



UNHCR

The UN
Refugee Agency

**COMBATING RACISM, RACIAL DISCRIMINATION,
XENOPHOBIA AND RELATED INTOLERANCE THROUGH
A STRATEGIC APPROACH**

**United Nations High Commissioner for Refugees (UNHCR)
Division of International Protection
Geneva**

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I. BACKGROUND

1. Racial discrimination and related intolerance are common causes of flight and can threaten the protection of asylum-seekers and refugees at subsequent stages of the displacement cycle. They can be manifested through restricted access to asylum or negatively affect the quality of asylum. Asylum-seekers and refugees may be denied equal access to public services and become targets of racially motivated acts. What often begins as subtle expressions of dislike and intolerance can develop into institutionalized discrimination, incitement to hatred, verbal and physical abuse and, ultimately, hate crimes.¹ Ideas based on the superiority of one group over another can also hamper the search for durable solutions. They can hinder integration into the host society or that of resettlement and make return less viable, especially if this takes place in conditions where peace is fragile and racial or ethnic tensions remain high. Discrimination on the basis of race, colour, descent, or national or ethnic origin, sometimes in combination with discrimination on other grounds, is also a recurring reason for the denial or deprivation of nationality and is therefore a cause of statelessness. Statelessness itself often leads to discrimination and where stateless populations belong to racial, ethnic or other minorities, their lack of nationality may reinforce existing patterns of discrimination.

2. Fear of the 'other' typically underlies racist and intolerant sentiments. This fear has been compounded by the current global economic crisis and the deteriorating political and social environment in some countries. It poses additional challenges to the protection of people of concern to UNHCR.

3. The particular vulnerability of asylum-seekers and refugees to racist and xenophobic attitudes and acts is an ongoing issue that needs to be addressed, particularly in the context of increased international focus on urban refugees. The necessary public support for the reception of asylum-seekers and refugees continues to be hindered by the tendency of certain media and politicians to confound concerns over irregular migration with those of refugee movements. The problem is not confined to industrialized States but extends to developing countries, which host the majority of the world's refugees. At times, asylum-seekers and refugees have been

¹ There is no legal definition of 'hate crime' in international law. However, Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) obliges States Parties to declare all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin an offence punishable by law. Also, Article 20 of the International Covenant on Civil and Political Rights (ICCPR) obliges States Parties to prohibit by law any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. Hate crimes - or bias-motivated crimes - are generally defined as any criminal offence directed at a person(s) or property due to the real or perceived connection, attachment, affiliation, support, or membership of a group associated with that person or property. The group may be based upon a characteristic common to its members, such as real or perceived race, national or ethnic origin, language, colour, religion, gender, age, mental or physical disability, or other similar factors. Criminal offenses motivated by the offender's bias against an individual based on his/her race, religion, disability, sexual orientation, ethnic or national origin are generally recognized as falling within the category of hate crimes.

demonized, especially during election campaigns when rhetoric, antagonism and verbal or even physical attacks against them became particularly pronounced.

4. Efforts to prevent asylum issues from becoming politicized and anti-refugee and immigrant attitudes from taking root are underway in several countries. UNHCR shares the view of those non-governmental organizations (NGOs) and community leaders who respond to acts of racial discrimination against asylum-seekers and refugees with measures designed to show that these groups should not be made scapegoats for failed policies and that racism, xenophobia and related intolerance should not figure in election campaigns.

5. It is clear that concerted efforts are required from all concerned parties – States, the United Nations and other international and regional organizations, as well as NGOs and community groups to address these issues. The success of any such effort will be directly proportional to the political will of States to put in place systems for the protection of basic rights and mechanisms for ensuring their effective implementation. This needs to be complemented by activities aimed at preventing racist and intolerant attitudes from developing, such as human rights education and public information campaigns to promote respect and tolerance. Several countries have launched creative awareness-raising campaigns in cooperation with UNHCR to “roll back xenophobia”, and a number of regional organizations are implementing programmes that promote tolerance towards, and respect for, foreigners, including refugees. NGOs and civil society have played a vital role in raising awareness about this issue, highlighting abuses as they occur, lobbying for change, and providing training and advice. UNHCR has an integral role to play in this regard and seeks to address public attitudes towards persons of concern in a more strategic manner.

6. The purpose of this Note is to outline seven elements for a strategic approach to combat racism, racial discrimination, xenophobia and related intolerance. This Note not only serves as guidance for UNHCR offices around the world but can also be used as a background paper in strategic discussions on this issue with relevant stakeholders – authorities, persons of concern, local community groups and civil society actors, including municipal actors in large urban contexts.

