



UNHCR
The UN Refugee Agency

GUIDANCE ON

RACISM AND XENOPHOBIA

How UNHCR can address and respond to situations of racism and xenophobia affecting persons under its mandate



Foreword

Racism, xenophobia and discrimination are root causes of forced displacement throughout the world affecting tens of millions of refugees and those people displaced in their own country or stateless.

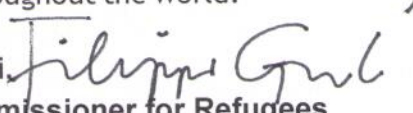
Over recent months, well documented incidents of racism have stimulated a renewed global debate about how we can support efforts to end all forms of racism. We now have a reenergized momentum to ensure that those forcibly displaced and stateless are consulted and included in efforts to foster tolerance and harmony in this interconnected world.

The Global Compact on Refugees calls for strengthened measures to end discrimination on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability, age, or other status. An end to racism is a priority to prevent displacement and to ensure peaceful coexistence between refugee and host communities.

We need a frank and public discussion on cultural diversity and inclusion. We also need practical, concrete actions to address racism within local communities, countries, regions and institutions including UNHCR itself.

At UNHCR, efforts to end to racial discrimination, persecution and intolerance are vital because racism forces many people to flee from their homes to seek international protection. Racism can undo all the work UNHCR and our partners do to protect those we serve. Discrimination on the basis of ethnicity, race, religion or language can also lead to statelessness. For these reasons, UNHCR needs to scale up its advocacy and practical work, including through strengthened partnerships with governments, UN and civil society actors. All our efforts must be informed by the experience and views of displaced and stateless people themselves.

This Guide is a practical resource offering recommendations and tools for UNHCR operations in the field, building on collaboration with local communities. I hope this Guide will be useful both for UNHCR staff and for our partners and others working to eliminate racism. I encourage you to look at some of the ideas in this Guide that can strengthen UNHCR's efforts to foster respect for the rights of all those in need of international protection throughout the world.

Filippo Grandi 
UN High Commissioner for Refugees

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Purpose of this Guidance

States have committed and assumed obligations to address multiple and intersecting forms of discrimination against refugees, internally displaced persons, asylum seekers, returnees and stateless persons. The Global Compact on Refugees places ending discrimination of any kind based on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability, age, or other status at the centre of action to prevent displacement and to ensure peaceful coexistence between refugee and host communities. Narratives about cultural diversity and inclusion are important, but there is also a pressing need in many societies for conversations and action to address racism, racial discrimination, xenophobia and related intolerance.

Racial discrimination and related intolerance are common causes of forced displacement and they can also undermine the protection afforded to refugees, asylum-seekers, internally displaced persons and returnees. Discrimination on the basis of ethnicity, race, religion or language is also a recurrent driver of statelessness, and it is often minority groups who are stateless or at risk of statelessness.¹

The Human Rights Liaison Unit in the Protection Policy and Legal Advice (PPLA) section of UNHCR's Division of International Protection has prepared this Guidance in response to a number of requests for advice from UNHCR operations on issues related to racism and xenophobia affecting persons of concern to UNHCR.

The Guidance aims to:

- (1) provide a comprehensive framework for UNHCR's interventions regarding racism, racial discrimination, xenophobia and related intolerance;
- (2) expand the ways UNHCR describes and presents issues related to racism, racial discrimination, xenophobia and related intolerance in order to include intersectional dimensions as well as structural, institutional and historical perspectives;
- (3) provide concrete examples of how UNHCR operations have addressed racism, racial discrimination, xenophobia and related intolerance;
- (4) highlight avenues to leverage the national, regional and UN human rights mechanisms and other platforms.

¹ Statement by Volker Turk, former Assistant High Commissioner for Protection at the 50th Anniversary of the Adoption of the International Convention on the Elimination of All Forms of Racial Discrimination, 2015, available here: <https://www.unhcr.org/admin/dipstatements/566165559/50th-anniversary-adoption-international-convention-elimination-forms-racial.html?query=racism>

The objectives of the present Guidance are to:

- Clarify key concepts related to racial discrimination, racism, xenophobia and related intolerance. In this sense, the present Guidance does not intend to provide an analysis of the current interpretations or jurisprudence in relation to racial discrimination, racism or xenophobia. The present Guidance does not address situations of persecution based on race which give rise to claims for refugee status²; it deals with situations of racism, racial discrimination, xenophobia and related intolerance in host communities.
- To provide an overview of how to frame conversations with governments and other partners or interlocutors, including refugees and other displaced and stateless persons, about racism and xenophobia in the context of forced displacement and statelessness. The present Guidance does not compile or discuss particular forms of racism and xenophobia that may affect persons of concern.
- Put forward suggestions for steps UNHCR could take to respond and carry out human rights-based advocacy and facilitate conversations about racism and xenophobia. The present Guidance highlights elements that UNHCR could take into account to fulfill its responsibilities regarding the protection of persons under its mandate against racism, racial discrimination, xenophobia and related intolerance. In particular, it underlines ways in which UNHCR can leverage key human rights mechanisms and international initiatives aimed at ending racism, racial discrimination, xenophobia and related intolerance.

The Guidance builds on extensive desk research coupled with exchanges with colleagues in UNHCR regional Bureaux, field colleagues, thematic focal points in the Division of International Protection and colleagues in the Innovation Service. It also includes feedback from OHCHR agency and OHCHR staff supporting the mandate of the UN Committee on the Elimination of All Forms of Racial Discrimination.

² For guidance in relation to persecution based on race in the context of eligibility for refugee status, see: UNHCR Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees, February 2019, available here: <https://www.unhcr.org/publications/legal/5ddfc47/handbook-procedures-criteria-determining-refugee-status-under-1951-convention.html>

The present Guidance is structured as follows: overview of key concepts (Chapter 1); overview of racial discrimination, racism and xenophobia in the context of forced displacement and statelessness (Chapter 2); and suggested steps for UNHCR to respond and carry out advocacy in relation to addressing and responding to racial discrimination, racism and xenophobia (Chapter 3). The Guidance concludes with key recommendations (Chapter 4). Lastly, the Guidance includes two annexes: the first one provides a model for reporting on hate crimes developed by UNHCR Liaison Office in Vienna; the second one represents a compilation of examples of projects undertaken by UNHCR Operations to address and respond to racism, racial discrimination, xenophobia and related intolerance.

The Compilation of examples of UNHCR projects is the result of an initiative conducted by Human Rights Liaison Unit in 2017 and 2018. This initiative consisted of a desk review of various UNHCR reports received from Operations or available on UNHCR websites. The Compilation includes examples of methods developed by UNHCR Operations to address and respond to racism, racial discrimination, xenophobia and related intolerance, and which could be replicated by other Operations or by partners.

1. Key concepts related to the prevention of and response to racism, racial discrimination, xenophobia and related intolerance

Principle of equality and non-discrimination

A principle which is proclaimed in the first article of the **Universal Declaration of Human Rights (UDHR)**: “All human beings are born free and equal in dignity and rights”³ and reiterated in all international and regional human rights treaties.⁴ The human rights legal framework also contains international instruments to combat specific forms of discrimination, including discrimination against indigenous peoples, migrants, minorities, people with disabilities, discrimination against women, racial and religious discrimination, or discrimination based on sexual orientation and gender identity.

³ For an interpretation of the principle of equality and non-discrimination, see: Daniel Moeckli, Equality and non-discrimination, in Oxford: International Human Rights Law, edited by Daniel Moeckli, Sangeeta Shah and Sandesh Sivakumaran (2014), pages 160-161.

⁴ See: the African Charter on Human and People’s Rights (ACHPR, Articles 2 and 3), the American Convention on Human Rights (ACHR, Articles 1 and 24), the American Declaration of the Rights of and Duties of Man (Article II), the Arab Charter on Human Rights (Articles 2, 9 and 35), the ASEAN Human Rights Declaration (Articles 1, 2, 3 and 9), the European Convention on Human Rights (ECHR, Article 14 and Protocol 12), and the Charter of Fundamental Rights of the European Union (Articles 20 and 21).

Racial discrimination

The International Convention on the **Elimination of All Forms of Racial Discrimination (ICERD)**⁵ is specifically devoted to the elimination of discrimination based on race.⁶ Racial discrimination is defined in Article 1(1) of the ICERD as:

“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.”

In its **General Recommendation No. 14**,⁷ the Committee on the Elimination of Racial Discrimination stressed that in order to determine whether a particular action is considered to be racial discrimination, it has to be assessed whether *“that action has an unjustifiable disparate impact upon a group distinguished by race, colour, descent, or national or ethnic origin”*.⁸

Additionally, in its **General Recommendation No. 30**⁹ the Committee on the Elimination of Racial Discrimination provides guidance to States in relation of the applicability of the prohibition

5 International Convention on the Elimination of All Forms of Racial Discrimination (adopted 21 December 1965 entered into force 4 January 1969), 660 UNTS 195 (ICERD), available here: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx>

6 For perspectives on the ICERD, see: Daniel Moeckli, Equality and non-discrimination, in Oxford: International Human Rights Law, edited by Daniel Moeckli, Sangeeta Shah and Sandesh Sivakumaran (2014), pages 160-161.

7 UN Committee on the Elimination of Racial Discrimination (CERD), General Recommendation No. 14 on article 1, paragraph 1, of the Convention, 16 March 1993, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCERD%2fGEC%2f7486&Lang=en

8 CERD, General Recommendation No. 14, paragraph 2. This includes practices that are non-discriminatory in their purpose but have a discriminatory effect. See CERD Concluding Observations on the initial, second and third periodic report of the United States of America, adopted by the Committee during its 59th Session (2001), U.N. Doc. CERD/C/59/Misc.17/Rev.3, on the “the persistence of the discriminatory effects of the legacy of slavery, segregation, and destructive policies with regard to Native Americans.”, available at: [http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=A%2f56%2f18\(SUPP\)&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=A%2f56%2f18(SUPP)&Lang=en)

9 UN Committee on the Elimination of Racial Discrimination (CERD), General Recommendation No. 30 on Discrimination Against Non Citizens, 01 October 2002, available at: <http://www.refworld.org/docid/45139e084.html>

of racial discrimination with regard to refugees and displaced persons¹⁰ as well as non-citizens, including on issues related to hate speech and racial violence, access to citizenship, administration of justice, and expulsion and deportation.¹¹

The prohibition of racial discrimination is absolute. According to Art. 4 of the International Covenant on Civil and Political Rights, measures that States may adopt to respond to public emergencies threatening the life of the nation cannot discriminate on the ground of race, colour, sex, language, religion or social origin.¹² The prohibition of racial discrimination applies in all matters pertaining to both private and public life.

Furthermore, according to Art. 1 of the ICERD, States are required to adopt special measures “for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals’ equal enjoyment or exercise of human rights”. Such special measures (also known as “affirmative action”, “affirmative measures”) are not considered to amount to racial discrimination provided that such measures do not lead to the maintenance of separate rights for different groups, and are not continued once their objective has been achieved.¹³

10 UN Committee on the Elimination of Racial Discrimination, General Recommendation No. 22 on Article 5 of the Convention on refugees and displaced persons, 1996, available here: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCERD%2fGEC%2f7494&Lang=en

11 UN Committee on the Elimination of Racial Discrimination, General Recommendation No. 30 on discrimination against non-citizens, 2005, available here: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCERD%2fGEC%2f7502&Lang=en

12 For further information on the prohibition of racial discrimination and public emergencies, see: UN Human Rights Committee, General Comment No. 29, States of emergency (Article 4), CCPR/C/21/Rev.1/Add.11, 31 August 2001.

13 For further discussion on special measures, see: UN Committee on the Elimination of Racial Discrimination, General Recommendation No. 32, CERD/C/GC/32, 2009, available here: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=6&DocTypeID=11

**Racial
discrimination
(cont.)**

The articulation of this principle of equality can be found in Article 3 of the **1951 Convention Relating to the Status of Refugees**, which binds States parties to apply its provisions without discrimination as to race, religion or country of origin. Art. 4 of the **1969 Convention Governing the Specific Aspects of Refugee Problems in Africa** stipulates that the provisions of the Convention must apply to all refugees without discrimination as to race, religion, nationality, membership of a particular social group or political opinions.

Art. 3 of the **1954 Convention relating to the Status of Stateless Persons** prohibits discrimination against stateless persons on the basis of their race, religion or country of origin. Art. 9 of the **1961 Convention on the Reduction of Statelessness** prohibits States Parties from depriving any person or group of persons of their nationality on racial, ethnic, religious or political grounds.

The **African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)** prohibits discrimination against internally displaced persons in the enjoyment of any rights or freedoms on the grounds that they are internally displaced persons.

The **1998 Guiding Principles on Internal Displacement** state that internally displaced persons must not be discriminated against in the enjoyment of any rights and freedoms on the ground that they are internally displaced.

Racism

There are no universally accepted legal definitions of the term racism. The most comprehensive provision on racism is Article 4 of ICERD, which clarifies the meaning of the term and proclaims that when there is a clash between provisions of the ICERD and other rights, such as freedom of speech, the prohibition of racism should prevail.¹⁴ Article 4 of ICERD reads:

“States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination.”

The **Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance**, an instrument adopted by the General Assembly of the Organization of American States and which entered into force in 2017, defines racism as “any theory, doctrine, ideology, or sets of ideas that assert a causal link between the phenotypic or genotypic characteristics of individuals or groups and their intellectual, cultural and personality traits, including the false concept of racial superiority”.¹⁵

Prejudice

The **1978 UN Declaration on Race and Racial Prejudice** maintains the right of all individuals and groups to be different, consider themselves as different and to be regarded as such. The Declaration also holds that the diversity of life-styles and the right to be different may not, in any circumstances, serve as a pretext for racial prejudice.¹⁶

¹⁴ Natan Lerner, *The Role of International Law in: Europe’s New Racism: Causes, Manifestations, and Solutions*, Evens Foundation, Berghan Books, (2002), pages 60 -62.

¹⁵ http://www.oas.org/en/sla/dil/inter_american_treaties_A-68_racism.asp

¹⁶ UN Declaration on Race and Racial Prejudice, 27 November 1978, available here: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/RaceAndRacialPrejudice.aspx>

Stereotype

A stereotype is defined as a generalised view or preconception about attributes or characteristics that are or ought to be possessed by, or the roles that are or should be performed by, members of a particular social group. For instance, a gender stereotype is a generalised view of preconception about attributes or characteristics that are or ought to be possessed by, or the roles that are or should be performed by men and women.¹⁷

Stigma

Stigma is closely related to power and inequality. It can broadly be understood as a process of dehumanizing, degrading, discrediting and devaluing people in certain population groups often based on feelings of disgust. Stigma is attached to an attribute, quality or identity that is regarded as inferior, abnormal.¹⁸

Intolerance

There is no international definition of what constitutes intolerance.

The **Inter-American Convention on against Racism, Racial Discrimination and Related Forms of Intolerance** defines intolerance as “an action or set of actions or expressions that denote disrespect, rejections, or contempt for the dignity, characteristics, convictions, or opinions of persons for being different or contrary.” This Convention acknowledges that intolerance can manifest itself as “marginalization and exclusion of vulnerable groups from participation in any sphere of public or private life or violence against them”.¹⁹

¹⁷ OHCHR Commissioner REPORT; Gender Stereotyping as a human rights violation, 2013, available here: <https://www.ohchr.org/EN/Issues/Women/WRGS/Pages/Documentation.aspx> See also: Rebecca J. Cook, Simone Cusack, Gender Stereotyping: Transnational Legal Perspectives: Philadelphia: University of Pennsylvania Press, 2010, p. 9.

¹⁸ UN Special Rapporteur on the human right to safe drinking water and sanitation, Catarina de Albuquerque, Report to the Human Rights Council on stigma and the realization of the human rights to water and sanitation, A/HRC/21/42, 2 July 2012, para 12, available here: https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-42_en.pdf

¹⁹ Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance, available here: http://www.oas.org/en/sla/dil/inter_american_treaties_A-68_racism.asp

Xenophobia

There is no internationally recognized legal definition of xenophobia.

The UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance suggests a definition whereby xenophobia “denotes behavior specifically based on the perception that the other is foreign to or originates from outside the community or nation”.²⁰ The Special Rapporteur on contemporary forms of racism further insists that xenophobia exists when “individuals are denied equal rights on account of real or perceived geographic origins of the said individuals or groups, or the values, beliefs and/or practices associated with such individuals or groups that make them appear as foreigners or outsiders.”²¹

Generally, xenophobia implies discrimination based on the perception of the other as foreign or originating from outside a community or a nation.²²

However, manifestations of xenophobia can occur against people of identical physical characteristics, even of shared ancestry, such as when people arrive, return or migrate to States or areas and are considered as outsiders.²³

20 UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Report to the UN Human Rights Council on xenophobia, A/HRC/32/50, 13 May 2016, available here: <https://undocs.org/A/HRC/32/50>

21 UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Report to the UN Human Rights Council on xenophobia, A/HRC/32/50, 13 May 2016, available here: <https://undocs.org/A/HRC/32/50>

22 Inter-Agency (International Labour Office (ILO), International Organization for Migration (IOM), and Office of the United Nations High Commissioner for Human Rights (OHCHR), in consultation with UNHCR), International Migration, Racism, Discrimination and Xenophobia, August 2001, available at: <http://www.refworld.org/docid/49353b4d2.html>, page 2.

23 Inter-Agency, International Migration, Racism, Discrimination and Xenophobia, August 2001, available at: <http://www.refworld.org/docid/49353b4d2.html>, page 2.

	<p>Despite its widespread usage, xenophobia is an ambiguous and contested term in popular, policy and scholarly debates.²⁴</p> <p>Another definition of xenophobia proposes the following aspects:</p> <p>“attitudes, prejudices and behaviour that reject, exclude and often vilify persons, based on the perception that they are outsiders or foreigners to the community, society or national identity.”²⁵</p>
<p>Hate crime</p>	<p>While an official legal definition of “hate crime” does not exist in international law, this Guidance employs definitions that consider hate crime as composed of two elements, namely “criminal offence + bias motivation=hate crime”²⁶</p> <ul style="list-style-type: none"> • Criminal act under criminal law (e.g. murder, assault, harassment, theft, fraud, criminal damage to property, rape or sexual assault, public offenses or threats thereto) and • Bias motivation. Hate crimes are motivated at least in part by bias or prejudice against someone’s real or perceived connection, attachment, affiliation, support, or membership of a particular group, directed against a person(s) or property. Members of the group may have common characteristic such as racial, national or ethnic origin, language, colour, religion, gender, age, mental or physical disability, or other similar factors.²⁷

24 UN High Commissioner for Refugees (UNHCR), Protection from Xenophobia: An Evaluation of UNHCR’s Regional Office for Southern Africa’s Xenophobia Related Programmes, February 2015, available at: <http://www.refworld.org/docid/55d2e1be4.html>

25 Inter-Agency, International Migration, Racism, Discrimination and Xenophobia, August 2001, available at: <http://www.refworld.org/docid/49353b4d2.html>, page 2

26 For further details on the approach developed by OSCE Office of Democratic Institutions and Human Rights on hate crimes, see: <https://hatecrime.osce.org/what-hate-crime>

27 UN High Commissioner for Refugees (UNHCR), Combating Racism, Racial Discrimination, Xenophobia and Related Intolerance through a Strategic Approach, December 2009, available at: <http://www.refworld.org/docid/4b30931d2.html>

Hate speech

There is no international legal definition of hate speech, but it is generally understood as “any kind of communication in speech, writing or behaviour, that attacks or uses pejorative or discriminatory language with reference to a person or a group on the basis of who they are, in other words, based on their religion, ethnicity, nationality, race, colour, descent, gender, or other identity factor”.²⁸ The UN Committee on the Elimination of Racial Discrimination considers that racist speech includes all forms of speech prohibited under Art. 4 ICERD, namely:

- propaganda
 - based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or
 - which attempt to justify or promote racial hatred and discrimination;
- incitement to, or acts of discrimination;
- dissemination of ideas based on racial superiority or hatred;
- all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin;
- provision of assistance to racist activities;
- activities which promote and incite racial discrimination.

