General Assembly

Distr.: General
30 May 2017

English only

Human Rights Council
Thirty-fifth session
6-23 June 2017
Agenda item 9
Racism, racial discrimination, xenophobia and related
forms of intolerance, follow-up and implementation
of the Durban Declaration and Programme of Action

Joint written statement* submitted by the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), the Arab Organization for Human Rights, the Indian Movement "Tupaj Amaru", the International-Lawyers.Org, non-governmental organizations in special consultative status, the International Educational Development, Inc., the World Peace Council, non-governmental organizations on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 May 2017]

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* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.17-08691(E)

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"Words of Fear and Loathing Can, and Do, Have Real Consequences"*

Introduction

On the International Day for the Elimination of Racial Discrimination (21 March, 2017), UN High Commissioner for Human Rights, Zeid Ra'ad Al-Hussein noted the continued existence of racism, racial intolerance and discrimination, hatred, and xenophobia in multiple forms and in all parts of the world. In Europe, attacks on refugees and asylum-seekers have been consistently rising. In the United States, African Americans and Muslims are most affected by hate crimes[1]. Ethnic groups and communities in South Sudan and Myanmar have been targeted, and globally, intolerance and hatred towards refugees and asylum seekers and anti-Semitism are on the rise[2].

"Words of fear and loathing can, and do, have real consequences", Al-Hussein

This statement, while true, should include the added impact that images contribute to the consequences. Also, the manner in which majority of these messages are carried out is through the media where there has been a rise in hate speech and discrimination. Moreover, inaccurate/fake news and propaganda that negatively portrays people categorized under certain groups is also on the rise. There is also grave concerns regarding how political leaders use hate speech in public forums and platforms and the normalization of hate speech that is also used to incite violence and genocide especially online[3].

Racism, discrimination and hate speech

While freedom of expression allows for content and ideas that may "shock, offend and disturb" it is prohibited when such content and ideas advocate "national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence". Additionally, "any propaganda for war shall be prohibited by law" as per Article 20 of the International Covenant on Civil and Political Rights (ICCPR)[4].

Social media

Social media provides an easy platform to publish content that will reach wide audiences. It can be used for good or malice. However, without knowledge of how content will be received from continent to continent, culture to culture, misinterpretations ensue and conflicts erupt. Currently it is widely used as a platform to incite hatred from particular groups towards certain groups, and is especially unsettling when politicians engage in such activities[5].

Incitement to genocide

Though not as prevalent, hate speech with incitement to genocide does exist. In South Sudan, for instance, the ongoing ethnic cleansing was sparked by hate speech and incitement to genocide as reported by civilians on the ground. Radio is used to send hate messages urging civilians to take up arms and attack neighbours of a particular group and "vengeful sexual violence" was promoted[6].

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[1] Particularly around the time of the US-elections
[2] http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21407&LangID=E
[3] https://www.pri.org/stories/2017-04-25/online-fake-news-and-hate-speech-are-fueling-tribal-genocide-south-sudan
[4] ICCPR : http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx
[5] For example, India, South Sudan, France, and the USA.
[6] http://famagusta-gazette.com/ethnic-killings-and-radio-hate-speech-deplored-in-south-sudan-p23228-69.htm

Online hate speech and the use of social media has also been used to incite violence and genocide. In a statement to the Security Council, Adama Dieng, reporting on his visit to South Sudan stated that *"The media, including social media, are being used to spread hatred and encourage ethnic polarization, and letters threatening particular ethnic groups, telling them to leave, face violence or be eliminated from specific areas…"*[7] Incitement to genocide is recognised under international law as a crime, and therefore, is prohibited and punishable under Article 3 (c) of the Genocide Convention as well as customary law and other international principles including the International Criminal Court[8].

News and politics

In France and the United States anti-Muslim rhetoric is used to garner support during presidential-elections[9] while anti-Muslim hatred continues to grow in the European Union[10]. It is troubling that journalists and mainstream media are part of the problem. There is an overwhelming view and reporting of Muslim/Islamist attacks, while similar crimes by Nationalists, which are rising and more prevalent, receive little to no attention[11]. Right wing terrorist attacks and attacks on refugees are rarely mentioned as compared to attacks by Muslim extremists. This is unfair journalism and brings about a disservice that must be prohibited.

In France, there have been 400+ anti-Muslim hate crimes in 2016 and a 223% increase in 2015 from 2014 (CNCDH); in the UK, there have been 800+ anti-Muslim cases in July 2014-July2015; and 878 anti-Muslim attacks in Paris by November 2015. In Germany, the number of recent racial hate crimes has been the highest since WWII, considering the rise in immigration and rise in anti-immigrant sentiments (especially towards refugees, Muslims and Africans); 2013-2015 racially motivated crime increased by 87%. Currently in the EU there has been a demonization of anything international or foreign[12].