II. ELEMENTS FOR A STRATEGIC APPROACH

7. Addressing racial discrimination and related intolerance can seem like a daunting task, beyond UNHCR’s sphere of influence. But UNHCR and its partners can make a difference if the psychological elements behind these protection issues are understood and if it is recognized that the responsibility for combating them rests with all of society. A strategic approach to tackle these issues will normally include the following elements: (i) monitoring signs of racial discrimination, xenophobia and related intolerance, and tracking and reporting hate crimes; (ii) analysing the underlying reasons; (iii) assessing the manifestations of these phenomena and their impact on protection; (iv) understanding legal obligations to protect all individuals from racial discrimination and multiple forms of discrimination; (v) engaging a network of diverse organizations and actors that implement complementary activities targeting different groups in society; (vi) including affected communities in the strategic approach; and (vii) providing individual support to victims.

i. *Monitoring signs of racial discrimination, xenophobia and related intolerance, and tracking and reporting hate crimes*

8. Signs of rising xenophobia and intolerance need to be detected as early as possible in order to counter any misinformation or dispel myths before they take root. Failure to correct or respond to misinformation in the media or political arena may be interpreted as complacency and negatively affect public opinion and the protection environment.² The media and political dialogue, therefore, need to be closely monitored. Similarly, incidents of hate crimes that come to the attention of UNHCR and its network of partners need to be recorded and reported to the authorities to promote comprehensive, timely and impartial investigations of crimes that seem motivated by bias.

ii. *Analysing the underlying reasons for racial discrimination, xenophobia and related intolerance*

9. Effective strategies need to be informed by an analysis of the underlying reasons for racist and xenophobic tendencies and intolerance, including fears of the unknown, concerns related to the preservation of national cohesion and identities, and other factors such as increased migratory flows, economic downturn, rising unemployment and urbanization which may fuel such sentiments. The analysis will often be based on information obtained through consultations with populations of concern and partners, monitoring of the media and political dialogue. Information can also be drawn from studies and reports produced by local and international NGOs, research institutions, National Human Rights Institutions (NHRIs) and international and regional human rights organizations and mechanisms with a mandate to monitor these particular issues. For example, reports from country visits undertaken by the Special Rapporteur on racism³ and Concluding Observations issued by the Committee on the Elimination of Racial Discrimination can provide valuable insight for the analysis. Many human rights NGOs also monitor and report on patterns of discrimination and intolerance in countries and regions. For example, the NGO Human Rights *First* produces an annual 'Hate Crime Survey'⁴ containing an analysis of the situation in the 56 participating States of the Organization for Security and Cooperation in Europe (OSCE).

iii. *Assessing the manifestations of these phenomena and their impact on protection*

10. Negative public attitudes towards persons of concern threaten the protection environment and may contribute to: (i) restrictive asylum policies, including the creation of barriers to territories and procedures, increased use of detention, extended applications of the exclusion clauses and exceptions to the principle of *non-refoulement*; (ii) denial of citizenship and/or arbitrary deprivation of nationality; (iii)

² High Commissioner for Human Rights, Ms. Navi Pillay, also noted this point at a press conference for Human Rights Day, 10 December 2009, in which she stated: "You cannot defeat discrimination by shutting your eyes to it and hoping that it will go away. Complacency is discrimination's best friend." For more information, please see: <http://www.ohchr.org/EN/NewsEvents/Pages/ComplacencyIsDiscriminationBestFriend.aspx>.

³ The full title is: *Special Rapporteur on Contemporary forms of racism, racial discrimination, xenophobia and related intolerance*. Mandate currently held by Mr. Githu Muigai. For more information, please see: <http://www2.ohchr.org/english/issues/racism/rapporteur/index.htm>.

⁴ Available online at: <http://www.humanrightsfirst.org/discrimination/pages.aspx?id=78>.

heightened risk of exploitation and abuse, including in formal and informal labour markets; (iv) segregation, marginalization and exclusion of persons of concern from their surrounding community; (v) difficulties for persons of concern to access their rights and services, including judicial institutions, schools, health-care facilities and the labour market, and a perception of persons of concern as competitors rather than contributors; (vi) bans on religious symbols and places of worship; (vii) fewer possibilities of finding durable solutions due to a reluctance by countries to facilitate long-term stay and local integration, and difficulties for UNHCR to secure resettlement places for refugees from certain regions; and (viii) a rise in hate crimes directed at persons of concern, sometimes leading to deaths. It is important to analyse how negative public attitudes and behaviour relate to protection issues and impact the social and political environment.

iv. Understanding legal obligations to protect all individuals from racial discrimination and multiple forms of discrimination

