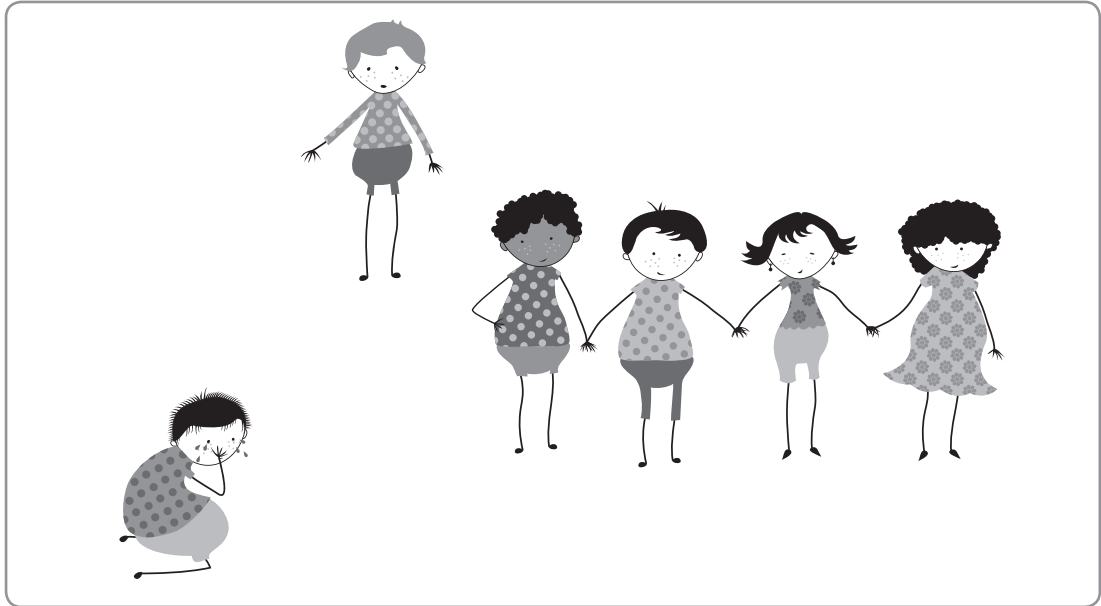


3. DISCRIMINATION

Discrimination contradicts a fundamental principle of human rights.



To discriminate against someone is to exclude that person from the full enjoyment of their political, civic, economic, social or cultural rights and freedoms. Discrimination contradicts a basic principle of human rights: that all people are equal in dignity and entitled to the same fundamental rights. This principle is repeated in every fundamental human rights document (e.g. UDHR Article 2, CRC Article 2, ECHR Article 14 and Article 1 of Protocol No. 12). Most national Constitutions also include provisions against discrimination.

Although there is no single definition of ‘discrimination’ in human rights law, definitions of discrimination in human rights treaties (e.g. UDHR, CRC, ECHR, the **International Convention on the Elimination of All Forms of Racial Discrimination** [CERD] or the **Convention on the Elimination of All Forms of Discrimination against Women** [CEDAW]), all contain certain common elements:

1. There is a *cause* for discrimination based on a variety of factors. Article 2 of the CRC, for example, specifically names as causes of discrimination “the child’s or his or her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status”. The final item, “or other status”, allows for many other causes of discrimination such as social class, occupation, sexual orientation or preferred language.
2. There are *actions* that are qualified as discrimination. These can be rejection, restriction or exclusion of a person or a group of persons. They range from the crudest violations of human rights, such as **genocide**, slavery, ethnic cleansing or religious persecution, to more subtle but also more frequent forms of discrimination, such as hiring and promotion for jobs, housing practices and verbal abuse. Common acts of discrimination among children are exclusion (e.g. refusing to accept a child in a game), bullying and name calling based on difference (e.g. ‘sissy’, ‘fatso’, ‘dummy’). See also *Theme 13, Violence*, p. 280.
3. There are *consequences* that can usually prevent individuals from exercising and/or enjoying their human rights and fundamental freedoms. Discrimination also impacts on society as a whole, reinforcing prejudice and racist attitude.