Article 4 of ICERD requires States to declare such acts as punishable offences, declare illegal and prohibit organizations and activities promoting such propaganda as well as establish that participation in such organizations or activities constitutes an offence punishable by law. Moreover, Art. 4 ICERD also imposes on States the obligation to prohibit public authorities or public institutions, national or local, to promote or incite racial

²⁸ UN Strategy and Plan of Action on Hate Speech, 2019, available here: <https://www.un.org/en/genocideprevention/documents/UN%20Strategy%20and%20Plan%20of%20Action%20on%20Hate%20Speech%2018%20June%20SYNOPSIS.pdf>
For example of case-law related to hate speech, see: UN Human Rights Committee, *Ross v. Canada*, CCPR/C/70/D/736/1997 (2000), that concerned the public statements and the publication of Anti-Jewish views by a school teacher.

discrimination.²⁹ The Committee on the Elimination of Racial Discrimination recognized that racist hate speech can take many forms and can attack individuals or groups at the intersection of several grounds of discrimination, for instance individuals from a certain ethnic group who practice a religion different from the majority.³⁰ The Committee further clarified that establishing that certain acts amount to hate speech requires consideration of the following factors:

- the content and form of speech;
- the economic, social and political climate prevalent at the time the speech was made, including pre-existent discrimination against ethnic or other groups;
- the position or status of the speaker in society and their audience;
- the reach of the speech in terms of audience and transmission;
- the objectives of the speech.³¹

It is worth noting that hate speech in general is different from direct and public incitement to genocide prohibited under international criminal law.³²

29 UN Committee on the Elimination of Racial Discrimination, General Recommendation No. 15 on Article 4 of the Convention, 1993, available here: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=6&DocTypeID=11

30 UN Committee on the Elimination of Racial Discrimination, General Recommendation No. 35, Combating hate speech, CERD/C/GC/35, 2013, available here: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=6&DocTypeID=11

31 UN, Committee on the Elimination of Racial Discrimination, General Recommendation No. 35. For a discussion of the balance between the right to freedom of expression and acts which constitute racist hate speech, see: Kevin Boyle and Sangeeta Shah, Thought, Expression, Association, and Assembly, in Oxford: International human Rights Law, edited by Daniel Moeckli, Sangeeta Shah and Sandesh Sivakumaran, 2014, page 230. However, these restrictions on the right to freedom of expression need to be provided by law and should be the least restrictive means of achieving the relevant aim (see also Article 19(3) ICCPR).

32 For a discussion on the distinction between hate speech and incitement to genocide, see: International Criminal Tribunal for Rwanda, The Prosecutor v. Ferdinand Nahimana et al, ICTR-99-52-A, available here: <http://www.internationalcrimesdatabase.org/Case/152/Nahimana-et-al/>

2. Racism and xenophobia in the context of forced displacement and statelessness

There are several dimensions to racism and xenophobia in the context of forced displacement and statelessness. Racism and racial discrimination can affect refugees at every stage of the displacement cycle, including as a cause of displacement from their countries of origin, in transit countries, in host countries as well as in cases where refugees seek voluntary repatriation and reintegration in their home countries or third countries. Some groups of refugees may face barriers to local integration (including naturalization) because they are perceived as “foreign” or “other.”

Racism experienced by persons of concern may build on pre-existent forms of racism to exclude individuals that are perceived not to belong to the local community based on language, physical features, name etc. Such forms of racism go beyond situations of individual incidents of racism. Additionally, racism affecting foreigners in general may also affect refugees and asylum-seekers.

Racism presupposes the existence of various races, a fact which lacks basis in science, anthropology or genetics. Instead, certain ideological processes advanced theories that racialised groups of individuals and postulated the subordination of some groups over others. For instance, several instruments, such as the Preamble of the ICERD, the Preamble of the 2001 Durban Declaration and Programme of Action or the Race Directive of the European Union 2000/43/CE explicitly reject any doctrines of superiority based on racial differentiation asserting that such doctrines are scientifically false, morally condemnable, socially unjust and dangerous.³³

In many countries, race or national descent are invoked as grounds to deny or withdraw citizenship leaving individuals stateless and stripped of the enjoyment of their human rights. Discrimination on the ground of race often intersects with discrimination based on sex when laws and policies deny women the right to transmit their nationality onto their children. Children who belong to certain ethnic

33 ICERD, Preamble, para 6; Preamble of the Durban Declaration, para 7; European Union, Council Directive 2000/43/EC, 29 June 2000 on Implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, available here: <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX%3A32000L0043>

groups and are stateless as a result also experience discrimination at the intersection of race and age. Furthermore, naturalization policies may also contain provisions that discriminate against foreigners.³⁴

It is thus key to understand and analyse racism from the perspective of power and privilege rather than prejudice. Racism represents a manifestation of a system of oppression that subordinates some groups while reinforcing the privilege of others. The mechanism of exclusion and discrimination based on race does not operate in isolation; it often intersects with other forms of discrimination based on the status of being or being perceived as a foreigner (xenophobia), sex (sexism), identities such as gender identity (homophobia or transphobia), or economic status.

Historical racism entails historical domination or subordination of certain groups which continues to be reflected in legal, policy and institutional frameworks, language and cultural attitudes.

Institutional racism denotes the practice of social or political institutions that results in the de facto exclusion of certain groups.

Structural racism designates exclusion in law or practice of certain groups of individuals, often belonging to ethnic minorities.

Individual racism can incur several forms of manifestation, including:³⁵

34 For further information on the links between statelessness and racial discrimination, see: UNHCR, "This is Our Home". Stateless Minorities and Their Search for Citizenship, 2017, available here: www.unhcr.org/ibelong/wp-content/uploads/UNHCR_EN2_2017IBELONG_Report_ePub.pdf; Minority Rights Group International, Denigration: How Racism Feeds Statelessness, 2017, available here: <http://stories.minorityrights.org/statelessness/>; Human Rights Watch, Racism, Nationality, Statelessness and the Rights of Citizenship, available here: <https://www.hrw.org/legacy/campaigns/race/hrw-statement1.htm>; Norwegian Refugee Council and Tilburg University, Statelessness and Displacement, available here: https://files.institutesi.org/stateless_displacement.pdf

35 Ministry of Education and Culture of Cyprus, Code of Conduct against Racism and Guide for Managing and Recording Racist Incidents, 2016, available here: <http://naos.risbo.org/wp-content/uploads/2017/04/Cyprus-antiracism-code.pdf>. See also: Arlene James-Licher, Anti-Racism. A resource guide for teachers, counsellors and students, 2005, available here: <https://tandis.odihr.pl/bitstream/20.500.12389/19745/1/02939.pdf> ENAR Ireland, Guide on Responding to Racism. How To Report Racism and Where to Find Help, 2019, available here: <https://inar.ie/wp-content/uploads/2019/10/Responding-to-racism-guide-FINAL-2.pdf>

Verbal abuse undermining someone's sense of safety whether the target person is present or not, such as stereotypical sentences, racist jokes, mockery, demeaning or offensive language,³⁶ offensive terms, humiliation, racist comments whether expressed online or offline;

Non-verbal behaviours which undermine someone's sense of safety, such as display of racist symbols or drawings;

Behaviours aimed to exclude someone, such as incitement to avoid socialization, spreading rumours, refusing to collaborate, exclusion from participation in community;

Physical violence, threats, intimidation, harassment, physical assault, damage to property.

Subject of hate crimes and hate speech.

In the context of forced displacement, measures regulating access to asylum or services (employment, education, health care) may directly or indirectly discriminate against asylum-seekers and refugees on several grounds, including race. This can hamper the achievement of durable solutions, including by hindering integration in the receiving societies. Furthermore, voluntary return by people who are forcibly displaced is less viable and sustainable if it takes place in conditions where peace is fragile or ethnic, religious or other forms of discrimination persist.

At the same time, discrimination on the basis of race, color, descent, or national or ethnic origin, among other grounds, is also a reason for the denial or deprivation of nationality and is therefore a cause of statelessness in many cases. The majority of the world's stateless population belong to minority groups and certain States maintain laws which deny birth registration, access to rights and services including issuance of identity documents or access to nationality, or permit the withdrawal of nationality on the grounds of ethnicity, race, or origin.

³⁶ It is important to understand that determining what is "offensive language" entails also a subjective perspective which has implications for the right to freedom of expression. For this reason, determinations of what constitutes "offensive language" need to be made through judicial avenues.

Many UNHCR offices have also identified negative public attitudes towards persons falling under UNHCR's mandate as a significant obstacle to the provision of international protection. Fear of the 'other' typically underlies racist and intolerant sentiments which may pose additional challenges to the protection of persons of concern to UNHCR.

Moreover, racism may be particularly traumatic for asylum-seekers, refugees or other displaced or stateless persons as many of them may have already experienced persecution for reasons of race or nationality and it creates an environment of fear and insecurity.³⁷ Victims of racism report concerns related to mental health such as anxiety and depression.³⁸

Racism aims to legitimize forms of inequality, oppression and exclusion. Racism does not manifest along a single linear axis: it can be the result of various intersecting dynamics that derive from misunderstanding of regulations, entitlements or policies regarding refugees and asylum-seekers, lack of understanding of the asylum process and refugees' employment or other rights, resistance, perceptions, prejudice and stereotypes among members of the local communities, but also persons of concern.

37 UNHCR reporting on incidents of racism and xenophobia: Statement by Ruud Lubbers, UN High Commissioner for Refugees at the UN Commission on Human Rights, 2001; Russia, 2002; Statement by Antonio Guterres, UN High Commissioner for Refugees at the High Level Segment of the Durban Review Conference, 2009

38 UNHCR, Part Two- Implementing the Framework in Key Program Areas, 2002, p. 182, available here: <https://www.unhcr.org/protection/resettlement/3d08a2514/part-applying-framework-key-programme-areas.html?query=racism>

A study conducted by the European Network against Racism (ENAR) on refugee inclusion in the workplace identified the following selected barriers to refugee inclusion in national employment schemes³⁹:

- Perspectives from employers:
 - *Misunderstandings about employment regulations concerning refugees and asylum-seekers;*
 - *National or regional agreements that set a system of priority upon employment;*
 - *Perceptions that refugees and asylum-seekers are underqualified;*
 - *Employers' lack of experience in dealing with the status of refugees.*
- Perspectives from other employees:
 - *Employees' own perceptions about refugees and asylum-seekers;*
 - *Structural discrimination occurring generally on the labour market.*

To capture these dynamics, analytical frameworks focusing on single grounds of discrimination (e.g. discrimination based only on the ground of race, or only on the grounds of sex, language or religion) are insufficient because they fail to capture how structures of inequality intersect. Single-axis approaches to discrimination and racism are also insufficient because they fail to observe that racism and discrimination are not uniform experiences for members of the same group of persons, but they may differ within a group according to sex, sexual orientation and gender identity, disability, as well as social or economic status. In addition, people from various countries or communities may be forcibly displaced at the same time and find themselves sharing the same host communities. Racism and discrimination may manifest themselves differently depending on:

- the relationship between each group of refugees with the host community,

39 European Network against Racism, *Refugee Inclusion in the Workplace: a guide for employers*, 2016, available here: https://www.enar-eu.org/IMG/pdf/equal_work_2017_final.pdf

taking into account that racial prejudice may hamper co-existence when it is manifested on the side of host communities, but also when persons of concern hold or develop prejudices with regard to the host communities as well;

- the relationship between returnees and the local communities;
- the relationship between groups of internally displaced persons and local communities;
- the relationships among groups of persons of concern; or
- relationships within each group of persons of concern as well.

Approaches to analyse racism and discrimination from an intersectional perspective provide the ground to examine the intertwined power structures and their compounded effects on the experience of persons of concern.

Intersectionality allows the analysis to move from the strict discrimination categories and recognizes that people experience discrimination at the intersection of the relationships and legal, policy, institutional and cultural frameworks operating in host communities. Intersectionality permits an understanding of how women, men, boys and girls, older persons, persons with disabilities, LGBTI persons who are forcibly displaced or stateless are affected differently by racism, racial discrimination, xenophobia and related intolerance.⁴⁰

The term “intersectionality” was put forward by Kimberlé Crenshaw in 1989 as a means “to recognize the fact that perceived group membership can make people vulnerable to various forms of bias, yet because we are simultaneously members of many groups, our complex identities can share the specific way in which we experience bias. [...] An intersectional approach goes beyond conventional analysis in order to focus our attention on injuries that we otherwise might not recognize.” Taking an intersectional approach enables “(1) to analyse social problems more fully; (2) share more effective interventions; and (3) promote more inclusive coalitional advocacy”.⁴¹

40 See for instance: Human Rights Council, Report of the High Commissioner for Human Rights on the impact of multiple and intersecting forms of discrimination and violence in the context of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of all human rights by women and girls, A/HRC/35/10, 21 April 2017, available here: https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/35/10

41 Kimberlé Crenshaw, Luke Harris, A primer on intersectionality, available here: <http://static.squarespace.com/static/53f2>

Situations of public emergencies, such as public health emergencies, not only lay bare prevalent and pre-existent systemic inequalities and discrimination, but also create heightened risks of further discrimination and exclusion of marginalized individuals, groups and communities. For instance, UNHCR Operations around the world have reported incidents of violence, discrimination, arbitrary denial of services against asylum-seekers, refugees and internally displaced persons in the context of the response to the COVID-19 pandemic. UNHCR also expressed concern at the increased risk of xenophobia and discrimination against stateless persons as the majority of the world's known stateless population belongs to minority groups particularly vulnerable to discrimination.⁴² Situations of crisis or public emergencies also create risks for the spread of hate speech online and offline targeting persons under UNHCR's mandate and hindering access to safety and protection.⁴³

[0d90e4b0b80451158d8c/53f399a5e4b029c2ffbe26cc/53f399c8e4b029c2ffbe2b28/1408473544947/59819079-Intersectionality-Primer.pdf?format=original](https://www.unhcr.org/news/press/2020/5/5eb952222ec/unhcr-warns-stateless-people-risk-behind-coronavirus-response.html)

42 UNHCR, UNHCR warns stateless people risk being left behind in coronavirus response, 2020, available here: <https://www.unhcr.org/news/press/2020/5/5eb952222ec/unhcr-warns-stateless-people-risk-behind-coronavirus-response.html>

43 See: United Nations Guidance Note on Addressing and Countering COVID-19 related Hate Speech, 11 May 2020, available here: www.un.org/en/genocideprevention/documents/Guidance%20on%20COVID-19%20related%20Hate%20Speech.pdf

3. What UNHCR can do

UNHCR adopted in 2009 a strategic approach to address issues related to racial discrimination and related intolerance when they affect persons of concern.⁴⁴ The Strategic Approach proposes seven key steps that UNHCR operations and partners can take in order to respond to incidents of racism, racial discrimination and xenophobia.

The 7 steps of UNHCR's 2009 Strategic Approach

- **i.** Monitor signs of racial discrimination, xenophobia and related intolerance;
- **ii.** Analyse the underlying reasons;
- **iii.** Assess the manifestations of these phenomena and their impact on protection of persons of concern;
- **iv.** Understand legal obligations to protect individuals from racial discrimination and multiple forms of discrimination;
- **v.** Engage a network of diverse organizations;
- **vi.** Include affected communities in the strategic approach;
- **vii.** Provide individual support to victims

While the UNHCR strategic approach offers operational direction on how the Organization can respond to racial discrimination, racism, xenophobia and related intolerance, Operations have indicated over time the need for a broader multi-stakeholder approach to address these issues. For instance, the former Regional Office of South Africa (ROSA) conducted an analysis of its policies to address xenophobia and identified the following areas where UNHCR could strengthen its approach.⁴⁵

⁴⁴ UNHCR, Combating racism, racial discrimination, xenophobia and related intolerance through a strategic approach, 2009, available here: <https://www.refworld.org/pdfid/4b30931d2.pdf>

⁴⁵ UNHCR, Protection from Xenophobia. An Evaluation of UNHCR's Regional Office for Southern Africa's Xenophobia

Key conclusions from “Protection from Xenophobia. An Evaluation of UNHCR’s Regional Office for Southern Africa’s Xenophobia Related Programmes”

- UNHCR at large, and UNHCR ROSA in particular, needs to define and embrace its role in addressing xenophobia.
- A more concrete and public UNHCR policy would have provided an anchor for UNHCR advocacy and programme activities in addressing the negative consequences of xenophobia on refugee and asylum seeking populations.
- The theories of change and other assumptions guiding UNHCR ROSA’s xenophobia related programming need to be broadened beyond changing public opinions and attitudes.
- Improved Results Based Management logic and monitoring across the programmes are needed.
- Partnerships with government and civil society need to be broadened in ways that catalyse a sustainable, broad-based response to xenophobia.

Related Programmes, 2015, available here: <https://www.unhcr.org/research/evalreports/55cb153f9/protection-xenophobia-evaluation-unhcrs-regional-office-southern-africas.html>

3.1. Considerations on UNHCR's framework to address and respond to racism, racial discrimination, xenophobia and related intolerance

This Guidance proposes the following framework of four interrelated building blocks that highlight that only by taking a comprehensive multi-vector and multi-actor approach based on human rights UNHCR can contribute to broader efforts to combat racial discrimination, racism, xenophobia and related intolerance.

Block 1: Directions for UNHCR's efforts to address and respond to racism, racial discrimination, xenophobia and related intolerance

This Guidance proposes seven Directions that UNHCR could promote throughout its internal policies and programmes as well as its advocacy on international, regional and national platforms. These Directions reflect norms and standards under the international human rights framework and international approaches defined at the 2001 World Conference against Racism. They are inspired by the whole-of-society, partnership and participatory approaches that underpin the Global Compact on Refugees. Several of these Directions are also part of UNHCR's Global Strategic Priorities 2020-2021, notably the operational Global Strategic Priorities related to reducing protection risks faced by people of concern, in particular discrimination, sexual and gender-based violence and specific risks faced by children.⁴⁶

Block 2: The 2009 Strategic Approach

The 2009 Strategic Approach provides several steps that Operations can take into account to formulate their internal response to racism, racial discrimination, xenophobia and related intolerance. The Directions that form Block 1 may constitute objectives that can inform the analysis, monitoring and outreach undertakings proposed in the 2009 Strategic Approach.

⁴⁶ UNHCR, Report on UNHCR's global strategic priorities 2018-2019, EC/70/SC/CRP.13/Rev.1, 2019, Annex III, available here: <https://www.unhcr.org/5d0a1bd67.pdf>

Block 3: Integration of considerations related to historical, structural, institutional and individual racism

In addition to responding to individual instances of racism and xenophobia by way of identification of such events and ensuring appropriate legal advice and assistance to victims, this Guidance calls for a broader, more strategic and systemic commitment and engagement. UNHCR's response should also take into account how historical, structural and institutional racism manifests in host societies in ways that amplify racism and xenophobia against persons of concern. These considerations should inform in a cross-cutting manner the other building blocks.

Block 4: Integration of perspectives of intersectional forms of discrimination and exclusion

The implementation of this framework must be informed by regular monitoring (including by participatory assessments and targeted consultations) with a view to seek regularly updated understanding of the compounded effects of discrimination when it occurs at the intersection of several experiences of inequality. Such an approach is needed in order to counter the assumption that the experience of racism is uniform, thus, differentiated responses are required. An intersectionality approach supports an understanding of power dynamics among groups but also among members of specific groups.

