



**Global Protection Cluster**

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## **FACILITATORS GUIDE**

### **SESSION 7 – PREVENTION AND RESPONSE TO RACISM IN THE CONTEXT OF INTERNAL DISPLACEMENT**





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#### PREPARATION

- Create three break-out rooms and assign participants to a break-out room



## SESSION OVERVIEW




Section	Content	Timing
Introductions 	<ul style="list-style-type: none"> <li>Topics covered in this webinar</li> </ul>	5 minutes
Key concepts related to the response to and prevention of racism	<ul style="list-style-type: none"> <li>Principle of equality and non-discrimination</li> <li>Racial discrimination, racism and xenophobia</li> </ul>	20 minutes
Racism in the context of internal displacement	<ul style="list-style-type: none"> <li>Historic racism (government and society)</li> <li>Organizational racism</li> <li>Individual racism</li> </ul>	20 minutes
What can the cluster do (group work + tip sheet)	<ul style="list-style-type: none"> <li>Participants work in groups to reflect on incidents of racism that they have either encountered or heard of in their work.</li> </ul>	30 minutes
Best practices and examples 	<ul style="list-style-type: none"> <li>Debrief of the working groups would happen in plenary. Facilitator to then share best practices and possible action that has taken place in the past such the IASC recommendations and the work of CERD.</li> </ul>	10 minutes
Conclusion 	<ul style="list-style-type: none"> <li>Highlighting the importance of including the affected community in the approach and providing support for individual victims when possible</li> </ul>	5 minutes
Closing 		2 minutes
Total time 		92 minutes



## NOTES FOR FACILITATOR




Slide	Notes for facilitator
Slide 1: Cover slide	Welcome participants while waiting for the other participants to join.
Slide 2: Ground rules	Mention that the ground rules remain the same.
Slide 3: What the session is about	Highlight the key topics of this session.
Slide 4: Key concepts 	<p><b>Equality and non discrimination:</b> A principle which is proclaimed in the first article of the Universal Declaration of Human Rights (UDHR): “All human beings are born free and equal in dignity and rights” and reiterated in all international and regional human rights treaties. The human rights legal framework also contains international instruments to combat specific forms of discrimination, including discrimination against indigenous peoples, migrants, minorities, people with disabilities, discrimination against women, racial and religious discrimination, or discrimination based on sexual orientation and gender identity.</p> <p>Under international law, discrimination is prohibited on the basis of <b>age; birth; civil, family or carer status; colour; descent; disability; economic status; ethnicity; gender expression; gender identity; genetic or other predisposition towards illness; health status; indigenous origin; language; marital status; maternity or paternity status; migrant status; minority status; national origin; nationality; place of residence; political or other opinion; pregnancy; property; race; refugee or asylum status; religion or belief; sex; sex characteristics; sexual orientation; social origin; social situation; or any other status.</b></p> <p><b>Racial discrimination:</b> The International Convention on <b>the Elimination of All Forms of Racial Discrimination (ICERD)</b> is specifically devoted to the elimination of discrimination based on race. Racial discrimination is defined in Article 1(1) of the ICERD as:</p> <p><i>“any distinction, exclusion, restriction or preference based on race, color, 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.”</i></p> <p>In its <b>General Recommendation No. 14</b> the Committee on the Elimination of Racial Discrimination stressed that in order to determine whether a particular action is considered to be racial discrimination, it has to be assessed whether “that action has an unjustifiable disparate impact upon a group distinguished by race, colour, descent, or national or ethnic origin”.</p> <p>Additionally, in its <b>General Recommendation No. 309</b> the Committee on the Elimination of Racial Discrimination provides guidance to States in relation of the applicability of the prohibition of racial discrimination with regard to refugees and displaced persons as well as non-citizens, including on issues related to hate speech and racial violence, access to citizenship, administration of justice, and expulsion and deportation.</p> <p>The prohibition of racial discrimination is absolute. According to Art. 4 of the International Covenant on Civil and Political Rights, measures that States may adopt to respond to public emergencies threatening the life of the nation cannot discriminate on the ground of race, colour, sex, language, religion or social origin. The prohibition of racial discrimination applies in all matters pertaining to both private and public life.</p>







