

Refugees, Racism and Peace

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Refugees

- Asylum is a peaceful and humanitarian act
- Persecution
- Armed Conflict
- Ethnic cleansing
- Canadian Immigration and Refugee Board:

Chairperson Guideline 1: Civilian Non-Combatants
Fearing Persecution in Civil War Situations:

<http://www.irb-cisr.gc.ca/Eng/BoaCom/references/pol/GuiDir/Pages/GuideDir01.aspx>

Refugees

Conscientious Objectors

Peace Activists

Camps- risk of armed
attacks/militarization/peace education

Refugee participation in peace agreements,
elections, repatriation, reintegration,
reconciliation

Peace activism in exile

Exclusion from Refugee Status

- Crimes against peace
- War Crimes
- Crimes Against Humanity

Positive Peace

- Right to education, jobs, family reunification, etc. being cut by states
- Refugees are denied enjoyment of positive peace

Racism: Kälin & Künzli

- «The temptation to treat people unfairly because of their ‘otherness’ is an inherent characteristic of human nature. In all cultures people have been socially ostracized, banished, or persecuted on account of their religion, race, ethnic origin, sex or for other similar reasons.»
- International Law conceptualizes discrimination as unjustified debasement of individuals on the grounds of identity-related characteristics.

UN Charter Art. 1 (3)

- «promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.»

Charles Taylor

- Non-recognition or misrecognition can inflict harm, can be a form of oppression, imprisoning someone in a false, distorted, and reduced mode of being.

Equality before the Law

- ICCPR, Art. 26: All persons are equal before the law and are entitled to the equal protection of the law.

Non-Discrimination

- ICCPR, Art. 2 Prohibition of discriminatory application of civil and political rights on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status

Direct Discrimination

- 1. Unequal Treatment
- 2. Unfavorable treatment
- 3. Based on Suspect Classification
- 4. Without Justification

Indirect Discrimination

- 1. A measure is formulated in 'neutral' terms
- 2. The measure has detrimental effects in its practical application that exclusively or disproportionately affect a group with characteristics that are classified as critical in anti-discrimination provisions.
- 3. These adverse distinctions cannot be adequately justified on serious or objective grounds.

Convention on the Elimination of All Forms of Racial Discrimination (1965)

- Art. 1: «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»

Convention on the Elimination of All Forms of Racial Discrimination

- Art. 1
- 2. This Convention shall not apply to distinctions, exclusions, restrictions or preferences made by a State Party to this Convention between citizens and non-citizens.
- 3. Nothing in this Convention may be interpreted as affecting in any way the legal provisions of States Parties concerning nationality, citizenship or naturalization, provided that such provisions **do not discriminate against any particular nationality.**

Racial identity can affect social reality

- Access to education, health care, employment
- Distribution of income, wealth, political power, housing
- Intersectional discrimination- race, gender, class, religion, migration status, etc.

CERD Committee

- Travellers in UK & Switzerland
- Roma in Bulgaria, Germany & Czech Republic
- Tibetens in China
- Dalits in India
- Mapuche in Chile
- Chiapans in Mexico
- Blacks in Costa Rica
- Aborigines in Australia
- Serbs, Croatians and Albanian Muslims in former Yugoslavia
- Immigrants in France and Italy
- Hungarians in Romania
- Turks in Bulgaria
- Hutus and Tutsis in Rwanda and Burundi

Vibeke Blaker Strand

- When looking at societies as a whole, research shows that violence, poor health, and other social problems are more common in societies with greater inequality.
- A society that is built on and reproduces inequality and discrimination is not a society where people live peacefully together. It is not a society in peace.