about the rise of racism and racial discrimination in the political and public spheres, including the marginalization of members of society such as migrants, people of African descent, indigenous peoples and minorities. The discussion also focused on the necessity of joint efforts in countering all expressions of racism and xenophobia, including in tackling offline and online hate speech. It also touched upon the crucial role of education and intercultural and interreligious dialogue in promoting tolerance and combating racism.

2. The panel discussion was chaired by the President of the Human Rights Council. The Director of the Thematic Engagement, Special Procedures and Right to Development Division of the Office of the United Nations High Commissioner for Human Rights (OHCHR) delivered the opening address. The panel discussion was moderated by the Deputy Permanent Representative of Costa Rica to the United Nations Office and other international organizations in Geneva. The panellists were Maria Angelica Iguaracema Rodrigues da Costa, International Adviser at the Ministry of Women, Family and Human Rights of Brazil; Valery Engel, Professor and Senior Fellow at the Centre for Analysis of the Radical Right, President of the European Centre for Democracy Development in Latvia and Director of the Institute of Ethnic Policy and Inter-ethnic Studies in the Russian Federation and Adolphe Sururu, Professor at the University of Burundi, Director and Founder of the Peace Education and Conflict Management Training Centre and National Coordinator of the Transnational Foundation for Peace and Future Research.

II. Opening statement

3. In her opening statement, the Director of the Thematic Engagement, Special Procedures and Right to Development Division stated that racism undermined democracy not only for those left out through discrimination, but for everyone. Legislation and practices based on racism, racial discrimination, xenophobia and related intolerance, were incompatible with human rights and transparent and accountable governance. She expressed concern about the resurgence of violent attacks motivated by racism, xenophobia and related intolerance, alongside persistent and profound discrimination against numerous groups. She further emphasized the alarming trend whereby minorities were marginalized or excluded and their participation in society diminished.

4. The Director said that freedom of speech and expression were the cornerstone of every pluralistic and inclusive society. They were threshold issues empowering individuals to realize all other rights. At the same time, examples showed that freedom of speech could be used as a vehicle for incitement to violent and hateful action. In that regard she noted that political platforms and organizations based on racism, xenophobia or doctrines of racial superiority and related discrimination undermined the foundational values of democracy.

5. The Director emphasized that political parties, platforms and organizations must lead by example. They must take decisive action against racist discourse. They should develop robust internal disciplinary measures against public statements and actions that encourage or incite racism, racial discrimination, xenophobia and related intolerance.

6. Where rights were violated, effective judicial protection and remedies for victims of racial discrimination were fundamental. States had the obligation to duly prosecute and sanction those responsible for racist and xenophobic violence. However, prosecuting criminal conduct associated with racial, national, ethnic hatred or violence would not be sufficient to combat violent extremism and racism. With a view to preventing violence and fostering democratic values and respect for human rights, relevant stakeholders and society at large must engage earlier to combat the environments in which hate could flourish, including by stepping up investment in education and public awareness-raising.

7. The Director affirmed that social media and the Internet had been instrumentalized in the pursuit of hatred and xenophobia. She recommended that society look actively at how new media could be a tool to combat hate, how stories of how diversity strengthens societies could be better told and how to rally together to support tolerance and inclusion. Public authorities and elected officials had a crucial role to play in this struggle by speaking out against discrimination and intolerance.

8. Lastly, she urged States and leaders to demonstrate not only political but also moral leadership in vigorously fighting racism, discrimination and xenophobia, to join forces to fight the rise in hate speech before it turned into violence, to take action to prosecute racial violence when it occurred and to redouble efforts in preventive action and step up investment in awareness-raising and education.

III. Statements by panellists

9. The panellists stated that respect for human rights, democracy and the rule of law were essential to prevent and combat racism, racial discrimination, xenophobia and related intolerance. They also emphasized that the international community needed to redouble efforts to fight racism in all its forms and manifestations.

10. Ms. Rodrigues da Costa noted that nowadays the idea of racial superiority of white over black and indigenous peoples had proven to be false and been rejected by most societies, but it still echoed in the minds of a lot of people. She stated that among the negative effects of structural racism were the lack of access to basic services and justice and the low number of representatives of black and indigenous groups in public spaces and in decision-making.