<p>Historical racism</p> <p>Structural racism</p> <p>Institutional racism</p>	<p>Directions for UNHCR’s efforts to address and respond to racism, racial discrimination, xenophobia, hate crimes, hate speech and related intolerance</p> <ol style="list-style-type: none"> 1. The human rights of refugees, asylum-seekers, internally displaced persons, returnees and stateless persons must be ensured without discrimination. 2. Strong laws and policies to combat racism, xenophobia, hate crimes and hate speech are essential. 3. UNHCR recognizes that persons under its mandate are often victims of exclusion, discrimination and intolerance at the intersection of multiple forms of human rights violations and privilege. 4. UNHCR calls for access to justice and effective remedies for victims of racism, racial discrimination, xenophobia, hate crimes or hate speech and for holding those responsible to account. 5. UNHCR encourages the inclusion of persons under its mandate in all exercises and platforms monitoring and collecting disaggregated data documenting racial discrimination, racism, xenophobia, hate crimes and hate speech. 6. UNHCR promotes education on the rights of persons under its mandate and messages encouraging inclusion, diversity, empathy and tolerance. 7. UNHCR considers that everyone can play a role to prevent and stop racism and xenophobia that affect refugees, asylum-seekers, internally displaced persons, returnees and stateless persons. 	<p style="writing-mode: vertical-rl; text-orientation: mixed;">I N T E R S E C T I O N A L I T Y</p>
<p>Individual racism</p>	<p>2009 UNHCR Strategic Approach to combat racism, racial discrimination, xenophobia and related intolerance</p> <ol style="list-style-type: none"> i. Monitor signs of racial discrimination, xenophobia and related intolerance; ii. Analyse the underlying reasons; iii. Assess the manifestations of these phenomena and their impact on protection; iv. Understand legal obligations to protect individuals from racial discrimination and multiple forms of discrimination; v. Engage a network of diverse organizations; vi. Include affected communities in the strategic approach; vii. Provide individual support to victims. 	

2009 UNHCR Strategic Approach to combat racism, racial discrimination, xenophobia and related intolerance

i. Monitor signs of racial discrimination, xenophobia and related intolerance

UNHCR Operations could consider the following aspects:

- Monitor situations of incitement to racial discrimination whether expressed in political narratives, media, public opinion, whether online or offline.
- Monitor incidents of racial discrimination, racism, xenophobia and related intolerance, whether they occur online or offline. An incident is something UNHCR can track, record and report about.
- Incidents of racism and xenophobia do not happen in isolation. They indicate patterns of structural, institutional or historical racism.
- Monitor processes of adoption of legislation, policies or other legal decisions that either directly or indirectly undermine the rights of persons under UNHCR's mandate contrary to international standards and the prohibition of non-discrimination.
- Monitor responses from relevant national authorities regarding individual allegations and complaints of racism and xenophobia. More specifically, to monitor:
 - *Whether persons of concern have access to justice and legal remedies without discrimination;*
 - *Whether the claims submitted by persons of concern are recorded by relevant authorities, such as police, law enforcement officials, administrative and judicial authorities;*
 - *How the police, the judicial and administrative authorities respond to the complaints or reports submitted by persons of concern to ensure their right to fair and impartial proceedings is respected;*

- *Ensure that persons of concern are informed about their rights, including access to justice and legal remedies;*
- *Whether the sanctions imposed by relevant authorities in relation to allegations submitted by persons of concern are commensurate to the discriminatory acts committed.*
- *How the responses are formulated:*
 - whether they refer explicitly to racism, racial discrimination, xenophobia or related intolerance;
 - whether they take into account situations of multiple and intersecting forms of discrimination;
 - what party carries the burden of proof;
 - whether the victims are further stigmatized.
- *Monitor instances where national authorities do not investigate allegations of racism and xenophobia, do not provide adequate remedies to victims, or do not implement consequent decisions.*

Example of UNHCR initiative: Racist Violence Recording Report

Location: Greece

Actor(s): Racist Violence Recording Network (UNHCR Greece, the Greek Ombudsman, the National Commission for Human Rights and 35 non-governmental organisations and other bodies)⁴⁷

Year(s): 2011- ongoing

Context: The numbers of refugees and migrants arriving in Greece dropped significantly following the closure of the Balkan route and the EU-Turkey Statement of March 2016.⁴⁸ However, as of September 2017 there were some 43,000 people both on the mainland and the islands, according to UNHCR's estimates. While the situation in the country was stabilizing, especially in the mainland, public anxiety, intolerance and a rise of extreme voices gained more space on the islands, where the conditions are more difficult. In a context of a persistent economic and social crisis in the country and rising xenophobia and populism, anti-foreigner rhetoric got louder and gained significant media attention, with certain Greek media remaining largely sensationalist.

Initiative: The Racist Violence Recording Network focuses on the monitoring and recording of racist violence and hate crimes against refugees and migrants in Greece. By analysing quantitative and qualitative data received from its members, the Network alerts authorities to changing trends or escalations in hate crime. The network also raises awareness of hate crime and methods for combatting it; supports victims to report incidents formally and search for legal aid; and organises training programmes for civil society and institutional bodies on how to identify, record and combat hate crime.

Since its creation in 2011, the network has also produced annual reports documenting issues related to⁴⁹:

47 For more information see the Racist Violence Recording Network website, available at: <http://rvrn.org/>

48 European Union: Council of the European Union, EU-Turkey statement, 18 March 2016, 18 March 2016, available at: <http://www.refworld.org/docid/5857b3444.html>

49 For more information on its 2015 and 2016 report see: UNHCR Greece Press release, Racist Violence Recording Network: Annual Report 2015, 19 April 2016, available at: <http://www.unhcr.org/gr/en/2973-racist-violence-recording-network->

- Qualitative and quantitative trends of hate crimes in Greece, as recorded by members of the network;
- Definitions and methodological clarifications related to recording;
- Steps taken by the relevant police and judicial authorities to deal with racist violence; and
- Recommendations to the Greek State for tackling hate crime.⁵⁰

Outcome: Between January and December 2016, the Network documented, through interviews, 95 incidents of racist violence involving more than 130 victims. In 31 incidents, migrants or refugees were targeted due to their national or ethnic origin, religion or colour and in 1 incident the staff of humanitarian organizations and the building intended to host refugees were targeted. The Network called upon the State to intensify its efforts to put an end to impunity for racist attacks and to support in practice victims of racist attacks and to pre-emptively promote actively tolerance and respect for diversity.⁵¹

[annual-report-2015.html](#); and UNHCR Greece Press release, 2016 Annual Report of the Racist Violence Recording Network, 4 April 2017, available at: <https://www.unhcr.gr/print/nea/artikel/4b1df4735283e38ddde09da2d41d6757/2016-annual-report-of-the-racist-vio.html>

50 See for more information: European Union Agency for Fundamental Rights (FRA), Racist Violence Recording Network, available at: <http://fra.europa.eu/en/promising-practices/racist-violence-recording-network#designing-bodies>

51 UNHCR Greece Press release, 2016 Annual Report of the Racist Violence Recording Network, 4 April 2017, available at: <https://www.unhcr.gr/print/nea/artikel/4b1df4735283e38ddde09da2d41d6757/2016-annual-report-of-the-racist-vio.html>

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

The 2009 Strategic Approach advises those applying it to examine underlying reasons, such as fears of the unknown, concerns related to the preservation of national cohesion and identities, increased migratory flows, economic downturn, or rising unemployment. These are contextual factors whose manifestation is influenced by underlying inequalities and privileges. These factors may amplify pre-existent situations of racism, racial discrimination, xenophobia and related intolerance.

UNHCR could consider the following aspects:

- Operations could focus on understanding interactions among indigenous and “other” groups in host societies, and the social, political, economic context of the country to pinpoint the underlying dynamics. Operations should also focus on definitions of who is considered to be a citizen in the country under the relevant nationality law.
- Record legal, policy or societal changes in the context of your country of operation and responses from national authorities.
- Keep a record of institutional practices, such as laws, court decisions, decrees, decisions of administrative bodies that concern, exclude or inadequately consider the claims of persons under UNHCR’s mandate.
- Integrate peaceful co-existence projects in programming, targeting refugees and host communities to enhance opportunities for local integration, reduce conflicts related to land and other scarce natural resources, and encourage the reduction of racism and xenophobia.

Example of UNHCR initiative: Survey and focus groups discussions to determine whether xenophobia exists in the local communities

Location: Ghana

Actor(s): UNHCR Ghana

Year(s): 2013

Context: The political events which took place in Cote d'Ivoire in 2011 marked the start of the Ivorian refugee emergency in Ghana. Egyeikrom, a rural community with a population of about 1,400 people, situated in the Komenda Edina Eguafu Abirem Constituency of the Central Region of Ghana is a farming community growing palm oil, pineapple and acacia. Egyeikrom Camp was opened by the Government of Ghana and UNHCR on July 20, 2011. A large portion of farmland belonging to the community was cleared to make way for the construction of the camp which resulted in several people in the community losing their source of livelihood.

Initiative: The assessment sought to determine whether xenophobia existed in the Egyeikrom community, to find out how informed the host community was about refugee issues and to generate data to assist UNHCR, together with refugees and other stakeholders, in adopting appropriate measures. The assessment consisted of a survey and focus group discussions with a view to collecting both quantitative and qualitative data and targeted local authorities, members of the host community, the refugee community and the media.

Outcome: Following this assessment, the Office engaged in various activities aimed at fostering peaceful coexistence between the refugee and host community. One such activity was the Biomass Briquette Project at Egyeikrom Camp, a involving refugees and host communities working together to produce environmentally friendly briquettes and fuel efficient stoves. Another example was the construction of a multipurpose market in Egyeikrom and a lorry station in Fetentaa Camp, serving both the refugee and host communities.

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

UNHCR could consider the following aspects:

- Qualify allegations as racial discrimination, forms of racism, xenophobia, hate crimes, hate speech, according to existing international norms and standards whether at international, regional or national level.
- Collect data on incidents of racism, racial discrimination, xenophobia; victims and perpetrators, including through social media monitoring.
- Develop an analytical framework together with data analysts and staff in UNHCR's multi-functional teams to report on incidents of racial discrimination, racism or xenophobia in order to identify trends.
- Refer racist incidents, racist crimes, racist discrimination and racism in the media or online to relevant national authorities for further investigation and access to justice for victims.
- Collect data on the protection gaps caused by racial discrimination, racism and xenophobia or other forms of intolerance. Classify such protection gaps with reference to domestic law, international human rights law, refugee law, or instruments relevant to internally displaced persons or stateless persons.
- Collect data on indications about prejudice or stereotypes invoked by either the host communities or the communities of persons of concern regarding:
 - *access to services, such as health, education, shelter, and food;*
 - *access to local integration opportunities, such as inclusion in livelihood opportunities, financial resources (micro finance loans), telecommunications;*
 - *access to judicial and administrative procedures, such as procedures to obtain documentation, naturalization processes, registration of birth and over life events, and recognition of legal titles to land.*
- Consider using the Rights Mapping Tool for further guidance and indicators on equal access to rights.

Example of UNHCR initiative: Participatory assessments with indigenous populations

Location: Brazil

Actor(s): UNHCR Brazil

Year(s): 2017

Context: As of September 2017, there were 16,400 Venezuelan asylum-seekers in the country. Within this population, there is a significant presence of indigenous individuals, mainly from the Warao ethnicity – the second largest indigenous group in Venezuela. In the northern region of Brazil, non-indigenous populations are resistant to recognize indigenous rights, and land conflicts among indigenous groups and landowners are frequent, creating an unreceptive environment for newcomers. Therefore, Waraos have been facing discrimination by local communities and also by non-indigenous Venezuelans. Moreover, cultural diversity and lack of awareness by local stakeholders hinder Waraos' access to rights and services, which include challenges regarding registration, child protection and emerging negative coping mechanisms due to lack of local integration opportunities.

Initiative: The Office conducted specific participatory assessments with the Warao population to identify their protection needs. The Office identified that many Warao individuals lacked identification documents, being in an irregular migratory situation in Brazil, and did not seek Brazilian authorities to file asylum claims. Among the identified barriers to access the asylum mechanism, UNHCR identified the following issues: (i) lack of information; (ii) difficulties to file asylum forms and obtain personal photos required to fill an application; and (iii) language barriers. Moreover, Warao children were not allowed to access the asylum mechanism due to lack of any identification proofing their affiliation, thus impeding their parents to submit asylum claims on their behalf. Moreover, prejudice from local communities and services providers was identified as an existing barrier for accessing existing services.

Outcome: In response, UNHCR took, among others, the following measures:

- In partnership with local NGOs, supported local governments and institutions to outreach Warao individuals to help them file asylum claims;
- In partnership with the Public Defender's Office and the Federal Police, UNHCR engaged Warao chiefs in the registration procedures; and
- UNHCR supported the establishment of reception centers in Boa Vista and Pacaraima to shelter Waraos, as many of them were living on streets and exposed to protection risks, including xenophobia and related violence.

Example of UNHCR initiative: Social Media Monitoring in the context of the attack in Berlin on 19 December 2016⁵²

Location: Germany

Actor(s): UNHCR Innovation Service

Year(s): 2016

Context: On 19 December 2016, a rental truck plowed into a Christmas Market in Berlin leaving 12 people dead and approximately 50 people injured.

Initiative: The UNHCR Innovation Service conducted a sentiment analysis exercise in collaboration with the Regional Bureau for Europe. It set up a monitor to analyse public opinion by exploring ‘tweets’ with regard to refugees in the aftermath of the attack in Berlin. The monitor analysed whether the tweets contained xenophobic language. UNHCR Innovation Service used UN and OHCHR definitions of xenophobia as key words for the monitor.

Outcome: The monitor was able to analyse more than 16.6 million tweets of which 4.8 million were found to be blaming refugees for the Berlin attack, while 1.1 million tweets were expressing views not blaming refugees for the incident or not linking refugees and the attack. Most of the tweets blaming refugees for the attack expressed xenophobic, racist and Islamophobic views towards refugees.

The Innovation Service has supported UNHCR Operations conducting social media monitoring in Colombia in relation to the Venezuela situation (2017), in assessing intentions of return to Syria (2017), or in relation to the US Executive Order on Immigration and Syrian Refugees (2017).

For further information about social media monitoring, contact the Innovation Service!

⁵² This is an excerpt from a report issued by the Innovation Service, Social Media Monitoring: Big Data Analysis- Berlin Situation Awareness, 2016.

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

UNHCR could consider the following aspects:

- Use the definition of racial discrimination in the ICERD as a reference to examine domestic legislation regarding equality, non-discrimination and ending racial discrimination.
- Discuss with the Government the inclusion of persons of concern in national action plans against racism.
- Monitor the processes of adoption and application of laws, policies or judicial decisions as well as the conformity of their content with international standards.⁵³

53 See for example: European Network against Racism, Toolkit on documenting the discriminatory impact of counter-terrorism and counter-radicalisation in the European Union, 2018, available here: https://www.enar-eu.org/IMG/pdf/2018_10_counter-terrorism_toolkit_final.pdf

Example of UNHCR initiative: Strengthening the National Ombudsman's Office

Location: Colombia

Actor(s): UNHCR Colombia

Year(s): ongoing

Context: As the top Government agency in charge of the promotion of human rights, the National Ombudsman's Office is a key partner for UNHCR in its protection work. Its Ethnic Delegate has been a strategic partner of UNHCR in empowering indigenous authorities about their individual and collective rights, in intra and interethnic conflict resolution and in the formation of human right's leaders.

Initiative: Over the years, UNHCR Colombia has played a key role in strengthening the National Ombudsman's Office, particularly by helping set up and providing considerable funding for the Community Defenders (Defensores Comunitarios) program as well with the Houses of Rights (Casas de Derechos). The Community Defenders program has geographical coverage in remote, border and war-torn areas where populations are at high risk of becoming displaced and aims to build strong linkages with indigenous communities. The 'Houses of Rights', serve as community centers in urban contexts for the promotion and protection of human rights.

v. Engage a network of diverse stakeholders

UNHCR could consider the following aspects:

- Define strategic objectives that UNHCR can promote when collaborating with partners or in various fora.
- Engage with various actors ranging from those who have decision-making power regarding laws, policies and practices, namely: parliamentarians, representatives of the executive, law enforcement officials.
- Engage with actors who do not have decision-making power over laws and policies, such as: persons of concern, communities of diaspora refugees, non-governmental organizations, faith-based organizations, intergovernmental organizations, online communities, media as well as actors who contribute to the formation of public opinion, educational institutions and providers of education on human rights issues.⁵⁴

Example of UNHCR initiative: Promoting social cohesion and peace consolidation

Location: Central African Republic (CAR)

Actor(s): UNHCR and the NGO Afrique Secours et Assistance (ASA)

Year(s): 2016-2017 (initially 1 year)

Context: The succession of internal conflicts in CAR from 2013 to date has caused the displacement of several hundreds of thousands of people, either inside the territory or to neighbouring countries. At the peak of the conflict, many Peulh, belonging to the Muslim community, have fled the conflict, leaving behind their lands, their goods and their jobs. Left vacant, these lands and goods have immediately been plundered, confiscated or occupied by the

⁵⁴ See for instance: OSCE- ODIHR, Coalition Building for Tolerance and Non-Discrimination. A Practical Guide, available here: <https://www.osce.org/odihr/386441?download=true> See also: OSCE-ODIHR, Model Workshop Trainers' Manual: Building Coalitions for Tolerance and Non-discrimination, 2019, available here: <https://www.osce.org/odihr/coalition-building-model-workshop>

people who stayed. Since the start of a progressive return to stability in some provinces of the country, displaced persons are trying to return to their home region and are now facing security threats as well as rejection by the local populations. In addition to deprivation of their lands and goods, returning Peulh are also facing discrimination. They are sometimes deprived from accessing basic social services such as schools and health centres. They also have restrained access to markets or other places of economic exchange.

Initiative: The project “Promotion de la Cohésion sociale et la culture de la Paix basée sur la redynamisation de l’Etat par la Base” was developed by UNHCR and ASA and aimed to resume dialogue between the communities, and encourage returning displaced persons and those who stayed to live together and to contribute to peace consolidation. The project used different activities in order to reinforce social cohesion and peaceful coexistence, including: community information and training sessions in conflict management with regard to the restitution of housing, land and property for customary community leaders; technical, material and financial support to develop empowerment activities for women and youths in order to facilitate economic and social reinsertion; reviving the Kalangba Siriri platform (a platform of journalists) and to put into place a communication and awareness strategy on social cohesion; identifying persons traumatized by the armed conflict and provide them with the care they need as well as financial, technical and material support to community groups of women and youth to create income-generating activities and other forms of targeted reintegration.

vi. Inclusion of affected communities

Affected communities must be included in the design, implementation, review and evaluation of UNHCR's strategies to address and respond to racism, racial discrimination, xenophobia and related intolerance. They must also be periodically and effectively consulted in the implementation of related activities and impact assessments. Progress towards preventing and responding to racism, racial discrimination, xenophobia and related intolerance can and must be measured both in objective terms (i.e. number of incidents), but also from a subjective terms (i.e. fear / security perceptions).

UNHCR could consider the following aspects:

- Ensure communication channels with both communities of persons of concern and host communities to discuss perceptions, attitudes, and to understand systems of values and expectations.
- Actively engage host communities and persons of concern to discuss issues related to racism, xenophobia and related intolerance and determine whether communities perceive that certain incidents have racist motives.
- Actively engage host communities and persons of concern in a participatory process to design, implement, monitor and evaluate approaches to address racial discrimination, racism, xenophobia and related intolerance.

Example of UNHCR initiative: Youth Peace Education Club (Pugnido)

Location: Ethiopia

Actor(s): UNHCR, Development and Inter-Church Aid Commission (DICAC)
(informally through provision of meeting space)

Year(s): 2017

Context: Ethnic tensions between the Nuer and Anyuak ethnic groups of Pugnido intensified at the beginning of 2016, resulting in violent conflicts that adversely affected the relationship between the refugees and the host community. It also disrupted social interactions in and around Pugnido refugee camps to the extent of costing human life from both sides. Due to ethnic tensions, further relocations of South Sudanese refugees entering Ethiopia during the 2017 influx in Gambella could not take place, in spite of the fact that Pugnido II refugee camp has the capacity to host several more thousand refugees. Refugees reported that during the conflict, youth were often instigators and perpetrators of crimes. As a result of the tensions, refugees no longer have access to fishing areas, they fear going far to collect natural resources where the host community may retaliate, and limit contact with the host community.