Migrants

Anti-immigrant sentiments have been on the rise especially after 9/11 in 2001 (particularly towards Muslim migrants) and after the 2008 global financial crisis where unemployment rose and the far-right in particular attributed this phenomenon to immigrants[13]. These sentiments turned to hate speech where the main medium is the media, especially television. The internet has also turned into a "nest for xenophobic comments". Bulgaria's SKAT and Alpha, for example, base their content on racist terms calling asylum seekers "Taliban(s)", "jihadists", "terrorists" etc. Additionally, much media exposure has been given to political speech where Magdalena Tasheva, for example, accused refugees of being cannibals. Political bias as highlighted by Lord Leveson regularly discriminates due to press hostility and xenophobia while engaging in anti-migrant political agendas.

Reports in the media started with hate speech, followed by threats, and eventually attacks on reception centres for migrants by local residents "alongside far right groups".

Platform for political leaders to spread hate-speech, discrimination, and xenophobia

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[7] UN Press Release: http://www.un.org/en/genocideprevention/documents/our-work/Doc.8_2016-11-17.AD.Statement%20to%20SC.South%20Sudan%20-%20final.pdf

[8] Article19: https://www.article19.org/pages/en/hate-speech-more.html

[9] https://www.washingtonpost.com/world/europe/growing-anti-muslim-rhetoric-permeates-french-presidential-election-campaign/2017/04/18/1049c928-1ef8-11e7-bb59-a74ccaf1d02f_story.html?utm_term=.3907f629fd15

[10] Anti-Muslim Hatred Grows in Europe. Abdelkader E. Penn Law. https://www.law.upenn.edu/live/news/6542-anti-muslim-hatred-grows-in-europe/news/international-blog.php#.WRMcPOWGOUl

[11] https://www.europol.europa.eu/activities-services/main-reports/eu-terrorism-situation-and-trend-report

[12] https://www.aclu.org/bans-sharia-and-international-law

[13] Anti-immigration sentiments and Far-right Political Parties in Europe". Jung-Eun O. IOM. 2014

Politicians or political parties who have the means and power to influence or control media take advantage of this position as they are well aware of their target audience. They use media as their platform to spread information that will further their political agenda and ambitions.

In Hungary, where many attribute the landslide victory of Prime Minister Viktor Orbàn to the influence of media, he allegedly paid off a number of media outlets who in return produced, published and gave him extended media attention and coverage[14]. This ensured Orbàn's right wing views that include negative and unfair portrayals of refugees would be widely dispersed and viewed by many without the opportunity to compare other viewpoints or candidates[15].

Migrants and refugees in Europe

According to the 'International Review of How Media Cover Migration' report of 2015, when the "alert" of mass migration in 2015 was predicted, the majority of coverage was on social media and by civil society. This led to a host of problematic issues ranging from misinformation to sensationalist reporting.

Much of the media has mainly focused on two themes, numbers and emotion. The approach is often politically driven without a balanced scale and with "an agenda dominated by loose language and talk of invasion and swarms"[16]. It is evident that there has been a struggle for balanced reporting when political leaders respond with bigotry and panic to this issue (e.g. Bulgaria). In the United States, racist exchanges and politics have been a recent focus of mainstream media.

Terminology plays a huge role. Often, all migrants are put under the same umbrella and the term "illegal migrants" has been widely used. Although in accordance with international law, migrants are people who exercise their right to move freely[17].

Disinformation a.k.a "Fake News" and sensationalism

Disinformation,, also known as "fake" or "false" news[18] is prevalent and on the rise and the reasons for its design and spread vary and are interlinked. The prevailing rationale is for propaganda in order to mislead a population, interfere with their right to know, and an individual's right to seek and receive information[19]. Additionally, journalistic sensationalism for profit, sales and exposure is sometimes coupled with propaganda and political agendas[20]. The objectives and results range from vilifying, discriminating, and spreading hatred towards particular groups to inciting and waging violent attacks on said groups. The methods vary from slander, intimidation and threats (persuasion or silence) to bribery, blackmail, or buying out media companies.

Sensationalist headlines fail to distinguish meanings that are otherwise apparent in international law as opposed to common understandings. In other words, headlines will formulate a certain phrase without providing meaning or

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[14] On several occasions Mr. Orban was also criticised of controlling the media

[15] http://www.reuters.com/article/us-hungary-orban-media-idUSKBN13V1FL?il=0

[16] "Moving Stories: International Review of How Media Cover Migration". EJN. 2015

[17] "Undocumented" migrant is the proper legal term for people who may not have the legal right to reside in a particular country. There has also been interchangeability with smuggling and trafficking.