11. States are ultimately responsible for creating an environment in which all human beings can equally exercise their rights. The prohibition against discrimination based on race, colour, sex (including sexual orientation), language, religion, political or other opinion, national or social origin, property, birth or other status is contained in all UN human rights treaties. The **International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)** is the main international instrument for combating racial discrimination, which is defined in its Article 1 as discrimination on the basis of race, colour, descent, or national or ethnic origin. The Committee on the Elimination of Racial Discrimination (CERD), which monitors States Parties' compliance with the ICERD, has clarified that these grounds of discrimination are extended in practice by the notion of 'intersectionality'.⁵ In other words, the CERD is competent to address situations of double or multiple discrimination – such as discrimination on grounds of gender or religion – when discrimination on such grounds appears to exist in combination with race, colour, descent, or national or ethnic origin. The CERD has elaborated on the particular relevance of the ICERD for non-citizens in its General Recommendation No. 30.⁶ Specifically, this General Recommendation provides guidance on recommended measures that States are advised to implement to prevent discrimination based on citizenship or immigration status.

12. The **Durban Declaration and Programme of Action (DDPA)**⁷ and the **Outcome Document of the Durban Review Conference**⁸ are recognized for

⁵ See Committee on the Elimination of Racial Discrimination (CERD), *General Recommendation No. 32 The meaning and scope of special measures in the International Convention on the Elimination of All Forms of Racial Discrimination*, 24 September 2009, para. 7. Available online at: <http://www.unhcr.org/refworld/docid/4adc30382.html>.

⁶ Committee on the Elimination of Racial Discrimination (CERD), *General Recommendation No. 30 Discrimination against Non Citizens*, 1 October 2002. Available online at: <http://www.unhcr.org/refworld/docid/45139e084.html>. Also available on the UNHCR-net at: https://intranet.unhcr.org/intranet/unhcr/en/home/protection_and_operational/Human_Rights/un_human_rights_treaty/selection_of_particularly_relevant_general_comments_recommendations.html.

⁷ United Nations, *Durban Declaration and Programme of Action*, adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Violence, 8 September 2001, and endorsed through GA resolution A/RES/56/266 of 15 May 2002. Available online at: <http://www.unhcr.org/refworld/docid/3db573314.html>.

providing the most comprehensive, action-oriented framework to combat racism, racial discrimination, xenophobia and related intolerance. Unlike ‘racial discrimination’, the terms ‘racism’, ‘xenophobia’ and ‘intolerance’ are not defined in international law. However, they could include discrimination, incitement to discrimination, as well as all acts of violence or incitement to violent acts on the grounds of race, colour, descent, or national or ethnic origin, including in combination with other grounds, such as religion, gender or disability.⁹ The DDPA highlights the responsibility of the United Nations to support the continuing struggle against these attitudes and practices, and incorporates 17 paragraphs related to displacement and the prevention of statelessness, listed in Annex 1 to this Note. The Outcome Document of the Durban Review Conference contains six paragraphs, listed in Annex 2, which refer explicitly to asylum-seekers, refugees and internally displaced persons (IDPs) as well as to arbitrary deprivation of nationality. In addition, the DDPA and the Outcome Document urge States to develop national action plans to combat racism, racial discrimination, xenophobia and related intolerance, to monitor their implementation in consultation with relevant stakeholders and to establish national programmes that facilitate the access of all, without discrimination, to basic social services. The Outcome Document also recommends that States establish mechanisms to collect, analyse and disseminate reliable and disaggregated statistical data and that they set up independent bodies to receive complaints from victims.

- v. *Engaging a network of diverse organizations and actors that implement complementary activities targeting different groups in society*

13. UNHCR alone cannot change racist or xenophobic sentiments. A strategic broad-based alliance of partners from different sectors needs to be engaged and their actions must reach out to different groups according to their respective roles and responsibilities in society. Key partners in this area include government institutions, donor governments, the corporate sector, the Office of the High Commissioner for Human Rights (OHCHR), UN Country Teams and Resident Coordinators in individual countries, the International Organization for Migration (IOM), regional organizations, NHRIs, civil society and academic institutions, trade unions, networks of journalists, teachers’ associations, faith-based groups and, most importantly, UNHCR’s persons of concern. Some of these actors will be both partners and recipients of awareness-raising activities and advocacy.

14. By way of good practices, the “Diversity Initiative” in Ukraine is one example of the beneficial impact of partnership and complementary action to combat xenophobia and intolerance. Launched by UNHCR, IOM, Amnesty International and a number of other civil society organizations in 2007 in response to a rise in hate crimes in

⁸ *Outcome Document of the Durban Review Conference*, 24 April 2009. Available online at: <http://www.unhcr.org/refworld/docid/49f584682.html>. For the Latin American context, see also the *Outcome document of the Regional Conference for Latin America and the Caribbean Preparatory to the Durban Review Conference*, A/CONF.211/PC.3/3, 18 June 2008. Available online at: <http://www.unhcr.org/refworld/docid/4a54bc320.html>.