Initiative: The Youth Peace Education Club activities were organized into four groups by dividing themselves as traditional dance, modern dance, storytelling and drama with the intent to use their art skills and talents for peace education promotion to rebuild the lost trust and good brotherhood among the two communities. The group met once a week at the DICAC secondary school, which was a neutral location between the refugee camps and the host community town.

At the beginning, team formation and team-building was hardly possible since social contact between the two communities had been interrupted for months. Parents' lack of confidence in the capacity of the youths' initiative to contribute to the reconstruction of a healthy social interaction, and low leadership skills and lack of exposure of youth to such initiatives were the main challenges. However, UNHCR was able to address these challenges

gradually, through mentoring and coaching the youth. By setting aside their differences, members of the Youth Peace Education Club together learned about project implementation and budget utilization, gained leadership skills by coordinating and organizing their group activities, created a shared platform for youth from both sides to learn the culture and tradition of one another, and started practicing and delivering art for peace-building both at school and during large celebrations including World Refugee Day.

Outcome: The Youth Peace Education Club is the only forum in Pugnido where members from both communities meet regularly to openly interact with each other. For the first time since the inter-ethnic conflict in Pugnido, youth from the two ethnicities had a platform where they could interact and build friendships, and were soon seen walking together in town or visiting each other in their homes and attending family events and celebrations, which was previously not possible.

vii. Provide individual support to victims

UNHCR could consider the following aspects:

- Ensure that victims of racial discrimination and xenophobia have access to effective judicial, quasi-judicial and administrative remedies and are protected in the process of seeking justice from intimidation or other forms of human rights violations;
- Advise victims with regard to avenues for submitting individual complaints, report incidents of racial discrimination, xenophobia, hate crimes or hate speech;
- Advise victims on access to psychological and protection services.

Example of UNHCR initiative: Diversity Initiative

Location: Ukraine

Actor(s): UNHCR Ukraine, experts, IOM, Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (ODIHR), NGO Right to Protection and Rokada Charitable Foundation

Year(s): 2015

Context: Hate crimes demand an effective response because of their psychological impact on the members of minority communities. In particular, asylum-seekers and refugees are at heightened risk of being victims of hate crimes. Investigation of such cases in Ukraine showed that this vulnerable group faces a number of challenges, including limited access to interpretation services, lack of ability and willingness of law-enforcement agencies to qualify a crime correctly, and the failure by police to take such crimes seriously. Asylum-seekers and refugees often report harassment and discrimination on the part of police, as well as lack of interest or not being taken seriously when they report hate crimes.

Initiative: As part of work on the Diversity Initiative, UNHCR organized two events in December 2015 to build the capacity of government bodies and civil society to enhance the reporting and prosecution of hate crimes. Together with IOM and ODIHR, UNHCR held an expert roundtable on combatting hate crimes in Ukraine: “Building Partnership and Communication between Law Enforcement and Minority Communities.” This event brought together representatives of the Ministry of Interior, minority communities and civil society organizations. Experts on hate crimes from Croatia also shared best practices and ODIHR presented its book, “Understanding Hate Crimes: A Handbook for Ukraine”. Furthermore, UNHCR together with its implementing partners Right to Protection and Rokada held a one-day training for newly recruited patrol police officers in Kyiv. The training covered sessions on international protection and the asylum system in Ukraine and focused on discrimination and hate crimes experienced by those who were undocumented.

3.2. Involving national frameworks

UNHCR cannot adequately address and respond to instances of racism and xenophobia by acting in isolation. States have the responsibility to prevent racism and xenophobia as well as to respond to alleged incidents by conducting effective investigation of allegations of racism and xenophobia, sanctioning perpetrators according to national laws, and ensuring victims have access to justice and remedies. There are several instruments and bodies within a State's policy and institutional frameworks that UNHCR could engage with on specific issues related to racism and xenophobia not only at national level, but also at provincial, municipal or local level. They include national human rights institutions, national specialized bodies and national action plans against racism.

Role that parliamentarians can play to tackle racism and xenophobia affecting persons of concern:

UNHCR and the Inter-Parliamentary Union developed a Handbook for Parliamentarians which includes the following aspects as to parliamentarians' role in addressing racism and racial discrimination against persons of concern:⁵⁵

- Ensure the adoption and implementation of legislation aimed at preventing and combating racism, racial discrimination, xenophobia and related intolerance, including against persons of concern.
- Consult General Recommendation No. 30 of the Committee on the Elimination of Racial Discrimination⁵⁶.
- Support the adoption and implementation of policies aimed at promoting the positive aspects of a diverse society, as well as interaction between persons of concern, the local population, and civil society.
- Promote the development of a national action plan to combat racism, racial discrimination, xenophobia and related intolerance, monitor its implementation in consultation with relevant stakeholders.
- Establish national programmes that facilitate the access of all, without discrimination, to basic social services.
- Ensure that perpetrators of racist and xenophobic violence are effectively and openly condemned through courts of law, human rights commissions and ombudsmen's offices and in parliamentary discourse.

⁵⁵ UNHCR, Inter-Parliamentary Union, A guide to international refugee protection and building state asylum systems, Handbook for Parliamentarians No. 27, 2017, p. 222, available here: <https://www.unhcr.org/publications/legal/3d4aba564/refugee-protection-guide-international-refugee-law-handbook-parliamentarians.html?query=racism>

⁵⁶ UN Committee on the Elimination of Racial Discrimination (CERD), General Recommendation No. 30 on Discrimination Against Non Citizens, 01 October 2002, available at: <http://www.refworld.org/docid/45139e084.html>

The UN Committee on the Elimination of Racial Discrimination also advises parliaments to adopt specific legislation to the effect of:⁵⁷

- Criminalizing hate crimes and ensure that such legislation is in line with the ICERD and that racial motivation is listed as an aggravating circumstance;
- Criminalizing racist hate speech, in accordance with article 4 of the ICERD, and ensuring that racist or ethnic hatred is consistently taken into account as an aggravating circumstance when it serves as the motivation for an offence;
- Declaring illegal and prohibit organizations that promote and incite racial discrimination and to recognize participation in such organizations or activities as an offence punishable by law;
- Implementing policies against racial profiling.

57 UN Committee on the Elimination of Racial Discrimination, General Recommendation No. 35.

3.2.1. National human rights institutions (NHRIs)

National human rights institutions are State-established institutions by law or constitution which function with independence and meet cumulatively two key roles expressly stipulated in the Paris Principles relating to the status of national institutions (Paris Principles) adopted by the General Assembly in 1991. NHRIs have a mandate to promote and protect human rights. They play a key role in promoting and monitoring Government efforts in the realization of human rights at national level without discrimination. In this sense, the UN Committee on the Elimination of Racial Discrimination recognized the important role of NHRIs in strengthening the implementation of the Convention and recommended States to establish NHRIs that could undertake several actions to combat racial discrimination, including:

- To promote respect for the enjoyment of human rights without discrimination;
- To review government policy towards protection against racial discrimination;
- To educate the public regarding racial discrimination.⁵⁸

Moreover, the Durban Declaration and Programme of Action places particular emphasis on the role of independent NHRIs as well as of regional associations of NHRIs in combating racism, racial discrimination and related intolerance.⁵⁹ States are urged to ensure that:

- individuals or groups of individuals who are victims of racism, racial discrimination, xenophobia and related intolerance can participate fully in these national institutions;⁶⁰
- NHRIs are involved in training activities on norms prohibiting racial discrimination;⁶¹ and
- NHRIs are involved in the elaboration of action plans to combat racism.⁶²

58 UN Committee on the Elimination of Racial Discrimination, General Recommendation No. 17 on the establishment of national institutions to facilitate the implementation of the Convention, 1993, available here: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=6&DocTypeID=11

59 Durban Declaration, paras 112-113 and the Programme of Action, para 90.

60 Durban Programme of Action, para 91.

61 Durban Programme of Action, para 135.

62 Durban Programme of Action, para 191(a).

What UNHCR can do:

- Hold briefings with NHRIs on situations of racism, racial discrimination, xenophobia and related intolerance affecting persons of concern;
- Cooperate with NHRIs in conducting inquiries into racism, racial discrimination, xenophobia and related intolerance affecting persons of concern;
- Discuss with NHRIs possibilities to promote legislative or policy amendments to align national frameworks with international standards;
- Encourage disaggregated data collection of racism, racial discrimination, xenophobia and related intolerance and ensure persons of concern are included;
- Provide free legal aid to persons of concern who pursue legal remedies for violations related to racism, racial discrimination, xenophobia and related intolerance;
- Inform persons of concern they can directly contact NHRIs in order to submit individual complaints or ask for legal advice or information.

3.2.2. National specialized bodies to prevent and combat racism and racial discrimination

Art. 14(2) of the ICERD prescribes that States Parties may establish or indicate a body within its national legal order that would be competent to receive and consider petitions from individuals and groups of individuals within its jurisdiction who claim to be victims of a violation of the rights set forth in the Convention and who have exhausted other available local remedies.

Examples of States that established national specialized bodies:⁶³

- Guatemala (Presidential Commission on Discrimination and Racism against Indigenous Peoples);
- Brazil (Specialized Secretariat for the Promotion of Racial Equality);
- Mexico (National Council for the Prevention of Discrimination);
- Honduras (National Commission against Racism);
- Paraguay (Department for Action against Discrimination);
- Italy (National Office against Racial Discrimination).

National specialized bodies fulfil a two-prong role: to respond to individual allegations of racial discrimination and racism, and to promote policy and legal changes by advising decision-makers on how to include the perspective of racial equality into all policies and programmes. National specialized bodies can sometimes also advise the private sector, businesses and trade unions. These bodies issue opinions, conduct research, provide recommendations on cases and give guidance and support services.⁶⁴

⁶³ The full list of national specialized bodies established in Europe is available here: <https://www.coe.int/en/web/european-commission-against-racism-and-intolerance/list-of-national-specialised-bodies>

⁶⁴ For more information about the national specialized bodies, see: Report to the UN General Assembly of the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mutuma Ruteere, A/71/301, 5 August 2016, available here: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N16/250/54/PDF/N1625054.pdf?OpenElement>

The European Commission against Racism and Intolerance issued guidance which clarified the mandate of the national specialized bodies as follows:

- Monitor the content of and effects of legislation with the purpose to eliminate racism;
- To advise legislative and executive authorities to improve regulations and practice;
- Provide assistance to victims, including legal aid;
- To hear and consider individual complaints and seek settlements;
- To advise on standards regarding the principle of non-discrimination;
- To build capacity of relevant actors at national level;
- To raise the awareness of the public.⁶⁵

Importantly, the composition of these specialized bodies can comprise representatives of social organizations, organizations defending the rights of various groups of individuals, which may include organizations defending the rights of persons under UNHCR's mandate.

What UNHCR can do:

- Hold briefings with the national specialized body and discuss the particular situation of persons of concern and how they are affected by racism, racial discrimination, xenophobia and related intolerance;
- Encourage the national specialized body to include representatives from among persons of concern in its composition;
- Provide analysis of the situation of persons of concern to support the national specialized body to make recommendations for amendments that take into

65 European Commission against Racism and Intolerance, General Policy Recommendation No. 2 on Equality Bodies to Combat Racism and Intolerance at National Level, CRI(2018)06, 2017, available here: <https://rm.coe.int/ecri-general-policy-16808b5a23>.

account the perspective of forced displacement and statelessness;

- Inform persons of concern that they can submit individual complaints to the national specialized body regarding incidents of racism and racial discrimination, and they can request legal aid;
- Contribute alongside the national specialized body in capacity-building and training programmes for national authorities, including parliament, the executive, the judiciary, law enforcement officials, border and immigration authorities as well as the general public.

3.2.3. National action plans against racism

The Durban Declaration and Programme of Action calls on States to adopt national action plans to promote diversity, equality, social justice, equality of opportunity and participation of all. States also comply with their obligations under the ICERD when they adopt national action plans against racism.

A national action plan against racism and/or racial discrimination represents a comprehensive programme of concrete activities aimed at progressively bringing about improvements in the promotion of racial equality.⁶⁶ Several States have already implemented national action plans against racism, but not all of them are fully implementing them.

National action plans against racism present characteristics that make them key tools at national level to advance addressing racism and xenophobia, namely:⁶⁷

- The national action plans are adapted to respond to the situations of racism and racial discrimination specific to each country;
- The national action plans assign concrete responsibilities to specific State

66 OHCHR, National Action Plans against Racial Discrimination, August 2013, available here: <https://www.ohchr.org/Documents/Issues/Racism/NAPARD.pdf>

67 European Network against Racism, Lessons for Effective National Anti-Racism Policies. National Action Plan against Racism, 2019, available here: https://www.enar-eu.org/IMG/pdf/napar_lessons_for_effective_national_anti-racism_policies_final.pdf

bodies for the implementation of specific actions. They should enjoy legal status and be binding;

- The national action plans also include timelines for the implementation of the activities which enable follow-up and monitoring;
- Those responsible for the drafting and implementation of the national action plans against racism and the national specialized bodies should be closely working together.

A national action plan against racism is inclusive of persons of concern if it provides:

- A definition of racial discrimination that contains all the elements of the definition provided in the Convention on the Elimination of All Forms of Racial Discrimination and the perspective of intersectionality;
- Commitments for States to review and withdraw reservations to human rights instruments that affect persons of concern;
- Actions targeted at the protection of persons under UNHCR's mandate against racism and xenophobia;
- Actions on nationality and prevention of statelessness;
- Channels of collaboration between national authorities and UNHCR.

What UNHCR can do:

- Advise the Government and civil society on how racism and xenophobia affect persons of concern;
- Use the Durban Declaration and Programme of Action which expressly considers refugees, asylum-seekers and internally displaced persons as groups particularly vulnerable to the risk of racism;
- Advocate with the Government for the inclusion of persons of concern in

national plans against racism;⁶⁸

- Design collaboration strategies with the Government or other relevant national authorities on the implementation and monitoring of the national plans against racism with regard to persons of concern.

Example:

The National Plan against Discrimination of Argentina includes refugees among victims of racism and provides for concrete actions the Government should take:⁶⁹

- Promote the inclusion of refugees in housing and social security and relax requirements regarding documentation;
- Strengthen the capacity of administrative authorities, including border authorities to increase their ability to deal with refugee claims;
- Promote refugees' access to tertiary education.

68 For guidance on how to support Governments to establish and implement national action plans against racism, see: OHCHR, Developing national action plans against racial discrimination. A practical guide, 2014, available here: <https://www.refworld.org/docid/5566debe4.html>

69 National Plan against Discrimination of Argentina, 2005, available here: <http://www.observatorio.gob.ar/wp-content/uploads/2009/10/plannacional.pdf>

3.3. How UNHCR can use regional mechanisms and platforms to address racism, racial discrimination, xenophobia and related intolerance

Regional intergovernmental organizations, such as African Union, Association of Southeast Nations, Council of Europe, European Union, Organization of American States, Organisation of Islamic Cooperation, Organization for Security and Cooperation in Europe also make significant contributions to advance ending racism, racial discrimination, xenophobia and related intolerance.

Moreover, the Durban Declaration and Programme of Action further urges States to support activities of regional bodies or centres that combat racism, racial discrimination, xenophobia and related intolerance. According to the Durban Declaration, these regional bodies would perform the following functions, namely:

- assess and follow-up on the situation of racism, racial discrimination, xenophobia and related intolerance, the situation of individuals or groups of individuals who may be victims;
- identify trends and issues;
- collect and disseminate information on these issues; and
- conduct awareness-raising campaigns or develop proposals or preventive measures through joint efforts in collaboration with the UN and other relevant institutions.⁷⁰

Several regional organizations have established dedicated mechanisms to address issues related to racism, racial discrimination, xenophobia and related intolerance.

70 Durban Declaration and Programme of Action, para 188.

3.3.1. African Union

- The **African Commission on Human and Peoples' Rights** established the **Special Rapporteur on Refugees, Asylum-Seekers and Internally Displaced Persons** in 2004 with a broad mandate which includes assisting Member States of the African Union to develop appropriate policies, regulations and laws for the effective protection of refugees, asylum-seekers and internally displaced persons.

3.3.2. Regional organizations in Europe

- Member States of the European Union established the **European Union Agency for Fundamental Rights** in 2003 as the successor to the European Monitoring Centre on Racism and Xenophobia. The Agency carries out research and provides technical assistance to EU Member States to combat discrimination, inequality and racism in all their forms, including hate crimes. In addition to monitoring and advising on the implementation of the EU Charter of Fundamental Rights, the Agency also conducts research into the implementation of the Racial Equality Directive⁷¹ (2000/43/EC), which is the key instrument to combat discrimination on the ground of racial or ethnic origin in the European Union.⁷²
- **Council of Europe** established the **European Commission against Racism and Intolerance (ECRI)** which is a human rights monitoring body established in 1993 with a mandate to combat racism, discrimination on the ground of race, ethnic or national origin, colour, citizenship, religion, language, sexual orientation and gender identity, as well as xenophobia, antisemitism and intolerance in Europe. It is composed of 47 independent members who conduct country visits, issue reports and make recommendations to each of the Member States of the Council of Europe.⁷³

⁷¹ European Union, Council Directive 2000/43/EC, 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, available here: <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32000L0043>

⁷² <https://fra.europa.eu/en/themes/equality-non-discrimination-and-racism>

⁷³ <https://www.coe.int/en/web/european-commission-against-racism-and-intolerance>

- **Organization for Security and Cooperation in Europe (OSCE)** - OSCE established several mandates that address issues related to racism, racial discrimination, xenophobia and related intolerance, as follows:
 - *Office for Democratic Institutions and Human Rights (ODIHR) provides support, assistance and expertise to participating States and civil society to promote democracy, rule of law, human rights and tolerance and non-discrimination. ODIHR observes elections, reviews legislation and advises governments on how to develop and sustain democratic institutions. The Office conducts training programmes for government and law-enforcement officials and non-governmental organizations on how to uphold, promote and monitor human rights. Every year, ODIHR publishes the annual hate crime report to which UNHCR country offices contribute by submitting data on hate crimes against persons of concern. Furthermore, ODIHR regularly invites UNHCR staff based in the OSCE region to attend their annual hate crime workshops to learn about data collection.⁷⁴*
 - *The OSCE High Commissioner on National Minorities (HCNM) gets involved in a situation if, in their judgement, there are tensions involving national minorities which could develop into a conflict. Much of the day-to-day work is in identifying and addressing causes of ethnic tensions and conflicts. The High Commissioner addresses the short-term triggers of inter-ethnic tension or conflict and long-term structural concerns. If a participating State is not meeting its political commitments or international norms, the High Commissioner will assist by providing analysis and recommendations. Based on experience, the HCNM publishes thematic Recommendations and Guidelines that give advice on common challenges and best practice. The HCNM also provides structural support through small collaborative projects that aim to achieve sustainability through increasing local ownership.*
 - *The activities of the OSCE Representative on Freedom of the Media can be divided into two groups: observing media developments as part of*

⁷⁴ For more information on OSCE/ODIHR's work please contact the UNHCR Liaison Office to the OSCE and other Vienna-based UN Agencies: ausvilo@unhcr.org

an early warning function and helping participating States abide by their commitments to freedom of expression and free media (including combating hate speech while preserving freedom of expression). The Representative also holds annual regional media conferences, bringing together journalists, representatives of civil society and government, as well as academics, to discuss current media freedom issues.

