

Racial Discrimination: the Issue at a Glance

Human Rights for Everyone Everywhere

“Our work focuses on victims and their needs. It is essential to ensure that victims obtain justice”
UN High Commissioner for Human Rights Navi Pillay

Definition

Article 1 of the International Convention on the Elimination of Racial Discrimination (ICERD) states that this is any **distinction, exclusion, restriction or preference** based on: **Race, Colour, Descent, or National or Ethnic Origin** which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

Universal Human Rights Instruments against Racism, Racial Discrimination, Xenophobia and Related Intolerance¹

- Universal Declaration of Human Rights (1948)
- Convention on the Prevention and Punishment of the Crime of Genocide (1948)
- United Nations Declaration on the Elimination of all Forms of Racial Discrimination (1963)
- International Convention on the Elimination of all Forms of Racial Discrimination (1965)
- International Covenant on Economic, Social and Cultural Rights (1966)
- International Covenant on Civil and Political Rights (1966)
- International Convention on the Suppression and Punishment of the Crime of Apartheid (1973)
- Declaration on Race and Racial Prejudice (UNESCO, 1978)
- Convention on the Elimination of all Forms of Discrimination against Women (1979)
- Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981)
- International Convention against Apartheid in Sports (1985)
- Declaration on the Human Rights of Individuals who are not Nationals of the Country in which they Live (1985)
- Convention on the Rights of the Child (1989)
- International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (1990)
- Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities (1992)
- Durban Declaration and Programme of Action (2001) and the Outcome Document of the Durban Review Conference (2009)
- Convention on the Rights of Persons with Disabilities (2006)
- Declaration on the Rights of Indigenous Peoples (2007)

Special Measures

Article 2, para. 2 of ICERD enshrines the obligation of States Parties to take “special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms.”

CERD General Comment No. 32 on special measures notes that the term ‘special measures’ includes also measures that in some countries may be described as “affirmative measures”, “affirmative action” or “positive action” in cases where they correspond to the provisions of articles 1(4) and 2(2) of ICERD. Moreover, ‘measures’ includes the full span of legislative, executive, administrative, budgetary and regulatory instruments, at every level in the State apparatus, as well as plans, policies, programmes and

¹ Comprehensive compendium of international and regional standards against racism, racial discrimination, xenophobia and related intolerance can be found in UN Doc. E/CN.4/2004/WG.21/5

preferential regimes in areas such as employment, housing, education, culture, and participation in public life for disfavoured groups, devised and implemented on the basis of such instruments.

CERD emphasizes that special measures are not an exception to the principle of non-discrimination but are integral to its meaning and essential to the Convention project of eliminating racial discrimination and advancing human dignity and effective equality.

General Comment No. 32 points out that special measures should be appropriate to the situation to be remedied, be legitimate, necessary in a democratic society, respect the principles of fairness and proportionality, and be temporary. The measures should be designed and implemented on the basis of need, grounded in a realistic appraisal of the current situation of the individuals and communities concerned.

United Nations Mechanisms

- **Committee on the Elimination of Racial Discrimination (CERD)**
<http://www2.ohchr.org/english/bodies/cerd/index.htm>
Petitions Team, OHCHR-UNOG, 1211 Geneva 10, Switzerland, fax: +41229179022, tb-petitions@ohchr.org
- **Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance**
<http://www2.ohchr.org/english/issues/racism/rapporteur/index.htm>
OHCHR-UNOG, 8-14 Avenue de la Paix, 1211 Geneva 10, Switzerland, fax to +41 22 917 90 06, urgent-action@ohchr.org
- **Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action (IGWG)**
<http://www2.ohchr.org/english/issues/racism/groups/index.htm>
Anti-Discrimination Section, OHCHR, Avenue G. Motta 48, Geneva 1202, fax: +41 22 928 9733, ADSsecretariat@ohchr.org
- **Working Group of Experts on People of African Descent (WGPAD)**
<http://www2.ohchr.org/english/issues/racism/groups/african/4african.htm>
Anti-Discrimination Section, OHCHR, Avenue G. Motta 48, Geneva 1202, fax: +41 22 928 9733, e-mail: ADSsecretariat@ohchr.org
- **Group of Independent Eminent Experts (IEE)**
<http://www2.ohchr.org/english/issues/racism/groups/eminent-experts/index.htm>
Anti-Discrimination Section, OHCHR, Avenue G. Motta 48, Geneva 1202, fax: +41 22 928 9733, ADSsecretariat@ohchr.org
- **Ad Hoc Committee on the elaboration of complementary standards**
<http://www2.ohchr.org/english/issues/racism/AdHocCommittee.htm>
Anti-Discrimination Section, OHCHR, Avenue G. Motta 48, Geneva 1202, fax: +41 22 928 9733, ADSsecretariat@ohchr.org
- **Committee on Migrant Workers**
<http://www2.ohchr.org/english/bodies/cmw/index.htm>
- **Special Rapporteur on the human rights of migrants**
<http://www2.ohchr.org/english/issues/migration/rapporteur/>
OHCHR-UNOG, 8-14 Avenue de la Paix, 1211 Geneva 10, Switzerland, fax to +41 22 917 90 06, urgent-action@ohchr.org, migrant@ohchr.org
- **Independent Expert on minority issues**
<http://www2.ohchr.org/english/issues/minorities/expert/index.htm#contact>
OHCHR-UNOG, 8-14 Avenue de la Paix, 1211 Geneva 10, Switzerland, fax to +41 22 917 90 06, gfox@ohchr.org
- **Forum on Minority Issues**
<http://www2.ohchr.org/english/bodies/hrcouncil/minority/forum.htm>
Indigenous People and Minorities Section, OHCHR, Avenue G. Motta 48, Geneva 1202, minorityforum@ohchr.org.
- **Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people**
<http://www2.ohchr.org/english/issues/indigenous/rapporteur/>
OHCHR-UNOG, 8-14 Avenue de la Paix, 1211 Geneva 10, Switzerland, fax + 41 22 917 90 06, indigenous@ohchr.org
- **Expert Mechanism on the Rights of Indigenous Peoples**
<http://www2.ohchr.org/english/issues/indigenous/ExpertMechanism/index.htm>
Indigenous People and Minorities Section, OHCHR, Avenue G. Motta 48, Geneva 1202, fax: +41 22 928 90 66, expertmechanism@ohchr.org