1. The forms and nature of discrimination are ever changing, as are the groups discriminated against and the intensity of discrimination. Greater tolerance is evident in some cases, while overt forms of discrimination reappear where before they had been hidden or absent. The provisions of international conventions and other instruments, such as those relating to discrimination against women, or older persons or ethnic, linguistic and political groups, are increasingly being incorporated into national laws, although the means for enforcement or redress often remain meagre and such laws may at times run ahead of popular opinion.

2. Discrimination is explained by a combination of factors that are interrelated in a complex manner. These factors include fear of the unknown or less similar, anxiety about losing personal identity, lack of knowledge and exposure to human diversity and multi-culturalism, and feelings of insecurity.

Elements of discrimination

3. All or most forms and manifestations of discrimination can be found in different contemporary situations, ranging from passive to active, mild to extreme, subtle to blatant, even unconscious to conscious. Discrimination may be constant and chronic or occasional and acute, as well as clear-cut or ambiguous. It may be old or new. Its range and complexity make objective measurement difficult, yet it is usually recognizable where it exists.

4. The mind-sets of discrimination include xenophobia, racism, sexism, ageism and other mental frames grounded in prejudice and intolerance of group difference. These mental frames underpin many real-life situations. There is a bewildering range of possibilities for giving voice to discrimination, for example, propaganda, stereotyping, ridiculing, derogatory humour, blaming or scapegoating. Acting out discriminatory mind-sets can be through desecrating or defacing cultural symbols, excluding, omitting, ostracizing, expelling, confining or silencing subjects of discrimination, or through exploiting and unfavourable, unequal and inequitable treatment. At the extreme, discrimination can turn into coercion, acts of violence and even murder or war.

5. Structural or systemic discrimination occurs both explicitly and implicitly, permeating the historical record, religious belief, social practice and public policy. It may infect every aspect of a society's life. Its asymmetries may be woven into the institutional arrangements of family, community, country and now the globe. Not infrequently, cultural symbols are distilled discriminations (for example, throughout many cultures and down through the ages the male person served as a symbol of the human as well as the voice of authority). Even research designed to capture social reality is now recognized to have been frequently biased (the male or Western “gaze”). These environmental biases have warped perceptions and hence affected people’s choice, mobility, activity, expression and identity. Structural discrimination can be insidious when grounded in sacred or noble values, such as the ideology of “free will”. “When applied to black Americans, the belief system of free will is racist in that it refuses to recognize or acknowledge the existence of external impingements and disabilities (such as prejudice and discrimination) and instead imputes the primary responsibility for black disadvantages to blacks themselves.”

6. Discrimination has degrees. Bigotry or a hateful mind-set is not a crime. A hateful act usually is. In between these two is a more difficult area – the discriminatory “voice”, including hate speech – that may be defended as free speech or as cathartic preventive venting on the one hand, and denounced as an incitement to violence on the other. The expansion of Internet hate sites makes the question urgent. These sites jumped by 51 in the United States in 1999 to total 305 by early 2000. Racist propaganda and hate speech are outlawed in some countries but not in the United States, where it is allowed, though hotly debated, under the First Amendment to the Constitution. Allowing free speech on the one hand and preventing the spread of “a hate virus” on the other may be a theoretical debate until environmental conditions tip the outcome towards discriminatory acts and worse. This was the case in Rwanda, for example, where the hate and incitement propaganda of radio Mille Colline inflamed parts of the population for genocide.

7. Those who discriminate need not be inhuman monsters. Events of the past decades have shown that discriminators may include law-abiding citizens, the high-minded and the innocent bystander. Discrimination may occur by default, for example, by simply following precedent, conforming to convention and obeying orders. Discrimination may even occur as a byproduct of doing good. Pre-genocide Rwanda was the recipient of generous international aid for development. Its distribution was skewed, however, advantaging a small
political elite of northern Hutus as well as the remaining Tutsis, whose educational and other assets enabled them to benefit from aid and opportunities more effectively than the masses of southern Hutus, whose disadvantages merely deepened. The aid produced impressive development indicators, but these failed to register the deepening resentment and intensifying volatility of the disadvantaged group.