3.3.3. Organization of American States

The General Assembly of the Organization of American States (OAS) adopted in 2013 two instruments that address discrimination and intolerance in the region, namely the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance (Anti-Racism Convention)⁷⁵ and the Inter-American Convention against All Forms of Discrimination and Intolerance (Anti-Discrimination Convention).⁷⁶ The Inter-American Commission on Human Rights established the mandate of the Office of the Rapporteur on the Rights of Persons of African Descent and against Racial Discrimination. The Rapporteur has a mandate to advise Member States of the OAS on the elimination of all forms of racial discrimination.⁷⁷

75 Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance, available here: http://www.oas.org/en/sla/dil/inter_american_treaties_A-68_racism.asp

76 Inter-American Convention against All Forms of Discrimination and Intolerance, available here: http://www.oas.org/en/sla/dil/inter_american_treaties_a-69_discrimination_intolerance.asp

77 For further information related to the mandate of the Inter-American Commission Rapporteur on the Rights of Persons of African Descent and against Racial Discrimination, please see: <http://www.oas.org/en/iachr/afro-descendants/default.asp>

Example of UNHCR initiative: UNHCR contribution to the OSCE-ODIHR Annual Hate Crime Report

Location: All 57 participating States of the Organization for Security and Co-operation in Europe (OSCE) [Albania, Andorra, Armenia, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, the Holy See, Hungary, Iceland, Ireland, Italy, Kazakhstan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, Mongolia, Montenegro, the Netherlands, North Macedonia, Norway, Poland, Portugal, Romania, the Russian Federation, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, Turkey, Turkmenistan, Ukraine, the United Kingdom, the United States of America, and Uzbekistan]

Actor(s): The OSCE Office for Democratic Institutions and Human Rights (ODIHR) and UNHCR (Liaison Office Vienna and respective country offices)

Year(s): 2011 – ongoing

Context: In its comprehensive understanding of security, the OSCE also deals with the phenomenon of hate crime in the OSCE region. More specifically, its Office for Democratic Institutions and Human Rights (ODIHR) supports government officials in the 57 OSCE participating States in designing and developing monitoring mechanisms and data collection on hate crime. ODIHR has published hate crime information annually since 2006. Based on the data received from government officials, civil society and international organizations – including UNHCR –, ODIHR analyses and publishes hate crime data by bias motivation and by country. As ODIHR does not have field operations, it has established a network of hate crime focal points and benefits from input from the 16 OSCE field operations. To complement the picture, it values specific input from UNHCR as to hate crimes targeting refugees and other persons of concern.

Initiative: In 2011, UNHCR and ODIHR signed a Memorandum of Understanding to collaborate on a variety of activities including research,

training, monitoring, and reporting on issues in the fields of racism, discrimination, xenophobia and related intolerance. This was the start of systematic and regular contributions by UNHCR country operations to the ODIHR Annual Hate Crime Report. Every year, UNHCR offices in the OSCE region are asked to enter their data on recorded hate crimes committed against persons of concern, as well as on specific UNHCR projects in a simple reporting template (see Annex I). All data is then compiled and submitted to ODIHR by the UNHCR Liaison Office to the OSCE and Vienna-based UN Agencies.

Outcome: The information published annually on the specific website (www.hatecrime.osce.org) contains official hate crime data from government authorities and hate incidents reported by civil society and international organizations, including UNHCR. Data collected by ODIHR also helps UNHCR in its advocacy efforts.

The information helps the 57 OSCE participating States to identify where improvements need to be made. ODIHR works with States to implement these changes. This ranges from supporting policymakers to running training programmes for police, prosecutors, and civil society. Also, UNHCR staff have regularly participated in ODIHR trainings on hate crime data collection, which has contributed to better reporting, but also a better understanding of the importance of recording hate crime incidents committed against persons of concern.

As the 2011 MoU expired in 2014 and because UNHCR-ODIHR collaboration has increased over the years, both Organizations signed a broader and open-ended MoU in 2015, including also co-operation on other human rights issues.

Reach out to the respective Regional Bureaux and respective Liaison Offices for more information on how to use the regional platforms.

3.4. How UNHCR can use the UN human rights framework

All human rights treaties include provisions affirming the principles of equality and non-discrimination. Article 2 of both International Covenants on Civil and Political Rights on the one hand and on Economic, Social and Cultural Rights, on the other, represents a model provision on equality and non-discrimination that has been reiterated in other human rights treaties as well. It prescribes States' obligation to respect and ensure to all individuals within their territory and subject to their jurisdiction without distinction of any kind, including on the grounds of national or social origin, birth or other status. The provisions of the International Covenant on Civil and Political Rights as well as of other human rights treaties, with certain exceptions for the International Convention on the Rights of Migrant Workers and Members of Their Families, apply to everyone, including refugees, asylum-seekers, internally displaced persons, returnees and stateless persons.⁷⁸ Additionally, the Convention on the Elimination of Racial Discrimination addresses specifically racial discrimination providing not only key legal definitions, but also underlining specific legal obligations States have in relation to racial discrimination.

Human rights treaties may also address situations where the exercise of certain rights may be limited or when States can derogate from their obligations under those treaties.

The prohibition of discrimination based on race is a provision from which States cannot limit or derogate under any circumstance, not even in situations of conflict or emergency affecting the life of the nation.⁷⁹

While issues related to racism and xenophobia may be raised before several human rights mechanisms, there are a number of instruments and mechanisms with specific mandates to address racial discrimination, racism, xenophobia, hate speech and hate crimes that can be of particular importance to UNHCR.

UNHCR Operations or Divisions can reach out to HRLU for advice and information on how to engage with the human rights mechanisms on any of these issues!

78 Human Rights Committee, General Comment No. 15, 1986, para 1. See also: Committee on Economic, Social and Cultural Rights, General Comment No. 20 on non-discrimination in economic, social and cultural rights, E/C.12/GC/20, 2 July 2009, para 30, available here: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=9&DocTypeID=11 Committee on the Elimination of Discrimination against Women, General Recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and stateless women, CEDAW/C/GC/32/2014, 14 November 2014, available here:

79 International Covenant on Civil and Political Rights, Article 4.

3.4.1. The Convention on the Elimination of Racial Discrimination and its Committee

With 182 States Parties, the UN Convention on the Elimination of All Forms of Racial Discrimination is a powerful instrument for UNHCR to raise issues about racism and xenophobia worldwide.⁸⁰

In addition to providing the definition of racial discrimination, the Convention also contains key provisions that:

- condemn hate speech as well as all propaganda and organizations based on ideas and theories of superiority of one race or group of persons of one colour or ethnic origin;
- require States to criminalize all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as acts of violence or incitement to such acts;
- urge States to declare illegal and prohibit organizations which promote and incite racial discrimination (Art. 4 ICERD);
- request States to eliminate all forms of racial discrimination in the enjoyment of several human rights, including the right to freedom of movement and residence within the border of the State; the right to leave any country, including one's own, and to return to one's country; the right to nationality; and socio-economic rights (Art. 5 ICERD);
- request States to ensure to everyone within their jurisdiction effective protection and remedies against any racial discrimination as well as the right to access to justice (Art. 6 ICERD).

UNHCR can consider engaging with the ICERD Committee in relation to situations of racism and racial discrimination in the following areas:

Access to territory and asylum procedures and expulsions or returns in any manner whatsoever (including extraditions)

Violence and discrimination against refugees, including refugee women and girls as well as IDPs and persons perceived of foreign origin

Detention	Statelessness and birth registration
Arbitrary arrest and treatment in detention	Call for review laws and policies on nationality
Trafficking in persons and forced labour	Family unity
Non-refoulement	Police violence
Outlaw hate speech, criminalize membership in racist organisations	Discrimination with regard to access to health care, education, employment, justice

There are several ways UNHCR can engage with the ICERD Committee⁸¹:

What UNHCR needs	What UNHCR can do	How UNHCR can do it	What the ICERD Committee does
An urgent decision in relation to specific cases	Use the early warning and urgent action procedure	Write confidential request to the Committee	Writes a letter to the Government requesting urgent measures
Remedies for individual cases of racism	Use the individual communication procedure	Advise individuals to submit a communication to the Committee Submit an amicus curiae in relation to a communication	Gives recommendations to the Government on how to remedy the alleged violations
Amendments in law and policy	Use the State reporting procedure	Write confidential comments to the Committee Participate in a confidential oral briefing with the Committee	Gives recommendations to the Government that you can further use in your advocacy work

What UNHCR needs	What UNHCR can do	How UNHCR can do it	What the ICERD Committee does
Stronger international standards on racism and xenophobia	Contribute to the development of General Recommendations Participate in oral briefings for the Committee members	Submit confidential comments on identified protection gaps regarding persons of concern	Issues General Recommendations Issues Statements

3.4.2. Human Rights Council

The Human Rights Council is a strategic advocacy platform as it constitutes the intergovernmental body of the UN system responsible for the promotion and protection of human rights worldwide. The Council emphasizes on the importance to prevent, address and respond to racism and xenophobia, and has dedicated procedures to address these matters. Raising issues about how racism and xenophobia affect persons of concern before the Council may lead to States' strengthening their political commitments to address racism and xenophobia, enhancing accountability and communicating on the importance of promoting equality, inclusion and diversity.

Every year the Council holds a dedicated panel in celebration of the International Day on the Elimination of Racial Discrimination. It also adopted resolutions on birth registration and the right to a nationality, or on the elimination of discrimination against women. Human rights concerns affecting the protection of minorities and indigenous peoples have also been addressed by the Council.

The Council is mainly an advocacy platform. It is best for promoting UNHCR's policies and protection objectives. It is not generally a mechanism when you need a rapid response.

There are several ways UNHCR can engage with the Human Rights Council:

What UNHCR needs	What UNHCR can do	How UNHCR can do it	What the Council does
Raise awareness on the negative impact of racism and xenophobia on persons of concern	Use the following platforms during the Council's sessions:	Prepare oral statements	Decides which issues constitute priorities for the Council
Influence political actors to address racism and xenophobia	- High-Level Segment for high-level interventions;	Provide inputs to Council resolutions on racism	Condemns human rights violations
Seek to build partnerships to work on racism and xenophobia	- Thematic panels and debates	Propose issues for discussion in panels and debates	Decides on issues to be discussed during its panels and debates
	- Interactive dialogues with Special Procedures Mandate Holders	Organize side-events during the Council's sessions	Requests OHCHR to prepare specific reports in collaboration with UN entities and relevant stakeholders
Promote a UNHCR practice or policy in addressing racism and xenophobia	- Council resolutions	Brief confidentially UN Permanent Missions	Adopts resolutions
	Participate in debates organized in the Council meetings between sessions (inter-sessional meetings)	Collaborate with relevant stakeholders	Provides recommendations to States on how they can fulfil their human rights obligations
			Decides on technical assistance and cooperation to States.

3.4.3. Universal Periodic Review

The Universal Periodic Review is a mechanism of the Human Rights Council that consists in a review of the progress made by the UN Member States in realizing their human rights obligations. It is a universal mechanism as all the UN Member States must periodically undergo the review. Unlike other human rights mechanisms, the Universal Periodic Review consists in peer-review where States review each other's progress in the realization of human rights.

The Universal Periodic Review takes place in cycles of 4.5 years which means that each UN Member State is reviewed once every 4.5 years. This makes the UPR a process targeted at achieving medium to long-term protection objectives at country level.

UNHCR can raise all issues related to racism and xenophobia before the Universal Periodic Review, except for individual cases.

There are several ways UNHCR can engage with the Universal Periodic Review.

What UNHCR needs	What UNHCR can do	How UNHCR can do it	What the UPR does
<p>Government commitment to amend laws, policies and practices regarding racism and xenophobia</p> <p>Government commitments to strengthen institutional capacity to respond to racism and xenophobia</p> <p>Open dialogue with national authorities and stakeholders on racism and xenophobia</p>	<p>Use the OHCHR Compilation report of UN information</p> <p>Use the UPR segment at the Human Rights Council adoption session</p> <p>Follow-up on the UPR recommendations</p>	<p>Write UNHCR public submission for the UPR of your country of operation</p> <p>Contribute to UPR submission jointly with UNCT, if available</p> <p>Brief UN Permanent Missions</p> <p>Prepare oral statements for the Human Rights Council adoption segment</p> <p>Invoke UPR recommendations in your advocacy and communications</p>	<p>States give each other recommendations on how to improve their human rights situation</p> <p>The States who are reviewed express their commitment to implement some recommendations</p> <p>Opens opportunities for international cooperation</p>

3.4.4. Special Rapporteur on Contemporary Forms of racism, racial discrimination, xenophobia and related intolerance

The Human Rights Council appoints independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective. Respect for the principles of equality and non-discrimination is embedded in the mandates of all of the Special Procedures. Nonetheless, several Special Procedures Mandate Holders deal with specific issues related to racism, racial discrimination and related intolerance. They include:

- the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance;
- the Independent Expert on Minority Issues;
- the Working Group on People of African Descent; and
- the Expert Mechanisms on the Rights of Indigenous Peoples.

These Special Procedures have similar working methods which comprise of conducting country-visits, elaborating annual thematic reports and receiving individual complaints. In particular, UNHCR can consider engaging with the **Special Rapporteur on contemporary forms of racism** when dealing with situations of racism and racial discrimination in the following areas:

Gaps in legislation, practice and/or institutional capacity in dealing with this phenomenon;	Access to housing for refugees and asylum-seekers;
The need to train civil servants in cultural sensitivity to work with asylum-seekers and refugees;	Access to public schools for asylum-seeking children;
Conditions of reception centers for asylum-seekers;	Vulnerability of the LGBTQ+ community;
Refugees and asylum-seekers' freedom of movement;	Risk of statelessness caused by racism and discrimination;

There are several ways UNHCR can engage with the Special Rapporteur on contemporary forms of racism:

What UNHCR needs	What UNHCR can do	How UNHCR can do it	What the Special Rapporteur does
Urgent intervention in an individual case to prevent violations	Request the Special Rapporteur to issue an urgent appeal	Submit information confidentially to the Special Rapporteur	Informs the Government of the risk of violations and asks for preventive actions
Urgent intervention in an individual case when violations have occurred	Request the Special Rapporteur to issue a letter of allegation	Submit information confidentially to the Special Rapporteur	Informs the Government that violations have occurred; requests investigatory actions
Amendments in national legal, policy and practices frameworks regarding racism and xenophobia	Engage with the Special Rapporteur in relation to a country visit	Submit information confidentially prior to the country visit	Engages in dialogue with State authorities during the country visit
Raising awareness of the impact on persons of concern		Brief the Special Rapporteur once in country	Issues a public country visit report with recommendations to the Government on further action Holds press conference at the end of the country visit
Advance international standards regarding combating racism and xenophobia	Engage with the Special Rapporteur in relation to the preparation of annual thematic reports to the Human Rights Council and General Assembly	Submit information in preparation of the thematic reports	Issues thematic reports containing interpretations of treaty provisions and recommendations to States

3.4.5. Special Rapporteur on the right to freedom of opinion and expression

Hate speech and offensive narratives targeting refugees and asylum-seekers have become widespread around the world. They undermine and dehumanize refugees and asylum-seekers.

A report analyzing hate speech against refugees in the German social media identified the following forms of racist hate speech against refugees:⁸²

- Contrasting “us” and “them”
- Generalizations (“all refugees ...”) and blanket attributions (e.g. refugee = Muslim)
- Normalization of discriminatory attitudes: “It’s no wonder that ...”
- Projecting onto “refugees” problems involving all of society like sexism, criminality or housing shortage
- Pejorative designations like “economic mi-grant” suggest that the fundamental right to asylum here is being exploited by people who are coming solely for financial reasons, not because they are seeking refuge from persecution
- Dehumanization: equating refugees with insects, parasites, animals, etc
- Lies about refugees and alleged criminality, violence, rapes, forged official papers – often disguised as an alleged personal experience
- Cultural racism (“They simply don’t fit in here”)
- (Nationalistic) relativizations: what about “our” children / homeless, etc.?

82 Amadeu Antonio Stiftung (Germany), Hate Speech against Refugees in Social Media. Recommendations for Action, 2018, available here: https://www.amadeu-antonio-stiftung.de/w/files/pdfs/eng_hetze-gegen-fluechtlinge.pdf

- Soon we'll feel like strangers in our own country / "our way of life is doomed"
- The establishment / the mendacious press – never tell us the truth anyway
- Anyone who helps refugees is a do-gooder, or quite probably a left-wing extremist
- So am I to be labeled a Nazi just because I ... / where is my own freedom of speech if you delete my comments?

The Special Rapporteur has addressed the following issues of relevance to persons of concern in its reports:

- Human rights standards on non-discrimination applicable to migrants and refugees;
- Hate speech and related abuse against migrants, asylum-seekers and refugees;
- Prohibition of incitement to violence.

OHCHR organized a series of workshops on the prohibition of incitement to national, racial or religious hatred which concluded with the adoption in 2013 of the **Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence**. The Plan of Action includes important recommendations on how States and the UN can strengthen their efforts to address national, racial or religious hatred⁸³:

83 Human Rights Council, Annual Report of the UN High Commissioner for Human Rights, Report of the UN High Commissioner for Human Rights on the expert workshop on the prohibition of incitement to national, racial or religious hatred. Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence , A/HRC/22/17/Add.4, 11 January 2013, available here: https://www.ohchr.org/Documents/Issues/Opinion/SeminarRabat/Rabat_draft_outcome.pdf

Recommendations to States:

- Enhance their engagement in broad efforts to combat negative stereotypes of and discrimination against individuals and communities on the basis of their nationality, ethnicity, religion or belief;
- Build the capacity to train and sensitize security forces, law-enforcement agents and those involved in the administration of justice;

Recommendations to the UN:

- UN entities should enhance their cooperation in order to maximize synergies and stimulate joint action;
- The UN should consider implementing, at the national level and in cooperation with States, measures to realize the recommendations addressed to States.

UNHCR can engage with the Special Rapporteur on the right to freedom of opinion and expression in similar ways as with the Special Rapporteur on contemporary forms of racism. Please see the section above for further information

3.5. Inter-agency and multi-stakeholder partnerships

The Global Compact on Refugees recognized that ending discrimination of any kind on the basis of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability, age or other status is key to prevent and address the root causes of forced displacement. For this reason, combating discrimination lies at the heart of partnerships and participatory approaches to implement the commitments comprised in the Global Compact on Refugees.

While partnerships can be established at local, regional and international level, this Guidance highlights key UN policies that drive action to end racial discrimination, racism, xenophobia and related intolerance.

