Discrimination and Conflict Prevention

Lanna Hollo
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Initiative on Quiet Diplomacy

The Initiative on Quiet Diplomacy (IQd) seeks to address the root and proximate causes of violent conflict—before they escalate into violence—by helping develop institutions in regional, sub-regional and other inter-governmental organisations, providing key actors with tools and techniques to identify, assess and respond to recurring issues in conflict situations, and supporting and facilitating dialogue and mediation processes.

IQd brings normative and security perspectives to the development of effective institutions at inter-governmental, national and local levels to help peacefully mediate the differences that can lead to tensions in any diverse society. Our value-added is knowledge of recurring issues in conflict situations, and experience developing and implementing responses via a quiet diplomatic approach that bridges the gap between norms and action.

IQd is working to achieve a just and stable world without violent conflict, in which individuals and groups can peacefully reconcile their interests, enjoy their rights, satisfy their needs, and pursue social and economic development.

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Series Overview

The aim of the Conflict Prevention Handbook Series is to enhance the capacities and improve the effectiveness of conflict prevention actors, especially those at intergovernmental level. These “third-parties” involved in inter-communal and related conflicts are faced with the difficult challenges of how to contain and de-escalate tensions and disputes before they erupt into violent conflict. Such conflicts typically build over a long period of time and are fuelled by real or perceived grievances about matters that affect the everyday life of members of different communities in a society. Successful third-party engagement must therefore be capable of responding to immediate triggers and proximate causes of a dispute, while also addressing root causes through reconciliation, institution-building, and political and economic transformation. Successful engagement requires the tools appropriate to the related issues and to processes.

In this light, the Conflict Prevention Handbook Series provides previously unavailable practical resources around selected issue areas that are amongst the common grievances of parties to inter-communal conflicts and, thus, are sources of tension that international, national and local actors require to manage, if not resolve, in order to avoid violence. The handbooks present, analyse and evaluate options available to address these recurring substantive issues. Though primarily issue-oriented, the series also consists of process-related topics. Subjects treated reflect the specific needs of conflict prevention actors, and have been chosen from experience, observation and the recommendations of senior intergovernmental officials and other practitioners.

Each handbook provides: methodologies for assessing a situation, determining the causes of grievances; a process for the selection of possible approaches and measures to address the issue(s); considerations and conditions relevant to the selection and implementation of the measures; information about expected outcomes; concrete examples (including comparative law and practice) from different contexts; and practical resources upon which actors can draw. The handbooks draw clearly from international normative frameworks and follow a problem-solving approach.

The concise, easily accessible and specific nature of the handbooks is intended to provide concrete and immediate guidance to conflict prevention actors, thus enhancing both the processes and outcomes of their activities. As such, they are not meant to replace deeper learning or training, but rather be useful tools for practitioners who may not be specialists on various topics and can benefit from initial guidance and further references. Each commissioned handbook is written by experts in the field, developed and edited under the close supervision of the global Initiative on Quiet Diplomacy, peer-reviewed, and subjected to external scrutiny and critique. The author(s) of each handbook are responsible for its content.

Discrimination and Conflict Prevention is the second topic in this Handbook Series. It addresses one of the recurrent causes of conflict which intimately links human rights, security and development. Authored by a specialist, it enables conflict prevention actors to easily identify and respond to different kinds of discrimination at all levels.

John Packer
Senior Adviser, Initiative on Quiet Diplomacy
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Foreword

Discrimination is a root cause of violent conflicts across the globe. Through the debasement of minority and other populations, discrimination creates and intensifies tensions between community groups and erodes public confidence in the fairness of laws, institutions and public policies.

Discrimination can impact every aspect of a person’s day-to-day life, including living conditions, access to education, employment opportunities, and eligibility to vote and participate in public life. Sustained humiliation, mistreatment and violence can further compromise a victim’s wellbeing.

The horrific effects of systematic discrimination are infamously exemplified by the vast inequality and dehumanizing conditions experienced by blacks in South Africa during apartheid, Roma across Europe and the untouchable Dalits in India.

However, the effects of discrimination are felt well beyond those who experience it directly. As asserted in the opening paragraph of the Universal Declaration of Human Rights, discrimination undermines the “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family [which] is the foundation of freedom, justice and peace in the world.”

This handbook underlines that discrimination is not only detrimental to its victims, but as a source of conflict it has wide public effects which make discrimination a problem for us all. From this perspective, this handbook provides conflict prevention actors with the knowledge they need to define, identify and respond to discrimination. Its systematic treatment of the topic with elaboration in concise terms of suggested actions makes this a highly practical and long overdue addition to the practitioner’s tool-kit.

It is my sincere hope that the theoretical and practical information contained within these pages will help conflict prevention actors and others contribute to a more fair, equitable and peaceful world. I recommend actors at all levels and everywhere to read and draw from this useful publication. It should be kept readily at hand!

Radhika Coomaraswamy

Special Representative of the UN Secretary-General for Children and Armed Conflict Chairperson of the Sri Lanka Human Rights Commission (2003-2006)
1. Discrimination Defined

Discrimination is the unfavourable treatment of an individual or group based on grounds such as ethnicity, colour, sex, language, religion or birth, without a reasonable and objective justification.

The United Nations Human Rights Committee defined discrimination as:

“any distinction, exclusion, restriction or preference which is based on any grounds such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons on an equal footing, of all rights and freedoms.”

1.1. Unfavourable Treatment

Disadvantage must be caused to an individual or group of individuals for there to be discrimination. This disadvantage varies with each situation, but is typically characterised by exclusion from—or interference with—access to basic services or rights. Unfavourable treatment can take the form of:

i. a distinction (e.g., only certain persons are allowed to sit at the front of a bus, or police single out individuals for abusive treatment);

ii. exclusion (e.g., a person is refused entrance to a restaurant or denied the possibility of participating in development projects);

iii. a restriction (e.g., certain individuals have limited freedom of movement and are restricted from performing specific jobs);

iv. preference (e.g., resources such as quality farmland are channelled to certain groups to the detriment of another); and

v. segregation (e.g., the living spaces of persons belonging to a particular group are separated from those of others, or the children of a particular group are sent to different schools than other children).

1.2. Prohibited Grounds

Furthermore, to be discriminatory, unfavourable treatment must be based on grounds such as ethnicity, religion, national or social origin, language, physical appearance, descent, political or other opinion, sex, sexual preference or disability.

These grounds may be real or presumed. For instance, a Sikh who is fired from his job because his employer believes he is a Muslim is just as much a victim of unfavourable treatment based on a prohibited ground—religion—as a Muslim who is fired from his job for being a Muslim.

A prohibited ground need not be the only basis for the unfavourable treatment. It should also be noted that individuals often experience discrimination stemming from more than one prohibited ground.
1.3. Without a Reasonable and Objective Justification

Not everyone who experiences unfavourable treatment based on a prohibited ground, however, is a victim of discrimination; the unfavourable treatment can have a reasonable and objective justification. In other words, if the unfavourable treatment pursues a legitimate aim (such as protecting public security or health) and is proportional to that aim, there is no case of discrimination.

1.4. Examples of Discrimination

In each example of discrimination listed below, there is a subject—a person or group that is victimised—and a form of unfavourable treatment based on one or more prohibited ground. None of the treatments have a reasonable and objective justification.

• Young black boys are frequent targets of police abuse.
• Women are paid lower wages than men.
• A high percentage of aboriginal children are removed from their families by state authorities and placed with white families.
• Authorities refuse to consider the claims of asylum seekers originating from Arab countries.
• Foreign-born lawyers cannot be licensed to practice law.
• Members of a nomadic tribe are unable to obtain identity documents.
• Indigenous persons in rural areas are unable to reach electoral offices in order to vote in a national election.
• Doctors refuse to treat AIDS patients.
• Disabled persons are sent to special centres and not allowed to leave.
• The state provides funding for the Catholic Church but not for other religions.
• Clean drinking water is channelled to villages inhabited by members of the same ethnic group as the president, limiting the amount of clean water available to other villages.
• Court hearings are held only in the national language and translation services are not provided.
• Dalits are forbidden to use village streets.
• Romani children are sent to schools for mentally disabled children.

1.5. Case Studies: Identifying Discrimination

The following case studies illustrate the three elements of discrimination—unfavourable treatment, prohibited grounds, and a lack of justification.

SCENARIO 1—THE LOWER-PAID WOMAN

A woman performs a job identical to that of her male colleague. However, the man is paid twice as much as the woman. When asked, their employer claims that women do not need as much money as men because they are not responsible for financial support of the family.
ANALYSIS

The first two elements of discrimination are clearly present: unfavourable treatment and a prohibited ground—sex. However, the employer has not provided a legitimate aim for paying his female employee less than his male employee. In fact, it is not possible to provide a reasonable and objective justification for paying a woman less than a man when both perform the same work. It is evident, therefore, that the employer is discriminating against the woman.

SCENARIO 2—THE REQUEST FOR LANGUAGE SKILLS

In a country where the national language is Portuguese, a job advertisement for a part-time position at a social security office states that French language skills are required. Applicants who are not fluent in French are denied interviews.

When questioned, the Director of Human Resources explains that the social security office is responsible for handling requests for social assistance and must serve all members of the public, including the city’s French-speaking population. She goes on to say that, over the past few years, an increasing number of French-speaking immigrants have arrived in the city, and that the office has been unable to serve them adequately because it does not have a French speaker on staff. She observes that there are enough clients who speak only French, or who have limited understanding of Portuguese, to keep a full-time employee busy. The Director expresses regret that her current budget will only enable her to hire someone part-time.