⁹ Article 2 of the DDPA reads: “We recognize that racism, racial discrimination, xenophobia and related intolerance occur on the grounds of race, colour, descent or national or ethnic origin and that victims can suffer multiple or aggravated forms of discrimination based on other related grounds such as sex, language, religion, political or other opinion, social origin, property, birth or other status.”

Ukraine, it is a network composed of approximately 50 organizations¹⁰ from the international, civil, corporate, and government sectors, diplomatic missions and interested individuals. The Diversity Initiative has several components: (i) liaison with the government and support of government activities to prevent, reduce and respond to hate crimes; (ii) a standardized system for collecting reports of suspected bias-motivated incidents; (iii) analysis of existing legislation in the area of discrimination and hate crimes, as well as compilation of good legal practices in other countries; (iv) advocacy, which seeks to engage civil society and the broader population through surveys, roundtables, cultural events, monthly bulletins, fliers and debates; (v) provision of medical and legal advice to victims of hate crimes; and (vi) collaboration with journalists and editors to prevent hate speech and combat stereotyping and distortions in the coverage of asylum and refugee issues.¹¹

15. **OHCHR** is an important global partner in the fight against racial discrimination and related intolerance. OHCHR's Anti-Discrimination Unit at its headquarters in Geneva builds national capacity to eliminate these attitudes and practices through advisory services, research, analysis and awareness raising. Specifically, the unit is responsible for supporting governments and other stakeholders in implementing the DDPA and the Outcome Document of the Durban Review Conference by providing guidance on the development of national action plans, anti-discrimination legislation and educational materials.

16. **Government institutions and officials** are both key partners in the fight against discrimination and a target group for awareness-raising activities and advocacy. They bear the responsibility for protecting all individuals under their jurisdiction from racial and other forms of discrimination and will recognize the advantages of a respectful, diverse and tolerant society for security, social cohesion, democracy and development. Networks, such as the Inter-Parliamentary Union (IPU), can provide an entry point for dialogue with parliamentarians on this issue. The joint IPU-UNHCR handbooks for parliamentarians on "Refugee Protection: A Guide to International Refugee Law"¹² and "Nationality and Statelessness",¹³ as well as the IPU Resolution on "Migrant Workers, People Trafficking, Xenophobia and Human Rights"¹⁴ from 2008, are useful tools for establishing common ground and raising awareness. The NGO Human Rights *First* has developed a Ten-Point Plan for Combating Hate Crimes¹⁵ that recommends specific steps governments can take to prevent such crimes. These steps include acknowledging and condemning hate crimes whenever they occur, strengthening law enforcement and prosecuting offenders, monitoring and reporting on hate crimes, and conducting community outreach.

¹⁰ Key members of the network include the OSCE's Office for Democratic Institutions and Human Rights (ODIHR, Department for Tolerance and Non-Discrimination), the Council of Europe's European Commission against Racism and Intolerance (ECRI), and the European Union's Fundamental Rights Agency (FRA).

¹¹ For more information, please see: <http://www.diversipedia.org.ua/>.

¹² Available online at: <http://www.unhcr.org/3d4aba564.pdf>. Hard copies can be ordered through the human rights liaison team in DIPS at HumanRights@unhcr.org.

¹³ Available online at: <http://www.unhcr.org/436774c62.pdf>. Hard copies can be ordered through the human rights liaison team in DIPS at HumanRights@unhcr.org.

¹⁴ Resolution adopted by the 118th IPU Assembly that met in Cape Town, 18 April 2008. Available online at: <http://www.ipu.org/english/structure/confdocs/118/118-3.htm>.

¹⁵ Available online at: <http://www.humanrightsfirst.org/discrimination/pages.aspx?id=152#osce-ten-point-plan>.

17. Collaboration with **UN human rights mechanisms** is equally important. Recommendations to States on measures needed to eradicate discrimination, including against persons of concern, are regularly adopted by the Human Rights Council through its Universal Periodic Review (UPR) mechanism, the CERD through its supervision of States Parties' compliance with the ICERD, the Special Rapporteur on racism and the Special Rapporteur on freedom of religion or belief¹⁶ following country visits. For example, the Outcome Document from the UPR of one country¹⁷ contains a recommendation stating that the government should take more resolute action to prevent and punish perpetrators of racially motivated acts of violence against asylum-seekers. Similarly, the CERD, in its Concluding Observations on another country,¹⁸ recommended that the government continue its efforts to improve the protection of refugees and IDPs. It recommended doing so by, inter alia, prosecuting and punishing those who commit acts of violence against refugees and IDPs and fostering harmonious relations between them and the local population, particularly through campaigns to increase awareness about tolerance and inter-ethnic understanding. The report from the joint visit by the Special Rapporteur on racism and the Independent Expert on minority issues to one country¹⁹ contained several recommendations regarding the prevention of statelessness and the right of all persons to citizenship without discrimination on the grounds of the nationality or status of the parents. Other treaty-monitoring bodies, such as the Committee on Economic, Social and Cultural Rights (CESCR) and the Committee on the Rights of the Child (CRC), as well as other Special Procedures, including the Special Rapporteur on torture,²⁰ also adopt recommendations on measures States are advised to take to ensure that all persons, regardless of their race, ethnicity or other protected characteristic, are equally able to enjoy their human rights. UNHCR's Executive Committee has also encouraged States to address the situation of the forcibly displaced in their periodic reports to the treaty-monitoring bodies.²¹