Initiative	Objective of the Initiative regarding persons under UNHCR's mandate
Durban Declaration and Programme of Action	<p>It was the outcome of the World Conference against Racism held in 2001 in Durban, South Africa.</p> <p>The Declaration recognizes that racial discrimination, racism, xenophobia and related intolerance contribute to forced displacement while at the same time undermining the protection of refugees, asylum-seekers and internally displaced persons.</p> <p>The Programme of Action calls upon States to “recognize that racism, racial discrimination, xenophobia and related intolerance that refugees may face as they endeavor 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” .</p>
Agenda 2030 for Sustainable Development	<p>SDG 16.B. encourages States to “promote and enforce non-discriminatory laws and policies for sustainable development”</p>
The Highest Aspiration, UN Secretary-General Call to Action for Human Rights, 2020	<p>To mark the 75th anniversary of the United Nations, the Secretary-General presented his Call to Action for Human Rights which is guided by seven key principles, namely: rights at the core of sustainable development; rights in times of crisis; gender equality and equal rights for women; public participation and civic space; rights of future generations, especially climate justice; rights at the heart of collective action; and new frontiers on human rights.</p>

Initiative	Objective of the Initiative regarding persons under UNHCR's mandate
UN Strategy and Plan of Action on Hate Speech, 2019	<p>The UN Strategy and Plan of Action recognizes that racism, xenophobia and intolerance stigmatize and dehumanize minorities, refugees, migrants and any so-called “other”, and calls on enhanced protection of refugees against the impact of hate speech. The UN system undertakes the following commitments:</p> <ul style="list-style-type: none"> • Monitor and analyse hate speech; • Convene relevant actors; • Leverage partnerships; • Address root causes, drivers and actors of hate speech; • Use education as a tool for addressing and countering hate speech; • Fostering peaceful, inclusive and just societies to address the root causes and drivers of hate speech; • Engage and support victims of hate speech; • Use technology; • Engage in advocacy; • Build the skills of UN staff; • Develop guidance for external communications; • Engage with new and traditional media; • Support Member States with capacity-building and policy development to address hate speech.
Global call for concrete action for the total elimination of racism, racial discrimination, xenophobia and related intolerance	<p>The General Assembly adopted in 2017 a global call for action for the total elimination of racism (Resolution 72/157) and requested the Advisory Committee of the UN Human Rights Council to prepare a study on appropriate ways and means to assess the current situation.</p>

Initiative	Objective of the Initiative regarding persons under UNHCR's mandate
Elaboration of complementary standards to the Convention on the Elimination of Racial Discrimination	<p>The Human Rights Council established in 2007 an ad-hoc committee responsible for the elaboration of complementary standards to the ICERD that would form part of either a convention or an additional protocol. The complementary standards aim to fill the gaps in normative standards not covered by the ICERD, such as racism, xenophobia, incitement to racial hatred, hate crimes, hate speech as well as standards regarding the protection of victims. A 2007 report highlights specific gaps in existing international instruments addressing the specificities of racism, racial discrimination, xenophobia and related intolerance affecting persons under UNHCR's mandate.⁸⁴</p>
UN Network on Racial Discrimination and Protection of Minorities	<p>The UN Secretary-General endorsed the establishment of this Network in 2012. It is comprised of 20 UN entities, including UNHCR.</p>
International Day for the Elimination of Racial Discrimination	<p>The International Day for the Elimination of Racial Discrimination is observed annually on 21 March. The General Assembly establishes every year issues related to the elimination of racial discrimination that should be highlighted on the celebration of this International Day.</p>

What UNHCR can consider taking steps to:

- Contribute directly to these initiatives;
- Raise the importance of these platforms in discussion with UN Country Teams, Resident Coordinators and Humanitarian Country Teams;
- Discuss possible contributions to these initiatives with partners at national, regional and international levels;
- Discuss with Government counterparts undertakings within these initiatives.

⁸⁴ UN Human Rights Council Report on the study by the five experts on the content and scope of substantive gaps in the existing international instruments to combat racism, racial discrimination, xenophobia and related intolerance, A/HRC/4/WG.3/6, 27 August 2007, available here: <https://www.ohchr.org/Documents/Issues/Elaborationstandards/Studybythefiveexperts.pdf>

4. Conclusions: key recommendations

In addition to the suggestions for steps UNHCR can take included throughout Chapter 3, there are a number of recommendations UNHCR should consider as institution-wide engagement to address issues related to racial discrimination, racism, xenophobia and related intolerance:

4.1. Steps UNHCR could take internally

- Consider suggested recommendations in relation to implementation of the 2009 UNHCR Strategic Approach to combat racism, racial discrimination, xenophobia and related intolerance- as outlined in seven steps in chapter 3.1
- Encourage internal discussions about racism and xenophobia in relation to persons of concern.
- Continue assessing people's experiences or perceptions that lead them to think they may be exposed to racism and xenophobia in participatory assessments both with communities of persons of concern and host communities.
- Establish effective mechanisms of response to racism, racial discrimination, xenophobia and related intolerance.
- Use effectively and systematically relevant human rights mechanisms in relation to prevention and response to racism, racial discrimination, xenophobia and related intolerance affecting persons of concern to UNHCR.
- Use strategically regional mechanisms and platforms to address racism, racial discrimination, xenophobia and related intolerance.
- Engage proactively with national mechanisms to address racism, racial discrimination, xenophobia and related intolerance, including collaboration with National Human Rights Institutions.

- UNHCR should consider adopting a comprehensive agency-wide public policy on racism, racial discrimination, xenophobia, hate speech and related intolerance. Developing such a policy requires an institutional effort across UNHCR. The development of such a policy would be timely for several reasons as it would:
 - *Provide institutional engagement and position UNHCR in broader efforts to address racial discrimination, racism, xenophobia and related intolerance;*
 - *Define key responsibilities at different levels for UNHCR with regard to addressing these issues;*
 - *Provide an organization-wide approach to integrate action against racial discrimination, racism, xenophobia and related intolerance into protection and programme planning with flexibility for Regional Bureaux and Country Operations to adapt as needed to their operational contexts;*
 - *Anchor UNHCR's actions and monitoring of related laws, policies, programmes and responses;*
 - *Provide UNHCR with the framework to dedicate resources and engage with donors on these issues.*
 - *Enable a multi-prong approach based on human rights that encompasses legal and institutional frameworks, accountability for racism and xenophobia, protection for victims, engaging members of society as a whole and education on the rights of persons of concern.*

4.2. Steps UNHCR could take in partnership with others

- Call on Governments and advocate to amend and strengthen legal frameworks to:
 - *adopt legal definitions of what constitutes racism, xenophobia, racist crime, hate speech;*
 - *define what constitutes racist motive with regard to hate crimes or hate speech motivated by race, colour, ethnic origin, nationality;*
 - *criminalize hate speech in line with international human rights standards;*
 - *establish clear obligations in relation to the rights of victims.*
- Work with Governments and relevant national authorities to recognize forms of racism that particularly affect specific groups of people, such as Afrophobia or Islamophobia as well as the underlying structures that perpetuate these forms of racism, including denial of past abuses, or colonial structures which lead to exclusion and dehumanization of these individuals or groups.
- Support and strengthen Governments' capacity to implement existing international, regional and national standards addressing racism, racial discrimination, xenophobia and related intolerance.
- Participate actively in the UN [Network on Racial Discrimination and Protection of Minorities](#)

Annex I – Model reporting on hate crimes

This sample for country reporting is used by UNHCR colleagues to provide information for the OSCE ODIHR Annual Hate Crime Reporting. It consists of a table for specific incidents registered by UNHCR, a section for ongoing and potential UNHCR/ Government/ NGO activities to address hate crimes in the country, and a section for additional information or an analysis of the in-country situation. If your Office covers more than one country, please fill out one document per country. If you do not have the information requested, please fill in “N/A”.

Incident table

Country:

Description of crime/ incident: <ul style="list-style-type: none">- what happened- which bias indicators- which bias motivation	
Date, time, location:	
Source of information	
Local authority response	
Impact on community	

Explanatory notes for recording hate incidents

Brief description of the incident

Describe the incident. If possible, use the following categories: homicide; physical violence; damage to property; theft/robbery; arson; vandalism; desecration of graves; attacks against places of worship; threats/threatening behaviour. Explain why you consider the incident to be bias motivated using bias indicators set out in section III.

Bias motivation

Describe the bias motivation, bearing in mind the possibility of multiple biases. ODIHR reports on the following bias motivations: racist and xenophobic; against Roma and Sinti; anti-Semitic; against Muslims; against Christians and members of other religions; against LGBT people, persons with disabilities and incidents motivated by bias against other groups that share a fundamental characteristic.

Source of information

How did this event come to UNHCR's attention? The best sources are interviews with victims and witnesses. The media can also be useful sources of information about hate incidents; however, it is important to assess the reliability of the source and to cross-check the information as much as possible. Where an NGO report is the source, please mention the NGO by name (in order to help us avoid double counting of incidents which may have been reported to ODIHR directly by that NGO).

Response of local authorities

This could include official legal qualification, refusal to record the incident, status of investigation, statements by public officials, press releases and/or meeting with representatives of the targeted community.

Impact on the victim(s) and the community

The victim's view on the response and treatment by government and non-governmental bodies. Any reactions of the local community (e.g. issuing a press release), the perception of the targeted community (e.g. fear for safety) and the impact on the security situation (if any).

UNHCR/ Government/ NGO/ activities to address hate crime

Briefly describe any activities undertaken by governments, NGOs or UNHCR to better understand and address hate crime. These could include:

- training for police or prosecutors
- national strategies or action plans
- NGO capacity building to improve hate crime monitoring or support to victims
- UNHCR activities to improve responses to hate crime

Include available links to further information.

Any other information or assessment of the in-country situation. If relevant, give an overall summary of your assessment of national efforts to understand and address hate crime or any other information you think is relevant.

Annex II – Overview of UNHCR initiatives to address racism, racial discrimination, xenophobia and related intolerance

1. Monitoring signs of racial discrimination, xenophobia and related intolerance, and tracking and reporting hate crimes
2. Analyzing the underlying reasons for these phenomena
3. Understanding legal obligations to protect all individuals from racial discrimination and multiple forms of discrimination
4. Engaging a network of diverse organizations and actors that implement complementary activities targeting different groups in society
 - 4.1. UN human rights mechanisms
 - 4.2. Intergovernmental and non-governmental organizations
 - 4.3. Government institutions and officials
 - 4.4. Law enforcement officials
 - 4.5. Media
 - 4.6. Public advocacy and awareness raising
 - 4.7. Human rights education
5. Including affected communities in the strategic approach
6. Providing individual support to victims of hate crimes

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

High-level meeting on integration

Location: Headquarters

Actor(s): UNCHR and the Organization for Economic Cooperation and Development (OECD)

Year(s): 2016

Context: The logic of exclusion reinforces the perception of refugees as a burden, and risks encouraging xenophobic and racist rhetoric. It may even prompt physical or psychological attacks against the very individuals fleeing persecution. A growing number of studies indicate that host societies benefit tremendously from the presence and contributions of refugees – economically, socially, and culturally. Providing refugees and their family members with rights and opportunities that enable them to play a full role in the social, economic, and cultural life of their host countries is key to facilitating integration.

Initiative: In January 2016, together with the OECD, UNHCR organized a high-level meeting on integration, in order to counter myths and use research evidence to demonstrate how refugees can benefit economies, as well as to make the case for early investment in refugees' integration and social inclusion.⁸⁵ The importance and value of integration and the economic opportunity that this presents for receiving societies was based on findings and recommendations following OECD⁸⁶ and UNHCR⁸⁷ research respectively on the integration of refugees.

85 OECD and UNHCR, High-Level Conference on the Integration of Beneficiaries of International Protection Paris, January 2016 Summary & conclusions, available at: <https://www.oecd.org/els/mig/Summary-and-conclusions-high-level-conference-on-integration-of-beneficiaries-of-international-protection.pdf>.

86 OECD (2016), Making Integration Work: Refugees and others in need of protection, OECD Publishing, Paris, available at: <http://dx.doi.org/10.1787/9789264251236-en>.

87 UNHCR (2016), Integration – A Fundamental Component in Supporting Diverse Societies, available at: <http://www.unhcr.org/56a9decf5.html>.

2. Analyzing the underlying reasons for these phenomena

Round table on combating racism, xenophobia, discrimination and intolerance against asylum-seekers and refugees in Europe

Location: Europe

Actor(s): UNHCR and the European Commission against Racism and Intolerance (ECRI)⁸⁸

Year(s): 2013

Context: Both ECRI and UNHCR had been seriously concerned by a climate of racism, xenophobia, discrimination and intolerance across Council of Europe Member States, and its impact on the rights of asylum-seekers and refugees and their prospects for local integration.

Initiative: Given this worrying trend across Europe, a round table was convened in November 2013 at the Council of Europe, which analyzed the underlying reasons for racism, xenophobia, discrimination and intolerance against asylum-seekers and refugees. Participants included representatives of the Council of Europe's 47 Member States, academic and policy experts, as well as members of civil society.

Outcome: The round table provided an opportunity for Member States to exchange best practices in relation to the Council of Europe's relevant recommendations and provided practical advice to Member States on how to combat racism, xenophobia, discrimination and intolerance.

⁸⁸ ECRI is a human rights body of the Council of Europe, composed of independent experts, which monitors problems of racism, xenophobia, antisemitism, intolerance and discrimination on grounds such as "race", national/ethnic origin, color, citizenship, religion and language (racial discrimination); it prepares reports and issues recommendations to member States. More information on ECRI is available at https://www.coe.int/t/dghl/monitoring/ecri/default_EN.asp?

Protection from Xenophobia: An Evaluation of UNHCR's Regional Office for Southern Africa's Xenophobia Related Programmes

Location: South Africa

Actor(s): UNHCR Regional Office for South Africa (UNHCR ROSA)

Year(s): 2015

Context: In South Africa, xenophobic practices continue to threaten the lives and livelihoods of persons under UNHCR's mandate while generating enduring fear and insecurity. This adversely affects the quality of asylum and directly works against local integration as a form of protection or as a durable solution. With the recognition that even after a wave of xenophobic attacks of a hitherto unprecedented scale and geographic reach in mid-2008, the government lacked "a comprehensive and effective response;" the UNHCR Regional Office of South Africa (UNHCR ROSA) reconsidered its involvement in the prevention and response to xenophobic violence and discrimination.

Initiative: In February 2015, UNHCR published the report: "Protection from Xenophobia: An Evaluation of UNHCR's Regional Office for Southern Africa's Xenophobia Related Programmes"⁸⁹. This report reviews the efficacy of initiatives undertaken by UNHCR ROSA to protect refugees and asylum-seekers from violent and recurring xenophobic attacks in a country that has a long history of "othering" within its society and explores reasons why traditional awareness raising programmes have not worked. The report further provides a series of recommendations, including base xenophobia related programming on evidence-based understanding of current socio-political and socioeconomic conditions and theoretically sound and empirically supported behavioral change models; review results based management objectives, indicators, outputs and outcomes to realistically reflect xenophobia programming and enable better monitoring; and dedicate more oversight, training, human and financial resources to anti-xenophobia programming.

89 UNHCR, Protection from Xenophobia: An Evaluation of UNHCR's Regional Office for Southern Africa's Xenophobia Related Programmes, February 2015, available at: <http://www.refworld.org/docid/55d2e1be4.html>.

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

Judicial engagement and sensitization

Location: Colombia

Actor(s): UNHCR Colombia and the Constitutional Court of Colombia

Year(s): 2003-ongoing

Context: Violence continues to uproot thousands of people in Colombia, despite a peace agreement signed in November 2016 between the Government and the Revolutionary Armed Forces of Colombia (FARC). Afro-Colombian communities and indigenous people have been particularly affected by the violence, which is endangering their survival. These two ethnic groups account for 10% and 3% respectively of the 7.4 million internally displaced persons (IDPs) in Colombia.

Initiative: UNHCR Colombia has supported the Constitutional Court of Colombia since 2003 with direct financial, logistical and technical assistance, in order to reinforce its capacity and knowledge of issues related to forced displacement. For instance, UNHCR has facilitated field visits by the Court and acted as amicus curiae on several key decisions on IDP rights over the past decade.

Outcome: UNHCR's engagement with the Constitutional Court resulted in the T-025/04 landmark decision on displacement⁹⁰ (2004), which ruled that the authorities had not responded effectively to IDPs' appeals for assistance and protection. This decision triggered more resources being allocated by the Government and helped to anchor a rights- based approach in Government efforts and public debate.

90 Judgment T-025 of 2004, Corte Constitucional [C.C.] [Constitutional Court], enero 22, 2004, Sentencia T-025/04 (slip op.), available at <http://www.corteconstitucional.gov.co/relatoria/2004/T-025-04.htm>.

Additionally, in 2013, after more than 5,000 victims of post-demobilization and criminal groups had been denied registration and assistance, the Constitutional Court's A-119 Decision⁹¹ established that people in this situation should also be registered as victims and benefit from assistance and attention under Colombia's Victims Law.

91 Ruling No. 119, Special Chamber for the follow-up of the decision No. T-025-04, Constitutional Court, 24 June 2013.

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

4.1. UN human rights mechanisms

Engagement with UN human rights mechanisms

Location: Global (via Headquarters)

Actor(s): UNHCR and UN human rights mechanisms

Year(s): ongoing

Context: International human rights law underpins the international refugee protection regime and provides an important point of reference when devising State refugee protection systems. Indeed, UNHCR’s Executive Committee has recognized “the close link between safeguarding human rights and preventing refugee problems” and the value of human rights standards in informing policies from reception through solutions. The UN human rights mechanisms that have been put in place to protect the human rights of everyone – the Universal Periodic Review (UPR), UN special procedures, and UN human rights treaty monitoring bodies (UN treaty bodies) – are important tools for enhancing the protection of persons under UNHCR’s mandate. Their outcomes, including Concluding Observations and Recommendations, often encompass recommendations to States on, inter alia, measures needed to eradicate discrimination and ensure that all persons, including persons of concern to UNHCR, are equally able to enjoy their human rights, regardless of their race, ethnicity or other protected characteristics.

Initiative: Under the leadership and coordination of DIP’s Human Rights Liaison Unit (HRLU), UNHCR field operations seeks to promote inclusion of concerns regarding the enjoyment of rights by persons under its mandate, where arising, in Treaty Body Concluding Observations, Recommendations

and General Comments and UPR recommendations through the submission of country-specific reports, and in reports of Special Procedures.⁹² Through advocacy based on these documents and other interventions in the field and at diplomatic level, UNHCR seeks to prevent and address violations and failure to observe human rights in practice, including from the perspective of countering racial discrimination and related intolerance.⁹³

Outcome: UNHCR's engagement with the UN human rights mechanisms has resulted in a broad range of forced displacement and statelessness issues being recognised as falling within the human rights framework and, therefore, the competence of these mechanisms. For instance, recommendations to States emanating from the UN human rights machinery nowadays almost routinely concern accession to the 1951 Convention, the 1954 and 1961 Statelessness Conventions, refugee status determination procedures, protection of internally displaced persons, SGBV, detention of asylum-seekers, respect for the principle of non-refoulement, universal birth registration, prevention of statelessness, and **measures to eradicate discrimination**. Moreover, the individual complaints procedures under the UN treaty bodies have been used in countries that are not party to the 1951 Refugee Convention and its 1967 Protocol where the rights of asylum-seekers and refugees under international human rights law were being violated, such as in the case of discrimination in regard to acquisition of nationality because of ethnic origin.

92 For detailed information on how to engage with the UN human rights mechanisms, please visit the Human Rights engagement page on the UNHCR's intranet at <https://intranet.unhcr.org/en/protection-programme/human-rights.html>.

93 For a list of existing good practices on how to effectively use Human Rights Mechanisms outcomes to improve the protection environment of persons falling under our mandate, please see UNHCR's 2014 internal report: Using UN Human Rights Mechanisms in Protection: A Good Practice Guide: <http://swigea56.hcrnet.ch/refworld/docid/54294c7a4.html>.

4.2. Intergovernmental and non-governmental organizations

Inter-Parliamentary Union Handbooks for parliamentarians

Location: Headquarters

Actor(s): UNHCR and Inter-Parliamentary Union (IPU)⁹⁴

Year(s):

Context: State institutions and officials are both key partners in the fight against discrimination and a target group for awareness-raising activities and advocacy, especially considering their central role in defining legislation.

Initiative: UNHCR and partners have produced tools which can help in developing strategies for establishing common ground and raising awareness. These include joint IPU-UNHCR handbooks for parliamentarians on “Nationality and Statelessness”⁹⁵ (2014) and “Refugee Protection: A Guide to International Refugee Law”⁹⁶ (2001).

94 The IPU is an organization made up of national parliaments from around the world whose aim is to protect and build global democracy through political dialogue and concrete action. It currently has 178 Member Parliaments and 12 Associate Members. Additional information on the IPU can be found at: <https://www.ipu.org/about-us>.

95 UNHCR, Nationality and Statelessness: Handbook for Parliamentarians N° 22, July 2014, available at: <http://www.refworld.org/docid/53d0a0974.html>.

96 UNHCR, Refugee Protection: A Guide to International Refugee Law, 1 December 2001, available at: <http://www.refworld.org/docid/3cd6a8444.html>.