ANALYSIS

A job opportunity is denied to individuals based on a prohibited ground—language. Or seen differently, French speakers are given preferential treatment to the detriment of non-French speakers.

However, the Director has a legitimate purpose for limiting the position to a French speaker. The number of French-speaking clients is clearly high—enough to occupy a full-time staff member—and it is difficult to imagine alternative options to serve them.

The office could hire a translator, but this position would also require French-language skills and would involve hiring two people instead of one. Hiring a French speaker part-time, therefore, seems to be a proportionate means of ensuring French-speaking members of the public have access to social assistance.

The situation might be different if we were to discover that, out of a staff of 20, three people spoke French and at least two of them are present in the office at any given time. There are only enough clients who need to communicate in French to keep one person busy. The two staff members, therefore, would already fulfill the aim serving the French-speaking members of the public. In this case, requiring French-speaking skills of a new part-time employee may be found to be disproportionate.
2. Forms of Discrimination

Discrimination can be either direct or indirect, limited to individual instances or embedded in a society’s institutions.

2.1. Direct Discrimination

Direct discrimination is treatment that is obviously unfair to members of a particular group. It may be based on explicit statements of behaviour, or hidden by the perpetrator but nevertheless identifiable.

Examples of direct discrimination:
- A sign outside a bar that reads: “no blacks allowed”.
- An employer who, while denying that he discriminates, will not hire women.
- A public office responsible for distributing social welfare that gives its staff instructions not to serve members of a particular ethnic group.
- Restrictions placed on the freedom of movement of all Catholics.

2.2. Indirect Discrimination

Indirect discrimination occurs when a seemingly neutral rule, requirement, procedure or practice results in a disproportionate disadvantage for a particular group. It is the effect of a standard upon a particular group that matters in determining whether this type of discrimination has occurred; the intention is irrelevant.

Examples of indirect discrimination:
- A rule requiring parents to provide an address when registering their children in school is disproportionately disadvantageous to nomadic populations.
- A testing procedure to determine a child’s intellectual capacities that assumes certain linguistic or cultural knowledge is unfair to children of minority groups who do not share this language or culture.
- Exam schedules that interfere with the religious holidays of a particular faith are disadvantageous to individuals of that faith.
- Official work holidays and days of rest that correspond to the majority religious faith adversely impact upon those of other faiths.
2.3. Widespread and Pervasive Discrimination

Discrimination is often a structural, systemic or institutional phenomenon, meaning the patterns of behaviour, policies or practices within social institutions perpetuate the relative disadvantage of certain groups.

Individuals within an institution may be unaware that their actions and decisions perpetuate the exclusion or disadvantage of certain groups.

Furthermore, discriminatory patterns of behaviour, policies and practices can appear neutral. It is essential to consider the effects of behaviours, policies and practices on minority groups carefully to ensure institutions do not reflect or promote inequality.

Such systematic and persistent discrimination is often a precursor of violent conflict.

“Numerous studies and reports have identified systemic barriers in educational services affecting racialised children, particularly African Canadian and Aboriginal children. Concerns that have been identified include streaming, bias in testing and evaluation, a monocultural and exclusionary curriculum, unfair and unusual discipline, low expectations, failing to deal with racial incidents and bullying, lack of role models, negative attitudes and stereotypes and a lack of programs that support the needs and concerns of racialised students.”

- Ontario Human Rights Commission
3. Discrimination and International Law

The principle of non-discrimination has become part of international law that binds all states, regardless of ratified treaties in which particular grounds of discrimination appear.

The right to be free from discrimination is repeated in many international conventions, declarations and recommendations, and takes two forms:

i. **A self-standing provision** is a right valid in itself that must be applied in all fields of life, whether political, civil, social, economic or cultural.

ii. **An accessory provision** is a right that applies only with respect to rights set out in a given convention.

The following are examples of non-discrimination provisions in selected international and regional instruments.

3.1. Examples of Non-discrimination as a Self-standing Provision

**CHARTER OF THE UNITED NATIONS**

Article 1
The purposes of the United Nations are:
...c) To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.

Article 55
With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:
... c) universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

**UNIVERSAL DECLARATION OF HUMAN RIGHTS**

Article 7
All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.
INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

Article 26
All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

Article 2(1)
States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end: (a) Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local shall act in conformity with this obligation.

Note:
Article 1(1) of the convention clarifies that the term racial discrimination “shall mean 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.”

AFRICAN CHARTER ON HUMAN AND PEOPLES’ RIGHTS

Article 3
1) Every individual shall be equal before the law.
2) Every individual shall be entitled to equal protection of the law.

AMERICAN CONVENTION ON HUMAN RIGHTS

Article 24
All persons are equal before the law. Consequently, they are entitled, without discrimination, to equal protection of the law.

EUROPEAN CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Protocol 12
1) The enjoyment of any right set forth by law shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.
2) No one shall be discriminated against by any public authority on any ground such as those mentioned in paragraph.
3.2. Examples of Non-discrimination as an Accessory Provision

UNIVERSAL DECLARATION OF HUMAN RIGHTS

Article 2
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.

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

Article 2(1)
Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognised in the present Covenant, 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.

INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Article 2(2)
The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

AFRICAN CHARTER ON HUMAN AND PEOPLES’ RIGHTS

Article 2
Every individual shall be entitled to the enjoyment of rights and freedoms recognised and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national or social origin, fortune, birth or other status.

AMERICAN CONVENTION ON HUMAN RIGHTS

Article 1
1) The States Parties to this Convention undertake to respect the rights and freedoms recognised herein and ensure to all persons subject to their jurisdiction the free and full exercise of those rights and freedoms, without any discrimination for reasons of race, colour, sex, language, religion, political or other opinion, national or social origin, economic status, birth, or any other social condition.

EUROPEAN CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Article 14
The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.
4. Five steps to Prevent Discrimination-Related Conflict

STEP 1: Watch for indicators of widespread and ongoing discrimination

STEP 2: Examine the facts of each problematic area more closely to test whether there is discrimination

STEP 3: Determine the sources of discrimination in each case

STEP 4: Take transitional steps between analysis and action

STEP 5: Decide upon the most appropriate responses
STEP 1: Watch for Indicators of Discrimination

The likelihood of social tensions erupting into violent conflict is especially high when discrimination creates high levels of frustration and discontent. Typically, these arise when discrimination is not an individual act of discrimination, but:

i. **is ongoing** (occurring in a regular manner—through law, policy or practice—over a period of time);

ii. **generally widespread** (usually occurring in several key fields of life, often with a cumulative effect); and

iii. **creates significant disadvantage** (preventing or obstructing members of a minority group from accessing basic rights, services and resources).

According to one monitoring organisation, the following case presents such an example:

French Gypsies and Travellers are unequal citizens. They suffer dramatic levels of discrimination that affect a wide range of civil, political, social, economic and cultural rights. The situation has reached crisis proportions in the area of housing. Thousands of Gypsies and Travellers who buy land find themselves harassed, threatened with eviction and denied basic amenities such as water and electricity. A shocking percentage of Traveller and Gypsy children receive no education, drop out before reaching the secondary level or attend segregated structures that provide only minimal education. Even when they attend school, Gypsies and Travellers seem all too often to receive a substandard education, often not even equipping them with basic literacy skills. Such discrimination also extends across other key sectors of life, magnifying the effect of each single instance of discrimination, so that many Travellers and Gypsies find themselves caught in a snowballing cycle of marginalisation and exclusion. The official denial of this discrimination, often shrouded in the language of “universal equality”, only serves to prolong its persistence.

- The European Roma Rights Centre in: the report “Always Somewhere Else: Anti-Gypsyism in France”

Conflict prevention actors should also watch for situations of discrimination in which no remedies exist and no serious efforts are being taken to address the problem. In addition, a worsening of perceived or real levels of discrimination can trigger violence, as can particularly dramatic and symbolic cases of discrimination.

Examples of dramatic and symbolic cases of discrimination:

- A prominent leader is removed from a public position on racial grounds.
- An indigenous village is cut off from its water supply.
- Thousands of citizens of a particular foreign origin are stripped of their citizenship and expelled.
- Local authorities seize land and property from members of a minority group.
Checklist of Indicators of Widespread and Ongoing Discrimination Against a Particular Group

The following indicators of widespread and ongoing discrimination can help conflict prevention actors easily identify situations—in advance of any violence—that demand particular attention.

- Allegations of widespread and ongoing discrimination.

**IDENTITY FACTORS**

- Denial of a group’s identity.
- Prevention from expressing key elements of a group’s identity.
- Prevention from practicing a particular religion.
- Direct and indirect policies of segregation in key sectors. For instance, separate schools or classes and separate neighbourhoods.

**EDUCATION FACTORS**

- Content in textbooks and/or other teaching materials that promotes negative stereotypes and attitudes towards a group.
- Disproportionately high levels of illiteracy among members of a group.
- Disproportionately low levels of school attendance and achievement among members of a group.

**EMPLOYMENT FACTORS**

- Exclusion from or disproportionately few members of a group in key professions (e.g., teachers, doctors, judges, police officers).
- Over-representation of members of a group in areas of economic activity that are marginal, low status, poorly paid, inadequately regulated or informal.
- Disproportionately high levels of unemployment among members of a group.

**HEALTH FACTORS**

- Disproportionately high infant death rate within a group.
- Relatively low life expectancy for members of a group.