Slide	Notes for facilitator
	<p>Furthermore, according to Art. 1 of the ICERD, States are required to adopt special measures “for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals’ equal enjoyment or exercise of human rights”. Such special measures (also known as “affirmative action”, “affirmative measures”) are not considered to amount to racial discrimination provided that such measures do not lead to the maintenance of separate rights for different groups, and are not continued once their objective has been achieved.</p> <p>The 1998 <b>Guiding Principles on Internal Displacement</b> state that internally displaced persons must not be discriminated against in the enjoyment of any rights and freedoms on the ground that they are internally displaced.</p> <p><b>Racism:</b> There are no universally accepted legal definitions of the term racism. The most comprehensive provision on racism is Article 4 of ICERD, which clarifies the meaning of the term and proclaims that when there is a clash between provisions of the ICERD and other rights, such as freedom of speech, the prohibition of racism should prevail. Article 4 of ICERD reads:</p> <p><i>“States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination.”</i></p> <p>The <b>Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance</b>, an instrument adopted by the General Assembly of the Organization of American States and which entered into force in 2017, defines racism as “any theory, doctrine, ideology, or sets of ideas that assert a causal link between the phenotypic or genotypic characteristics of individuals or groups and their intellectual, cultural and personality traits, including the false concept of racial superiority”.</p> <p><b>Intolerance:</b> There is no international definition of what constitutes intolerance.</p> <p>The <b>Inter-American Convention on against Racism, Racial Discrimination and Related Forms of Intolerance</b> defines intolerance as “an action or set of actions or expressions that denote disrespect, rejections, or contempt for the dignity, characteristics, convictions, or opinions of persons for being different or contrary.” This Convention acknowledges that intolerance can manifest itself as “marginalization and exclusion of vulnerable groups from participation in any sphere of public or private life or violence against them”.</p> <p><b>Xenophobia:</b> There is no internationally recognized legal definition of xenophobia.</p> <p>The UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance suggests a definition whereby xenophobia “denotes behavior specifically based on the perception that the other is foreign to or originates from outside the community or nation”. The Special Rapporteur on contemporary forms of racism further insists that xenophobia exists when “individuals are denied equal rights on account of real or perceived geographic origins of the said individuals or groups, or the values, beliefs and/or practices associated with such individuals or groups that make them appear as foreigners or outsiders.”</p>

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	<p>Generally, xenophobia implies discrimination based on the perception of the other as foreign or originating from outside a community or a nation. However, manifestations of xenophobia can occur against people of identical physical characteristics, even of shared ancestry, such as when people arrive, return or migrate to States or areas and are considered as outsiders.</p> <p><b>“Hate crime”:</b> While an official legal definition of “hate crime” does not exist in international law, we consider hate crime as composed of two elements, namely “criminal offence + bias motivation=hate crime”</p> <p><b>Criminal act under criminal law (e.g. murder, assault, harassment, theft, fraud, criminal damage to property, rape or sexual assault, public offenses or threats thereto) and Bias motivation. Hate crimes are motivated at least in part by bias or prejudice against someone’s real or perceived connection, attachment, affiliation, support, or membership of a particular group, directed against a person(s) or property. Members of the group may have common characteristic such as racial, national or ethnic origin, language, colour, religion, gender, age, mental or physical disability, or other similar factors.</b></p> <p><b>“Hate speech” or incitement to hatred, discrimination or violence</b></p> <p>There is no international legal definition of hate speech, but it is generally understood as “any kind of communication in speech, writing or behaviour, that attacks or uses pejorative or discriminatory language with reference to a person or a group on the basis of who they are, in other words, based on their religion, ethnicity, nationality, race, colour, descent, gender, or other identity factor”.</p> <p>Advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence is proscribed under article 20 International Covenant on Civil and Political Rights (ICCPR).</p> <p>The United Nations Treaty Bodies have called for states to take effective action to prohibit hate speech on a wide range of grounds, including disability, gender expression, gender identity, sex, sex characteristics and sexual orientation.</p> <p>Extensive work has been undertaken to provide guidance as to how States are to understand whether and in what circumstances speech or other expression may constitute incitement to violence, discrimination or hatred, resulting in particular in the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.</p> <p><b>The Six-Part Threshold Test of the Rabat Plan of Action</b></p> <p>The Rabat Plan of Action establishes a “six-part threshold test (...) for expressions considered criminal offences”, which it sets out as follows:</p> <p><b>(a) Context:</b> <i>Context is of great importance when assessing whether particular statements are likely to incite discrimination, hostility or violence against the target group, and it may have a direct bearing on both intent and/or causation. Analysis of the context should place the speech act within the social and political context prevalent at the time the speech was made and disseminated;</i></p>