Secretary-General Guidance Note on Racial Discrimination and Protection of Minorities⁹⁷

Location: Global

Actor(s): UN Network on Racial Discrimination and Protection of Minorities⁹⁸

Year(s): 2013

Context: Although principles of equality and non-discrimination are firmly rooted in binding international standards, racial discrimination and lack of adequate protection of minorities remain a widespread challenge in all regions of the world. In addition to being human rights imperatives, combating racial discrimination and protection of minorities are also key factors in the prevention of conflict, in conflict and post conflict situations as well as in addressing development challenges and environmental sustainability. The protection of minorities and combatting racial discrimination thus affect all three pillars of the UN – security, development and human rights – and require system-wide, coordinated engagement.

Initiative: One of the tasks of the UN Network on Racial Discrimination and Minorities was to develop the Secretary-General Guidance Note addressing racial discrimination and protection of minorities. The Guidance Note contains 19 recommendations for the UN system on how to address racial discrimination and protection of minorities in line with the Universal Declaration of Human Rights, the UN Declaration on Minority Rights and other key standards, drawing from effective practices. The Guidance Note sets out guiding principles and framework for UN action with a view to ensuring a comprehensive and coherent UN approach from headquarters to regional and country presences. The Guidance Note does not aim to be exhaustive, but to highlight selected key areas of action for the UN system, and it complements more detailed tools and guidance that have been developed in selected fields.

97 Guidance Note of the Secretary-General On Racial Discrimination and Protection of Minorities, March 2013, available at: <http://www.ohchr.org/Documents/Issues/Minorities/GuidanceNoteRacialDiscriminationMinorities.pdf>.

98 Coordinated by OHCHR, the Network brings together over 20 UN Departments, Agencies, Programmes and Funds (current members include DESA, DOCO, DPA, DPI, DPKO, ILO, OCHA, OHCHR, OSAPG, PBSO, UNAIDS, UNAOC, UNDP, UNEP, UNHCR, UNESCO, UNICEF, UNFPA, UNICEF, UNITAR UNODC, UN Women and WFP). Additional information on the Network is available at: <http://www.ohchr.org/EN/Issues/Minorities/Pages/UNNetworkRacialDiscriminationProtectionMinorities.aspx>.

Signing Memoranda of Understanding with key intergovernmental organizations

Location: Headquarters

Actor(s): UNHCR and the OSCE Office for Democratic Institutions and Human Rights (ODIHR)

Year(s): 2015 – ongoing

Context: Acknowledging that racism, racial discrimination, xenophobia and related intolerance continued to be a root cause of persecution, leading to forced displacement and statelessness, in 2015 UNHCR and ODIHR identified a number of synergies between their respective work on these phenomena and signed an MoU.⁹⁹ ODIHR's mandate to report on hate crimes and responses in the OSCE participating States, and its expertise in developing programmes for States to combat hate crimes, was seen as complimentary to UNHCR's mandate to provide international protection and seek durable solutions for persons of concern, and its operational engagement and supervisory responsibilities.

Initiative: With the signing of a MoU in 2015, ODIHR and UNHCR have agreed to collaborate on a variety of activities that involve research, training, monitoring and reporting on issues in the field of racism, discrimination, xenophobia and related intolerance. These include: providing expert input as requested and as possible for research, projects and other initiatives in the field of racism, discrimination, xenophobia and related intolerance; development of a compilation of good practices to combat these concepts; reporting of hate crimes, including systematic and regular contributions by UNHCR to the Annual Hate Crime Reports published by ODIHR, and the use of ODIHR information for UNHCR documents; providing joint technical advice to Governments on preventative or legislative measures related to racism, discrimination, xenophobia and related intolerance; participation in training and other events aimed at enhancing prevention, monitoring and reporting of

99 UNHCR and ODIHR, Memorandum of Understanding, 22 June 2011, available at: <http://www.unhcr.org/partners/partners/4e0839166/memorandum-understanding-osce-office-democratic-institutions-human-rights.html>.

hate crimes and other manifestations of discrimination and xenophobia; and development of pilot projects in line with UNHCR's policy on urban refugees.

Outcome: With regard to ODIHR's Annual Hate Crime Report, UNHCR yearly submits data compiled by UNHCR country offices in Europe on their observations of hate crimes against persons falling under our mandate. In 2017, UNHCR contributed with 30 country reports received from UNHCR offices in Europe covering 2016. ODIHR publishes this collected information on their following website on hate crime reporting: <http://hatecrime.osce.org/>.

Changing attitudes of Government officials

Location: Malawi

Actor(s): UNHCR Malawi and IOM

Year(s): 2012-2017

Context: In May 2012, a local business association instigated attacks on refugee-owned businesses in Mponela trading center in Dowa district, accusing refugees of monopolizing business opportunities. Several business associations around the country followed suit, issuing ultimatums demanding the Government of Malawi to expel refugees from their locations. In response, the local and national authorities reinforced the narrative of refugee business domination, and the president made public statements announcing plans to close Dzaleka refugee camp and possibly forcibly repatriate all refugees. Furthermore, the Malawi Government regarded the irregular and onward mixed movements (mainly from Ethiopia and Somalia) as a security threat and an abuse of Malawi's hospitality. These sentiments were further amplified by media negatively reporting on refugees and associating them with militant and terrorist groups.

Initiative: To address these protection challenges, UNHCR implemented several initiatives directly and through partners to improve public attitude towards persons falling under our mandate. For instance, joint training workshops were organised with IOM targeting government authorities at all levels and training for police and immigration officials were supported. The Office has also been sharing statistical and other information pertaining to situation of persons of concern with the Parliamentary Committee on National Defence and Security to enable them to engage in constructive debate during parliamentary sessions. The office further supported visits to camps and other sites for parliamentarians, such as the visit of the Parliamentary Committee on National Defence and Security in a designated settlement in the northern of Malawi where they met with the local people to assure the host community that refugees are not a security threat.

Outcome: The impact of these (and other) activities has led to an improvement in public attitude towards persons falling under UNHCR's mandate. Most importantly, the country's adoption of a settlement approach to refugee management with prospects for freedom of movement and local integration is a clear manifestation of this positive result.

4.3. Government institutions and officials

Monitoring compliance with judicial decisions

Location: Colombia

Actor(s): UNHCR Colombia and the Land Restitution Unit

Year(s): 2017

Context: Colombia's Victims and Land Restitution Law approved in 2011 aimed to restore land and formalize land titles for the nearly six million people forcibly displaced as a result of Colombia's internal armed conflict.

Initiative: Colombia's Land Restitution Unit is responsible for supporting victims' cases before land restitution judges appointed throughout the country. By means of a consultancy between the Land Restitution Unit and UNHCR in 2017, all judicial decisions regarding protection and restitution of ethnic territories were analyzed and organized in order to evaluate the compliance with the decisions of the judges and make recommendations to assure a better response in the fulfilment and enjoyment of ethnic group's rights. Follow-up was done on the compliance with judicial decisions on protection and restitution of indigenous people and afro-Colombian territories, particularly the processes of Andagueda (indigenous resguardo in the Department of Chocó), the Hitnu people in Arauca and the initiative Renacer Negro (afro-Colombian communities in Cauca).

Outcome: Strategies have been identified for the adequate implementation of the judicial decisions and to guarantee sustainable restitution pathways for ethnic territories.

Kindness campaign

Location: Iran

Actor(s): UNHCR and the Bureau for Aliens and Foreign Immigrants Affairs of the Ministry of Interior

Year(s): 2013 - 2015

Context: During the past four decades, Iran has hosted a large population of Afghan and Iraqi refugees. Although reports on explicit incidents of racism and xenophobia are rare, limited financial opportunities and restricted access to basic services in many urban and sub-urban districts of Iran may set the scene for tensions between refugee and host communities. In 2012 and 2013, UNHCR noticed an increase in xenophobic attitudes towards refugees albeit sporadic and localized. With Iran hosting one of the largest protracted refugee populations in the world, it is essential for UNHCR, its government counterparts and partners to continue to address misconceptions and intolerance in order to ensure the preservation of protection space.

Initiative: The “kindness campaign” initiative was launched by UNHCR in 2014 in collaboration with its main governmental counterpart, the Bureau for Aliens and Foreign Immigrants Affairs of the Ministry of Interior. UNHCR decided to implement this anti-xenophobia initiative countrywide to help combat discrimination and to promote interaction, kindness and unity amongst the refugee and host communities. The initiative focused on the theme of “Education and Peace” to enhance a friendly environment in schools with high refugee student populations while also thanking school staff and Iranian parents for extending their hospitality to refugee children. The campaign consisted of a series of activities implemented in a selected number of schools in the cities of Esfahan, Kerman, Shiraz, Tehran and Yazd, which served as pilot projects that were then replicated in other schools and provinces. The activities, among others, included organizing Iftar dinners where Iranian and Afghan students broke fast together; and visits of Iranian and Afghan students to rehabilitation centres for war veterans. The war veterans stressed the importance of unification and friendship among countries, ethnic and religious groups, as these subjects have always been sensitive and ground for conflict.

Sub-Agreement on identity documents for asylum-seekers and refugees

Location: Iraq

Actor(s): UNHCR Iraq and the Permanent Committee for Refugee Affairs of the Ministry of Interior (PC-Mol)

Year(s): 2016 - 2017

Context: The PC-Mol is the mandated government agency charged with the registration of asylum-seekers and refugees, the issuance of identity cards, and addressing their legal affairs in Iraq. In March 2017, a sub-agreement¹⁰⁰ with PC-MOI was signed on the registration and issuance of documentation for asylum-seekers and refugees, to ensure that asylum-seekers and refugees have access to a wider range of rights, including legal presence in the country; freedom of movement; and access to residency, formal employment and basic services, through the issuance or renewal of uniform asylum-seeker and refugee identity documents (PC-MOI identity cards). Non-registration and the nationality-based color coding used in existing registration cards makes particular nationalities of asylum-seekers and refugees (e.g. Palestinians) identifiable, placing asylum-seekers and refugees at a heightened risk of refoulement, arbitrary detention and/or arrest, and other forms of abuse in the country, including discrimination, exploitation and possibly abuse by security actors at checkpoints.

Initiative: In 2017, UNHCR supported the PC-MOI to establish a Registration Office, and mobile registration services, in order to ensure that registration and other legal services are provided systematically to asylum-seekers and refugees. A joint UNHCR/PC-Mol plan for the systematic registration of asylum-seekers and refugees (in camps and urban areas) was developed in August 2017, and includes issuance of uniform PC-Mol identity cards, as well as extending the validity of existing documents. UNHCR has also provided technical guidance to PC-MOI in 2017 on the development of the new uniform PC-Mol cards, which will replace old identity cards.

¹⁰⁰ UNHCR concluded a MoU in October 2016 with the PC-Mol to work collaboratively on the protection of asylum-seekers and refugees in Iraq.

Outcome: Between April and June 2017, the PC-MoI Registration Office has assisted asylum-seekers and refugees in Iraq with the renewal of their PC-MoI identity cards (140), the registration of 32 newborns, issuance of five travel documents, 238 travel permits and six social welfare cards, the renewal of 40 residency permits for refugees married to non-Iraqi residents, seven cases of property registration, 21 cases of visitors visas for relatives of refugees, as well as updating of data for asylum-seekers and refugees who had previously registered with PC-MOI.

Seminar on the Prohibition of Discrimination in the Context of Internal Displacement

Location: Ukraine

Actor(s): UNHCR and the Council of Europe

Year(s): 2017

Initiative: In June 2017, in Kiev, the Council of Europe Project “Strengthening the Human Rights Protection of Internally Displaced Persons in Ukraine” organized in cooperation with UNHCR a joint seminar on the prohibition of discrimination in the context of internal displacement.¹⁰¹ The event brought together a wide range of experts from Bosnia and Herzegovina, Georgia, Cyprus, France, and Ukraine representing international organizations, research institutions, government agencies, local authorities and civil society. It offered an opportunity to discuss and assess the impact of the conflict on the overall tolerance and perception of IDPs, refugees and asylum seekers, Roma and Crimean Tatars, stateless persons and others. The event further focused on how the conflict and the Government policy have affected population groups and the different forms of discrimination against them. The aim was to support through discussions and conclusions the efforts of the Ukrainian authorities and civil society experts to counter discriminatory approaches.

101 See for more information: The website of the Council of Europe Office in Ukraine, available at: https://www.coe.int/en/web/kyiv/idps/-/asset_publisher/apxzANo4kCFp/content/seminar-on-the-prohibition-of-discrimination-in-the-context-of-internal-displacement-was-held-by-the-council-of-europe-and-unhcr?inheritRedirect=false&redirect=http%3A%2F%2Fwww.coe.int%2Fen%2Fweb%2Fkyiv%2Fidps%3Fp_p_id%3D101_INSTANCE_apxzANo4kCFp%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-3%26p_p_col_count%3D1

4.4. Law enforcement officials

“Building a Comprehensive Criminal Justice Response to Hate Crimes”

Location: Bulgaria and Greece

Actor(s): UNHCR and ODIHR

Year(s): 2017

Context: Effectively countering hate crime requires the co-ordination of work by various criminal justice actors – police officers, lawyers, prosecutors and judges – as well as with the victims of such crimes. Close co-operation among these different actors, based on a deep understanding of hate crime issues, is crucial for these efforts to be effective.

Initiative: With the above in mind, in February 2017 ODIHR launched a two-year project, “Building a Comprehensive Criminal Justice Response to Hate Crimes”¹⁰², to help improve the skills of and collaboration among criminal justice professionals within each of the following four OSCE countries – Bulgaria, Greece, Italy and Poland – and to improve their co-operation with civil society, to contribute to the building of a comprehensive criminal justice response to hate crime in each of these countries. UNHCR is an Associate Partner in this newly EC-funded project implemented by ODIHR for which UNHCR Bulgaria and Greece will collaborate concretely in the implementation of some activities, which will be coordinated by the concerned UNHCR Regional Offices to which they report (Rome and Budapest respectively).

¹⁰² See for more information: OSCE, Building a Comprehensive Criminal Justice Response to Hate Crimes, available at: <http://www.osce.org/projects/criminal-justice-response-hate-crime>.

4.5. Media

Briefing local media on refugee issues

Location: Indonesia

Actor(s): UNHCR, local media representatives

Year(s): 2014 - 2015

Context: With the growing number of persons falling under UNHCR's mandate in Indonesia, xenophobic sentiment against asylum-seekers and refugees grew stronger. The lack of political and public support remained a major challenge for UNHCR in implementing its mandate. For example in 2012, when the local community and social organizations in Bogor and Cisarua rejected the presence of foreigners, especially asylum-seekers and refugees, due to various social problems linked to the implementation of UNHCR's care and maintenance programme, security concerns and racial tensions increased. As a result, UNHCR and partners were forced to cease operations in these communities and move all assisted persons of concern to Jakarta.

Initiative: Rather than aiming its external relations and public information activities at all media, UNHCR prioritized building closer relations with those media agents that had never been approached by the Office in the past, particularly local media outlets. In 2012, the Office was able to organize a first-ever briefing session for media representatives in Bali, an event jointly organized by the external relations and public information officer and protection staff. Participants were introduced to the topics of "UNHCR's Mandate Refugee Issues in Indonesia" and "How the Media Covers Refugee Issues."

Code of Conduct Regarding Asylum-Seekers, Refugees, Victims of Trafficking and Migrants

Location: Italy

Actor(s): UNHCR, the Italian National Council of Journalists (CNOG) and the Italian National Press Federation (FNSI), IOM, the National Equality Body (UNAR), NGO's and civil society organizations.

Year(s): 2008 - ongoing

Context: Media reporting in Italy on refugee and migration matters is often superficial, distorted and emotional. The idea of drafting a Code of Conduct on the subject first surfaced in January 2007, when UNHCR sent a letter to the editors of major news outlets following the killing of a mother, her child and a neighbor in the northern Italian town of Erba. Magistrates and the media immediately accused the woman's Tunisian husband, who was actually abroad, of being the murderer. Two other neighbors subsequently confessed the crime. In the letter, UNHCR highlighted the fact that the media's coverage of the terrible incident had been extremely biased.

Initiative: The Charter of Rome¹⁰³ was drafted by the Journalists' Association and the Italian National Press Federation in collaboration with UNHCR. The Charter is a code of conduct for media operators on the reporting on issues related to migrants, refugees, asylum-seekers and victims of human trafficking to promote an accurate and balanced representation of the migration phenomenon and related issues. In 2011, the same media representatives – together with a network of 14 civil organizations – founded the Charter of Rome Association (Associazione Carta di Roma) aimed at promoting and monitoring the implementation of the Charter by the Italian media. Media monitoring and training, the dissemination of useful content through the website and newsletter are examples of the Association's efforts. Since its foundation, the Association has met thousands of journalists all over Italy (about 2,000 in 2016) and has been involved in various international

meetings, panels, and media training opportunities across Europe. Since 2012, the Charter has also become part of the curriculum at all the Italian School of Journalism.

Outcome: The wording used in stories about refugees and migration has significantly changed since 2008, with a strong decrease in the use of clandestino, an expression the Italian media use to negatively depict undocumented migrants and asylum-seekers. Thanks to a network of journalists who implement the Code daily at work, the representation of refugee and migration issues has become more accurate.

Editors training workshop on international refugee protection

Location: Tanzania

Actor(s): UNHCR Tanzania, national and international media editors

Year(s): 2017

Context: Tanzania has been a generous host country to refugees and asylum-seekers for decades. Tanzania provided many of the essential life-saving pre-requisites for refugees, from access to territory and land to live on to security and safety. The country has been home for many refugees and asylum-seekers from neighboring countries like the Democratic Republic of Congo (DRC), Rwanda and Burundi among others, as well as from the Middle East and beyond. However, around the beginning of 2017, UNHCR Tanzania observed a shift in the reporting on refugee matters by the local media.

Initiative: The office therefore decided to conduct a special training for senior editors on international refugee protection and principled reporting on refugee protection in Tanzania, to further inform and enhance the understanding of the refugee context in the country. The workshop was held in May 2017 in Dar es Salaam. The workshop included a detailed, technical presentation on UNHCR, our work and its roots in international law; on the Comprehensive Refugee Response Framework (CRRF) in Tanzania; and the commitments made by the Government at the UN Summit on Refugees and Migrants in September 2016. The workshop was attended by 32 senior editors from the main national and international media houses including: The Guardian, Daily News, The Citizens, TBC, BBC, The East Africa, Mwananchi, Tanzania Editors Forum. Overall the workshop was very well received, the senior editors responded enthusiastically, affirming their expectations of ending the workshop with a deeper understanding of refugee protection laws and how they can provide a more accurate representation of refugees in the media.

4.6. Public advocacy and awareness raising

'Human lives, Human rights' campaign

Location: Australia

Actor(s): UNHCR RO Canberra

Year(s): 2016

Context: Maintaining public support in Australia for asylum-seekers and refugees continues to be a challenge that UNHCR seeks to address through public advocacy and engagement with parliamentarians. The arrival of asylum-seekers by sea and the security of Australia's maritime borders have acquired a disproportionate space within domestic politics. The two major political parties have taken an extremely restrictive approach to asylum-seekers and this remains a highly politicized issue. Australia has a mixed record of dealing with refugees and asylum-seekers. On the one hand, it has a longstanding and generous refugee resettlement program, on the other the Government refers to asylum-seekers as 'illegal maritime arrivals' and has implemented vigorous deterrence and border control measures. Public attitudes relating to persons of concern in Australia are aligned to this view, where spontaneous arrivals by sea are referred to as "queue jumpers".

Initiative: In 2016, UNHCR released the 'Human lives, Human rights' campaign to mark 40 years since the first major group of spontaneous arrivals of asylum-seekers by sea. The campaign emphasised the positive contribution of refugees to Australia, while reinforcing the fundamental right to seek asylum, central to ongoing debate. It was filmed unscripted in a documentary style showcasing the personal stories of four individuals who faced the difficult journey to safety and sought asylum by sea.¹⁰⁴

¹⁰⁴ Mr. Lam was on the first refugee boat to arrive in Australia as part of the Vietnamese exodus in 1976. Dr. Muderis, spent ten months in mandatory detention upon arrival. He has since pioneered a new prosthetic limb, allowing amputees to walk again. Ms. Wazefadost arrived at ten years old and spent several months in mandatory detention. She is the founder of Hazara Women of Australia. Mr. Safavi spent two years in mandatory detention and is now the owner of a café employing 25 people. See for more information: UNHCR, Human lives, Human Rights, available at: <http://www.unhcr.org/en-au/5833a90e4>.