**RESOURCE AND SERVICE FACTORS**

- Lower than average levels of development in areas in which a significant percentage of the population are members of a given group.
- Denial of access to natural resources such as clean water.
- High rate of poverty.
- Disproportionately few members of a group with land or security of tenure on the land they inhabit or use.
• Policies that prevent delivery of essential services or assistance, including obstruction of aid, access to food, water, sanitation and essential medical supplies in certain regions or targeting specific groups.

HOUSING AND INFRASTRUCTURE FACTORS

• Poorer than average housing conditions, lacking security of tenure (risk or subject to forced eviction), personal security, or habitable housing.

• Poorer than average infrastructure in areas in which a high percentage of the population are group members.

POLITICAL FACTORS

• Systematic and widespread speech or propaganda promoting hatred and/or inciting violence or discrimination against a group, particularly by political and opinion leaders and the media.

• Public statements by political and opinion leaders that claim the superiority of, or denigrate, a group.

• Exclusion from, or disproportionate representation in, elected bodies and the public service.

• Arbitrary deprivation of citizenship.

• Lack of basic personal documents, such as citizenship documents, birth certificates and identity documents.
STEP 2: Examine the Facts

Understanding the scope of a problem is critical to development of effective responses. Where statistics indicate dramatic levels of inequality in numerous fields of life, the existence of widespread and ongoing discrimination can be reasonably presumed. In all other instances, however, conflict prevention actors must confirm or refute their suspicions of discrimination by conducting further research—on their own or by commissioning independent researchers.

To develop a general picture a group's quality of life, it will be necessary to examine several areas for discrimination.

WHERE TO LOOK

In many cases, relevant information is readily available and can be obtained from a variety of sources, including:

i. **Written sources**: Texts of laws, regulations, circulars and implementing guidelines; reports by politicians, public institutions or agencies, intergovernmental organisations (especially human-rights-monitoring bodies and special rapporteurs), and non-governmental organisations; academic publications; media reports and the Internet.

ii. **Interviews** with group members who appear to be experiencing discrimination; knowledgeable non-governmental organisations and researchers; members of other groups who could serve as comparators; others who are in a position to provide helpful factual information (e.g., lawyers, social workers, community associations, teachers, colleagues, doctors, nurses, and neighbours); officials at national, regional and local levels.

Tip:

In addition to providing factual information, interviews are an occasion to build relationships with different parties that help establish a process of dialogue.

Discussions with authorities raise their awareness of discrimination issues, and help them recognise problems and realise the need for remedial action, while discussions with representatives of discriminated groups can help assure these groups that someone is taking notice of their situation. Such discussions can build hope for an improvement. Therefore, it is important for conflict prevention actors to be clear and open about possibilities to bring about change so as not to build false hopes and increase frustration.
iii. **Meetings**: roundtables, seminars, public panels, hearings and commissions.

Tip:
The decision to hold meetings that are open to the public and press should be made on a case-by-case basis. Open meetings raise general awareness about a problem and put pressure on parties to uphold commitments. However, parties may speak more openly at closed-door meetings, which can be important for building trust and opening channels of communication.

Keep in mind that a path to action can be hindered by breakdowns in communication. Conflict prevention actors involved in organising meetings should seek to establish conditions most favourable to building trust and constructive dialogue.

iv. **Field visits** enabling direct observation of the situation of a particular group. These visits are especially useful for observing the physical conditions of a group: living conditions, infrastructure, distance to services, and the spatial relationship between the group concerned and others (segregation). They also allow for a visual comparison between the conditions of the group being studied and those of neighbours. Evidently, such visits also provide an occasion to carry out interviews and hold meetings.

Tip:
The considerations that apply to interviews also apply to field visits. Simply making the effort to visit communities directly can be a catalyst for building trust and confidence.

**RELIABLE INFORMATION**

Information—and resulting analyses—constitute the basis of all further action. The value of subsequent actions, therefore, depends on the accuracy of the information.

To check reliability:

i. **Assess the credibility** of different sources of information. While this is largely a subjective and instinctive process, asking the following key questions can help ensure objectivity: Is the information backed up by evidence? Can individuals provide concrete facts and examples to support their claims? Is the story consistent?

ii. **Crosscheck information** with other sources. Check the statements of individuals against one another. References to regulations can be checked directly and physical objects or locations can be visited. Media sources can help you obtain descriptions of public events.

**WHEN THERE IS NO INFORMATION**

Where there is little or no available information about the situation of a group—often because of the widespread and ongoing discrimination they experience—conflict prevention actors will need to gather this information independently.
STEP 3: Determine the Sources

Conflict prevention actors should not only assess whether discrimination exists, but also examine its causes in order to develop appropriate responses to a given situation. Discrimination can stem from one or more of the following:

i. **Laws and regulations:** Discrimination can arise from conditions, criteria, practices, provisions and other factors contained in written or unwritten laws, regulations or procedures that relate to a particular sector of life.

Examples of discrimination in laws and regulations:
- Registration procedures for recognition of a religious organisation.
- Members of a particular ethnic group are not allowed to establish newspapers or cultural associations.
- The use of a minority language in private or public is declared illegal and subject to penal sanctions.

ii. **Institutional implementation and practice:** The way in which institutions interpret and implement regulations, and the practices they establish to perform their responsibilities, can have an adverse impact upon certain groups.

Examples of institutional implementation and practice:
- The Ministry of Education fires university professors belonging to a particular religious group.
- Electoral districts are redrawn to divide the population that speaks a particular language, decreasing their possibilities of electing representatives to parliament.

iii. **Individual actions:** Discrimination occurs through the actions of particular individuals, including public officials and private persons, or groups of individuals.

Examples of discrimination at the level of individual actions:
- Armed militias attack villages populated by individuals of a particular national origin.
- Doctors refuse to treat individuals from a particular ethnic group.

In practice, determining the sources of discrimination overlaps with assessments to verify the existence of discrimination. This process can be conducted in two steps:

i. **Comparing the situation** of the group to similarly situated others when it is not clear whether the disadvantage a group is experiencing is due to discrimination or a more general problem such as poverty, poor governance or general human rights violations.

ii. **Examining the reasons** for the unfavourable treatment. The fact-finding involved in this step will provide you with information relevant to both the questions of whether or not there is an objective and reasonable justification for the treatment, and what the sources of discrimination are.
Case Studies: Investigating Discrimination

The following case studies illustrate the steps conflict prevention actors can take to confirm whether or not discrimination exists and to gain an understanding of the sources of discrimination.

CASE STUDY 1—HOUSING CONDITIONS OF PROTESTANTS

The Republic of Senta is a small tropical island. Your office receives a number of reports from civil organisations indicating that Protestants in the northern part of the island live in appalling conditions. Their houses are shacks made from recovered materials such as cardboard boxes, sheet metal and plastic. The villages have no electricity, clean water, sewage systems and waste removal services, and only dirt roads lead to them. Your office wants you to examine whether this situation is an instance of discrimination.

RECOMMENDED APPROACH

Step 1: Examine the facts
Compare the conditions of the Protestant villages to those of neighbouring, non-Protestant communities. During a field visit, you realise all communities in the northern part of Senta have similarly appalling conditions. Therefore, the situation of Protestant communities does not seem to be connected with religion but with widespread poverty, underdevelopment and poor governance.

CASE STUDY 2—REPRESENTATION IN PUBLIC ADMINISTRATION

Based on an official survey, your office becomes aware that there are no Lanas (an ethnic group) in the national public administration in the southern country of Geos. According to a national census, however, Lanas make up 20 percent of the population. You want to examine whether this situation is an instance of discrimination and the sources of the discrimination.

RECOMMENDED APPROACH

Step 1: Examine the facts
You carry out an investigation and learn that one must have personal connections to secure a position in the national public service. Job openings are not advertised, so one can only hear of them through word of mouth. Since lanas are not in the national public service and tend to live separately from others, they generally do not receive information about available positions. Furthermore, those with authority tend to fill open positions with friends and family.

Step 2: Assess the situation
With no legitimate aim, the recruitment system based on personal connections favours the friends and family of employees. Thus, there is clear evidence of discrimination.

Step 3: Determine the sources of discrimination
- Institutional practices: the main source of the discrimination is the informal system of recruitment.
- Regulations: the lack of regulations to ensure open, objective and equitable hiring decisions is another source of the discrimination.
CASE STUDY 3—TRIBE MEMBERS WITHOUT BIRTH CERTIFICATES

Your office receives information that a considerable number of Nala tribe members who reside in Canada do not possess a birth certificate or other identity documents. You know this to be an exceptional situation as the vast majority of Canadian residents have these documents.

Therefore, you want to determine whether this situation is an instance of discrimination and, if so, identify its sources.

RECOMMENDED APPROACH

Step 1: Examine the facts
During your investigation, you discover that, without a birth certificate, it is impossible to obtain other identity documents. There are two ways to acquire a birth certificate: after a baby’s delivery at a hospital or medical centre, or through a legal procedure within 30 days of a baby’s birth. You also learned that both these methods present particular difficulties to members of the Nala tribe.

Many Nala mothers do not give birth in hospitals or medical centres. Some told you that hospitals and medical centres refused them, claiming Nala tribespeople are noisy and bother other patients. When you checked the reliability of your sources, hospitals and medical centres did not deny the stories; some even confirmed the accounts. Furthermore, hospitals are located a considerable distance from most Nala communities and many mothers cannot make it to the medical facilities on time.