8. Bystanders of discrimination are not legally accountable for acts they do not commit yet their silence may connote consent, even complicity and collusion. Silence and inaction may aid and abet discrimination. The moral, though not legal, responsibility is increasingly recognized in an era sensitized by the Nuremburg trials of mid-century, the Truth and Reconciliation Commission of post-apartheid South Africa and other similar mechanisms devised in the past decade.

9. Blatant discriminators – as also the bystander and by-product varieties – may not be aware of their discrimination. They may call it something else – defence of the good, elimination of evil, removal of threat, maintenance of law and order, exercise of entitlement and so on. Obvious examples include slavery, apartheid, anti-semitism and mistreatment of women and homosexuals. All these have at one period or another been justified by interpretations of religious texts that evidently change over time. Attitudes to persons with disabilities have ranged over time and place, from viewing them as uniquely gifted to being “children of a lesser god” deprived of the most basic human entitlements on grounds of deviance (i.e., difference).

10. In everyday life, everyone makes personal judgements by just seeing differences as basic, for example, as between men and women, old and young, black and white, rich and poor, and so on. At the same time, people frequently fall victim to some biases which may emanate from incorrect information, false conclusions or even from some existing clichés and stereotypes. Discrimination acquires its opprobrium not from the perception of differences but from the evaluations given to these differences. Most people favour their own over more distant groups (us over them). The following criteria are generally applied: favouring those who meet our needs and return our affections (complementarity, reciprocity), who resemble us or live near us (similarity, proximity) and who are able or physically pleasing (ability, attractiveness).

11. Power asymmetries then come into play. Those in power tend to resolve conflicts of interest in their own favour and then secure it by accumulating reserves of wealth and power. They resolve ideological differences in their own favour, too, usually exalting their own kind, beliefs, behaviour and characteristics and defining these as “reality”. At the same time, they ascribe inferior status, subservient roles and even pathological behaviour to the “others”. Or else they coerce “others” into conforming with “reality”, as in the case of indigenous people in modernizing States, religious persons in materialistic societies, homosexuals in heterosexual environments, women in a male world, older persons in a youth-oriented culture (and vice-versa).

12. Time contributes to discrimination by allowing for preferences to become habitual and embedded in institutions and ritual. Generations born into these conditions take them to be reality. Regarding the treatment of children, for example, it was long and widely believed that a beating “did them good”, while today in many places this would be considered child abuse. Wives too were (and still are) regularly beaten “for their own good” and “for the good of the family”, even burnt and killed (see chapt. XVII). Notions of “good practices” have changed with time.

13. Physical distance between groups permits real and imagined differences to acquire a certainty and rigidity as well as intensity fuelled by a fear of the unknown. “Distance” can even occur between men and women, old and young, able-bodied and disabled, who are living in the same house or neighbourhood. Physical proximity alone is not enough to overcome psychological distances.

14. Groups prone to experience discrimination today are, for the most part, the powerless. Their experience of discrimination will be modified by certain criteria. Inner criteria of importance include perceptions of discrimination and innate coping skills. Outer criteria include their degree of wealth and power possessed, as well as the support and protection to be found in their environment. They may experience discrimination as an inter-group and an intra-group phenomenon (the latter occurring when the discriminated have internalized their treatment and started applying it against themselves). They can be loosely arranged into three (often overlapping) clusters.

15. Historical identity groups (usually minorities) are defined in terms of common elements, such as ancestry, ethnicity, language, religion and others. They may be dispersed or settled groups, as well as old or new, small or large and rich or poor ones. Since the end of the cold war, many of them have moved from a state of marginalization to one of polarization with dominant groups, as they challenge what they perceive to be discriminatory acts and structures. In some cases, polarization is fuelled by opportunistic leaders, including a competition for control of resources, such as oil or mineral rich lands.

16. Activity – and area – defined groups take their identities from livelihoods or localities of residence/origin. Examples are peasants, nomads, pastoralists, hunter gatherers, traditional artisans, slum dwellers (working in the informal economy), migrant workers, immigrants, refugees, internally displaced
Coping with discrimination

17. Physical characteristic groups are defined by gender, age and range of abilities (disabilities) and have been increasingly forming interest or solidarity groups, particularly in recent decades – first women, then youth and more recently older persons and persons with disabilities. These “new” solidarity groups operate not only locally but also nationally and internationally, effectively exposing and challenging both hidden and open discriminations.