18. **Law enforcement officers** are key actors in preventing and responding to bias-motivated crimes. Police officers are the primary and initial point of contact for many victims of hate crime. It is, therefore, important that police officers understand how the police-victim interaction can influence whether victims report hate crimes or not. Often, they do not report such crimes because of fear of police, embarrassment, or concern that the incident will not be taken seriously. Understanding how bias-

¹⁶ Mandate currently held by Ms. Asma Jahangir. For more information, please see <http://www2.ohchr.org/english/issues/religion/index.htm>.

¹⁷ Human Rights Council, *Report of the Working Group on the Universal Periodic Review - Germany*, 4 March 2009, A/HRC/11/15.

Available online at: <http://www.unhcr.org/refworld/docid/49f964efa.html>.

¹⁸ Committee on the Elimination of Racial Discrimination (CERD), *Concluding observations of the Committee on the Elimination of Racial Discrimination: Chad*, 21 September 2009, CERD/C/TCD/CO/15.

Available online at: <http://www.unhcr.org/refworld/docid/4ae01ec52.html>.

¹⁹ Human Rights Council, *Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Doudou Diène, and the independent expert on minority issues, Gay McDougall: Addendum: Mission to Dominican Republic*, 18 March 2008, A/HRC/7/19/Add.5; A/HRC/7/23/Add.3.

Available online at: <http://www.unhcr.org/refworld/docid/47e23b252.html>.

²⁰ The full title is: *Special Rapporteur on torture, inhuman or degrading treatment or punishment*. Mandate currently held by Mr. Manfred Nowak. For more information, please see: <http://www2.ohchr.org/english/issues/torture/rapporteur/index.htm>.

²¹ ExCom Conclusion No. 95 (LIV) – 2003, para. (1).

motivated crimes differ from similar crimes that are not motivated by bias is also important to ensure that crimes that seem motivated by prejudice and intolerance are investigated thoroughly and perpetrators are prosecuted. Training for law enforcement officials and clear guidelines regarding the most effective and appropriate ways to respond to bias-motivated crime can greatly improve interaction between police and victims, and encourage reporting of hate crimes by victims.²² As suggested in Human Rights *First's*' Ten-Point Plan, prosecutors need to be trained to present evidence of bias motivations and to apply the legal measures required to prosecute perpetrators of hate crimes. UNHCR and its partners can conduct awareness-raising activities for the police, prosecutors and judges and provide guidance on international and regional human rights standards in this area.

19. **Journalists** are critical protection partners in addressing racism, xenophobia and intolerance. The media will usually be both a channel of communication and a target of awareness raising and education. Media coverage, public opinion and political rhetoric can play an important role in advancing – or impeding – a favourable protection environment. UNHCR and its partners are encouraged to develop and enhance strategic, broad-based alliances with the media by creating friendly media networks, on national and international levels, to ensure that the media address these issues rather than foster them. Members of these networks can assist in monitoring the media for signs of intolerance, co-organize national competitions for ‘good journalism’, and conduct training sessions to sensitize journalists to the plight of refugees, IDPs and stateless people. For example, journalists and editors who are members of the Diversity Initiative in Ukraine have helped monitor media reports and the political dialogue. They also held educational sessions for their colleagues, which have proved to be very effective. Another good practice in this area is the Charter of Rome, a code of conduct for journalists jointly developed by UNHCR, the Italian National Council of Journalists and the Italian National Press Federation.²³

20. **Public advocacy and awareness raising** is a central feature of strategies aimed at combating racism and xenophobia and promoting tolerance and diversity. Several UNHCR offices have identified the general public’s lack of understanding about the difference between an ‘economic migrant’ and a refugee as a factor contributing to the rise in negative public attitudes and xenophobia. Public-awareness activities in the form of cultural festivals, sports events and public service announcements can help sensitize host communities to the plight of refugees, while ensuring that the message conveyed does not indirectly undermine the ability of other groups, such as migrants, to access and enjoy their human rights. World Refugee Day (20 June), the International Day for the Elimination of Racial Discrimination (21 March), and Human Rights Day (10 December) can be used to highlight these issues.