Discrimination is often based on ignorance, prejudices and negative **stereotypes**. Because many people fear what seems strange or unknown, they react with suspicion or even violence to anyone whose appearance, culture or behaviour is unfamiliar.

Attitudes, actions or institutional practises that subordinate or marginalize anyone can be considered discrimination. Racism in particular has historical roots in beliefs in the superiority of one group over another, beliefs that were once used to justify discrimination against 'inferior' groups. Although such beliefs are now widely rejected, racial discrimination nevertheless continues to exist. Other forms of discrimination include sexism, ageism, homophobia, antisemitism and religious intolerance and **xenophobia**, a fear or hatred of foreigners or foreign countries.

Segregation, a form of separation of ethnical groups imposed by law or by custom, is an extreme form of discrimination. There have been official forms of segregation in Europe; for example, Jews were once isolated in ghettos. Today many Roma people in several European countries are forced by hostile behaviour or by economic segregation to live in separate communities.

Discrimination may be practised overtly as *direct discrimination*, which is characterized by intentional discrimination against a person or a group. Examples of direct discrimination could be when a child of a certain ethnicity is not admitted to a school or a housing company that does not let flats to immigrants. *Indirect discrimination* focuses on the effect of a policy or measure, which may appear neutral but in fact systematically puts people of a particular minority at a disadvantage compared with others. For example, a fire department that sets a minimum height for fire fighters automatically excludes many female and immigrant applicants, as does a department store that does not hire persons with long skirts or covered heads.

To fight discrimination, particularly that which is more indirect and hidden, some countries have adopted measures of **positive discrimination**, which is also known as **affirmative action**. In some situations positive discrimination means deliberately favouring a certain group or groups who have experienced historic and pervasive discrimination (e.g. giving preference to candidates from groups who seldom attend university, or establishing quotas from minorities, such as women or rural people, for certain public offices. The intended result is to compensate for hidden discriminations as well as to ensure a more balanced social representation. In other situations positive discrimination means creating the conditions for people with difficulties (e.g. physical disabilities) to enjoy the same rights and opportunities. Another form of positive discrimination seeks to 'repair' former injustices. All these measures and practises seek to promote equality 'through inequality'.¹

Every time we separate people and give different individuals and groups different rights and obligations, we should question why we do this. Is it really necessary? Does it benefit everyone? If not, positive discrimination could itself become a manifestation of prejudice and discrimination.

Discrimination based on race

Racism can be defined as a conscious or unconscious belief in the superiority of one race over other another. This definition presupposes the existence of different biologic 'races', a supposition now dispelled by recent research, especially the human genome project. However, although 'race' is clearly a social construct, racism is nonetheless prevalent throughout the world. Although few people believe any longer in a 'superior race' with an inherent right to exercise power over those considered 'inferior', many people continue to practise cultural racism or **ethnocentrism**, believing that some cultures, usually their own, are superior or that other cultures, traditions, customs and histories are incompatible with theirs.

Racism of any kind is related to power, with people who hold power determining what is 'superior' and discriminating against people with less power. Racism can thus be considered as the practical translation of prejudice into action.



QUESTION: *What can you do to help the children you work with learn about and appreciate the diversity of races and ethnicities in their community?*

The consequences of racism, both today and in the past, are devastating both for individuals and for society as a whole. Racism has led to mass extermination, genocide and oppression. It has ensured the subjugation of majorities to the whims of tiny minorities who hold wealth and power.

Discrimination based on ethnicity and culture

As with cultural racism, which holds that certain cultures are superior to others, discrimination based on ethnicity and culture regards some cultures, usually minorities, as inherently inferior or undesirable. Historically, European Jews and Roma have suffered most from this form of discrimination.

Antisemitism, or hostility towards Jews as a religious or ethnic minority, dates from medieval times when Jews were usually the only non-Christian minority living in Christian Europe. Typically prohibited from practising most trades and professions, forced to live in ghettos apart from Christians, penalized with high taxes, stripped of property and even expelled from their countries or killed, Jews struggled for centuries against the injustice and prejudice of Christian societies.