11. She further noted that although Brazil still faced serious problems of structural racism, significant progress had been made over the previous 20 years, beginning with the recognition that the country suffered from racism and structural racism. In 2003, Brazil had created, within the Federal Government, an institution to elaborate public policies to promote racial equality. The institution also liaised with other ministries or entities of the public administration to ensure a coherent view on the elaboration of public policies. Currently, Brazil, through its Institute of Geography and Statistics undertook social diagnosis through the collection of data disaggregated by gender, ethnic or racial group, age and geographic location. That work was done through a census organized every 10 years and through annual surveys. Institutions such as the Institute for Applied Economic Research analysed all the data and identified critical areas that demanded government attention. She further noted that laws that forbade racial discrimination and offences based on a person's ethno-racial origin had also been put into practice, as had the Statute on Racial Equality, to guarantee to the afro-Brazilian population the enjoyment of equal opportunities and of their social, economic and cultural rights.

12. Brazil had further adopted legislation on affirmative action that reserved a number of places for people of African descent and indigenous peoples in the higher education system and the public sector. With the increase in racist discourse through Internet networks, the Brazilian police had begun to monitor social networks and also to investigate complaints, based on the anti-discrimination laws.

13. Mr. Engel noted that the problem of incompatibility between democracy and racism was multifaceted and included various different problems, such as combating racial discrimination. It also covered the tensions between democratic values, such as freedom of speech and expression, and the interests of combating hate speech.

14. Mr. Engel emphasized that cultural diversity was seen as a threat to the so-called notion of national culture and the notion of race had been replaced by the notion of culture in the political discourse. He stated that the main objective of modern racism was to reduce the impact of the culture of minorities. That was done, *inter alia*, through restrictions on immigration and through cultural assimilation of a minority group. Assimilation was being replaced by the word integration. It was clear that voluntary assimilation was not considered to be a demonstration of racism because it was always a choice, but forced

assimilation was a manifestation of racism. He outlined several new threats, such as racism in political discourse and the promotion of monocultural societies. He concluded by stating that all such threats should be considered by the Human Rights Council and that there was a need to continue monitoring the situation in the world and to consider new international agreements that governed such issues.

15. Mr. Sururu questioned the paradox of the world, where peace, democracy, good governance, harmony and inclusiveness were needed, while intolerance, hatred and exclusion were to be seen and where killings, massacres and even genocide were still taking place.

16. As a response to those threats, Mr. Sururu advocated for greater investment in education, in particular education on human rights and for peace, in particular for young people. The knowledge of those values was not only about filling people's minds but also their hearts, so that such values began to take effect at the earliest age. As long as there were racists, democracy would not be a reality in the world. As the saying was, a democrat was always trying to find partners to overcome the challenges, whereas a racist was constantly trying to find a scapegoat to make responsible for the failures. Mr. Sururu also noted that research had shown that the way children were educated and the way that politics evolved would always determine whether future generations would grow up with a superiority or inferiority complex.

17. Mr. Sururu concluded that the consolidation of education for human rights and peace and the enactment and implementation of appropriate laws were crucial, in order to keep those values alive rather than being something that existed only on paper. He also stated that without learning to live in harmony, in an inclusive manner, problems would always arise. Consolidation of legislation and education should be a daily endeavour rather than trying to inculcate a sense of patriotism, because that only consolidated nationalistic attitudes.

IV. Summary of discussions

18. During the ensuing discussion, contributions were made by representatives of Algeria, Angola (on behalf of the African Group), Armenia, Azerbaijan, the Plurinational State of Bolivia, Brazil, China, Cuba, Ecuador, Egypt, the European Union, the Islamic Republic of Iran, Israel, Italy, Jamaica, Jordan, Libya, Malaysia, Maldives, Montenegro, Pakistan (on behalf of the Organization of Islamic Cooperation), Paraguay (on behalf of the core group of resolution 38/19), Qatar, Republic of Korea, Senegal, Slovenia, South Africa, Switzerland, Tunisia and Zimbabwe.

19. Representatives of the following national human rights institutions and civil society organizations also took the floor: Rencontre Africaine pour la Défense des Droits de l'Homme, International Movement against All Forms of Discrimination and Racism, the World Jewish Congress, International Youth and Student Movement for the United Nations, Islamic Human Rights Commission and International Human Rights Association of American Minorities.

20. Many delegates began their statements by noting the rise of racism and xenophobia and a surge in racist and xenophobic manifestations around the world that targeted minorities and other vulnerable and marginalized groups in society.

21. One delegate stressed the need to ensure that the Internet remained open, free and secure with respect to freedom of expression and a place where international human rights law and the rule of law were respected. While freedom of expression was respected and protected, what needed to be addressed, together with social media providers, was incitement to violence or hatred. Human rights applied online as well as offline and the same responsibilities and obligations laid upon individuals and States must also apply in the digital world. What was criminal offline was also criminal online. Politicians, law enforcement authorities, companies, journalists, civil society organizations and individual citizens could all play a role in detecting hate content on the web and reporting it. All democratic actors must speak up to counter the narratives of hate and intolerance. That

meant encouraging civil society and local communities to engage and speak up. Combating hatred required a societal shift, education and the promotion of intercultural exchanges.