21. Public-awareness activities need to be designed according to the specific circumstances of, and challenges in, the country concerned. In general, however, messages are best communicated through popular media reaching broad audiences to

²² ODIHR, *Combating Hate Crimes in the OSCE Region: An Overview of Statistics, Legislation, and National Initiatives*, 15 September 2005. Available online at: http://www.osce.org/odihr/item_11_16251.html. The OSCE/ODIHR also developed a Law Enforcement Officers Programme on Combating Hate Crime. For more information, please see: http://www.osce.org/odihr/item_11_20673.html.

²³ For more information, please see: <http://www.unhcr.org/4852a0c92.html>.

avoid ‘preaching to the converted’. The choice of media – Internet, the arts, television and public service announcements, radio, billboards, newspapers and magazines – needs to be carefully selected based on the target groups. Those holding and expressing intolerant views need to be reached. It is also key to actively engage opinion leaders and groups that have the leverage to influence the public debate in a positive manner. Youth, as both the voters and the parents of tomorrow, are a particularly important group. UNHCR and its partners may consider disseminating information material to schools, universities, youth centres, scout associations, music festivals and sports events.

22. Core universal values such as pluralism, tolerance and open-mindedness as well as the negative consequences of racism, xenophobia and intolerance, are best conveyed clearly and simply, using metaphors, analogies and anecdotes where possible. ‘Real stories with real people’ to which the audience can relate are usually effective. If possible and appropriate, these could be linked to refugee experiences within the host community. To deepen the public’s appreciation for the institution of asylum, messages such as ‘refugee rights are our rights and ones that we too may need to use one day’ may prove helpful.

23. Communicators can include a wide range of actors, including UNHCR Goodwill Ambassadors, sports personalities, actors, singers, artists and writers, in addition to members of civil society and other core partners with whom UNHCR collaborates in this area. The corporate sector is another potential partner. Since the UN Global Compact was launched in 2000, a large number of businesses have adopted human rights policies to signal their social responsibility. Some companies in industrialized countries have also expressed concerns over restrictive immigration policies in view of projected demographic imbalances.

24. A good example of an awareness-raising campaign is the “Don’t Be Afraid, Be Open To Others, Be Open To Rights”²⁴ campaign, launched in March 2009 by UNHCR in Italy and 27 partners, including Amnesty International and Save the Children, religious charities, Italian NGOs and trade unions. One of the innovative aspects of this campaign is that it invites individuals to sign a petition reaffirming their commitment to the principles of the Italian Constitution and the Universal Declaration of Human Rights.²⁵

25. **Human rights education** is another vehicle for fostering understanding, empathy and respect. The DDPA encourages the United Nations to cooperate with States in initiating and developing cultural and educational programmes aimed at combating racism. Several useful educational tools have been developed in the context of the World Programme for Human Rights Education,²⁶ including a compilation of 101 exemplary practices from Central Asia, Europe and North America entitled “Human Rights Education in the School Systems of Europe, Central

²⁴ Original title in Italian: “NON AVER PAURA, APRITI AGLI ALTRI, APRI AI DIRITTI”.

²⁵ For more information, including with regard to public service announcements starring famous Italian actors, please see: www.nonaverpaura.org.

²⁶ On 10 December 2004, the UN General Assembly proclaimed the World Programme for Human Rights Education (2005-ongoing) to advance the implementation of human rights education programmes in all sectors. For more information, please see: <http://www2.ohchr.org/english/issues/education/training/programme.htm>.

Asia and North America: A Compendium of Good Practice”.²⁷ Among the practices featured in the compilation is “Build Bridges, Not Walls”, a Norwegian publication with 97 exercises on human rights, multicultural understanding and peaceful conflict-resolution designed for informal learning settings. Another excellent educational tool is the interactive web-based game, “Against All Odds”,²⁸ which was developed by UNHCR’s office for the Nordic and Baltic States. The game gives young people insight into what it is like to be a refugee.

vi. Including affected communities in the strategic approach

26. Persons of concern and their communities are essential partners in addressing racism, xenophobia and intolerance. They need to be engaged in all stages, from development of the strategic approach through its implementation. The most effective way to eradicate fear of ‘the other’ is typically through personal encounters and interaction. Cultural, sports and other events, as well as family support or ‘buddy programmes’, in which newly-arrived refugees are linked with individuals or families in the host community who help introduce them to their new societies, should be encouraged and supported. Inter-ethnic dialogue and coexistence initiatives are also effective ways of raising awareness and forging understanding. In South Africa, the Nelson Mandela Foundation, in collaboration with UNHCR and other partners, has arranged meetings in safe places where people living in mixed nationality communities can come together to discuss the challenges they face and possible solutions. Thirty such dialogues are being facilitated by the Nelson Mandela Foundation in areas most affected by xenophobia.²⁹

