

All rights for all Stop discrimination

“The term ‘discrimination’... should be understood to imply any distinction, exclusion, restriction or preference which is based on any ground 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 of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms.”

Human Rights Committee, General Comment 18 on the non-discrimination provisions of the International Covenant on Civil and Political Rights

A woman is beaten for walking in the street in Afghanistan. A gay man in Brazil who was promoting safe sex was beaten by police. A man in the United Arab Emirates was sentenced to imprisonment and flogging for marrying a woman of a different faith. A black youth in the USA was shot dead by police while riding his bicycle. A Bosnian Muslim woman was raped by Serbian soldiers.

These human rights violations happened in every region of the world, but they are united by a common thread. Discrimination. They were largely motivated by prejudice. Because of their gender, sexual orientation, faith, race or ethnicity, the victims were viewed as being inferior, as being less than human, and were therefore seen as having no human rights.

Discrimination is a root cause of human rights violations. By dehumanizing people, it paves the way for the worst atrocities. In every region, nationalist, ethnic, religious and racial conflicts have led to genocidal or widespread killing of people solely because of who they are. Whole groups of people are branded "the other" by virtue of their identity. Bonds of solidarity and community are severed along identity lines. "Difference" is manipulated to encourage division and hatred. "Differences", which should be celebrated and encouraged to enrich all our lives and cultures become "reasons" which some political and religious leaders use to vilify those they see as weak and scapegoat those least able to defend themselves. By so doing they create a climate where human rights violations are legitimized and ordinary people suffer the most terrible consequences.

Discrimination takes many forms. Around the world people are denied equal rights to housing, work, education and credit because they are from the "wrong" social group. All too often discrimination is violent. Perhaps it is the street children who are beaten by police in Bangladesh or "socially cleansed" in Guatemala simply because they are seen as an easy target and a convenient scapegoat. Or the black man walking peacefully down the street in Germany at night who is picked up by police and beaten. Or the family in Myanmar who is forcibly relocated from their village under threat of death because of their ethnic origin. Or the vagrants who are shot dead in Colombia's streets by police-backed "death squads" because they are considered "disposables". The list is endless.

Discrimination must be fought not only because it is itself a violation of human rights, but because whenever it raises its ugly head all the human rights of all of us are threatened.

Discrimination: a root cause of human rights violations

Discrimination is an attack on the very notion of human rights. It systematically denies certain people or groups their civil, political, social, economic or cultural rights for no other reason than who they are or what they believe. It is therefore an attack on the fundamental principle underlying the Universal Declaration of Human Rights: that human rights are everyone's birthright and apply to all without distinction.

The genocide in Rwanda and the massive occurrence of rape in Bosnia Herzegovina are perhaps the starkest examples of how distinctions based on ethnicity, religion and gender can be manipulated and inflamed by political leaders with horrific results. In Kosovo today, it appears that the lessons of those dark periods have not been learned. Through control of the major part of the media the Serbian authorities have been able to exacerbate anti-Albanian feeling amongst much of the Serbian population so that violations of the basic human rights of ethnic Albanians are largely ignored or even justified. At the time of writing, Kosovo appeared to be on the brink of a human rights disaster.

When governments and political leaders promote discrimination against sections of their population to further their own aims, they are giving the green light not just to state agents but to ordinary citizens to inflict suffering on others. But they are also lighting a fuse that can at any moment explode into mass human rights violations. In Indonesia, for example, ethnic-Chinese Indonesians have persistently been scapegoated. During the social unrest which hit Indonesia in 1998,

ethnic-Chinese Indonesians were attacked and abused. Dozens of women reported they were raped. Some elements in the authorities may have fueled the attacks by blaming ethnic Chinese Indonesians for the economic crisis. During riots in May, the military did not prevent ethnic Chinese being the targets of attack by fellow Indonesians. In response to a widespread outcry the government has established an unprecedented investigation into these reports.

