

“On the Road to Effective Equality”
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Panel: Looking to the future: Reinforce existing actions or new approaches to achieving equality?

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Excellencies, distinguished guests, colleagues,

I am pleased to be with you today, to reflect on past anti-racism efforts and to consider our path forward.

I wish to begin by commending European Commission against Racism and Intolerance for its work over the past twenty-five years. ECRI has been and remains a key force in ensuring racial equality and fighting forms of racial discrimination. ECRI's contributions to establishing and strengthening national equality institutions are precisely the sort of long-term investment in human rights that is required to make meaningful change where issues of inequality, discrimination and intolerance are concerned. As we celebrate ECRI's achievements, it is also important remain focused on the work that remains to be done to combat racism, racial discrimination and xenophobia remain. For example, the European Union's Fundamental Rights Agency's 2018 report, *Being Black in the EU*, underscores that racial discrimination is a reality in all areas of life for people of African descent who reside in Europe. And, in the Agency's 2018 survey on experiences and perceptions of anti-Semitism in the EU, almost 90% of the respondents stated that antisemitism is worsening in their country, especially online.

With respect to the focus of this session—reinforcing existing actions or adopting new approaches to achieving equality—I want to first give a brief response, and then expand on that brief response by highlighting two big challenges I see in fighting racial discrimination in Europe, and then three strategies essential to the road to effective equality, not just in Europe but all over the world.

The brief response is that the path to effective equality requires strengthening existing approaches where they have worked, while at the same time, remaining open and creative where new approaches show potential to overcome past failures. But two challenges confronting Europe are the following:

“Colorblindness”: in my work in Europe I have been struck by the great reluctance in many circles, especially liberal circles to confront racism directly, and to acknowledge that racial discrimination and racial inequality can thrive, even in the absence of explicit racist intentions. Where immigration laws, or criminal justice laws, or counter-terrorism laws, and their enforcement disproportionately target specific racial, ethnic or religious groups (for example as documented in the *Being Black in the EU* report), these are all problems of racial discrimination. In the context of counterterrorism policy, for example, it is common for European and North American nations to target Muslim communities under the guise of countering Islamic terrorism, while at the same time ignoring the very real threat posed by right-wing extremist groups rooted in white supremacist ideologies. It is not enough for governments to express commitments to equality and non-discrimination—international human rights law requires them to take action to ensure that structural, institutional and indirect discrimination is addressed. I have found that even talking about race—as a social construction and not a biological category—meets strong resistance in many circles in Europe. As I have explained in my work—refusing to use the term

“race” and refusing to acknowledge the discrimination and subordination that results from having a non-white identity in Europe, essentially makes it harder to fight this discrimination and subordination. It is not enough to insist that “I don’t see color or race”—for people whose rights are at risk because of their race, to insist on colorblindness, just as to insist on genderblindness, is dangerous.

Colonial Amnesia: A second challenge to achieving racial equality in Europe has to do with the inability of much of Europe to confront its colonial legacy at home and abroad, which includes the legacy of slavery. This colonial amnesia is especially evident in the way that European history and even European national identity is taught in schools. In my work with racial and ethnic minority communities in Europe they talk at length about the exclusion of their experiences, their stories, and even their contributions to building Europe, and this exclusion is from history books, from media accounts, from political narratives and other places. In my next report to the General Assembly I discuss the need for reparations for colonialism and slavery, that include acknowledgment of past wrongs, and action to address contemporary discriminatory legacies of these European enterprises.

To move forward in the fight to achieve racial equality and eliminate all forms of racial discrimination, I advocate that States and civil society adopt a multi-pronged approach, one I have attempted to use in my role as Special Rapporteur.

First, we must adopt the substantive, structural approach to racial equality and non-discrimination envisioned in the International Convention on the Elimination of All Forms of Racial Discrimination. We must not only concern ourselves with explicit forms of discrimination and intolerance, but also combat the structural and institutionalized forms of discrimination that result in societal marginalization of racialized groups and minorities. We are in a moment when it has become commonplace to speak of a “resurgence” of racism, and indeed, as I have stated in my report on the rise of nationalist populism as a threat to racial equality, the political climate especially but not only in Europe, has fostered more explicit manifestations of discrimination and intolerance. At the same time, systemic racial discrimination, including exclusion from enjoyment of rights to housing, education, and equality before the law, to name a few, have been the lived experience for generations of racial and ethnic religious minorities. This means that we must continue to pay attention to structural continuity where discrimination and intolerance are concerned.

Second, we must adopt an intersectional approach to equality and non-discrimination. But our intersectional efforts must extend beyond gender-responsivity. We must also account for how intersecting and multiple identities of race, ethnicity, gender identity, sex, sexual orientation, religion, disability status and other social categories result in different lived realities and migration experiences.

Third, we must adopt a practice of what Professor Mari Matsuda calls “looking to the bottom.” We must ensure that those with direct experience with racial discrimination and other forms of oppression are essential to the production of knowledge intended to advance the emancipation of these groups. This practice ultimately will require us to reform bureaucratic approaches to human rights and racial equality to ensure that affected populations wield more power and identify our strategies and priorities.

Finally, I would like to conclude with some information about an event that will be of interest to this group. In 2017, the HRC requested OHCHR to hold workshop to discuss the role of regional arrangements in combating racism, racial discrimination, xenophobia and related intolerance and in the implementation and commitment in the Durban Declaration and Program of Action. This workshop will be held on the 21 and 22 October 2019, at Palais de Nations. Regional mechanisms, UN experts, CSOs and NHRIs as well as states will participate, and there is an OHCHR representative present who can provide more information.