22. One delegate, speaking on behalf of a group of States, recalled that article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination called on all States parties to punish incitement to hatred and racial discrimination, prohibit racist organizations and condemn hateful messages by public authorities. The Durban Declaration and Programme of Action stated that political platforms and organizations based on racism and xenophobia were incompatible with democracy and accountable governance. The OHCHR report of 2012 on the incompatibility between democracy and racism emphasized the challenges posed to democratic values by extremist political parties, movements and groups. He called on all countries to contribute to the effective fulfilment of the mandates of all the Durban follow-up mechanisms.

23. Another delegate, speaking on behalf of a group of States, stated that one of the most important modern challenges was to ensure the right balance between the exercise of the freedom of expression and the need to prevent and, where necessary, punish hate speech on virtual platforms. In that respect, the delegate noted that the group of States valued the exchange of good practices and the promotion of tolerance of and respect for pluralist and integrated societies.

24. Another delegate, also speaking on behalf of a group of States, expressed concern about the rise of extremist political parties, leaders and media groups and noted that racism existed in many forms and had led to many terrorist attacks, including anti-Muslim terrorism. He noted that this phenomenon must be tackled by an institutional United Nations response. In that regard, it was important to reiterate that the relevant United Nations mechanisms must be broadened and so must the scope of the Security Council Committee pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015) concerning ISIL (Da'esh), Al-Qaida, and associated individuals, groups, undertakings and entities, by including in it individuals and entities associated with anti-Muslim racist extremist groups, with a view to effectively responding to the evolving threat of terrorism.

25. There was general agreement among delegates on the necessity of tackling the main challenges to pluralism and democracy by addressing the root causes of intolerance and discrimination. The proper response to racial discrimination, hate speech and other forms of intolerance was the promotion of tolerance, inclusion, unity and respect for diversity by individuals, civil society organizations, enterprises, the media, politicians and political parties and the international community.

26. One delegate noted that in order to promote tolerance and mutual respect, the right to freedom of speech or expression should be exercised responsibly and that right could not encompass expressions or actions that defamed or ridiculed others. He strongly condemned all acts and expressions or dissemination of ideas that promoted racism, racial discrimination, hatred and other forms of intolerance.

27. Several delegates noted that it was critical to support countries in promoting a culture whereby societies were mindful of the principles of tolerance and openness. Those values of acceptance of others in all their diversity and the promotion of tolerance on the basis of a participatory approach between the political sphere, civil society and independent human rights institutions should be included in school curricula. Delegates stressed that freedom of expression was the cornerstone of democracy and should not be used to disseminate hatred.

28. Many delegates began their statements by condemning the terrorist attacks in Christchurch, New Zealand, and expressing their condolences and sympathy to the families of the victims. They stated that once again it had been shown that even consolidated democracies were not immune from the blind terrorism of fanatics and that hatred towards those who thought or believed differently seemed to be deeply entrenched in all societies.

29. One delegate noted that the fight against racism and racial discrimination was a way to strengthen democracy. Misinformation about minorities and migrants was harmful and could fuel incitement to racial hatred and racial profiling. It was crucial to adopt effective and appropriate measures, including legal measures, to combat all acts of racism, in

particular the dissemination of ideas based on racial superiority or hatred, including on social media platforms. The exercise of freedom of expression should not detract from the rights and freedoms of others, including the right to equality and non-discrimination of any kind. Racist hate speech potentially silenced the free speech of the victims. On the other hand, the exercise of the right to freedom of opinion and expression could also play a positive role in combating racial hatred and misinformation, which needed to be better explored by Governments and societies.

30. Another delegate said that countries should pay more attention to the role of social media and the impact they could have on the increase in racial discrimination and xenophobia. While recognizing the need to promote and protect freedom of expression, both online and offline, there was still a need to remain vigilant in order to avoid the misuse of new technologies which could undermine core human rights values.

31. The representative of one non-governmental organization (NGO) stated that in order to effectively counter hateful propaganda which posed a threat to democracy and fuelled racial discrimination and intolerance, overarching approaches must be adopted, including the enactment and meaningful implementation of a comprehensive anti-discrimination law. One of the main challenges in this area was the abuse of freedom of speech in political campaigns by hate-mongering demagogues. Election campaign speeches that exploited racial hatred were unaccounted for in many countries. That was posing a significant challenge for civil society in promoting an inclusive and democratic society.