Not only do governments fuel discrimination or fail to protect their citizens, they also institutionalize discrimination by enshrining it in law. Where laws treat people differently according to their gender, race, sexual orientation or social class, people can end up behind bars solely because of their identity. More often, discrimination is part of the application or enforcement of law.

Below we look at three areas of identity-based discrimination which affect the daily lives of billions of people. They are not the only forms of discrimination, they are illustrative of the damage discrimination causes. All are outlawed by human rights standards drawn up by the international community after the Second World War. Then, in the wake of genocidal violence against people in Europe solely on the basis of their identity, prominent among them Jews, gypsies and homosexuals, the world said "Never Again". Out of despair was born hope with the Universal Declaration of Human Rights, founded on the principle that "all human beings are born free and equal in dignity and rights". Discrimination strikes at the heart of this principle, constantly gnawing away at the core of human rights and leading to widespread suffering and misery.

Race and ethnic origin

In virtually every country of the world, certain racial or ethnic groups are portrayed by the state and its institutions as inferior to the majority or to the dominant group. In some they are the butt of newspaper jokes, describing them as stupid. In others they are demonized as inherently violent and prone to crime. In many they are denied some or all of their social, economic, political, civil and cultural rights. They may be refused passports, or banned from speaking their language, or excluded from jobs and education, or forced to live in designated areas. In all cases, such institutionalized discrimination leads to other widespread human rights abuses.

In the USA, for example, racial minorities bear the brunt of police brutality. Commenting on the case of a black teenager shot by police in Indianapolis, Indiana, the National Association for the Advancement of Colored People reported:

"Police officers have increasingly come to rely on race as the primary indicator of both suspicious conduct and dangerousness. There can be no other explanation for why a police officer would consider shooting a sixteen-year-old on a bicycle. One cannot even fathom the same thing happening to a white youth. A black teenager pedalling rapidly is fleeing crime. A white teenager pedalling at the same speed is feeling the freedom of youth".

Similar institutionalized racism in Australia results in disproportionately high rates of incarceration and deaths in custody for Aborigines. A 1997 Federal Government report showed that between mid-1995 and mid-1996 Aborigines were 29 times more likely to die in prison than other Australians.

In Western Europe too, ethnic minorities have often been victims of abuse by police and prison officers, including in France, Germany, Italy, Switzerland and the UK. 1997 reports by the UN Human Rights Committee made several references to such patterns of abuse. In relation to France it stressed that the risk of ill-treatment by police was "much greater in the case of foreigners and immigrants." In relation to Spain it said that allegations of torture and ill-treatment by police "appeared to reveal signs of racial discrimination". Japan is one of many other countries where AI has found that foreign nationals are vulnerable to ill-treatment in prisons and detention centres.

Members of the Roma ethnic group are singled out for abuses in several European countries, including Bulgaria, the Czech Republic, Hungary, Moldova, Romania, Slovakia and the Ukraine. In Hungary, five police officers arresting nine Roma in February 1997 allegedly called them "stinking Gypsies". One of the detainees was beaten until he vomited blood and lost consciousness.

Across the world there is a vast but largely unrecognized war being waged against ethnic groups. Just a few of many possible examples show the global extent of this war. In Burundi, attacks by armed opposition groups on Tutsi civilians are countered by widespread reprisal attacks by the security forces on the majority Hutu population. In the Democratic Republic of the Congo, thousands of Hutu refugees were killed as the group led by Laurent-Desiré Kabila took power. In Equatorial Guinea, members of the Bubi ethnic group have frequently faced arbitrary arrest, as have members of the Oromo ethnic group in Ethiopia. In Israel, Palestinians continue to suffer administrative detention, torture and ill-treatment, and killings at checkpoints by the security forces. In Macedonia, ethnic Albanians and Roma are more likely to suffer torture and ill-treatment by police. In the civil wars in the

collapsed state of Somalia, minority communities have been particular victims of killings, rape and looting by clan faction militias.