The rise of fascism in the mid-twentieth century, with its ideology of racial superiority, intensified antisemitism in Europe and ultimately resulted in the Holocaust, the systematic extermination of more than six million Jews during the Second World War. In the twenty-first century antisemitism is far from over. Groups claiming their superiority desecrate Jewish cemeteries and neo-Nazi networks openly circulate antisemitic propaganda.

QUESTION: *What happened to Jewish people in your country during the Second World War?*

The Roma, also misnamed Gypsies, have lived across Europe for centuries. Without a homeland of their own, Roma people have maintained their language and culture while living mainly nomadic lives as tinkers, craftsmen, musicians and traders. Throughout their existence, the Roma have experienced discrimination, including forced assimilation and outright slavery. During the twentieth century thousands of Roma suffered genocide at the hands of German Nazis, forced socialization under Communist regimes of Eastern Europe, and economic exclusion in high-tech capitalist economies where they lack necessary skills. Today many Roma children grow up in hostile social environments where they are denied many basic rights such as education, health care and housing.

QUESTION: *Are there Roma in your community? Do their children go to school? What attitudes do other children have towards Roma children?*

Discrimination based on xenophobia

In response to growing globalization and diversity of society, some people respond with xenophobia, a fear or aversion to foreigners or foreign countries. In most cases the concept of 'foreign' is based on socially constructed images and ideas that reduces the world to 'us', the normal, 'good ones like me', and 'them', the others who are different: a threat, a disruption, representing a degradation of values and proper behaviour.



QUESTION: *Can you think of examples of xenophobia in your country? How does xenophobia affect children? What can you do to address its effects?*

Although most people consider xenophobia morally unacceptable and contrary to a culture of human rights, it is not unusual. Discriminatory actions based on xenophobia, such as verbal abuse and acts of violence, are clearly human rights violations.

Discrimination based on gender

Although subtle and more or less hidden in Europe, gender discrimination is nonetheless pervasive. Many institutions of society, such as the media, family, childcare institutions or schools, preserve and transmit stereotypes about men and women. Traditional gender traits in Western societies often relate to power: men and their typical activities are characterized as outgoing, strong, productive, brave, important, public-oriented, influential and having high financial rewards and social recognition and value. Women's key characteristics reflect powerlessness: dependent, caring, passive and family-oriented. Women often hold subordinate positions, their work is less valued and it receives less recognition and remuneration. Girls or boys who do not conform to stereotypical expectations can experience criticism, ostracism and even violence. Such conflicts can confuse the development of children's gender identity. See also discussion of *Theme 7, Gender Equality*, p. 245.

Discrimination based on religion

Freedom of religion is officially respected in Europe, yet discrimination based on religion is nevertheless prevalent, often inextricably linked with racism and xenophobia. Whereas in the past Europe was torn by conflicts and discrimination between Protestant and Catholic Christians, Roman and Eastern Orthodox Catholics and 'official' churches and dissenting sects, today these differences among Christians have become far less important. At the same time many religious communities in minority positions continue to thrive across Europe, including Jews, Hindus, Buddhists, Baha'is, Rastafarians and Muslims. This growing religious diversity is often ignored such as those millions of Europeans who are not religious as well as those who are not Christian.

QUESTION: *What minority religions exist in your community? Where do they gather and worship?*

Of particular concern is the rise of Islamophobia, the discrimination, fear and hatred of Islam, which is the most widespread religion in Europe after Christianity and the majority religion in some countries and regions in the Balkans and Caucasus. The hostility towards Islam following the terrorist attacks on targets in the United States, Spain and England in recent years has revealed deep-seated prejudices in most European societies. Some of the most common public expressions of this bias are a lack of official recognition as a religion, the refusal of permission to build mosques, failure to support facilities for Muslim religious groups or communities and restrictions on women and girls wearing the headscarf.

One of the most typical prejudices against Islam is its so-called 'incompatibility' with human rights. The absence of democracy and widespread violations of human rights in many predominantly Muslim countries is cited as evidence, without acknowledging that religion is only one of many factors that may contribute to undemocratic governments.

