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**Intergovernmental Working Group on the Effective Implementation of the Durban
Declaration and Programme of Action,**

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(Geneva, 9-13 October 2017)

**Statement by Mr. Mutuma Ruteere
United Nations Special Rapporteur on contemporary forms of racism, racial
discrimination, xenophobia and related intolerance**

(Geneva, 9 October 2017)

Mr. President,

Excellencies,

Distinguished Delegates,

Ladies and Gentlemen,

It is an honour to be here with you today to address this Inter-Governmental Working Group. I thank the members for their kind invitation to contribute to this session of the Inter-Governmental Working Group. Unfortunately, I was unable to attend the previous year's sessions due to scheduling conflicts. I have however remained strongly supportive of the work of this mechanisms and I have tried to participate in its work through written statements by the Secretariat. I would like to warmly congratulate the Working Group for all the work undertaken since the adoption of the Durban Declaration and Plan of Action.

My tenure as Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance is coming to an end at the end of this month. Today's event is therefore a perfect opportunity to take stock and brief you on the thematic work undertaken by the mandate during the last six years. In that period, my thematic work has spanned a wide range of issues, ranging from the prevention of racism and racial discrimination to the phenomenon of xenophobia; to racism and discrimination in sports; to profiling; to data and statistics; and to the exploitation of the Internet to fuel racism, racial discrimination and xenophobia.

Overview of thematic reports to the Human Rights Council and the General Assembly (2012-2017)

My reports to to the Human Rights Council and to the General Assembly this year focus on the challenges of combatting racism, racial discrimination, xenophobia and related intolerance in the current **counter-terrorism** context. These studies respond to a particularly urgent and ongoing concern linked to the global problem of terrorism and the growing global rise of anti-immigrant and anti-Muslim rhetoric. The reports examine how counter-terrorism measures taken by some Governments may contribute to fuelling racism, xenophobia and discrimination against certain persons or groups owing to their ethnic origin, religion or migration status. The reports also highlight some examples of good practices aimed at addressing racism and xenophobia while countering terrorism.

In my 2016 report to the Human Rights Council, I examined the phenomenon of **xenophobia**, its conceptualization, trends and manifestations. This report was particularly relevant in the context of modern migration patterns, with close to 244 million people living outside their country of citizenship today, a 41 per cent increase since 2000. The question of xenophobia and in particular its connection to racism and racial discrimination has not previously received the attention that it deserves. In light of the ongoing global deliberations on migration and refugees, it is important that we remain awake to the risks that certain practices may become acceptable just because they are termed as xenophobia when in reality their effect and logic is no different from what we refer to as racism. The work of this mandate in elaborating on the notion of xenophobia is in its early stages and I am confident that future work by the mandate on this subject will be of great value to this community of states.

In 2016 in my report to the General Assembly, I focused on the vital **role of National Specialized Bodies (also known as “Equality Bodies”) and National Plans of Action against racism and racial discrimination**. As you will remember, the Durban Programme of Action specifically called on states to develop National Action Plans and to support the work of specialized working on equality and racism. A lot remains to be done at national levels in this respect. Many states do not have National Action Plans and in many places, there are no specialized bodies working on the agenda of racism and xenophobia.

I have also addressed the Human Rights Council on the question of **racial profiling** by law enforcement officials. In my 2015 report to the Council, I examined this global challenge manifested in stop and search practices, disproportionate arrests and detentions as well as criminal sentences for racial and ethnic minorities. In spite of many years of international and national initiatives to address structural racism in law enforcement, racialized treatment of individuals and groups by police and other services remains the constant and most visible reminder that racism continues to infest too many of our societies and communities. Migration and terrorism concerns have increased the vulnerability of particular racial and ethnic categories to even more discrimination and injected into the political discussions on these problems a growing and troubling normalization of racism and xenophobia.

Throughout the tenure of my mandate, I have remained concerned with the worrying lack of data and statistics that are necessary in making informed interventions. My 2015 report to the General Assembly addressed this particular issue. This report built on an extensive body of legal provisions and recommendations, including the Durban Review Conference, which call upon States to develop systems and mechanisms to collect and analyze data (including equal-opportunity and non-discrimination indicators). Such data is necessary

for regularly assessing the situation of all victims of racism, racial discrimination, xenophobia and related intolerance. The appalling poverty of disaggregated data and statistics has resulted in a significant information gap that makes it difficult for us to effectively assess the levels of various forms of discrimination and the extent to which we have made progress at national and international levels. In the ongoing discussions on the global migration compact, I have indicated that the area of data and statistics is one that requires significant investment at national levels.

I have drawn the attention of states to the significance of new **information technologies** (such as the Internet and social media) that have been exploited to disseminate racist ideas, hate messages and incitement to racial hatred and violence. The lack of clarity in legal terms, differing laws and regulatory frameworks for internet service and social network providers, and the trans-border nature of the internet continue to pose challenges to any efforts at regulation to combat racism and incitement to racial discrimination and violence. It is also important to remember that the Internet and social media are not just the platforms exploited by racists and extremists, but are indeed the very tools that we need to harness to challenge racist speech with more inclusive speech and build global communities of solidarity against racism and xenophobia.