The discrimination faced by indigenous people has led to the extermination of whole communities in some countries, and in several places it is still the root cause of widespread abuses. In Honduras, for example, indigenous people demanding their land rights are killed by police during peaceful protests. In Malaysia, members of the Dayak Iban indigenous community have been detained and ill-treated by police, also in connection with land disputes. In Guatemala, discrimination and lack of respect for the basic humanity of some 70% of its population -- its indigenous peoples -- permeates every aspect of society and was a major factor motivating, "explaining" and justifying the wholesale massacres of indigenous peoples during Guatemala's "dirty war." Today, even though a formal peace has been declared, discrimination excludes most Guatemalan indigenous peoples from most aspects of national life, including political participation and education. It means that they are over-represented amongst the prison population; and are not represented in their native tongues either in criminal trials where they are the defendants or in proceedings in which they attempt to give testimony to end the impunity of those responsible for gross abuses of the past. They can also expect to be major targets of all "anti-crime" measures, including the death penalty.

Elsewhere, indigenous communities who have suffered abuses in the past because of discrimination are finding that the same prejudices are preventing relatives from receiving justice. Relatives of 14 Ticuna Indians massacred more than 10 years ago in Brazil, for example, have faced countless delays in their search for justice and are still waiting. The 14 men, women and children were gunned down in 28 March 1988 at Capacete Creek, just outside the officially demarcated São Leopoldo Indigenous Area in Amazonas state. They were attacked by settlers, allegedly employed by a local timber merchant who was in dispute with the Indians over ownership of land. Many other Indians suffered human rights violations in the area at that time in the context of land disputes, and they too have yet to see their attackers brought to justice.

DISCRIMINATION ON THE BASIS OF GENDER

Discrimination against women is deadly. More women and girls die each day from various forms of gender-based discrimination and violence than from any other type of human rights abuse. Every year, gender discrimination results into

millions of women being genitally mutilated, battered to death, burned alive, denied their legal rights, and bought and sold in international trade in slaves for domestic and sexual purposes. In every continent, discrimination leads to countless women being raped or held as sexual slaves by soldiers engaged in armed conflict. Every day discrimination leads to women being stripped naked, sexually humiliated and raped by state agents. Every day it leads to women refugees being forced to exchange sexual favours for the right to cross borders or obtain ration cards. And every minute, discrimination leads to women suffering domestic violence.

The Preamble of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) states that discrimination against women violates the principle of equality of rights and respect for human dignity, amounts to an obstacle to women's participation on equal terms with men, in the political, social, economic and cultural life of their countries and hampers the growth of the prosperity of society and the family. Yet, throughout the world, women and girls are subjected to discriminatory treatments which are politically-grounded and politically-motivated and result in women's human rights violations.

In a number of countries, discrimination against women is enshrined and enforced through domestic laws. For instance, women and girls may be imprisoned or physically restricted on the basis of laws that target women only or they may face harsher punishment than men do for a similar offenses. They may also be the victims of unfair trials arising from discriminatory rules of evidence enshrined in law. In a number of cases, the methods of enforcement of these discriminatory laws and punishments for violating them may amount to torture.

In Afghanistan, for instance, tens of thousands of women are physically restricted to their home under *Taleban* edicts which ban women from seeking employment, education or leaving home unaccompanied by a male relative. In 1997 *Taleban* guards beat hundreds of women in detention centres or public places for defying the edicts.

In Egypt men may be excused for killing their wives if they find them in the act of adultery. Women who kill adulterous husbands, however, face the death penalty. In Sudan, women who fail to follow the strict dress laws risk arrest and flogging. While in Iran, women who do not follow the dress code risk being harassed and beaten up by self-styled vigilante groups set up to enforce it. In Pakistan, the Zina Ordinance effectively provides for the imprisonment of women solely on the grounds of gender by allowing victims of rape to be imprisoned on charges of *zina*

(extramarital sexual intercourse). It also prescribes cruel, inhuman and degrading punishments for women and discriminates against girls.