18. Gender discrimination, for example, has reached a high degree of visibility across the world. “One in two adults worldwide believe that women do not enjoy the same rights as men”, according to the Gallup International Millennium Survey, which interviewed 57,000 adults in 60 different countries between August and October 1999 (representing 1.25 billion of the planet’s inhabitants). Moreover, the Survey reports, “A large percentage of the world does not view equality as an ideal…. Nevertheless, there are encouraging signs that the gains of the past few decades will continue into the next century and even, possibly, accelerate”. First, discrimination against girls in access to education is relatively low across the world, which means succeeding generations of women will be better educated and so better able to push for full rights. Second, a majority of adults worldwide look to advanced countries – where women’s rights and equality is generally better – to insist on greater rights and access for women in developing countries. Third, younger women worldwide have opinions that are more in line with greater rights and attitudes that can restrain their rights and women’s access to key resources.

19. Individuals cope differently with discrimination, depending on three broad factors: how they have perceived it, their innate or learned coping skills and the range of environmental supports available to them. Their coping also depends on the kind of discrimination that they are dealing with – whether it is subtle attitudes, hateful voices, blatant acts or asymmetrical structures. There is a wide range of individual coping styles which, at the group level, tend to consolidate into a collective coping style, shaped by environmental obstacles and opportunities. Some groups will adopt the coping style of a charismatic leader.

20. A few common responses to discrimination include acknowledging and transforming it through drama and humour, self-help, withdrawal, moving out, assertion of rights, promotion of diversity (a society for all), re-framing and holistic thinking. These are relatively “successful” coping strategies that the discriminated against employ.

21. Theatre can counteract many of discrimination’s negative effects on self-esteem and identity, in the experience of New Zealand’s Te Rakau Hua O Te Wao Tapu, Te Rakau brings together Maori children under the care and protection of the state, teen offenders held in security units, prison inmates, recovering addicts and high profile rugby players. It blends Maori tikanga (customs), wairua (spirituality), conventional drama, addiction recovery techniques and psychiatry to create a theatre of possible “resurrection” – aptly portrayed by the players’ own promotional poster depicting a person leaping out of a vortex.

22. Self-help or leveraging up is another response to discrimination, made increasingly possible through education, new technologies and entrepreneurship. In Uttar Pradesh state in North India, so-called low caste women were trained as hand pump mechanics and in a short time went on to break through three layers of discrimination. First, they dispelled the prevailing notion that women could not handle technology. Second, since they were needed to mend upper caste water pumps their work helped unsettle traditional notions that low caste groups were “polluting”. And third from the strong bonds they formed with each other they went on to challenge their subservience to men in their own neighbourhoods.

23. Withdrawal is a coping response that can be temporarily effective (when chosen, not forced as for example with the Roma gypsies’ and others). The upsurge of “hyphenated Americans” – African-, Asian-, Italian-American etc. – illustrates a trend towards partial separation (unity in diversity). Some religious groups withdraw more completely in order to cultivate a particular spiritual credo and lifestyle. Indigenous people may choose to remain separate in order to preserve their heritage and connection to nature. Some minority groups seek secession from the state. Partial withdrawal provides some protection against discrimination but complete withdrawal – as between Greek and Turkish Cypriots – puts distance between communities. With time, this tends to nurture demonization of the other.

24. Moving on or emigrating is a coping strategy of people suffering many kinds of “home-grown” discrimination (class, caste, religious). By relocating, they leave behind discriminations that may have been internalized over generations, making them, therefore, more difficult to recognize and dislodge than new kinds of discrimination customarily encountered in the receiving territory.

25. Assertiveness of rights has many manifestations and many practitioners, including civil rights and
liberation movements, trade unions, consumer advocates and environmentalists. Their paths often overlap. For example, with regard to trade unions try to end discrimination in the formal workplace and consumer advocates try to counteract it in the informal workplace. A case in point is the consumer boycott of Nike shoes until the company prevailed upon its subcontractors in developing countries to improve working conditions.