In my 2014 report to the General Assembly, I have also focused on the issue of racism, racial discrimination, xenophobia and related intolerance in **sports**, paying special attention to the increasing frequency of incidents of racism at various sporting events. Although sports have the potential to challenge racial superiority discourses, modern sports continue to be afflicted by incidents and patterns of racial hostility, racial insults and racial intolerance on the field, in sports arenas as well as outside.

In my 2013 report to the Human Rights Council, I focused on the vital role of **education** in preventing and combating racism by addressing deep-rooted discrimination and injustices; by enabling individuals and groups to lift themselves out of poverty; and by creating new values and attitudes. I have also addressed the **intersection of poverty and racism in my report to the General Assembly**. Globally, there is a convergence between poverty and racial discrimination with a majority of ethnic and racial minorities living in poverty and experiencing the most intense discrimination.

In my very first report to the Human Rights Council in 2012, I noted that **prevention** in line with call by the Durban documents is a critical measure in the comprehensive work of combatting racism and xenophobia.

I would like to emphasize that many of the issues addressed in these thematic reports remain as relevant as they were at the beginning of my tenure in 2011. We have made

some progress in some areas but the record is not very good in others. Many of these issues are thus in need of further research, attention and advocacy. Nevertheless, it is important to also recognize the opportunities available both at the national and global levels to do more to ensure that the scourges of racism, racial discrimination and xenophobia do not become the tainted legacies we bequeath to the future generations.

In addition to these thematic reports, I am requested by an annual General Assembly Resolution to report both to the Human Rights Council and the General Assembly on the human rights and democratic challenges posed by neo-Nazis, skinhead groups and similar extremist ideological movements in the context of the current economic crisis, as I have done over the past years.

In my various reports on this subject, I have noted that extremist political parties, movements and groups have continued to gain influence in several countries and regions. The denial of the Holocaust and the distortion of history in an attempt to negate the established facts of the Nazi genocide of European Jews, Roma, lesbian, gay, bisexual and transgender persons as well as political opponents, is a continued phenomenon that I have continued to highlight in my various reports.

In my reports I have called upon States to reinforce their criminal laws to provide for heavier sanctions regarding offences with racist, xenophobic, anti-Semitic or homophobic motivations. I have encouraged States to collect disaggregated data and statistics on racist, xenophobic and anti-Semitic crimes. I have also encouraged States to increase cooperation with civil society, regional and international human rights mechanisms, as well as good practices which should be shared and replicated whenever possible.

Country visit reports (2012-2017)

Many of the issues that I examined in the framework of my thematic reports were also addressed during the country visits I conducted. The mandate of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance has, since its beginning, conducted a total of 40 country visits (visiting 36 countries) between 1994 and 2017. During my tenure as Special Rapporteur, I visited the following eight countries: Bolivia, Spain, Mauritania, the Republic of Korea, Greece, Argentina, Australia and Fiji. These visits provided me with an invaluable opportunity to examine in detail the manifestation of racism, racial discrimination, xenophobia and related intolerance on the ground, to identify good practices, and to make recommendations to various relevant stakeholders.

Mr. President,

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Let me conclude by briefly mentioning some of the major challenges and issues, which I have identified in the framework of my thematic work and country visits, and that are in need of further research and attention by the mandate. These topics include the following:

- Firstly, the rise of political extremism and populist movements and politics that seek to normalize racism and discrimination. We need to find effective language, policies and politics to counter this pernicious normalization. There is need for better global diplomatic cooperation in addressing this challenge. It is tempting to assume that racism is no longer as urgent as it was when the United Nations was founded in the 1940s. In reality, in many ways, the resurgence of racism has made the second decade of 2000s shockingly akin to the dark days of the 1940s.
- Secondly, role of local institutions and governments in the fight against racism and xenophobia. This is particularly important as they tend to be closer to their constituencies and are often more progressive than their counterparts on the national level.
- Thirdly, the correlation between racism and poverty, which is often racialized or manifested along racial lines. Growing inequality globally is also racialized and the implications of that racialization should continue to be studied so as to make the relevant interventions.
- Fourth. Data and statistics will remain central to any effective work to prevent and counter discrimination. We need to understand how to collect better and more useful statistics and data and to develop better tools and instruments for such data collection.
- Fifth. There is need for more work on the multidimensional nature of discrimination. In particular the multiple forms of discrimination faced by women from racial and ethnic minorities is an important area for further studies as well as continuing dialogue with states.

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I thank you for the kind invitation and hope that my intervention will be useful for your discussions. As this is one of my last engagements as Special Rapporteur, I would like to thank the Inter-Governmental Working Group for the privilege and opportunities to have engaged with it and I truly hope these interactions will continue with my successor who has just been appointed, and who I am sure, will engage with you in the near future.

Thank you for your attention.