Slide	Notes for facilitator
	<p><b>(b) Speaker:</b> <i>The speaker's position or status in the society should be considered, specifically the individual's or organization's standing in the context of the audience to whom the speech is directed;</i></p> <p><b>(c) Intent:</b> <i>Article 20 of the International Covenant on Civil and Political Rights anticipates intent. Negligence and recklessness are not sufficient for an act to be an offence under article 20 of the Covenant, as this article provides for "advocacy" and "incitement" rather than the mere distribution or circulation of material. In this regard, it requires the activation of a triangular relationship between the object and subject of the speech act as well as the audience.</i></p> <p><b>(d) Content and form:</b> <i>The content of the speech constitutes one of the key foci of the court's deliberations and is a critical element of incitement. Content analysis may include the degree to which the speech was provocative and direct, as well as the form, style, nature of arguments deployed in the speech or the balance struck between arguments deployed;</i></p> <p><b>(e) Extent of the speech act:</b> <i>Extent includes such elements as the reach of the speech act, its public nature, its magnitude and size of its audience. Other elements to consider include whether the speech is public, what means of dissemination are used, for example by a single leaflet or broadcast in the mainstream media or via the Internet, the frequency, the quantity and the extent of the communications, whether the audience had the means to act on the incitement, whether the statement (or work) is circulated in a restricted environment or widely accessible to the general public;</i></p> <p><b>(f) Likelihood, including imminence:</b> <i>Incitement, by definition, is an inchoate crime. The action advocated through incitement speech does not have to be committed for said speech to amount to a crime. Nevertheless, some degree of risk of harm must be identified. It means that the courts will have to determine that there was a reasonable probability that the speech would succeed in inciting actual action against the target group, recognizing that such causation should be rather direct.</i></p> <p><i>The UN Committee on the Elimination of Racial Discrimination considers that racist speech includes all forms of speech prohibited under Art. 4 ICERD, namely:</i></p> <ul style="list-style-type: none"> <li>○ <b>Propaganda</b></li> <li>○ <b>based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or</b></li> <li>○ <b>which attempt to justify or promote racial hatred and discrimination; incitement to, or acts of discrimination; dissemination of ideas based on racial superiority or hatred; all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin; provision of assistance to racist activities; activities which promote and incite racial discrimination.</b></li> </ul> <p><b>Article 4 of ICERD requires States to declare such acts as punishable offences, declare illegal and prohibit organizations and activities promoting such propaganda as well as establish that participation in such organizations or activities constitutes an offence punishable by law. Moreover, Art. 4 ICERD also imposes on States the obligation to prohibit public authorities or public institutions, national or local, to promote or incite racial discrimination.</b></p>

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	<p>The Committee on the Elimination of Racial Discrimination recognized that racist hate speech can take many forms and can attack individuals or groups at the intersection of several grounds of discrimination, for instance individuals from a certain ethnic group who practice a religion different from the majority. The Committee further clarified that establishing that certain acts amount to hate speech requires consideration of the following factors:</p> <p><b>content and form of speech;</b></p> <p><b>economic, social and political climate prevalent at the time the speech was made, including pre-existent discrimination against ethnic or other groups;</b></p> <p><b>position or status of the speaker in society and their audience;</b></p> <p><b>reach of the speech in terms of audience and transmission;</b></p> <p><b>objectives of the speech.</b></p> <p><b>It is worth noting that hate speech in general is different from direct and public incitement to genocide prohibited under international criminal law.</b></p>
<p>Slide 5: Racism in the context of internal displacement</p> 	<p>Efforts to prevent and/or eliminate racism and racial discrimination towards affected people include:</p> <ul style="list-style-type: none"> <li>○ Internal discussions on racism and racial discrimination towards persons affected by humanitarian situations, led by offices with responsibilities for emergency operations.</li> <li>○ Roundtables, participatory assessments and regular consultations with affected people.</li> <li>○ Local radio programs, websites and social media, including WhatsApp, Twitter, Instagram and Facebook, to share messages and multimedia content in different languages during crises such as the COVID-19 pandemic.</li> <li>○ Peaceful coexistence projects and inter-community dialogues to promote cohabitation and prevent and address instances of discrimination, stigmatization and xenophobia.</li> <li>○ A dedicated task force on xenophobia which promotes this area of work supports country and regional offices and coordinates headquarters activities.</li> <li>○ A global anti-xenophobia communications campaign to reverse negative stereotypes directed towards affected people, such as migrants, and to tackle misinformation. In addition, IASC member organizations have disseminated products to address racism and racial discrimination towards affected people, including: <ul style="list-style-type: none"> <li>○ A Resource Bank with essential tools and practical guidance on the impacts of COVID- 19 on the inclusion of affected people. Thematic areas include addressing stigmatization and discrimination, ensuring psychosocial and mental health, and providing access to social services in the context of the COVID-19 pandemic.</li> <li>○ A Program Document that includes a section on gender, equity and sustainability considerations for use during the programme design process. In many countries, race is a relevant equity consideration.</li> <li>○ Identity markers, overlaid by ethnicity, race, migrant status, minority language, religious or class/caste group, as a means to identify the critical intersecting factors that define each</li> </ul> </li> </ul> <p>Efforts to eliminate racism and racial discrimination towards affected people</p> <ul style="list-style-type: none"> <li>○ Returnee-led peer-to-peer awareness-raising activities to address xenophobia.</li> <li>○ Communication of the relevant key messages and human right charters.</li> </ul>