26. Promotion of diversity is a broad coping strategy for replacing a discriminatory paradigm with an inclusive one. The concept of “society for all” is one such strategy. Launched by the disability community in the 1980s, generalized and carried forward by the World Summit for Social Development in 1995 and subsequently adapted as the theme of the International Year of Older Persons’ (1999), “Towards a society for all ages”, it calls for an adjustment of systems and structures of society to meet the needs and aspirations of all.

27. Reframing gender identities is another broad anti-discrimination strategy. To date, most attention has been paid to the social construction of female gender roles. Freeing these to become more closely aligned with innate human potential has radically expanded women’s choices. Of late, and partly in reaction to changes in women’s lives, the social construction of masculinity has begun to be questioned. The aim is to free boys in particular but also men from unrealistic assumptions about heroism and so on which have tended to close off relational opportunities, with severe consequences for men and women alike. As the rigidities of gender roles are undermined, new opportunities have both positive and negative effects.

28. Reframing collective identities of historical groups can also be an effective coping option in the face of discrimination. An example of such reframing may be seen in Northern Ireland, where membership in the European Union provided the warring parties with a new encompassing complementary identity that helped defuse some of their centuries-old antagonisms. On a larger scale, a pan-African identity is emerging in places as a complement to ancient ethnic and more recent civic state identities. Global identity formation is also occurring among global elites in all countries and simultaneously, partly in reaction to the rising power of elites, among human rights, religious, environmental, labour and consumer movements – as foreshadowed in the protests during the Seattle meeting of the World Trade Organization in December 1999.

29. Failure to cope with discrimination has produced, among other things, compliance, social disruptions, violent resistance and discrimination reversals (conditions that are the target of many national and international development programmes).

30. Compliance with discriminatory conditions – for “peace’s sake”, for example – is no longer seen as a suitable response to discrimination. Associated subservient attitudes are now widely discredited and are giving way to a celebration of the “transgressive” personality, at least among some groups, especially youth. Compliance was often policed by groups experiencing discrimination. For example, mothers and grandmothers socialized young women, often through shaming techniques, to comply with behaviour detrimental to their physical health (female genital mutilation being an extreme example) as well as mental health (keeping them from school to help with household chores).

31. A wide variety of social concerns have been associated with responses to discrimination: denial, inhibition, fear, conformity, dependency, helplessness, hopelessness, depression, anxiety, distrust, paranoia. More aggressive responses include cynicism, hostility, deception, manipulation, violence and abuse. Cascading effects accumulate in low self-esteem, family dysfunction, gang warfare, community conflicts with such tangible (measurable) results as high infant mortality, disease (immune, neuroendocrine and cardiovascular functioning), substance abuse (alcoholism, drug addiction, overeating), unemployment, poverty, arrest and incarceration – all reinforcing each other in a dangerous cocktail of social breakdown.

32. Passive coping responses (keeping quiet and accepting treatment) were more likely to produce hypertension and self-reported hypertension than more active coping techniques, according to research reported carried out among African-Americans in 1990 and in 1996.

33. Violent resistance, though frequently effective in curbing discriminatory practices (by attacking life and property of dominant groups) is a coping failure because of its undesirable by-products. Immediate effects are killings, disruptions and destruction, and the longer-term impact are cycles of violence and reversals rather than an end to discrimination.

34. Gender identities, as mentioned above, may be re-framed negatively as well as positively, generating new kinds of discrimination. A case in point is the impact of television with Western programming on a remote area of Fiji. Within three years of its introduction, 69 per cent of school girls were dieting and feeling themselves to be “too big or too fat”; and 26 per cent of adult women were dissatisfied with their large size. These views are in stark contrast with traditional Fijian notions of ideal body type, which favoured large sizes as evidence of community care (viloman, vikawaitaki, viqwaravi), expressed through feasting and ceremonial exchanges, often of food. As the global media’s portrayal of the ideal female body was shrinking, so was its ideal male physique expanding as
35. Discrimination reversals can occur with power reversals. These occur occasionally when a formerly abusive parent becomes dependent on the abused and now adult child who, usually owing to additional factors, such as alcoholism, reverses the abuse (the “fallen tyrant” syndrome; see chapt. XVII). Similar reversals are evident between ethnic groups in newly democratizing States, where power see-saws rather than being shared between groups.