32. Another representative of an NGO stated that hatred of Jews had been a disease in all societies throughout the centuries and regrettably that virus was only getting stronger. Some did not consider Jews to be equal citizens. The Holocaust was denied and trivialized, the facts were obfuscated, and historical memory evaporated. He proposed that acts of anti-Semitism be condemned whenever and in whatever form they might occur; that education about the Holocaust and anti-Semitism be integrated into national curricula; that national legislation be adapted to respond to current manifestations of anti-Semitism and manifestations of anti-Zionism that directly and negatively targeted Jewish communities; that a national action plan for combating anti-Semitism be developed and a national coordinator against anti-Semitism appointed; that funding be provided for the security of Jewish communities; and that the definition of anti-Semitism elaborated by the International Holocaust Remembrance Alliance be adopted in its totality.

33. Many delegates expressed concern regarding the rise of extremist political parties, movements and groups that sought to normalize racism, xenophobia and related intolerance, particularly against migrants and refugees. They stated that it was important to deal with the root causes of racism, xenophobia and related intolerance.

34. Several delegates noted that hate speech, both online and offline, continued to play an immoral role in public discourse and must be uprooted. They emphasized that it was important to be focused on ways and means to address the issue, while at the same time bearing in mind that there was a very thin line between incitement to hatred and the right to freedom of expression and speech. The incompatibility between democracy and racism arose from a lack of respect and responsibility towards those freedoms.

35. Concerns were also expressed at the use of political platforms to stir up discrimination, hate speech and ideas of racial superiority in many parts of the world. Of particular concern was the fact that persons belonging to groups in vulnerable situations, such as migrants, refugees and asylum seekers, continued to suffer the main burden of such prejudices. In that regard, States should take policy and legal measures in accordance with article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, which called on States parties to, inter alia, punish incitement to hatred and racial discrimination, prohibit racist organizations and condemn hateful messages by public authorities.

36. Participants pointed out that the implementation of the Durban Declaration and Programme of Action was still of great relevance to the United Nations and the human rights system, as racism was still entrenched as a distinctive feature of the political and social lives of many countries.

37. One delegate mentioned that building society on the basis of pluralism and social integration, including strengthening school programmes and laws, was crucial to consolidating democracy, because the values of liberty and democracy could not survive in societies where human rights were ignored, or in societies where supremacist ideologies or hate discourse were spreading.

38. Another delegate noted that strong democratic institutions, which rested on a solid value base, helped democracies to handle cases of discrimination. Democracy started with a targeted policy condemning racial discrimination, prohibiting it and harnessing law enforcement authorities to combat it.

39. Another delegate emphasized the potential contribution of global citizenship and noted that people should be empowered to understand and promote common values such as human dignity, human rights, the rule of law and tolerance.

40. One representative of an NGO noted that non-white individuals and non-Christians still had to prove they were good citizens. They should behave in a certain way, dress in a certain way and have a certain political ideology in order to be recognized as citizens or deserving of State amenities. If they did not conform, they were stigmatized and stereotyped and, in extreme cases, denied citizenship and equal rights. Rising populism politics based on religion, national identity and racial identity had alienated many racial, national and religious minorities in dire situations.

41. Another representative of an NGO reiterated the importance of the full and effective implementation of the Durban Declaration and Programme of Action and welcomed the request by the General Assembly to the Human Rights Council to develop and adopt a multi-year outreach programme for public information and mobilization in support of the Declaration and Programme of Action.

V. Conclusions

42. **Democracy and transparent, responsible, accountable and participatory governance based on the recognition of, respect for and promotion of cultural, ethnic and religious diversity, and respect for human rights, fundamental freedoms and the rule of law, are essential for the effective prevention and elimination of racism, racial discrimination, xenophobia and related intolerance.**

43. **Acts of racial violence, incitement to racial hatred or discrimination, inter alia by the dissemination of ideas based on racial or ethnic superiority or hatred, do not constitute legitimate expressions of opinion but rather unlawful acts or offences. When government officials and public authorities engage in such acts or condone crimes motivated by racist and xenophobic attitudes with any form of impunity, they undermine the principle of non-discrimination and endanger democracy, encouraging the recurrence of such acts.**

44. **The rise in many parts of the world of various extremist ideologies, political parties, movements and groups, including neo-Nazis and skinhead groups and racist extremist movements, is a major concern.**

45. **Support for monitoring activities addressing contemporary forms of racism is needed and States are encouraged to elaborate and improve the mechanisms of collecting disaggregated data with a view to identifying the root causes of racial extremism and consequently better developing relevant policies and programmes. Sharing such data and even creating a databank of good practices would help in countering emerging forms of racism.**

46. **Anti-discrimination laws should be complemented by relevant measures to promote the values of diversity, tolerance and racial equality in the population. To that end, it is important to encourage education systems to teach human rights values and a culture of peace.**