Slide	Notes for facilitator
Slide 6: Group work – the role of clusters	Ask participants to think of examples of concrete action that they can take on the organizational level as well as on the cluster level to respond to and/or prevent racism from happening. Share the tip sheet as guidance.
Slide 7: Debrief 	Allow each group to share in plenary the highlight of their discussions and then highlight that there is an action plan developed by the IASC to address racism and it is based on the four pillars: awareness and prevention, managing complaints, investigation and monitoring. (IASC- Addressing Racism and Racial Discrimination Action Plan, June 2021).
Slide 8: Best practice 	<p>In July 2020, the Inter-Agency Standing Committee (IASC) decided to examine and address racism and racial discrimination within its member organizations and in the humanitarian sector, including by expanding diversity at all levels in its workplaces and fostering more inclusive and diverse ways of working. The IASC agreed to tackle inequality and injustice in the context of humanitarian action, ensuring that the human rights principles of equality and non-discrimination are fully realized within its own organizations. Specifically, the IASC committed to several actions, reaffirming its pledge to zero tolerance to racism and racial discrimination and committing to eliminating such behavior within all humanitarian work environments and operations.</p> <p>In September 2020 the IASC Principals issued a joint statement committing to take further actions to address racism and racial discrimination, to mitigate unconscious biases towards vulnerable populations and/or local partners, and to capture best practices and lessons learned as a means to promote learning and information-sharing.</p> <p>In an effort to promote learning and sharing of experiences, the IASC launched a survey to capture best practices in addressing racism and racial discrimination.</p> <p>It specifically looked at three areas:</p> <ul style="list-style-type: none"> <li>○ Section 1: Efforts to eliminate racism and racial discrimination in the workforce.</li> <li>○ Section 2: Efforts to eliminate racism and racial discrimination towards affected people.</li> <li>○ Section 3: Efforts to eliminate racism and racial discrimination towards local actors.</li> </ul> <p>Within each section, best practices and lessons learned are compiled under three key areas:</p> <ul style="list-style-type: none"> <li>○ Organizational dialogue and strategy</li> <li>○ Policies and guidance</li> <li>○ Managing complaints, investigations and consequences.</li> </ul>
Slide 9: Conclusion 	<p>Stress that the mechanisms we have been discussing throughout this course are readily available for clusters to reach out to on issues of racism, some examples include:</p> <ul style="list-style-type: none"> <li>○ Convention on Elimination of Racial Discrimination and its Committee</li> <li>○ Human Rights Council</li> <li>○ Universal Periodic Review</li> <li>○ Special Rapporteur on Contemporary forms of racism, racial discrimination, xenophobia and related intolerance</li> </ul> <p>And then move to discuss the importance of including the affected population at every stage of developing, implementing and evaluating your strategy on fighting racism. Accountability to the affected population is at the core cluster work.</p>
Slide 10: Key messages 	<p>Summarize the key messages from this session</p> <ul style="list-style-type: none"> <li>○ Racism is one of the root causes of displacement</li> <li>○ Protection clusters have an active role in fighting racism</li> <li>○ Documenting incidents, advocating on behalf of affected populations and leveraging existing human rights mechanisms are some of the possible interventions</li> </ul>

## RESOURCES



- o [UNHCR, Guide on how to address and prevent racial discrimination, xenophobia and related intolerance.](#)
- o [UN Network on Racial Discrimination and Protection of Minorities webpage](#)
- o UN Network on Racial Discrimination and Protection of Minorities, [Checklist to strengthen UN work at country level to combat racial discrimination and advance minority rights](#)
- o [CERD Committee webpage](#)
- o [International Convention on the Elimination of All Forms of Racial Discrimination](#)
- o CERD Committee, [General recommendation XXII on article 5 of the Convention](#)
- o [IASC Compilation of Best Practices to Prevent and Address Racism and Racial Discrimination, March 2021](#)
- o [IASC Addressing Racism and Racial Discrimination Action Plan June 2021](#)







**Global Protection Cluster**