No Nala you spoke with had obtained a birth certificate through the legal procedure. Upon further inquiry, you learned that:

- Most Nala are unaware of the existence of the procedure. Officials state they can do nothing if Nala tribespeople do not take responsibility for learning about the procedure.

- Those that were aware of the procedure did not make use of it. Nala individuals you spoke with explained they could not use the procedure, because they were unable to provide an official marriage certificate—which they could not get without identity documents. You checked official regulations and confirmed that these documents are indeed necessary for the registration procedure. No exceptional procedures are available.

Step 2: Assess the situation
Weigh all the information to answer the following questions: Is respect for other patients a legitimate aim? If so, is refusing Nala patients a proportionate means of achieving it?

Assuming it is not merely a racist stereotype that Nala tribespeople are noisy, hospitals and medical centres have many ways of ensuring other patients are not disturbed. Since staff could ask Nala families to be quiet, refusing to admit Nala mothers is unjustified behaviour.

Regarding the second method of obtaining a birth certificate, is it reasonable not to provide Nala people with information about the legal procedure? Is it reasonable to require parents to present marriage certificates?

The authorities you consulted gave no convincing reason for not providing Nala people with this information. The requirement to present a marriage certificate is an example
of a policy that is seemingly neutral but has a disproportionate negative effect on a particular group. As a result, the Nala tribespeople are caught in a vicious cycle of discrimination.

Step 3: Determine the sources of discrimination
The information available indicates the discrimination toward the Nala tribe stems from three different sources:

- Individual actions: hospitals and medical centres refuse to treat patients.
- Institutional practices: decisions about the location of hospitals and medical centers, and the lack of effort to provide Nala people with information about legal procedures.
- Regulations: the requirement of marriage certificates to access legal procedures, with no exceptions; the limitation of only two methods to acquire birth certificates; the requirement to possess a birth certificate to obtain an identity document; the requirement to possess an identity document to obtain a marriage certificate.

REAL WORLD EXAMPLE—SEGREGATED SCHOOLING

Case 11630/2004
Sofia District Court, Bulgaria

Sofia School 103 is based in the poor Romani settlement of Filipovtzi in Sofia. All of the school's students are of Romani origin.

The District Court considers the following question:
Do the conditions in the 103rd secondary school constitute segregated education, a form of discrimination explicitly forbidden under the Bulgarian anti-discrimination act?

In answering this question, the Court explores the reasons that Romani children study in a segregated environment. In particular, it examines whether they study at this school by choice or by coercion.

It finds that the children study at this school primarily because:

- It is impossible for them to study elsewhere.
- The Filipovtzi district is set apart as Romani.
- Sofia School 103 is the closest and most easily accessed.
- It is difficult for them to enrol and be accepted in other schools.
- Children of other ethnicities behave cruelly towards them.
- It is comforting to be in their community.
- There are fears that Roma children may be beaten in Bulgarian schools.

The Court also finds that the situation persists due to inaction by the authorities and continuing instruction of the current student body by School 103.
The District Court concludes that:

“It has been proven...that there exist the facts of isolation, based on ethnic origin, of Roma children in an educational institution (school), given that in the country as well as in the city where the school is located (Sofia) there exist different ethnic communities; whereby the isolation is not a result of their free will but of circumstances beyond their control, and under continuing inaction on behalf of authorities that owe measures to overcome this situation, for a period during which the PDA has been in force; hence, it can be inferred that there is segregation, a form of discrimination, violating the right to equal treatment and opportunity to participate in the public life.”

It should be noted that the Court blended the question of whether there was unfavourable treatment based on ethnicity with the question of a reasonable and objective justification. By finding the children were coerced into attending the school, the court made clear that the treatment was unfavourable. The Court seems to have taken for granted that there could not be a reasonable and objective justification for coercively segregating an ethnic group into a separate school.
STEP 4: Transition from Analysis to Action

Transition steps between analysis and action build relationships and trust, encourage dialogue and enhance capacities. In addition, they can de-escalate social tensions through reconciliation and confidence building. As a result, transition steps are critical to the success of remedial measures. Also referred to as “bridge steps”, they often begin during the period of research and analysis, and carry over into the development of appropriate responses. Nine transition steps are described below.

OPENING CHANNELS OF DIALOGUE

Mutual understanding—and ultimately change—can only be achieved through dialogue. Round tables, hearings, seminars, commissions, public panels, formal and informal meetings, dinners and other social events can encourage consultation between officials, discriminated groups and other relevant actors.

ESTABLISHING PARTICIPATORY PROCESSES TO DEVELOP RESPONSES

Participatory processes that continue and further promote dialogue between parties are key to the development and implementation of effective measures. Examples of these mechanisms include official consultation processes, standing consultative bodies, public hearings, or a series of roundtables and summits.

RESEARCHING THE SITUATION OF DIFFERENT GROUPS AND THE NATURE AND EFFECTS OF DISCRIMINATION

Research provides the necessary factual grounding to accurately understand situations, which is key for the development of appropriate responses. Research also provides a firm basis for awareness-raising measures, and can help challenge negative stereotypes.

RAISING AWARENESS OF THE EXISTENCE OF DISCRIMINATION AND ITS EFFECTS

Public awareness of discrimination and its effects is necessary to counter negative stereotypes and create a climate in which effective action is possible; awareness campaigns targeted toward officials and other relevant parties can encourage recognition of the problem and its consequences, and promote action.

PUBLIC RECOGNITION OF THE EXISTENCE OF DISCRIMINATION AND ITS EFFECTS

Recognising a problem is the first step toward solving it. Officials who publicly recognise discrimination help reduce tensions, build trust and establish a constructive process of consultation, confidence building and reconciliation. In addition, they contribute to public awareness about the real situation of a group.

A COMMITMENT TO TAKE ACTION TO ADDRESS DISCRIMINATION

A commitment to take action to address discrimination is an important step toward reducing tensions, building trust and creating conditions for constructive dialogue.
ESTABLISHING A PROCESS OF RECONCILIATION

To establish a climate in which constructive change is possible, it may be necessary to put in place a process of reconciliation. Whether this process involves a commission, a public hearing, a panel or another mechanism, it must incorporate a forum in which parties can speak openly about past discrimination. Public recognition of the harm caused by discrimination, an official apology, compensatory measures and a firm commitment to address ongoing discrimination and promote equality can also help accelerate reconciliation.

CONFIDENCE-BUILDING MEASURES

Before constructive dialogue and consultation between parties is possible, confidence building measures may be needed to de-escalate existing tensions and re-establish trust. Symbolic acts—such as establishing a task force to examine the effects of discrimination and propose action, committing to action, or publicly apologising for past discrimination by officials—can prove particularly helpful.

CAPACITY-BUILDING MEASURES

Parties may need to gain a deeper understanding of the nature of discrimination and its effects to recognise it and be willing to develop responses. They may also require information about possible measures—and processes and conditions for developing them—to address discrimination. Representatives of discriminated groups may also benefit from capacity-building initiatives that support involvement in consultative processes.
STEP 5: Responding to Discrimination—General Guidelines

Experience of combating discrimination in many different countries has provided a wealth of good practices from which conflict prevention actors can draw. These experiences can serve as useful reference points in the development of policy and institutional and legal responses.

PARTICIPATION OF GROUPS CONCERNED

To ensure the success and legitimacy of legislative and policy measures, members of a discriminated group should be involved in developing, implementing and evaluating policies and programs. This involvement needs to begin at the earliest stages of policy development and continue in a meaningful manner through all phases of policy implementation and evaluation.

It is important to recognise the diversity within a discriminated group and to reflect this diversity in consultative processes. This is particularly important when recognising and addressing the differential impact of discrimination on individuals who experience the compound effect of discrimination on multiple grounds (i.e. gender, ethnicity and class).

Additionally, consultation processes should be transparent. Ideally, records of discussions are made publicly available. In addition, representatives of discriminated groups should receive essential information about programs and proposals sufficiently in advance of decision-making deadlines to allow meaningful analysis and input by those representatives.

A HOLISTIC APPROACH

Measures aimed at countering discrimination in one area of life, such as education, need to be accompanied by measures aimed at countering discrimination in other related areas, such as housing, health, access to social services and employment. Where discrimination is widespread and ongoing, the importance of tackling problems in different areas of life simultaneously is even greater.

A holistic approach addresses all the principal factors underlying a given problem. It is insufficient to approach problems in a partial or fragmented manner, no matter how well funded and implemented the initiatives are. For example, a program that provides individuals with special training or work experience, but does not address widespread discrimination and racism group members face in the labour market cannot improve the employment situation of a particular group.

MONITORING AND EVALUATION

To ensure measures put in place to counter discrimination are effectual, it is important that their implementation be regularly monitored and evaluated.

Targets can provide a tangible basis to measure policy outcomes. Especially effective are targets based on indicators of discrimination such as: rates of school attendance and completion; employment levels; income levels; average age of mortality and child mortality rates; poverty levels; and the percentage of children in segregated forms of schooling.
Legislation can be evaluated with data about complaints filed and actions taken in response to them.

Most importantly, however, monitoring and evaluation processes should be transparent, in accordance with national privacy laws, and involve the participation of diverse segments of the group they aim to serve.
5. Measures to Address Ongoing Discrimination

5.1. Tailored Actions to Eliminate Discrimination

In each area of life where discrimination occurs against a particular group, specifically tailored measures can be taken to address each source of the discrimination.