[18] The very fact that the founder of 'Wikipedia' is launching a new website, WikiTribune (April 2017), to curtail fake news is indicative of this prevalent phenomenon and the amount of disinformation and inaccurate information in current circulation.

[19]

http://www.ohchr.org/_layouts/15/WopiFrame.aspx?sourcedoc=/Documents/Issues/Expression/Joint Declaration3March2017.doc&action=default&DefaultItemOpen=1

[20] Examples of fake news include August 18, 2014 claims of 15 yr old Syrian refugee raped 10 yr old boy and Azouz Marzouk charged with murdering several people.

context thus confusing the reader instead of informing the reader and leaving uninformed, ignorant, or unwary readers to lose sight.

In the context of migration such headlines result in xenophobia and inaccurate views of refugees. In the Bulgarian towns of Elin Pelin and Rozovo, asylum-seeking Syrian families were told by residents to leave town as they feared violence and rape. The residents cited negative portrayals of Syrian refugees in the media, which contributed and amounted to their fears[21]. Bulgaria, has negatively distorted Syrian refugees[22] and is one of several countries that has insufficient ethical codes regarding their media[23].

Exaggerated headlines with unverified information misinforms, changes mood and direction and brings about xenophobia amongst readers. For instance:
- "The Prime Minister: 2 million refugees are waiting on the Bulgarian-Turkish border"; "Expert: The newly arrived refugees are future ISIS fighters"; "Islamic State floods Europe with Refugees";

Such headlines fail to comply with journalistic ethical codes resulting in a disservice to the reading community, and thus should be prohibited. "And, of course a commercial interest in favour of sensationalist headlines that generate more hits in online media, which gains more and more influence both in terms of audience and advertisers. As a result, some editors are less inclined to strive for authenticity and objectivity"[24].

International Organisation for Migration (IOM) Director said "with populist leaders and elements of the media increasingly portraying migrants in a negative light, IOM points that fear of the unknown is deepening community divisions and endangering the very people seeking a better or safer life". The media needs to do a better job of reporting in context to avoid mismanagement of certain crises. Media has failed in holding the EU, its members, and other leaders to account despite having the ability and prerogative to do so.

Conclusion

Considering the above examples, it is apparent there is a reporting crisis as or more serious than the migration crisis. Since 1973 the Durban Declaration has continuously called for the international community and especially national legislation to use the media as a means of education on racism, racial discrimination, xenophobia and other related forms of intolerance and further as a means to dispel false information and the evils of racism.

These current trends of hate speech and fake news against certain groups are certainly worrying and all the more reason to pay attention to and implement the Durban Declaration and Programme of Action, which offers practical solutions at the international and national level.

Recommendations

– *Develop* stricter media standards and complaint mechanisms concerning the use of derogatory language and imagery that incite racism, discrimination, and xenophobia.
- *Increase* resources for more accurate journalistic research.
- *Pressure* states to monitor and penalize disinformation or propaganda to ensure dissemination of accurate and necessary information to the public in accordance with international standards.
- *Support* the implementation of the recommendations of the Durban Declaration and Programme of Action.

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[21] . Additionally, in the following days the media produced xenophobic, racist, and anti-humanitarian statements towards Syrian refugees : http://bulgaria.bordermonitoring.eu/2017/02/28/mayor-of-elin-pelin-tells-syrian-family-with-humanitarian-status-to-leave/ and IRMCM

[22] according to Free Syria Association and Association of Syrian Refugees: http://www.balkaninsight.com/en/article/syrians-alarmed-by-hate-speech-against-refugees-in-bulgarian-media-08-18-2016

[23] "Moving Stories: International Review of How Media Cover Migration". EJN. 2015

[24] "Moving Stories: International Review of How Media Cover Migration". EJN. 2015

*Geneva International Centre for Justice (GICJ), The Arab Lawyers Association- UK, Human Rights Defenders (HRD), The Brussells Tribunal, Euro-Mediterranean Human Rights Monitor, Association of Humanitarian Lawyers (AHL), The Iraqi Commission for Human Rights (ICHR), Association of Human Rights Defenders in Iraq (AHRD), Alliance to Renew Co-operation among Humankind, General Federation of Iraqi Women (GFIW), Organisation for Justice & Democracy in Iraq (OJDI), Women Will Association (WWA), The Iraqi Centre for Human Rights, The Perdana Global Peace Foundation, The International League of Iraqi Academics (ILIA), Organization for Widows and Orphans (OWO), International Anti-Occupation Network (IAON), Kuala Lumpur Foundation to Criminalise War, NGOs without consultative status, also share the views expressed in this statement.