Discrimination against women also results in gender-specific forms of abuse. In Turkey women face forced virginity tests as a form of punishment or humiliation. In many countries, women are routinely stripped, threatened with sexual violence or raped in custody. In the Democratic Republic of the Congo, for example, women and girls have been raped, beaten on their breasts and otherwise ill-treated by security forces of the government of Laurent-Desiré Kabila.

In yet many other countries, gender discrimination is grounded on the imposition of discriminatory social, cultural, or religious norms, and the absence of protection afforded by the state authorities to women and girls. Such gender discrimination and gender-based forms of human rights violations is likely to occur in the family or the community.

The scale of physical and mental suffering these abuses cause women is hard to comprehend. According to the UN Children's Fund, UNICEF, more than a million infant girls die each year because they are born female. In India, around 4,000 women reportedly die each year in disputes involving dowries. More than 130 million women are suffering serious, even life-threatening, injuries throughout their adult lives because of female genital mutilation, a practice occurring in around 20 countries in Africa, parts of Asia, Middle East, and on a smaller scale in other regions. FGM is perhaps one of the most dramatic illustrations of discrimination and violence against women, and is one of many abuses rooted in women's social and economic powerlessness.

Often enough, women and girls will also encounter gender-based discrimination as a *consequence* of the human rights violations they have suffered. Women and girls may face a number of gender-specific discrimination in terms of getting access to adequate and gender-specific medical remedies. Furthermore, when and if adequate legal remedies exist, discrimination may deter or obstruct women's recourse to these remedies, such as: illiteracy, community pressures to refrain from reporting or seeking redress for certain abuses, lack of economic resources, etc. At a social level, women and girls may be further victimised and endure stigma, ostracism, or divorce. If a woman is declared unfit for marriage as a result of rape, she will also face severe economic and social obstacles to her livelihood.

Sexual orientation

In countries all over the world, men and women are harassed, abducted, imprisoned, tortured, even murdered for their sexual identity or orientation. Gay men, lesbians, bisexuals and transgendered people - anyone who does not adhere to the dictates of what is portrayed as "normal" sexuality - may be subject to persecution by officials of the state or by private individuals whose actions go totally unpunished.

To a greater extent than sexism and racism, homophobia is legitimized almost everywhere in the world by laws which criminalize homosexuality or otherwise discriminate against sexual minorities and deny them equal protection of the law. The Chechen Republic-Ichkeriya, which recently introduced Islamic traditional law into judicial practice, outlaws "anal sexual intercourse between a man and a woman or a man and a man" in Article 148 of the new Sharia Criminal Code. For first and second offences, the punishment is caning. A third conviction leads to the death penalty. In the USA several states have discriminatory sodomy laws, which provide penalties of imprisonment for consensual sexual acts between people of the same sex.

In Jamaica too, consensual sexual acts between adult men in private is a criminal offence under Sections 76-82 of the Offences against the Person Act, and can be punished by up to 10 years' imprisonment with hard labour.

Such laws reinforce popular prejudices and increase the dangers faced by homosexuals. In Jamaica, for example, 16 prisoners were killed and 40 injured in disturbances at St Catherine's District Prison and Kingston's General Penitentiary in August 1997. The disturbances started after guards walked out in protest at the Commissioner of Correction's announcement of his intention to distribute condoms to guards and prisoners in an effort to control the spread of HIV/AIDS. Among those killed were prisoners targeted because they were homosexuals.

In Argentina members of sexual minorities have been targeted for ill-treatment and torture by police in Buenos Aires and the provincial cities of Rosario and Mendoza. For example, Adriana Cortes, a transsexual woman, was arrested in Mendoza in February 1997. She was reportedly induced to have sex with a police officer in exchange for pain relief medication. She filed a complaint and the officer was transferred, but no other action was taken.