LAWS AND REGULATIONS

At the level of laws and regulations, a long-term remedy generally involves the amendment or repeal of discriminatory laws or regulations. However, it can be a long and controversial process to make the necessary changes. Interim solutions may be needed to counter the effects of the discrimination in the short-term. Measures may be adopted to provide discriminated individuals with immediate access to the rights or services from which they are excluded, or to put an immediate end to harmful practices.

INSTITUTIONAL IMPLEMENTATION AND PRACTICE

Available remedies for ongoing discrimination at the level of institutional implementation and practice are considerably more varied. Long-term remedies involve changing the behaviour of the institution concerned. Depending on the institution in question, there may be legal or administrative actions that can be taken to oblige the institution to cease discriminatory practices. Alternative options may include mediation, training or consultation, and should be assessed for each individual case. In the short-term, interim solutions can be adopted to address the effects of the discriminatory practices.

INDIVIDUAL ACTION

In cases where discrimination stems from individual actions, the remedy involves removing discriminators from their positions, or changing the discriminators’ behaviour. Options of how to accomplish this differ depending on the person’s position, as well as on whether the discrimination is intentional or non-intentional. For example, it would likely be more difficult to change the behaviour of a powerful elected leader than that of a teacher. Likewise, it would be more difficult to change the behaviour of someone who discriminates deliberately than someone who does so unwittingly. Measures might involve: legal action against the discriminators, administrative sanctions, tighter supervision, mediation, training, or raising awareness. They may also involve shame tactics, including negative publicity at the regional, nation of international level.
<table>
<thead>
<tr>
<th>Level of Discrimination</th>
<th>Source of Discrimination</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Laws and Regulations</td>
<td>A law that states only the children of citizens may attend school.</td>
<td>• Amend or repeal the law.</td>
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<td></td>
<td></td>
<td>• In the interim, create exceptional procedures that enable children of non-citizens to attend school.</td>
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<td></td>
<td>A law that states non-citizens may be expelled from the country without a fair judicial procedure.</td>
<td>• Amend or repeal the law.</td>
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<td></td>
<td></td>
<td>• Immediately stop all expulsions that do not respect individuals’ rights to a fair judicial procedure.</td>
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<td></td>
<td>The office responsible for allocating financial aid to rebuild houses after a conflict establishes a condition of continuous residence, excluding the members of a particular ethnic group who had to flee the country.</td>
<td>• Amend or repeal the condition.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• In the interim, instruct and/or pressure (with international donors) the office to apply the condition so as not to include the period of time during which group members were forced to flee the country.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Alternatively, other sources of financing could be allocated for the rebuilding of houses of individuals that had to flee the country during the conflict.</td>
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<td></td>
<td>A regulation that authorises only persons with certificates from formal education establishments to practice certain trades, excluding members of an ethnic group that traditionally passes these skills on from father to son.</td>
<td>• Amend or repeal the regulation.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Immediately put in place a procedure that recognises equivalent training for individuals who acquire the requisite skills outside the classroom.</td>
</tr>
<tr>
<td>Institutional Implementation and Practice</td>
<td>A local council decides to build new schools in areas that are dangerous for members of a particular ethnic group.</td>
<td>• Implement measures that oblige the local council to build additional schools in areas that are safe for all children.</td>
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<tr>
<td></td>
<td></td>
<td>• Where this is not a short-term possibility, provide security services to ensure children are able to travel to school safely.</td>
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<td></td>
<td>Hospital offices and civil registry offices refuse to issue birth certificates to children of a particular ethnicity.</td>
<td>• Implement measures that oblige hospital and civil registry offices to issue all children with birth certificates.</td>
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<tr>
<td></td>
<td></td>
<td>• In the short-term, provide alternative documentation to children without birth certificates.</td>
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<td></td>
<td>Foreign-born labourers who work on state-owned plantations are paid wages considerably below the national minimum wage and housed in deplorable conditions.</td>
<td>• Establish measures that oblige plantations to pay foreign-born labourers fair wages and provide housing that meets certain standards.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• In the short-term, develop programs to supplement workers’ wages and improve their housing conditions.</td>
</tr>
</tbody>
</table>
| Institutional Implementation and Practice | To obtain a stall in the local market, a municipality requests proof of a legal local residence from individuals, excluding many squatters and itinerant vendors. | • Develop measures that oblige the municipality to stop requesting proof of legal local residence.  
• Alternatively, reserve a fixed number of stalls for people who are unable to provide proof of residency. |
| Individual Actions | After a coup d'état, the new president allocates top positions in the civil service, state companies and government agencies to members of ethnic groups that supported him. | This situation is particularly difficult to address. Consider:  
• Negotiation and mediation options, legal or administrative avenues, and possibilities for regional or international publicity.  
• Involving external actors and raising awareness about the harmful repercussions of the president’s actions. |
| | The mayor of a large city refuses to allow a particular religious group to build places of worship. | Use legal and administrative measures—or publicity—to persuade the mayor to give his permission to the group.  
• A solution may also be reached through dialogue between the mayor and the group concerned. |
| | Teachers put children from an indigenous community at the back of the class. | • Promote dialogue, provide non-discrimination training and raise awareness of the effects of discrimination.  
• Consider using legal or administrative means to sanction, discipline or remove the teachers.  
• Alternatively, encourage a change in the teachers’ behaviour by bringing mediators from indigenous communities into the classrooms. |
| | A group of police officers abuse migrant workers. | • Suspend, dismiss or otherwise discipline the police officers in addition to exploring all legal avenues.  
• Improve the supervision of officers, deliver training to members of the police force and raise awareness of discrimination. |
5.2. Awareness Raising and Training Measures That Address Underlying Prejudices

Negative stereotypes are often used to justify—and perpetuate—ongoing and past discrimination. Thus, as long as prejudices pervade public opinion, measures aimed at eliminating the discrimination of targeted groups will likely fail. Local officials, for instance, will be reluctant to implement anti-discrimination measures that are politically unpopular with their constituencies. Raising awareness and implementing training measures to combat negative stereotypes are therefore crucial to bring about equality.

Examples of measures that address underlying prejudices:

- Public awareness campaigns that replace negative stereotypes with objective information.
- Anti-racism training for people who play key roles in combating discrimination, such as: teachers, social workers, civil servants, local authorities, police, prosecutors, and judges.
- Training for media professionals on how to avoid promoting negative stereotypes.
- Support for journalism that promotes awareness about the quality of life of particular groups and the positive contribution of minorities to society.
- Reviews of school textbooks and other educational material to ensure negative stereotypes, intolerance or negative attitudes are not promoted.
- Introduction of human rights issues, non-discrimination and respect for diversity into the school curriculum.
6. Measures to Address the Effects of Past Discrimination

Discrimination leaves lasting effects, such as dramatic levels of disadvantage, exclusion, marginalisation and segregation. As a result, measures to counter ongoing discrimination are often insufficient to bring about a noticeable change in the situation of discriminated groups, particularly where discrimination is widespread and has continued for a substantial period of time. Effective measures, therefore, address not only the causes of ongoing discrimination, but also the lingering effects of past discrimination. This will require positive measures.

6.1. Defining Positive Measures

Positive measures are designed to address the lingering effects of past discrimination as well as to compensate for existing discrimination. They provide preferential treatment—in a variety of forms—to groups that have suffered from discrimination. Common examples include:

i. information and outreach programs;
ii. assistance and support services;
iii. training and capacity-building initiatives;
iv. financial and material support;
vi. conditions to enable access to property and resources; and
vi. quotas, reserved places and targets to promote employment and public participation.

Tip:
Positive measures are also commonly referred to as “affirmative action”, “positive action” and “positive discrimination”. Note that the term “positive discrimination” is misleading, as positive measures are not discriminatory. Discrimination cannot be positive; it is arbitrary and unjust treatment.

6.2. Designing Positive Measures

While giving preference to a particular group is a form of unfavourable treatment to others, positives measures have a reasonable and objective aim—to counter the effects of past discrimination—and so do not themselves constitute discrimination. In fact, such measures are required by international standards where they are needed to bring about de facto equality.
In order to uphold the non-discrimination principle, however, positive measures must:

i. **not result in segregation**;

ii. **be time-limited**, continuing only until the objectives for which they were developed are achieved; and

iii. **respect the “proportionality principle”**: There must be a reasonable relationship of proportionality between the means employed and the aim to be realised.

Positive measures should be adapted to local circumstances, and based on a clear set of goals. It may be useful to involve an expert body in the design, implementation and evaluation of positive measures, as well as in communication with the public.

Tip:
The use of any measure should itself be non-discriminatory and tailored to the specific situation.

### 6.3. Informing the Public

Regardless of the precautions against discrimination, people may perceive positive measures—especially quotas, reserved places and targets—as acts of favouritism towards members of target groups. Thus, it is critical to clearly detail the measures and communicate their purpose to the public. In the case of employment quotas, for instance, information should be provided about the discrimination group members face during recruitment, the negative stereotypes that disadvantage the group, and the fact that hired group members will be qualified to perform the job. Conflict prevention actors must be mindful that positive measures can also be misrepresented to reinforce stereotypes about members of target groups.

Tip:
Do not confuse positive measures with “special measures”, which provide unique treatment to members of minority groups to secure them access to the same rights and services as others. Building ramps for wheelchair users and designing menus to meet the dietary needs of members of various religious faiths are examples of special measures.

These measures also include initiatives that assist minorities in maintaining differences that are crucial to their identity, such as language, traditions and way of life. Special measures counter the natural threat of assimilation and loss of culture that minorities face.

Unlike positive measures, special measures need not be time-limited.
6.4. Examples of Positive Measures

The examples below are classified according to the six general forms of positive measures for the benefit of targeted groups. It should be noted that, while listed only once, some measures are suited to more than one category.