Governmental initiatives

36. Governments currently take a range of general and specific anti-discrimination measures. The broad general initiatives are discussed elsewhere. Two more direct measures are noted here briefly: positive discrimination and “leveling the playing field”.

37. Positive discrimination aiming to reverse discrimination has been adopted by many Governments and has been given a variety of names: special opportunities, bonuses, subsidies, reservations, benign quotas, affirmative action, preferences. These measures aim to break down barriers to inclusion based on identity criteria. The better off among the excluded groups are usually the ones to benefit, often leaving the poorest among them unaffected. Positive discrimination, therefore, is not considered a substitute for anti-poverty measures, while anti-poverty measures alone have been found ineffective in addressing discrimination.

38. Positive discrimination has had some undesired side-effects. On occasion, it has engendered dependencies within the target population. It has been abused by non-eligible persons. And it has provoked a backlash by non-included former-dominant groups. The backlash may be mild. Or it may be extreme. Nelson Mandela (reporting to the fiftieth national conference of the African National Congress, on 16 December 1997) said various elements of the former ruling group had been working to establish a network that would launch or intensify a campaign of destabilization. This would include the use of crime to render the countryside ungovernable; subversion of the economy; theft of equipment, weapons and ammunition; and plans for setting up parallel structures, including an espionage system and armed forces. The insurrectionists opposed measures being taken to redress past injustices, he said, arguing that affirmative action constituted inverse racial discrimination incompatible with the Constitution.

39. Positive discrimination has worked best when the entire community supported it, seeing it as a public good from which all benefit and to which all must contribute according to their capacities. Focusing attention on outcomes – such as reduced violence and reduced welfare dependency, from which all can benefit – has stood the best chance of generating public support.

40. Levelling the playing field is another anti-discrimination strategy. It addresses structural inequalities – whether in the distribution of land or in any other sector, including education, work, law or government. The uneven playing field is not easily levelled when it has a long history and broad outreach. The school curriculum, to cite one example, may be biased in many ways: in the language used, its treatment of gender, interpretation of history, portrayal of neighbours or historical enemies and in its dismissal of “other” lifestyles or ideologies. Multicultural education has sought to remedy some of these biases. Inter-cultural education has gone further in helping to establish a dialogue between different worldviews. Overall, education for both children and adults may be a powerful tool to combat prejudices and discrimination.

International responses

41. At the international level, the most important United Nations role in the new millennium according to a majority of people interviewed in the Gallup International Millenium Survey was the protection of human rights. Over the past decades, as is increasingly evident, United Nations human rights instruments have provided a structure of values, principles and laws that is helping to assign discrimination’s worst excesses beyond the pale of acceptable behaviour. The Universal Declaration of Human Rights states that "Every one is entitled to all the rights and freedoms set forth in this Declaration of Human Rights states that "Every one 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. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under another limitation of sovereignty."

42. A number of instruments dealing with specific instances of discrimination, agreed to subsequently, are being ratified or adhered to by an increasing number of countries. Ratification of key instruments has increased by 15 per cent in the past five years. As of 21 October 1999, 191 States had ratified or acceded to the 1990 Convention on the Rights of the Child – the highest ratification. By comparison, only 12 States are signatories so far to the International Convention on the
Protection of the Rights of All Migrant Workers and Members of Their Families (which has yet to come into force).

43. The next highest ratifications, at 163 States, are the 1981 Convention on the Elimination of All Forms of Discrimination against Women, and at 155 States, the 1969 International Convention on the Elimination of All Forms of Racial Discrimination. One hundred and forty-four States have ratified or acceded to the 1976 International Covenant on Civil and Political Rights, and 142 to the 1976 International Covenant on Economic, Social and Cultural Rights. One hundred and eighteen States had ratified or acceded to the 1987 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

44. Six treaty bodies monitor the implementation of the above instruments, of which four have the authority to hear individual complaints – regarding civil and political rights, racial discrimination, torture and, since December 1999, discrimination against women – provided the State concerned has recognized the body’s competence.