In the UK, seven men from Bolton were convicted in 1998 under laws which discriminate on the basis of sexual orientation, criminalizing behaviour which would not be an offence for heterosexuals. They were convicted of "gross indecency" and "buggery" for activities that took place in private in the home of one of the defendants, and sentenced to suspended prison sentences. The UK government undertook to take measures to equalize the age of consent between homosexuals and heterosexuals following a ruling of the European Commission. Following the defeat

of legislation to equalize the age of consent in July 1998, the Government undertook to try again in the autumn.

Further disadvantaged: the role of social origin and economic status

Discrimination of the kind illustrated above is of course compounded by other factors, in particular socio-economic status. The majority of women most at risk of human rights violations are those from the poorest and most vulnerable or marginalized groups in society. They are indigenous women, ethnic minority women, women in immigrant communities, homeless women or refugee women. Women from the lowest castes or *dalits* in India, for example, face systemic discrimination and disadvantage. They have restricted access to education, live in segregated areas, work in poorly paid and socially stigmatized trades, and form the majority of landless bonded labour. Police often collude with landlords in abuses against *dalit* communities. *Dalits* are illegally detained and tortured, and the victims usually lack the means or influence to defend themselves or seek redress. Nisha Devi, for instance, an 18-year-old *dalit* woman, was partially stripped and beaten in 1997 by police officers who were looking for a male relative. There were numerous witnesses and Nisha Devi reported the assault the following day. It took police two weeks to file a report and local police subsequently pressured her and her family to withdraw the complaint.

Women migrant workers in many countries face discrimination or are disadvantaged because of their economic status and their vulnerability as foreigners as well as gender and ethnic origin. Nieves, a Filipina married mother of two, was working in Saudi Arabia. Like many other foreign nationals working in the Gulf, her lack of understanding of Arabic, her status as a migrant worker and her sex meant she was vulnerable to abuse. Nieves went to a restaurant in November 1992 with a married couple and another woman to celebrate a birthday. The married man met a colleague and asked him to join them at the table. All of them were arrested by the religious police and Nieves was accused of prostitution. When the police could not persuade her to confess, they asked her to sign what they said was a "release order". It was written in Arabic which she could not read. Instead of being released, she was detained in Malaz Prison. When she went to court it transpired that she had signed a "confession". She was convicted on the basis of the "confession" and received 60 lashes and 25 days' imprisonment.

Combating discrimination

All around the world people are fighting against the poison of discrimination and prejudice. Large movements have grown up to combat racism, sexism and homophobia, or to defend the rights of other disadvantaged ethnic or social groups. Sometimes these victories have been gained at great personal cost to the activists involved.

Kalpana Chakma, a tribal women's rights activist in the Chittagong Hill Tracts of Bangladesh, allegedly "disappeared" in June 1996. Her whereabouts remain unknown. Irene Fernandez, the head of a woman's non-governmental organization in Malaysia, who campaigned against ill-treatment, sexual abuse and denial of medical care in camps for detained migrant workers, faces imprisonment after she was charged with sedition and publishing "false news". Her trial is continuing. In Mexico, five Indian community leaders were detained in March 1997 by state police and then tortured by being beaten, burned and subjected to mock executions before being released without charge days later.

All those who are risking their lives and security to combat discrimination need and deserve our support. Through their efforts at national or international level greater attention has been given to the need to combat discrimination and make real the promise of the Universal Declaration of Human Rights that everyone is entitled to all rights of any kind. International standards aimed at eliminating racial, religious and gender-based discrimination were adopted by the UN in the 1960s and 70s. More recently, sexual orientation has increasingly been recognized as a prohibited basis for discrimination in international human rights standards.

Governments have a responsibility to ensure that law and practice conforms to international standards, however ultimately discrimination will only end when all individuals make a personal commitment to make the rights enshrined in the UDHR a reality in the world - for everyone.

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