INFORMATION AND OUTREACH

- Publicise information about job vacancies and application procedures in schools, community centres, and organisations attended by target group members.
- Encourage minorities to apply for educational and training programs that provide the necessary skills for employment in sectors in which the groups are under-represented.
- Send a “liaison officer” to remote communities to provide information about available development programs and potential sources of community funding.
- Send healthcare professionals to rural communities to provide information about the prevention of diseases.
- Send police officers to communities to provide information about the work of the police and encourage applications.
- Actively encourage minorities to participate in political parties and become election candidates.

ASSISTANCE AND SUPPORT

- Help group members apply for social benefits.
- Provide legal assistance to members of target groups.
- Provide catch-up classes for children who wish to integrate into mainstream schools.
- Introduce teenagers to mentors who can help them find jobs and succeed in their chosen professions.
- Establish an independent mechanism to investigate abuses committed by police against minority populations.
- Arrange security to protect voters of target groups on Election Day.

TRAINING AND CAPACITY BUILDING

- Offer free university entrance exam preparation courses.
- Establish an internship program for target group members in national and local government offices.
- Provide a training program to help members of target groups enter the workforce.
- Train employees from under-represented group to help them obtain the qualifications necessary for promotion.
- Provide accredited leadership training to individuals from target groups where active in their communities.
• Offer training workshops to improve the effectiveness of non-governmental organisations from target groups.

FINANCIAL AND MATERIAL SUPPORT

• Provide school supplies, tuition fees and transportation vouchers to children.
• Establish scholarship programs for youth from target groups.
• Offer financial support to entrepreneurs from target groups.
• Commit national and local government funds to help enterprises train and hire members of target groups.
• Invest in the education, health, housing, sanitation and potable water of areas occupied primarily by target group members.
• Establish a fund to foster economic self-development, finance technical training programs and other initiatives that reduce poverty levels among target groups.

FACILITATING ACCESS TO PROPERTY AND RESOURCES

• Establish a national fund to purchase land and transfer it to target communities.
• Transfer state-owned land to target communities.
• Provide target group members with beneficial conditions for loans for the purchase of property.
• Provide legal title to target communities who are living on land in an illegal manner.
• Purchase water rights and transfer them to target communities
• Channel a percentage of development aid to target communities.

QUOTAS, RESERVED PLACES OR TARGETS

• Establish quotas or reserve places for target group member in higher education institutions.
• Reserve seats in legislatures for representatives of target groups.
• Reserve a percentage of government contracts for businesses run by members of target groups.
• Establish minimum quotas for the participation of target group members in commercials, films, TV programs and theatre productions.
• Set targets for recruiting members of target groups within all branches of law enforcement.
• Set targets for hiring and promoting group members in the public sector.
7. Establishing Institutional Frameworks

Institutional frameworks can reinforce a state’s actions against discrimination. In fact, global experience suggests that a specialised national body is a key component of any effective strategy to eliminate discrimination. A wide array of other specialised institutions can also help fight specific types of discrimination.

7.1. A National Specialised Body for Combating Discrimination

To function effectively, national bodies must have adequate resources and operate without interference from the executive branch. They require the independence to appoint staff members, manage resources and publicly express their views. Furthermore, these specialised bodies must be easily accessible to the people whose rights they aim to protect and whose legitimate interest they are to serve. Local branches are particularly useful for ensuring accessibility, as well as improving the delivery of education and training activities.

Specialised bodies may be designed to address discrimination based on a single or multiple grounds. Subject to national circumstances, laws and practices, they may perform the following functions:

i. Research into the manifestations of discrimination and appropriate responses.
ii. Monitor legislation.
iii. Raise public awareness.
iv. Produce and publish documents.
v. Issue advice on standards of anti-discrimination practice.
vi. Advise private and public institutions on how to combat discrimination and promote equality.
vii. Train key people (such as private employers and teachers) in non-discrimination standards and ways to implement them.
viii. Assist organisations to combat discrimination and promote equality.
ix. Promote policies and practices to ensure equal treatment.
x. Advise legislative and executive authorities on how to improve regulations and practices.
xi. Assist victims of discrimination.

Tip:
xiii. Seek settlements through non-judicial means (i.e. mediation, negotiation or amicable conciliation), or within the limits prescribed by the law, through binding and enforceable decisions.

xiv. Initiate, and participate in, court proceedings.

xv. Adjudicate complaints and issue binding decisions.

Though by no means an exhaustive list, the examples below illustrate different types of specialised bodies.

EQUALITY AND HUMAN RIGHTS COMMISSION (EHRC), UNITED KINGDOM

The EHRC is an independent statutory body established under the Equality Act 2006 with a remit to protect, enforce and promote equality across seven areas: age, disability, gender, race, religion and belief, sexual orientation and gender reassignment. The Commission is charged with protecting human rights and promoting good relations in society and enjoys extensive legal powers.

Sponsored by the Government Equalities Office, strategic oversight and direction for the Commission is provided by a board—comprising a chair and 12 commissioners (appointed by Secretary of State for Women and Equalities)—and a chief executive.

The EHRC’s functions include:

• Conducting formal investigations and inquiries into aspects of equality and human rights and subsequently recommending changes to the practices and procedures of persons or organisations. The EHRC also recommends changes in law to the Secretary of State;

• Enforcing the equality duties assigned to public bodies under the Equality Act, including monitoring, investigations and enforcement against public bodies;

• Providing guidance to public authorities on the new public sector equality duty;

• Advising a variety of agencies (including training and enterprise councils, housing departments, employers, and health and education authorities) on how to avoid discrimination and promote equal opportunities;

• Publishing an agenda-setting triennial review to assess the state of equality and human rights across Britain, and make concrete recommendations for reform;

• Issuing Codes of Practice that promote equality of opportunity and relate specifically to different occupations;

• Putting victims of racial discrimination in touch with agencies that can assist and advise them. The EHRC directly handles cases that raise questions of principle, or whose complainant requires a greater level of assistance;

• Responding to consultations issued by government departments and other agencies, producing parliamentary briefings, and preparing submissions to national and international human rights bodies;

• Commissioning research to support projects across EHRC equality, human rights and good relations mandates, and seven equality strands; and

• Assisting organisations financially or in any other way to promote equal opportunity and good relations between persons of different groups.
DUTCH EQUAL TREATMENT COMMISSION (ETC), THE NETHERLANDS

The ETC was established as an independent body in 1994. It promotes and monitors compliance with the country's equal treatment laws. Furthermore, it offers members of the public free information about these laws and opinions on individual cases of unequal treatment.

The ETC is composed of nine commissioners, including a president and two vice-presidents, and nine substitute commissioners who can stand in for commissioners during hearings. Some of the substitute commissioners have specialised knowledge. Legal advisers support the commissioners during investigations. The ETC also has a job evaluation schemes expert.

The ETC's functions include:

• Raising public awareness and researching activities related to equal treatment;
• Providing advice and training on the implementation of equal treatment laws;
• Conducting investigations, at the request of companies, governmental bodies or other organisations, into the conformity of policies to equal treatment laws;
• Investigating complaints of unequal treatment. People who believe they are victims of discrimination may file a petition, or request a third party to do so on their behalf;
• Ruling on whether there has been unequal treatment or discrimination within the scope of the Dutch equal treatment legislation. The commission's decisions have great moral authority, but are not legally binding;
• Referring cases for mediation;
• Initiating investigations into structural forms of discrimination; and
• Taking cases to court.

CENTRE FOR EQUAL OPPORTUNITIES AND THE FIGHT AGAINST RACISM (CEOOR), BELGIUM

In 1993, the Belgian government set up the impartial and independent centre in response to a proposal by the Royal Commissariat for Immigration Policy (Commissariat royal à la politique des immigrés). By law, Ministers and Secretaries of State are to provide the Centre with the information necessary to fulfill its tasks.

The CEOOR is tasked with promoting equal opportunities and combating any exclusion, restriction or preferential treatment based on legally stipulated criteria. The Centre also oversees the respect of the fundamental rights of foreign nationals and observes the nature and scope of migration flows.

The CEOOR's functions include:

• Conducting research;
• Producing and publishing documents;
• Producing an annual report and submitting it to the Prime Minister who then delivers a copy to the Chamber of Representatives and another to the Senate in Parliament;
• Making recommendations to public authorities and private individuals and institutions based on the results of the studies and research it has carried out;

• Advising individuals on their rights and obligations, and on how to ensure their rights are respected;

• Providing information, awareness raising and training, including in specific sectors such as government, businesses, the housing sector and sports associations;

• Supporting organisations that provide legal assistance to victims of discrimination; and

• Initiating legal proceedings in cases relating to the application of legislation concerning prohibition of certain acts motivated by racism or xenophobia (1981); punishment of the denial, minimisation, justification or approval of the genocide perpetrated by the German National Socialist regime during the Second World War (1995); and combating discrimination (2003).

OFFICE OF THE OMBUDSMAN AGAINST ETHNIC DISCRIMINATION (DO), SWEDEN

The DO was established by parliament in 1986 to promote the implementation of legislation against ethnic discrimination. It is an independent body accountable to the Ministry of Justice.

The DO is regulated by the law on the Ombudsman against Ethnic Discrimination, by yearly decrees issued by the Ministry of Justice and by the laws against ethnic discrimination. The government appoints the Ombudsman for a term of six years.