27. Another key component of successful strategies is empowering persons of concern by informing them of their rights and how to access them as well as of their duties and responsibilities, through training, counseling, information leaflets, consultation and participation. Training sessions could include information on whom to contact in emergencies, how to approach the police, and assistance available to victims and how to access it. These sessions can also include a security briefing with information about areas to avoid and how to behave if attacked. Increased awareness on the part of persons of concern coupled with improved response from law enforcement officials have resulted in a significant decline in the number of attacks against and murders of persons of concern in Ukraine.

vii. Providing individual support to victims

28. Persons of concern who have become victims of hate crimes usually require medical care, psychological support and legal assistance. While national authorities are responsible for providing asylum-seekers, refugees and stateless persons equal access to such services, UNHCR, as part of its routine protection work, needs to monitor the situation and support alternative service providers, such as NGOs, if necessary.

²⁷ Joint publication by OHCHR, OSCE/ODIHR, the Council of Europe (CoE), and the United Nations Educational, Scientific and Cultural Organization (UNESCO). Available online at: <http://www.ohchr.org/Documents/Publications/CompendiumHRE.pdf>.

²⁸ Available online at: http://www.unhcr.se/en/Events/motallaodds_en.html.

²⁹ For more information, please see the following UNHCR news stories: <http://www.unhcr.org/4a64874f6.html> and <http://www.unhcr.org/49fab2466.html>.

29. In cases where a victim of discrimination or a hate crime is unable to obtain justice through the national system, international mechanisms, such as the individual complaints mechanism of the CERD or the Special Rapporteur on racism are available.³⁰ As necessary, UNHCR could provide victims, lawyers and affected communities with information on the competence and procedures of the various mechanisms available and appropriate in the particular circumstances.

III. CONCLUSION

30. Racism, racial discrimination, xenophobia and related intolerance constitute a serious threat to the overall protection environment for people of concern. UNHCR and its partners at local, national, regional and global levels are working hard to tackle this protection challenge, but more needs to be done. The Office hopes that this Note will inspire further action.³¹

³⁰ Other individual complaint/communication mechanisms, such as those available with the Special Rapporteur on freedom of religion or belief, the Independent Expert on minority issues, the Human Rights Committee (CCPR), NHRIs with competence to receive individual complaints, or regional human rights courts and commissions, could also be considered.

³¹ The Office intends to update this Note on a regular basis and, thus, encourages partners to exchange information and share good practices. Please direct your ideas, feedback and contributions to HumanRights@unhcr.org.

World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

Displacement- and statelessness-related paragraphs in the Durban Declaration and Programme of Action

Declaration

16. We recognize that xenophobia against non-nationals, particularly migrants, refugees and asylum-seekers, constitutes one of the main sources of contemporary racism and that human rights violations against members of such groups occur widely in the context of discriminatory, xenophobic and racist practices.

28. We recall that persecution against any identifiable group, collectivity or community on racial, national, ethnic or other grounds that are universally recognised as impermissible under international law, as well as the crime of apartheid constitute serious violations of human rights, and in some cases, qualify as crimes against humanity;

52. We note with concern that, among other factors, racism, racial discrimination, xenophobia and related intolerance contribute to forced displacement and the movement of people from the countries of origin as refugees and asylum-seekers;

53. We also recognize with concern that, despite efforts to combat racism, racial discrimination, xenophobia and related intolerance, instances of various forms of racism, racial discrimination, xenophobia and related intolerance against refugees, asylum-seekers, and internally displaced persons, among others, continue;

54. We underline the urgency of addressing the root causes of displacement and of finding durable solutions for refugees and displaced persons, in particular voluntary return in safety and dignity to the countries of origin, as well as resettlement in third countries and local integration, when and where appropriate and feasible;

55. We affirm our commitment to respect and implement our humanitarian obligations relating to the protection of refugees, asylum seekers, returnees and internally displaced persons, and note in this regard the importance of international solidarity, burden-sharing and international cooperation to share responsibility for the protection of refugees, reaffirming that the 1951 Convention relating to the Status of Refugees and its 1967 Protocol remain the foundation of the international refugee regime and recognizing the importance of their full application by States parties;

65. We recognize the right of refugees to return voluntarily to their homes and properties in dignity and safety, and urge all States to facilitate such return;

89. We note with regret that certain media, by promoting false images and negative stereotypes of vulnerable groups and individuals, particularly of migrants and refugees, have contributed to the spread of xenophobic and racist sentiments among

the public and in some cases have encouraged violence by racist individuals and groups;

111. We reiterate that the international response and policy, including financial assistance, towards refugees and displaced persons in different parts of the world should not be based on discrimination on the grounds of race, colour, descent, or national or ethnic origin of the refugees and displaced persons concerned and, in this context, urge the international community to increase the provision of adequate assistance on an equitable basis to host countries, in particular to host developing countries and countries in transition;

