**Human Rights Council**

**Intersessional high-level panel discussion on the incompatibility between democracy and racism: identifying challenges and good practices**

*Concept note (as of 1 April 2019)*

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| **Date**  **and venue:** | **2 April 2019, 3 to 6 p.m., Palais des Nations,** [**Room XX**](http://www.unog.ch/80256EE60057CB67/(httpRooms)/4C2700FCE9684AD780256EF9005A65FE?OpenDocument&unid=BAE3AF717207A5AF80256EF80049C552)**, Geneva**  *(will be broadcast live and archived on* [*http://webtv.un.org*](http://webtv.un.org)*)* | |
| **Objectives:** | The debate will aim at identifying challenges and good practices on the incompatibility between democracy and racism. | |
| **Chair:** | **H.E. Mr. Coly Seck**, President of the Human Rights Council | |
| **Opening**  **statement:** | **Ms. Peggy Hicks,** Director of Thematic Engagement, Special Procedures and Right to Development Division, Office of the United Nations High Commissioner for Human Rights | |
| **Moderator:** | **H.E. Ms. Shara Duncan Villalobos**, Deputy Permanent Representative of Costa Rica to the United Nations Office and other international organizations in Geneva | |
| **Panellists:** | * **Ms. Maria Angelica Iguaracema Rodrigues da Costa**, International Advisor at the Ministry of Women, Family and Human Rights of Brazil * **Mr. Valery Engel**, Professor, Senior Fellow at the Centre for Analysis of the Radical Right, President of the European Centre for Democracy Development in Latvia and Director of the Institute of the Ethnic Policy & Inter-Ethnic Studies in the Russian Federation * **Mr. Adolphe Sururu**, Professor at the University of Burundi, Director and Founder of Peace Education and Conflict Managment Training Center (AHiTC) and National Coordinator of the Transnational Foundation for Peace and Future Research (TFF) | |
| **Outcome:** | A summary report on the panel discussion will be prepared for submission to the Human Rights Council at its forty-second session. | |
| **Mandate:** | In its resolution 38/19, the Human Rights Council decided to convene, before its forty-first session, an intersessional high-level panel discussion on the incompatibility between democracy and racism, aimed at identifying challenges and good practices. | |
| **Format:** | The opening statement and initial presentations by the panellists will be followed by an interactive discussion divided into two slots. The list of speakers for the discussion will be established at the beginning of the debate through the electronic system in the room and, as per practice, statements by high-level dignitaries and groups will be moved to the beginning of the list. Each speaker will have two minutes to raise issues and to ask panellists questions. Interpretation will be provided in the six United Nations official languages (Arabic, Chinese, English, French, Russian and Spanish). | |
| **Background:** | In its resolution 38/19, the Human Rights Council acknowledged the linkage and complementarity of the fight against racism, racial discrimination and xenophobia with the long-term construction of a democratic, non-discriminatory and a multicultural society based on the recognition, respect and promotion of cultural, ethnic and religious diversity.  The Human Rights Council expressed its concerns about the rise of racism, racial discrimination, xenophobia and related intolerance in political circles, in the sphere of public opinion and in society at large, and emphasized that democracy, transparent, responsible, accountable and participatory governance responsive to the needs and aspirations of the people, and respect for human rights, fundamental freedoms and the rule of law are essential for the effective prevention, and elimination of racism, racial discrimination, xenophobia and related intolerance.  The Human Rights Council further reaffirmed that acts of racial violence, incitement to racial hatred or discrimination, inter alia by the dissemination of ideas based on racial or ethnic superiority or hatred, do not constitute legitimate expressions of opinion but rather unlawful acts or offences, and that when government officials and public authorities engage in such acts, they undermine the principle of non-discrimination and endanger democracy.  The Human Right Council also recognized the importance of freedom of speech and expression and the fundamental role of education and other active policies in the promotion of tolerance and respect for others and in the construction of pluralistic and inclusive societies. It also acknowledged that the exercise of the right to freedom of expression carries with it special duties and responsibilities, among which the obligation not to disseminate racist ideas is of particular importance, and that freedom of expression shall only be subject to certain restrictions that are provided for by law and are necessary for respect of the rights or reputations of others, including the principles of equality and non-discrimination.  The fundamental international standard for equality and non-discrimination is set out in the Universal Declaration of Human Rights, which reaffirms that, “Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”.  The preamble of the International Convention for the Elimination of All Forms of Racial Discrimination states, that “any doctrine of superiority based on racial differentiation is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination, in theory or in practice, anywhere.”  Furthermore, according to article 4 of the International Convention, State Parties shall 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 should undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination. States shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof; they shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law; and shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.  The issue of incitement to racial, national or ethnic hatred and discrimination as well as freedom of expression and opinion, are also addressed in the General Recommendation 35: Combatting Racist Hate Speech, adopted by the Committee on the Elimination of Racial Discrimination, and in the General Comment 34 of the Human Rights Committee on Article 19: Freedoms of Opinion and Expression.  The Durban Declaration and Programme of Action (DDPA) adopted by the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and the 2009 Durban Review Conference also tackled these issues. Paragraph 85 of DDPA condemns political platforms and organizations based on racism, xenophobia or doctrines of racial superiority and related discrimination, as well as legislation and practices based on racism, racial discrimination, xenophobia and related intolerance, as incompatible with democracy and transparent and accountable governance.  The DDPA also underlines “the key role that politicians and political parties can play in combating racism, racial discrimination, xenophobia and related intolerance and encourages political parties to take concrete steps to promote equality, solidarity and non-discrimination in society.” Politicians and political parties could develop voluntary codes of conduct so their members refrain from public statements and actions that encourage or incite racism, racial discrimination, xenophobia and related intolerance. | |
| Background  documents: | * [Committee on the Elimination of Racial Discrimination, General Recommendation No. 35 on combating racist hate speech (2013)](http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhssyNNtgI51ma08CMa6o7Bglz8iG4SuOjovEP%2bcqr8joDoVEbW%2bQ1MoWdOTNEV99v6FZp9aSSA1nZya6gtpTo2JUBMI0%2boOmjAwk%2b2xJW%2bC8e) * [Human Rights Committee, General Comment No. 34 on Article 19: Freedoms of opinion and expression](http://www2.ohchr.org/english/bodies/hrc/docs/GC34.pdf) * [Durban Declaration and Programme of Action (2001)](https://www.un.org/WCAR/durban.pdf) and the Outcome document of the Durban review conference (2009) * Report of the United Nations High Commissioner for Human Rights on the expert workshops on the prohibition of incitement to national, racial or religious hatred [(A/HRC/22/17/Add.4)](http://www.un.org/ga/search/view_doc.asp?symbol=A/HRC/22/17/Add.4) * Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Tendayi Achiume, to the General Assembly on contemporary forms of racism, racial discrimination, xenophobia and related intolerance ([A/73/305](https://undocs.org/A/73/305)) * Report of the United Nations High Commissioner for Human Rights on combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief ([A/HRC/40/44](https://undocs.org/A/HRC/40/44)) * Reports of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action ([A/HRC/40/75](https://undocs.org/A/HRC/40/75) and [A/HRC/23/19](https://undocs.org/A/HRC/23/19)) * [International Covenant on Civil and Political Rights (ICCPR)](https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx) |