Its functions include:

• Raising public awareness about issues of ethnic and religious discrimination;

• Supervising employers’ compliance with legislation. Employers have a legal duty to set measurable goals and undertake practical measures to counter ethnic discrimination in the workplace. If an employer is not willing to accept corrective measures proposed by the DO, the Ombudsman can refer the case to the Board against Discrimination, which has the authority to impose a fine and insist the employer implement the measures;

• Investigating complaints by people who consider themselves victims of discrimination;

• Settling complaints through communication with accused parties; and

• Bringing cases to court when settlements cannot be reached.

COMMISSION ON HUMAN RIGHTS AND ADMINISTRATIVE JUSTICE (CHRAJ), GHANA

The commission is a fully autonomous agency with a mandate to promote human rights and investigate cases of alleged abuses.

Established in 1993 by an act of parliament (Act“No456), the CHRAJ consists of a commissioner, two deputy commissioners (appointed by the President in consultation with the Council of State) and a staff of almost 700 people. The Commission has a head office in Accra, 10 regional offices and 89 district offices located throughout every region of the country.
The CHRAJ’s principal functions include:

- Educating members of the public about their rights and freedoms, and the role of the CHRAJ. The commission makes particular use of community-based education. It participates in town-hall meetings, workshops, radio call-in shows, lectures and seminars, delivering its message in various local languages and with due consideration of the socio-cultural diversity of its population;

- Investigating alleged injustices, corruption, abuse of power and unfair treatment of any person by a public officer;

- Investigating alleged violations of fundamental rights and freedoms by persons, private enterprises and other institutions;

- Investigating complaints about the functioning of the Public Services Commission, the administrative branches of the State, the offices of the Regional Co-ordinating Council and District Assembly, the Armed Forces and the Prisons Service;

- Recommending actions to remedy, correct or reverse activities that it finds unreasonable, unjust, oppressive, discriminatory, or in violation of the law; and

- Bringing cases to court when no action has been taken three months after the recommendations were delivered. While the findings of the CHRAJ are binding, a court order must be issued to make them legally enforceable.

AUSTRALIAN HUMAN RIGHTS COMMISSION (AHRC), AUSTRALIA

Successor to the Australian Human Rights and Equal Opportunities Commission, established in 1986, the AHRC is an independent statutory organisation reporting to the federal Parliament through the Attorney-General. The Commission’s work focuses on five key issues: human rights, sex discrimination, disability, race and aboriginal rights.

It is composed of a president and up to five full-time commissioners. A policy unit that devises strategies and initiatives, which are then implemented by one of the organisation’s general functional units, supports each commissioner.

Main functions include:

- Researching human rights and discrimination issues;

- Developing education programs and resources for schools, workplaces and the community at large;

- Helping governments develop laws, programs and policies;

- Providing independent advice to courts in cases involving principles of human rights;

- Holding public inquiries into issues of national importance, such as the forcible removal of indigenous children from their families and the rights of children in immigration detention centres;

- Investigating complaints of discrimination or violation of human rights under federal laws; and

- Bringing the parties together to try to resolve complaints of discrimination. When this fails, complainants may take their cases to the Federal Court of Australia or the Federal Magistrates Service.
7.2. Complementary Institutions to Combat Discrimination

The work of national specialised bodies can be complemented by an array of institutions established to combat discrimination. These institutions may operate locally, function as part of government departments, or focus on a particular sector or public. They may be standing or ad hoc depending on specific situations. Examples of complementary institutions are described below:

ONTARIO HUMAN RIGHTS COMMISSION (OHRC), CANADA

Established in 1961, the OHRC is a government agency accountable to the provincial legislature through the Attorney General. It is responsible for administering the Ontario Human Rights Code, which protects individuals against discrimination in employment, accommodation, goods, services and facilities, and membership in vocational associations and trade unions.

The Ontario Human Rights Code recognises fifteen grounds of discrimination: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed (religion), sex (including pregnancy), sexual orientation, disability, age, marital status (including same sex partners), family status, receipt of public assistance and record of offences.

The OHRC has a full-time chief commissioner and part-time commissioners appointed by Order-in-Council. Staff members are appointed under the Public Service Act.

The OHRC’s functions include:

- Researching discriminatory behaviour and responses to it;
- Monitoring and reporting on anything related to the state of human rights in the Province of Ontario. This includes reviewing legislation and policies for consistency with the intent of the Code.
- Publishing and disseminating policy documents, guidelines, annual reports, plain language documents and fact sheets;
- Raising public awareness about human rights issues;
- Training employers, unions, professional associations, community organisations and other groups on human rights issues and the Commission’s work;
- Carrying out public inquiries, including at the request of the Ontario Human Rights Tribunal (HRTO).
- Intervening in proceedings at the HRTO. The OHRC may also apply to the HRTO to state a case to the Divisional Court where it feels the HRTO decision is not consistent with OHRC policies. OHRC policies can be used in issues that are before the Tribunal.

SPECIAL SECRETARIAT OF POLICIES FOR THE PROMOTION OF RACIAL EQUALITY (SEPPIR), BRAZIL

Established in March 2003, SEPPIR has the status of a government secretariat and reports directly to the president. It strives to promote equality and protect racial and ethnic groups—particularly the black population—from discrimination and other forms of intolerance.
SEPPIR's main functions include:

- Designing policies and coordinating their implementation, specifically that of the National Policy for the Promotion of Racial Equality;
- Encouraging the cooperation of public and private sectors—on national and international levels—in addressing racial equality; and
- Ensuring Brazil meets its international obligations and conventions.

NATIONAL COMMISSION FOR SCHEDULED CASTES, INDIA

In February 2004, the National Commission for Scheduled Castes and Scheduled Tribes was divided into two entities. The resulting National Commission for Schedule Castes monitors the implementation of constitutional provisions for scheduled castes. These provisions reserve seats in elected bodies and promote the socio-economic and cultural development of scheduled castes.

The Commission's chairman and vice-chairman are granted the status of Union Cabinet Minister and Union Minister of State, while members of the Commission hold the rank of Secretary to the Government of India.

The Commission's functions include:

- Investigating and monitoring safeguards provided for Scheduled Castes in law or by government order.
- Evaluating the effectiveness of safeguards;
- Presenting reports to the President that recommend measures to promote the protection, welfare and socio-economic development of Scheduled Castes;
- Investigating complaints with respect to the deprivation of rights and safeguards of the Scheduled Castes, with the Commission granted all the powers of civil court trying a case; and
- Assisting with, and evaluating, the socio-economic development of Scheduled Castes.

PRESIDENTIAL COMMISSION ON DISCRIMINATION AND RACISM AGAINST INDIGENOUS PEOPLES IN GUATEMALA (CODISRA), GUATEMALA

CODISRA was born of peace negotiations led by indigenous organisations in Guatemala. It is an advisory body designed to secure the representation of indigenous people at the national level. The five people who lead the commission act on behalf of 36 indigenous groups.

CODISRA's main functions include:

- Advising the government on issues of discrimination against indigenous peoples;
- Proposing and implementing policies that combat discrimination; and
- Drafting reports for international organisations.
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC), UNITED STATES OF AMERICA

The EEOC is a federal agency composed of five commissioners and a General Counsel appointed by the president and confirmed by the Senate.

The EEOC promotes equality of opportunity in the workplace and enforces federal laws prohibiting employment discrimination. Its mandate is specified under Title VII of the Civil Rights Act of 1964, the Equal Pay Act, the Age Discrimination in Employment Act, and the Americans with Disabilities Act.

Its functions include:

- Investigating complaints brought by individuals against private employers;
- Settling or mediating complaints at any stage during an investigation if the complainant and employer express an interest in doing so;
- Working with employers to develop remedies for incidents of discrimination;
- Litigating cases in Federal Court on behalf of victims;
- Investigating and adjudicating complaints of discrimination brought against federal agencies;
- Researching discrimination in the workplace and disseminating findings;
- Hosting information and outreach activities for members of minority groups who are not adequately served by the commission; and
- Providing technical assistance and training in the implementation of equal opportunity legislation.

DIRECTOR OF EQUAL OPPORTUNITY IN PUBLIC EMPLOYMENT (DEO), AUSTRALIA

The Director of Equal Opportunity in Public Employment was established in 1980 to administer Part 9A of the New South Wales (NSW) Anti-Discrimination Act 1977. This section of the Act pertains to equal employment opportunity within the NSW Public Sector, which includes departments, declared authorities, state-owned corporations, health services and universities.

The DEO administers the Equal Employment Opportunity (EEO) program for the NSW public sector. The EEO program strives to enhance the employment opportunities of four groups: women; aboriginal peoples and Torres Strait islanders; members of racial, ethnic and ethno-religious minority groups; and people with disabilities.

The DEO’s functions include:

- Assisting public sector agencies with their EEO programs;
- Monitoring the EEO Program throughout the public sector;
- Advising government on employment policies and practices;
- Collecting EEO statistical data and maintaining a database;
- Producing publications to help managers and employees understand the EEO program and its application in the workplace; and
- Implementing initiatives.
CITIZENS' COMMISSION ON DISCRIMINATION STUDIES, MEXICO

The Citizens' Commission on Discrimination Studies was established in February 2001 with the support of the Government of Mexico. It is composed of representatives of the main political parties and human rights organisations, legislators, civil servants, academics and other specialists.

