

Oral Remarks for the UN Human Rights Council 55th session side event
“Combating Global Racism, implementing the DDPA”
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I wish to highlight huge, evolving challenges that urge further applying the Durban Declaration and Program of Action.¹ The DDPA drew out the principles and roadmap for full realization of the Universal Declaration of Human Rights (UDHR) particularly in the arenas of non-discrimination and equality of treatment, principles elaborated in all core international conventions on human rights.

Discrimination is outlawed across 17 grounds in the universal human rights Conventions, most of which are ratified or acceded to by many UN member countries. Discrimination in employment and occupation is one of the Fundamental Principles and Rights at Work to which all 187 ILO member States are bound to respect, whether the fundamental ILO conventions are ratified or not.

The prohibited grounds listed in core UN Human Rights Convention include: sex, race, colour, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property, marital status, birth or other status. (Article 1 ICRMW) The International Convention on the Rights of People With Disabilities added *indigenous origin* as well as *disability* to prohibited grounds.

A key component of the DDPA is the notion of planned, deliberate and organized regional, national and local action to combat, prevent and eliminate racialized discrimination, xenophobia and related intolerance. Numerous countries established national plans deriving from the DDPA, Ireland and Finland were two good examples. Ireland remains *best policy and practice* because its plan of action was recently revised and re-validated under what can be considered a conservative government, with broad support by economic actors, social partners and civil society.

But in reality high degrees of discrimination and mistreatment, including violence –even State perpetrated– are rampant in countries in all regions –often particularly targeting foreigners, migrants, refugees and others.

Yet it is impossible to determine whether such discrimination is on singular racial, ethnic or nationality grounds. In color terms, it's white on white firebombings of immigrant homes and even killings in Eurasia, Europe and North America, black on black necklacing and mass expulsions of immigrants from other countries on the African continent. It is large scale detentions and deportations of nationals of neighbouring countries in Asia. It's hostility and illegalization of nationals of other countries in Latin America and the Caribbean.

Discrimination on multiple and intersecting grounds is a virtually universal basis for social and economic stratification and exploitation; it has been since ancient times.

Exploitation, abuse, exclusion, and expropriation based on differentiation in appearances and identity remain a primordial *clear and present* danger in many nations today –and to a sustainable future for the world and humanity.

Most nation state narratives are based on national and often ethnic definitions of identity and belonging, with overtones of both superiority and exclusion. These exceptionalisms often have racialized overtones but they are explicitly defined by nation and nationality.

But nearly all countries are today de facto multi-ethnic, multi-color, multi-national/national origin, multi-religious, gender diverse, age differentiated, etc. And it's gonna get more so. Western industrialized countries currently have 33 million jobs on offer with no qualified takers present in those countries.

1 <https://www.un.org/en/fight-racism/background/durban-declaration-and-programme-of-action>

New research-based predictions estimate that the world as a whole may reach zero population growth fertility by as soon as 2040. ZPG and below is already the case in more than 120 countries and territories, with a growing number of countries experiencing significant workforce decline – and skills and labour shortages.

Yet discrimination, discriminatory laws and policies, discriminatory behaviour and extreme violence are making mobility and immigration tougher –at huge costs, indeed risks of economic suicide across the West and elsewhere.

Reality today urges refining the approach defined at Durban. This in terms of *discrimination* versus *belief*, in a world in which discrimination across 17 grounds is prohibited but freedom of and rights to thought, belief and religion are normatively protected.

Neither race nor racism nor xenophobia are defined in international law. Racism is generally defined in literature and discourse as a *belief* system grounded in the factual, genetic, and scientific fallacy of *race* among human beings. Xenophobia is commonly defined as both attitude and prejudice, also a medical/psychological pathology.

However, *non-discrimination* and protection of the rights of all persons feature across the nine fundamental human rights conventions. The DDPA contains 40 paragraphs addressing non-discrimination and protection of rights for all migrants, refugees, and non-nationals.

The 1990 International Convention on the Protection of the Rights of All Migrant Workers and Their Families incorporated explicit prohibition of discrimination on *nationality* grounds. Some European countries incorporated nationality as prohibited grounds in national law after the European Union *discrimination in employment* Directive of 2000

Realization of the DDPA continues to be ongoing work. It requires generating new knowledge and data, and evolving application of the framework to evolving conditions and situations. Not doing so risks us all remaining stuck in a now archaic 19th -20th Century framework. What's needed is to address, combat and resolve discrimination on multiple, intersectional bases –inclusive of nationality, national origin and ethnicity-- fast before the consequences of discrimination become a driving factor of both economic and social collapse. And it is essential to confront the structural and system nature of discrimination to eliminate and prevent it.

The language and the focus needs to evolve, including by treaty bodies charged with supervising application of international standards. We need to build on and beyond the DDPA, the fundamental Human Rights Conventions, and *jus cogens* law by working on discrimination together, *multipully* and intersectionally. Treaty bodies and other processes are taking this up; the EU Fundamental Rights Agency has taken up *intersectionality* since years ago.

As key way forward would be to establish new concerted research, knowledge building, and practical implementation of national and local plans, campaigns, and action in a *Decade Against Discrimination and for Equality of Treatment*. Of course building on the DDPA, but inclusive of addressing discrimination under all grounds prohibited in international law.

Yeah, bad attitude needs to be discouraged and delegitimised. But thought and belief can be neither legally nor successfully controlled nor repressed. However bad behaviour must be delegitimized and suppressed. Immediately. Historical experience, social studies and psychology tell that modifying behaviour does influence evolving attitudes and beliefs over time and over generations.

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