45. Among the obstacles standing in the way of countries ratifying United Nations human rights instruments – and still more so adhering to or enforcing their provisions – are lack of means and administrative capacity, as well as in some cases insufficient political commitment. There is also the difficulty of reconciling contradictions between global instruments and long-standing domestic legislation, especially traditional customs and religious laws.  Federal systems sometimes claim difficulty in achieving compliance by all state or provincial governments. Even so and in line with the broader political developments in all parts of the world (see chap. VII), countries are modifying their laws to conform to the standards agreed internationally and in whose elaboration the same Governments typically participated.

46. Two decisions to help translate human rights principles and values into an infrastructure of real living conditions were the 1986 General Assembly resolution on the right to development (resolution 41/128), with its emphasis on “the equal importance of all human rights be they civil, cultural, economic, political or social and their interdependence,” and the launching in 1998-1999, by the Office of the United Nations High Commissioner for Human Rights and the United Nations Development Programme of a human rights strengthening programme. The programme aims, among other things, to strengthen national human rights capacities, mainstream human rights in country development programmes, promote the principal human rights instruments and assess the impact of globalization on the enjoyment of human rights. The United Nations sponsored World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to be held in Durban, South Africa in August-September 2001, occupies an important place in the fight against racism and discrimination.

47. Further, the World Summit for Social Development (1995) and its five-year review stimulated discussion of social integration and its relation to discrimination. Discrimination has acquired more visibility. Discriminators are being exposed, which discourages the more overt expressions of discrimination. And the interrelationship of perpetrator and victim is being better understood, as are its various causes and universal manifestations. Governments are adopting human rights standards and merging them with pro-poor and enabling policies. International organizations, corporations and social movements are changing and expanding our intellectual and operational fields, moving us towards a new “diversity threshold”. Multiculturalism and multiple identities are now common, and inter-culturalism and relationship skills are being cultivated to deal with the ambiguities, contradictions and tensions that arise.

48. There are many signs that a qualitative change is taking place in the human environment and in human relationships that might replace the worst expressions of discrimination with an acceptance or even a celebration of human diversity.

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NOTES


2 The Southern Poverty Law Center Report; March 2000 (USA); see also http://www.spcenter.org

3 The institutionalization of prejudice in Rwanda, as well as its possible causes and probable effects in the genocide are explored by Peter Uvin (1996) in Development, Aid and Conflict: Reflections from the Case of Rwanda. Research for Action 24, United Nations University/World Institute for Development Economics Research (UNU/WIDER)

4 www.gallup-international.com/survey. In a total of 60 countries, it polled two each in Africa (Nigerian and South Africa) and Western Asia (Egypt and Turkey), 11 each in the Americas and Asia, but 17 each in Eastern/Central Europe and European Union.

5 Many countries have made progress in girls’ education enrolment since the mid-1980s while some have deteriorated, notably in sub-Saharan Africa, according to ‘Targets and Indicators: Selections from Progress of the World’s Women’, 2000, United Nations Development Fund for Women (UNIFEM). See www.unifem.undp.org

6 Millenium Survey, op.cit.

7 “That vortex is their life experience, and you cannot take it away” remarked Te Rakau's director Jim Moriarty, "But my hope is
that they will go on from here knowing that at some point in their brief journey they’ve done something really exciting and creative. Something positive and powerful that may provide a turning point for change. Reported by Cate Brett in The Press, Christchurch, New Zealand, 1 December 1999


9 Rodney Clark et al. op.cit.


11 Media Education Foundation USA, April 2000 on www.mediaed.org


13 www.gallup-international.com/survey

14 See http://www.unhcr.ch, Article 2 Universal Declaration of Human Rights

15 UN, 2000. Review reports and proposals for further action and initiatives submitted by organs and specialized agencies of the United Nations system and other concerned organizations. Note by the Secretary-General. Contribution from the United Nations High Commissioner for Human Rights (A/AC.253/16/Add.4)


17 Ibid.