The Commission has produced two important documents: La discriminación en México: por una nueva cultura de la igualdad (Discrimination in Mexico: towards a new culture of equality) is the first systematic study of discrimination in Mexico. The second document was a preliminary draft of a federal act to prevent and eliminate discrimination. Following its consideration by Parliament, the act was unanimously approved by Congress in May 2003, promulgated by the President of Mexico on June 9th and published in the Diario Oficial on June 11th.
8. Legal Frameworks to Combat Discrimination

An effective legal framework is an essential anchor for efforts to combat widespread discrimination. No matter at what level discrimination occurs, effective legal remedies are key to putting an end to it. In addition to its direct effects in providing remedies to victims and promoting changes in regulations and behaviour, legislation plays an important educative role. Strong anti-discrimination legislation transmits a powerful message to society that discrimination is wrong and will not be tolerated. For groups that have long been victims of widespread discrimination, establishing comprehensive anti-discrimination legislation is an important sign that the problem is being taken seriously and improvements are on the way.

There are two key objectives that anti-discrimination legislation may fulfill:

i. Provide a remedy, including adequate compensation, to individual victims of discrimination; and

ii. Proactively promote the broader societal changes necessary to eliminate discrimination.

As such, it can serve as an impetus to the identification and elimination of direct and indirect discrimination in society’s public and private institutions. In other words, it can play both a reactive, or remedial, role in specific instances of discrimination as well as a proactive role as a catalyst for widespread change.

8.1. Remedial Role

In order to fulfill effectively its remedial role, legislation needs to address different types of discrimination and cover all areas of life in which discrimination occurs. It also needs to include procedures that make it possible for victims to make practical use of available recourses. This means creating procedures that are both accessible and usable. Victims of discrimination generally face considerable difficulties in collecting the necessary evidence to prove discrimination, as this is usually in the hands of the discriminator, not the victim. Thus tools need to be put at the disposal of victims which make it possible for them to support their claims. This includes providing for a shared burden of proof, allowing for situation tests and statistical evidence to be used as a means of proof, and providing that organisations may file suits on behalf of or in the name of victims.

8.2. Proactive Role

In order to fulfill effectively its proactive role, legislation needs to include provisions aimed at combating widespread and longstanding discrimination in a proactive way. For example, a duty can be imposed on public authorities to promote equality and prevent discrimination in carrying out their functions. In addition, permissible remedies can include the possibility of imposing on a discriminator (especially an organisation or institution) the obligation to put in place a program of positive measures. Legal tools can also be provided to review new and existing legislation for their conformity with the principle of non-discrimination.
8.3. Branches of Law

In terms of law, the constitution can provide a strong and highly symbolic foundation for efforts to fight against discrimination by enshrining the principles of equality and non-discrimination and by entrenching the principle that positive measures will not be considered discrimination insofar as they seek to achieve real and effective equality. Civil and administrative branches of law are best suited to creating effective anti-discrimination legislation with a variety of possible measures. Criminal law can also play an important complementary role, particularly through the penalisation of forms of incitement or threats based on discriminatory grounds (such as ethnicity, national origin, etc.).

8.4. Legal Measures

Key measures in law can fulfill both remedial and proactive functions. Specifically, they may:

**CONSTITUTIONAL LAW**

- Enshrine the principles of non-discrimination and equal treatment of all persons.
- Clarify that positive measures do not constitute discrimination.

**CIVIL AND ADMINISTRATIVE LAW**

- Define and prohibit direct and indirect discrimination.
- Explicitly state that positive measures designed to compensate for past discrimination or counter ongoing discrimination are not discriminatory.
- Prohibit discrimination in all areas of life.
- Prohibit discrimination by public authorities and natural or legal persons in both the public and the private sectors.
- Impose a duty on public authorities to prevent discrimination and promote equality in the conduct of their functions.
- Establish easily accessible judicial and administrative procedures, including conciliation procedures.
- Offer fast-track procedures for some urgent cases.
- In some cases, shift the burden of proof to defendants.
- Admit various forms of evidence, including statistical data and situation tests.
- Allow organisations such as associations, trade unions and other legal entities to make cases of discrimination without requiring reference to a particular victim.
- Require that (where permitted to act) organisations have victims’ consent before referring to individuals by name.
- Guarantee free and accessible legal aid, and provide court-appointed lawyers to all who require their services.
- Protect persons who report discriminatory acts, provide evidence of such acts or claim to be victims of discrimination against retaliation.
- Provide for effective, proportionate and dissuasive sanctions against perpetrators of discrimination.
• Develop legal tools to review, on an ongoing basis, the conformity of laws, regulations and administrative provisions with principles of non-discrimination.

• Provide that discriminatory provisions contained in contracts or agreements, internal regulations, and rules governing profit and non-profit organisations, labour unions and employers associations should be amended or declared null and void.

CRIMINAL LAW

• Declare racist motivation to be an aggravating circumstance for all criminal offences.

• Penalise the following acts when committed intentionally:
  – Public incitement to violence, hatred or discrimination; and
  – Threats against a person or group of persons on the grounds of race, ethnicity, language, colour, national or social origin, culture, religion, descent, or similar grounds.
Summary: Five Steps to Prevent Discrimination-Related Conflict

1. **STEP 1:** Watch for indicators of widespread and ongoing discrimination

2. **STEP 2:** Examine the facts of each problematic area more closely to test whether there is discrimination

3. **STEP 3:** Determine the sources of discrimination in each case

4. **STEP 4:** Take transitional steps between analysis and action

5. **STEP 5:** Decide upon the most appropriate responses
I. Useful Links

A. INTERGOVERNMENTAL BODIES

UN Committee on the Elimination of all forms of Racial Discrimination (CERD)
http://www.ohchr.org/english/bodies/cerd/

UN Special Rapporteur on Contemporary forms of Racism, Racial Discrimination, Xenophobia and Intolerance
http://www.ohchr.org/english/issues/racism/rapporteur/

CoE European Commission against Racism and Intolerance (ECRI)
www.coe.int/ecri

OSCE Office for Democratic Institutions and Human Rights (ODIHR)
www.osce.org/odihr

OAS Inter-American Commission on Human Rights (IACHR)
www.cidh.org

The websites of various National Institutions for the Promotion and Protection of Human Rights are available at:

B. NON-GOVERNMENTAL ORGANISATIONS

International Movement Against all forms of Discrimination and Racism – www.imadr.org

- The International Movement Against All Forms of Discrimination and Racism (IMADR) is an international non-profit, non-governmental human rights organisation devoted to eliminating discrimination and racism, forging international solidarity among discriminated minorities and advancing the international human rights system.

Interights – www.interights.org

- Interights is an NGO which aims to enforce human rights through law, providing protection and redress, in particular regions and on issues of strategic focus; to strengthen human rights jurisprudence and mechanisms through the use of international and comparative law; and to empower legal partners and promote their effective use of law to protect human rights.

Equality Now – www.equalitynow.org

- Equality Now works for the protection and promotion of the human rights of women around the world. Working with national human rights organisations and individual activists, Equality Now documents violence and discrimination
against women and mobilises international action to support their efforts to stop these human rights abuses.

Minority Rights Group – www.minorityrights.org

- Minority Rights Group International (MRG) is an international NGO which works to secure the rights of ethnic, religious and linguistic minorities and indigenous peoples around the world and to promote cooperation and understanding between communities.

II. Useful Publications


- While Quebec specific, this review contains an interesting discussion on affirmative action.


- This United Kingdom-based webpage describes the concept of discrimination and types of racial discrimination.


- While UK specific, the documents on this site provide information about measures to combat discrimination in different sectors.


- This document elaborates upon the elements necessary for a comprehensive legal framework for combating discrimination.


- This handbook provides an excellent comparative overview of the principles and caselaw on equality and non-discrimination. At the end of the publication is a thorough index of worldwide caselaw relating to discrimination.
Ontario Human Rights Commission, webpage: *Policy and Guidelines on Racism and Racial Discrimination*
Available at: http://www.ohrc.on.ca/en/resources/Policies

  • This page goes into greater detail on the notion of racial discrimination, and elaborates on the Canadian context.

Available as a training manual at: http://www.minorityrights.org

  • This guide elaborates upon the content of ICERD.
Series Topics

Options & Techniques for Quiet Diplomacy

Discrimination and Conflict Prevention

Power-sharing, Self-governance and Participation in Public Life

Managing Diversity: Language and Religion

Managing Diversity: Culture

Disarming, Demobilising, Reintegrating and Security Sector Reform: Options for Effective Action

Land and Conflict Prevention

Natural Resources and Conflict prevention

Structures for Dialogue and Mediation

Women and Conflict

Migration

Education Policy

Participation in Economic Life
Discrimination and Conflict Prevention

Discrimination and Conflict Prevention offers an analytical framework to identify the nature and causes of discrimination within key areas and address it through various means. Discrimination is prima facie unjust, and widespread and ongoing discrimination often invites popular reaction contributing to conflict. Across the world, it is both a root and proximate cause of social tension and violence. Addressing both direct and indirect discrimination and promoting effective equality respond to the causes of conflict and impede the outbreak of related violence.

Presented in an easy-to-use format, this handbook provides conflict prevention actors with the knowledge they need to recognise and respond to discrimination. It summarises available empirical knowledge, synthesises international standards and practice on non-discrimination, and highlights legal, institutional and policy measures that effectively promote equality. It sets out what discrimination is, how to identify it and how to respond.

The Initiative on Quiet Diplomacy seeks to prevent violent conflict by helping develop institutions in regional, sub-regional and other inter-governmental organisations, providing key actors with tools and techniques to address recurring issues in conflict situations, and supporting and facilitating dialogue and mediation processes.

www.iqdiplomacy.org

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