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34. Urges States to comply with their obligations under international human rights, refugee and humanitarian law relating to refugees, asylum seekers and displaced persons, and urges the international community to provide them with protection and assistance in an equitable manner and with due regard to their needs in different parts of the world in keeping with principles of international solidarity, burden sharing and international cooperation to share responsibilities;

35. Calls upon States to recognize that racism, racial discrimination, xenophobia and related intolerance that refugees may face as they endeavour to engage in the life of the societies of their host countries and encourages States to develop strategies to address this discrimination and to facilitate the full enjoyment of the human rights of refugees, in accordance with their international obligations and commitments. States parties should ensure that all measures relating to refugees must be in full accordance with the 1951 Convention and its 1967 Protocol;

36. Urges States to take effective steps to protect refugee and internally displaced women and girls from violence and to investigate any such violations and to bring those responsible to justice, in collaboration, when appropriate, with the relevant and competent organizations;

56. Urges States, in accordance with their national law and their obligations under the relevant international instruments, to take all measures to the maximum extent of their available resources to guarantee, without any discrimination, the equal right of all children to the immediate registration of birth, in order to enable them to exercise their human rights and fundamental freedoms. States shall grant women equal rights with men with respect to nationality;

78. Urges those States that have not yet done so to consider signing and ratifying or acceding to the following instruments:

(d) Convention relating to the Status of Refugees of 1951, and its 1967 Protocol;

138. Urges States to strengthen the human rights training and awareness-raising activities designed for immigration officials, border police and staff of detention centers and prisons, local authorities and other civil servants in charge of enforcing laws, as well as teachers, with particular attention to the human rights of migrants, refugees and asylum-seekers, in order to prevent acts of racial discrimination and

xenophobia avoid situations where prejudices lead to decisions based on racism, racial discrimination, xenophobia or related intolerance;

144. Urges States and encourages the private sector to promote the development by the media, including the print and electronic media, including Internet and advertising, taking into account their independence, through their relevant associations and organizations at national, regional and international levels, of a voluntary ethical code of conduct and self-regulatory measures, in order:

(e) Avoiding stereotyping in all its forms, and particularly the promotion of false images of migrants, including migrant workers, and refugees in order to prevent the spread of xenophobic sentiments among the public and to encourage the objective and balanced portrayal of people, events and history.

185. Expresses its deep concern over the severity of humanitarian sufferings of affected civilian populations and the burden carried by many receiving countries, particularly developing countries and countries in transition, and request the relevant international institutions to ensure that urgent adequate financial and humanitarian assistance is maintained for the host countries to enable them to help the victims, to address on an equitable basis, difficulties of populations expelled from their homes and calls for sufficient safeguards to enable internally displaced persons to return to their homes and urges States to take all necessary measures to enable refugees to exercise freely their right of return to their countries of origin voluntarily, in safety and dignity;

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Paragraphs explicitly referring to persons or issues of concern to UNHCR

75. Urges States to prevent manifestations of racism, racial discrimination, xenophobia and related intolerance at country border entry areas, in particular vis-à-vis immigrants, refugees and asylum seekers, and in this context encourages States to formulate and implement training programmes for law enforcement, immigration and border officials, prosecutors and service providers, with a view to sensitizing them to racism, racial discrimination, xenophobia and related intolerance;

76. Urges States to take measures to combat the persistence of xenophobic attitudes towards and negative stereotyping of non-citizens, including by politicians, law enforcement and immigration officials and in the media, that have led to xenophobic violence, killings and the targeting of migrants, refugees and asylum-seekers;

80. Reiterates that the national, regional and international response and policies, including financial assistance, towards refugee and internal displacement situations in different parts of the world, should not be guided by any form of discrimination prohibited by international law and urges the international community to take concrete action to meet the protection and assistance needs of refugees, and to contribute generously to projects and programmes aimed at alleviating their plight and finding durable solutions;

81. Urges States to step up their efforts to combat racism, racial discrimination, xenophobia and related intolerance and to protect the human rights of internally displaced persons, to use comprehensive and rights-based strategies to discharge their obligations, and to provide internally displaced persons with protection, assistance and specialized public care; and further urges States to seek lasting solutions for the internally displaced, which may include their safe return, resettlement or reintegration in dignified conditions and in accordance with their own will;

83. Urges States to refrain from taking discriminatory measures and from enacting or maintaining legislation that would arbitrarily deprive persons of their nationality, especially if such measures and legislation render a person stateless;

89. Acknowledges that although all children are vulnerable to violence, some children, because of, inter alia, their gender, race, ethnic origin, physical or mental ability, or social status, are especially vulnerable, and in this context calls upon States to address the special needs of unaccompanied migrant and refugee children and to combat the sexual exploitation of children;