Outcome: The campaign was released at a particularly critical moment as debate continued in Australia around ‘offshore processing’, treatment of refugees and asylum-seekers, and a calling into question of the success of refugee integration in Australia more generally. UNHCR’s strategy aimed to maintain public support for persons of concern, particularly for spontaneous asylum-seekers arriving in Australia by sea. The campaign was published by The Sydney Morning Herald, The Guardian Australia and Huffington Post. An overview of social media analytics showed that within two weeks the campaign had a cumulative reach of over 1.18 million individuals, with video views surpassing 500,000.

“Long Day of Flight” – awareness raising initiative

Location: Austria

Actor(s): UNHCR Austria, NGOs, private sector partners

Year(s): 2012 - ongoing

Context: The issue of asylum has always been high on the political agenda in Austria, receiving considerable attention in the media. This trend even increased after the arrival of some 130,000 asylum-seekers in 2015/2016 and resulted in refugee and migration issues dominating various election campaigns. While civil society has made extraordinary efforts to welcome and help the newly arrived, the sharply increased numbers of both asylum-seekers and recognized refugees also led to a change in politics, with the adoption of more restrictive measures towards both groups and partly very negative narratives by politicians, including members of government. The constant emotional presence of asylum-related issues in the public debate adds to the disproportional awareness for the topic and feelings of insecurity in the population.

Initiative: In 2012, UNHCR Austria organized the first “Long Day of Flight”¹⁰⁵ – an event that has meanwhile become an annual initiative all over Austria targeting youth and the interested public. NGOs, museums, cultural initiatives and numerous other stakeholders participate in this event every year and organize different activities around the topic of asylum and living together. The “Long Day of Flight” aims at fostering contact between the Austrian population and asylum-seekers and refugees and counter prejudiced via personal contacts and fact-based information.

UNHCR Austria is in charge of the overall coordination of all events and administers registration of teachers with their classes for the school programme. The majority of the events are offered free of charge.

Outcome: 5,000-7,000 students as well as 2,000-4,000 visitors participate every year in the “Long Day of Flight” activities.

105 See for more information: Langer Tag der Flucht, available at: www.langertagderflucht.at.

“Monologues across the Aegean Sea” storytelling/theatre workshops and events¹⁰⁶

Location: Greece

Actor(s): UNHCR Greece and the Hellenic Theatre/Drama and Education Network (TENet)

Year(s): 2016

Context: A series of workshops took place in accommodation centres for unaccompanied refugee children in the cities of Athens and Patras in Greece, from April to July 2016, as part of the project “It could be me - It could be you”, an awareness raising project on refugees and human rights using drama and theatre techniques.

Initiative: The outcome of these workshops was the “Monologues across the Aegean Sea”, a collection of 28 testimonies of unaccompanied refugee children from Syria, Afghanistan, Pakistan, Iran, Morocco and Egypt. These children were forced to leave their homeland and arrived alone in Greece in 2015 and 2016 crossing the Aegean Sea. These testimonies were then imprinted in a special-edition book, which recorded the human stories and difficulties unaccompanied children are faced with during their journey and their stay in the country and also to highlight their hopes and dreams. Testimonies collected by the children themselves would result in powerful content, which could mobilize peers and young audiences in a more effective manner. The publication is used for public awareness purposes, but also as an educational tool available to students, teachers, youth groups and others who organize relevant performances and initiatives.

Outcome: Based on the book and a call to schools, an “Aegean Monologues” day was organized around 21 March 2017, on the occasion of the International Day for the Elimination of Racial Discrimination. This call led to several school

¹⁰⁶ Part of the “It could be me – It could be you” initiative, see page 31 of this Guide. See for more information: Monologues across the Aegean Sea: Journey and dreams of unaccompanied refugee children, available at: <http://www.aegeanmonologues.theatroedu.gr/home-en>.

festivals in different cities with the participation of 52 schools and circa 3,500 teachers, parents and members of local communities. The student's commitment and professionalism while preparing these festivals led to highly artistic results and important media impact at local level. Schools, groups and universities from the country and abroad continue to use the material and share their results on the project.

“Refugees Got Talent Show” and BBC TV documentary

Location: Iraq

Actor(s): UNHCR Iraq

Year(s): 2016-2017

Context: Syrian refugees were well received in the Kurdistan Region of Iraq (KR-I) at the start of the Syrian conflict, since most are of the same Kurdish ethnic background as their hosts. As the Syria conflict entered its 7th year, Iraq entered its own internal conflict in 2014 and competition over livelihoods in KR-I increased due to economic depression. Attitudes of officials and society at large started to harden, leading to a more restrictive protection environment, including movement restrictions and arbitrary detention and/or arrests, purportedly due to security considerations. Across Iraq, many refugees and asylum-seekers registered by UNHCR are working as unskilled labourers without work permits and formal employment contracts, resulting in exploitative labour practices.

Initiative: UNHCR Iraq’s PI team works to portray the human side of the refugee/displacement crisis, and aims to increase empathy for the challenges refugees and IDPs are facing through individual stories of courage, resilience and humanity. Examples of such initiatives are the “Refugees Got Talent Show”¹⁰⁷, on World Refugee Day, 2016 and a BBC TV documentary showcasing UNHCR Iraq’s work with Syrian refugees, 2017. The documentary was part of BBC 3’s The Insider series with presenter Reggie Yates and sought to show the day-to-day challenges of camp-life for Syrian refugees. The Refugees Got Talent Show, which took place at Arbat refugee camp in Sulaymaniyah governorate, was attended by a 1,000 people and was hosted by well-known Lebanese TV presenter Neshan Der Haroutiounian, and judged by a panel of local celebrities.

¹⁰⁷ See for more information: Reuters, Young Syrians get 100 percent praise at ‘Refugees Got Talent’ contest in Iraq camp, 21 June, 2016, available at: <http://www.reuters.com/article/us-refugees-iraq-talent-idUSKCN0Z72CC>.

Outcome: Following the airing of the documentary, UNHCR Iraq’s Twitter and Facebook followers have grown exponentially, with 17,900 Twitter followers (six-fold since 2015), and 37,000 Facebook followers. With respect to the Refugees Got Talent Show, the event was extensively covered in print and TV media, regionally and internationally (including Reuters, Daily Mail, VOA News, Sky News, Middle East Eye and Al Arabiya).

Refugee Film Festival (RFF)

Location: Japan

Actor(s): UNHCR Japan

Year(s): 2006 - ongoing

Context: The Government of Japan launched an awareness-raising campaign against hate speech in 2005, particularly in response to recommendations and concluding observations by respectively the UN Human Rights Council and ICERD, urging the Japanese government to regulate hate speech by law to address the lack of proper investigation and prosecution by the relevant authorities. With increased media coverage on refugees due to the crisis in Europe, the issue of refugees drew public attention particularly from 2015. The rapid hike in the number of asylum applications in recent years in Japan also increase the debate on this matter. Against this background, anti-refugee demonstrations were organized in several major cities in November 2015, although their impact seemed to be limited.

Initiative: The interest towards forced displacement issues is considered rather low among the general public in Japan, and therefore UNHCR Japan has started organizing the RFF in order to enhance understanding among the general public of refugee issues in and outside Japan. The RFF is considered a strategic instrument, and has been contributing to promote the notion of co-existence, tolerance, importance of protection space, international solidarity and burden sharing.

Outcome: The RFF has proved to be very effective to engage a number of non-traditional partners, such as private sector, foundations, media industry and universities, in refugee protection issues. Despite the on-going economic and financial downturns, these private sector partners have been making substantial financial and in-kind contributions to the work of UNHCR, which won't have been made available to UNHCR without the RFF.

“Rabat playground” sports programme

Location: Morocco

Actor(s): UNHCR Morocco

Year(s): 2012

Context: Social and cultural barriers often represent a major obstacle to the integration of refugees, asylum-seekers and migrants into the Moroccan society. Sports program organized for refugee, migrant and Moroccan youth can support social integration.

Initiative: Rabat Playground is a sports training program and a street basket tournament. Its goal is to contribute to mental and physical wellbeing of Moroccan and migrant youth, as well as of refugees and asylum-seekers, out of school adolescents and young job seekers. At the same time, it seeks to foster social integration of participants in their direct environment. Sport is used as a mechanism to enhance self-confidence and develop skills like leadership, cooperation, communication and teamwork. It was founded in November 2012 by UNHCR Morocco and launched in order to prepare over 200 participants (refugees, migrants and local youth age 15-26, boys and girls) for a big tournament in the weekend of 16 & 17 February 2013. All activities of Rabat Playground were financed in collaboration between UNHCR and Ninemillion.org (US for UNHCR, founded by Nike and Microsoft).

'Ubuntu has no borders' radio programme**Location:** South Africa**Actor(s):** UNHCR ROSA and Community Radio Stations**Year(s):** 2013

Context: In South Africa, economic challenges and lack of economic opportunity had given rise to xenophobic tensions towards refugees in the country. These xenophobic tensions had resulted in some of the blame being targeted at refugees who, in reality, were facing significant difficulties making a living in South Africa.

Initiative: The External Relations/Public Information Unit produced an 8-part series of radio discussion programs in 2012 under the theme Ubuntu Has No Borders with the aim of countering xenophobia in South Africa and to promote social cohesion. Due to budget constraints, the programs were only disseminated in 2013 to different community radios. In 2013, the programs were aired nationwide in Zulu and Sesotho/Tswana through the partnership of UNHCR and 14 Community Radio Stations. The discussions were meant to engage with the listeners on, amongst a host of pertinent issues, the challenges relating to economic opportunities giving rise to xenophobic tensions between foreign and local business owners. They confronted the problem of xenophobia, which seeks to divert the blame of the country's economic problems to refugees who are struggling to scrape together a living in South Africa. Discussions on jobs, housing, crime, law enforcement, and relationships were explored.

Outcome: According to the reports obtained from the radio stations, thousands of people responded positively to UNHCR's programs and call for South Africans to be more tolerant with refugees. During the period in which these programs were aired (May to August 2013), incidents of xenophobic violence occurred resulting in foreigners' owned shops being looted and burnt especially in Gauteng, Western Cape and Eastern Cape Provinces. Quite a significant number of refugees were displaced as a result and high tensions experienced. The radio programmes were considered by the stations to be timely as they helped to calm tensions and restore peace and order in the affected areas.

4.7. Human rights education

Promotion of tolerance in high schools through educational anti-xenophobia campaigns

Location: Croatia

Actor(s): UNHCR, Croatian Red Cross (IP) and Government Agency for Education

Year(s): 2017

Context: The attitudes towards refugees and asylum-seekers in Croatia deteriorated following the 2015-2016 refugee and migrant influx. Media often conflated the terms migrants and refugees, and were reporting on refugee issues in a sensationalist manner. A further complicating factor had been the departure of young Croatians to Western European countries in search of a better life and for fear of the country's changing demographics because of increased numbers of refugees and other foreigners. According to this rhetoric, ethnic and cultural diversity represented by refugees (or any foreigners) was not seen as a value, but as a threat, including to national security. In addition, the stateless population in Croatia was predominantly Roma and public attitude towards members of Roma community remained unfavorable.

Initiative: In 2016, independent research on public attitudes among high school children in Zagreb and its surroundings caused concern, as the results of the research were almost entirely negative towards Syrians, Roma and Serbs and showed clear tendencies towards discrimination. With an evident gap in the curriculum in Croatia dealing with tolerance, UNHCR decided to work in partnership with the Government of Croatia and create a lasting contribution to the educational system. Together with the Agency for Education, a national curriculum and teacher's handbook for the promotion of tolerance and inclusion of UNHCR persons of concern was developed for high schools.

The curriculum for high schools and teachers' handbook to support implementation of the programme are both in process of evaluation by the Agency for Education. The activities until the end of the 2017 include testing workshops with teachers and students, completion of the evaluation process and printing the handbook that would be distributed to all schools in the country. If the project is extended beyond 2017, it will also include elementary schools and more tools would be developed to support its implementation.

“It could be me – It could be you” awareness campaign¹⁰⁸

Location: Greece

Actor(s): UNHCR Greece and TENet

Year(s): 2015 – ongoing

Context: In recognition of the important role educators play in shaping attitudes of young people and the potential of the latter as human rights advocates, the project aims to prepare and equip the Greek educational community with the use of resources and tools for the promotion of tolerance, aiming at eliminating manifestations of racism within the classroom/ school community. The project also aims to establish more favourable conditions within local communities with the view to question stereotypes and misconceptions on refugees and bring closer the refugee and host population.

Initiative: Since February 2015 youth awareness raising efforts are mainstreamed through a partnership agreement with TENet, a non-profit association of highly skilled practitioners and theoreticians (teachers, theatre/drama pedagogues, artists, youth facilitators) in the areas of drama/theatre in education. The project run with TENet is titled “It could be me- it could be you” and focuses on the following complementary fields: training of teachers (train-the-trainers) on human rights and refugees using theatre/drama techniques; awareness raising of students through the organization of interactive/theatre workshops & presentations; activities such as creative workshops promoting interaction between the local communities and refugees with emphasis on children; and networking opportunities between the school, the community and civil society actors.

Outcome: The project has been warmly welcomed by the educational community, something that has led to its gradual expansion in geographical coverage and content. More than 7,000 students and 2,500 teachers have been engaged during the school year 2016-2017 in project activities, which have been supported by more than 70 local partners (such as authorities, municipalities, theatres, universities and cultural centres).

108 See for more information: it could be me – it could be you, available at: <http://www.humanrights.theatroedu.gr/home>.

Statelessness course in university curriculum

Location: Kenya

Actor(s): UNHCR Kenya, Refugee Consortium of Kenya and Kituo Cha Sheria

Year(s): 2015 – ongoing

Context: In Kenya the stateless population is estimated to be around 100,000, but a profiling exercise still has to be conducted. The legal and administrative framework is not adequate to deal with the issue of stateless persons, although the constitution provides a better framework within which the rights of stateless persons or those at risk of statelessness may be better protected. Generally, there is a need to step up efforts to raise awareness around statelessness issues in the country.

Initiative: In 2015 UNHCR together with its partners (the Refugee Consortium of Kenya and Kituo Cha Sheria) actively engaged with Kisii and Kabarak universities in the country to embed statelessness into their International Human Rights Law curriculum.

Outcome: The interest in statelessness among students was immense, and even though the universities do not have a stand-alone statelessness course, the issue of statelessness is slowly gaining interest among law students in the country.

5. Including affected communities in the strategic approach

Peaceful co-existence initiatives in Maban Refugee Operation

Location: South Sudan

Actor(s): UNHCR sub-office Maban Upper Nile State, South Sudan and civil society partners

Year(s): 2015 - 2017

Context: Maban hosts four refugee camps namely Doro, Gendrassa, Yusuf Batil and Kaya camps with, as of September 2017, an overall population of 142,800 Sudanese refugees from the Blue Nile State. The presence of the refugees in resource constrained Maban places significant pressure on the limited natural resources of the host communities. This has resulted in violent conflicts between the two groups since 2014, leading to displacement of large portions of the population from both camps and host communities. Most of these conflicts are due to depletion of natural resources and very limited access to livelihoods opportunities. In absence of a strong law enforcement, including judiciary, to maintain law and order amidst heavily militarized communities, UNHCR in coordination with local authorities and NGO partners have constantly played central role in mitigating conflicts and maintaining relative peace through various co-existence initiatives, between refugees on one hand and refugees and host community on the other. The changing and fluid nature of the conflicts require quick adaptations and innovative strategies to ensure peace prevails between the populations.

Initiative: Following various assessments conducted in and around refugee camps in 2015 and 2016 to assess the reasons for the endemic violence between refugees and host population, UNHCR and partners (including churches) developed two major strategies to address the situation. Since conflicts between the refugees and host communities are resource-based and communal in nature, UNHCR and partners firstly supported the formation of several Joint Peace Committees, consisting of local community leaders, and trained the committee members on conflict identification. Purpose of

the committees is to meet regularly with the camp and host community to prevent escalations and identify solutions, and to foster peaceful interaction between the refugees and the host population, including through the organization of cultural events. Additionally, sustainable strategic support was provided to the host community in strategic partnership with FAO and UNICEF to address some of the needs of the community through partnership with developmental actors, to foster peaceful coexistence and tolerance among the refugees and the host communities.

Outcome: These initiatives resulted in increased acceptance and tolerance by the host communities, reduction of rampant resource-based conflicts, and also improved the relationship between the host and refugee populations leading to amicable sharing of resources and common areas.

Indigenous and Afro-Colombian Strategies

Location: Colombia

Actor(s): UNHCR Colombia and the Association of Displaced Afro-Colombians (AFRODES)

Year(s): 2017

Context: UNHCR Colombia has designed and is implementing an Indigenous and an Afro-Colombian Strategy for internally displaced members of ethnic or religious minority groups and affected communities. The Strategy seeks to empower the Indigenous and Afro-Colombian population through raising awareness about their individual and collective rights, including the right to autonomy and live on their lands, and strengthening their cultural practices and their community structures, as prevention and protection mechanism against forced displacement. Indigenous and Afro-Colombian communities have expressed their concern with regards to the peace agreement to be signed. Given that during the post-agreement phase there is a likelihood of conflicts to arise in collectively-held territories, strengthening the self-determination and supporting the reconstruction of social fabric is key for protection and for sustainable solutions.

Initiative: In order to strengthen the voices of Indigenous and Afro-Colombian women and to highlight the importance of local peace-building initiatives, UNHCR implemented pilot projects in Bogotá, Quibdó, Tumaco, Cartagena and Villavicencio with AFRODES. The aim was to support the women in expressing their proposals for peace in a possible post-agreement scenario from a grassroots perspective, focusing on the personal and community level needs and recommendations.

Outcome: The participants are in the process of defining healing mechanisms in order to rebuild their lives and their communities and to construct sustainable peace. They also highlighted the impact of the conflict on their lives and the urgent need of healing these emotional, social, and spiritual wounds in a comprehensive culturally-sensitive way.

6. Providing individual support to victims of hate crimes

Prevention and mitigation of violent attacks against UNHCR persons of concern

Location: South Africa

Actor(s): UNHCR ROSA and the Displaced and Migrant Persons Support Programme (DMPSP)

Year(s): 2009

Context: UNHCR redoubled its supporting efforts to combat xenophobic violence that caused tens of thousands of people to flee their homes in South Africa as a result of increasing tensions between South Africans and foreigners - mainly Africans, and including refugees and asylum-seekers.

Initiative: DMPSP with support from UNHCR, initiated a programme to prevent and mitigate violent attacks on UNHCR's persons of concern in 2009 in areas across the country. Implemented by DMPSP and administered under the Jesuit Refugee Service's administration, the programme aims to prevent and mitigate violent attacks on persons of concern and consists of two main components: i) protection: liaison with police, local government structures, community structures and community mobilisation towards prevention or containment of violence, and ii) community cohesion: conflict resolution and re-integration of displaced. DMPSP indicates that their general modus operandi consists of: i) intelligence gathering to have a clear understanding of the situation, ii) dispersing crowds of perpetrators using force when necessary (working with the police or on their own), iii) evacuating victims of attacks to safe places, iv) searching for and retrieving stolen goods, v) arresting perpetrators and handing them over to the police, as well as vi) negotiating with communities and their leaders for reintegration of displaced foreign nationals.¹⁰⁹

109 UNHCR, Protection from Xenophobia: An Evaluation of UNHCR's Regional Office for Southern Africa's Xenophobia Related Programmes, February 2015, available at: <http://www.refworld.org/docid/55d2e1be4.html>, pages 66-67.

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