Much prejudice also results from ignorance about Islam, which many people associate only with terrorism and extremism and politics of certain countries. In fact, Islam, like most religions, preaches tolerance, solidarity and love for one's fellow beings.



Discrimination based on sexual orientation

Homophobia is an aversion to or hatred of gay, lesbian or homosexual people, or their lifestyle or culture, or generally of people with a different sexual orientation, including bi-sexual and transgendered people. Although legal reforms in Europe have greatly strengthened the human rights of gay and lesbian people, conditions vary greatly, from urban areas where openly homosexual people live and work and form civil unions with relatively little difficulty to rural areas and parts of Eastern and Central Europe where gays may meet with discriminatory laws, harassment and even violence from both the public and authorities. Many people still see homosexuality as a disease, a psychological disorder or even a moral sin. Many others consciously or unconsciously apply heterosexual norms to gay and lesbian people, faulting them for failing to conform to the kinds of behaviour expected of 'normal people'.

QUESTION: *Do children you work with use homophobic slurs, even without understanding them? What can you do to address this language?*

Discrimination based on disability

The term 'person with a disability' may refer to many different conditions: a disability may be physical, intellectual, sensory or psycho-social, temporary or permanent, and result from illness, injury or genetics. People with disabilities have the same human rights as all other people. However, for a number of reasons they often face social, legal and practical barriers in claiming their human rights on an equal basis with others. These reasons usually stem from misperceptions and negative attitudes toward disability itself.

Many people have the misconception that people with disabilities cannot be productive members of society. Chief among negative attitudes are either that people with disabilities are 'broken' or 'sick' and require fixing or healing, or that they are helpless and need to be cared for.

Instead, a positive attitude regards disability as a natural part of human diversity that should be approached with reasonable accommodation, which is any measure designed to promote full participation and access, and to empower a person to act on his or her own behalf (e.g. a wheelchair, or more time to accomplish a task). This positive approach suggests that society has a responsibility to accommodate the person with disabilities.

The Social Model of Disability: The barriers created by the social and physical environment that inhibit disabled people's ability to participate in society and exercise their rights should be eliminated. This includes promoting positive attitudes and modifying physical barriers (e.g. buildings with wheelchair access).

In keeping with this social model of disability, children with disabilities are now considered as children 'with special needs'. Social institutions are obliged to take these needs into account and adjust to them. A large proportion of disabled children attend the regular school system today.

The term 'children with special educational needs' also covers those who are failing in school for reasons that are likely to impede their overall development and progress. Schools need to adapt their curriculum, teaching and organisation and/or to provide additional support to help these pupils achieve their potential. These developments are part of the movement toward inclusive education.²

QUESTION: *How are children with disabilities educated in your country? What provisions are made for children with special educational needs?*



On December 2006 the UN General Assembly adopted the first international treaty addressing the human rights of people with disabilities, the **Convention on The Rights of Persons with Disabilities** (CRPD). The European Union signed it in March of 2007, heralding it as “the first universal HR Convention of the new millennium”:

The Convention defines disability as an element of human diversity and praises the contributions of people with disabilities to society. It prohibits obstacles to the participation and promotes the active inclusion of persons with disabilities in society. The long term goal of this Convention is to change the way the public perceives persons with disabilities, thus ultimately changing society as a whole.³

Education for non-discrimination

Educators recognise the need to develop in every child a tolerant, non-discriminatory attitude and create a learning environment that acknowledges and benefits from diversity instead of ignoring or excluding it. As part of this development, those who work with children, as well as children themselves, should become aware of their own and others’ discriminatory behaviours. Activities that encourage role-playing and empathy help children to develop awareness and empathy as well as developing resilience and assertiveness in children who experience discrimination.

European Programmes fighting discrimination

The Council of Europe has established various bodies and programmes to fight discrimination in Europe. The European Commission against Racism and Intolerance (ECRI), which was set up 1993, regularly publishes surveys on the phenomenon of racism and intolerance in Council of Europe member states. It also organises round tables with representatives of civil society and adopts general policy recommendations that are addressed to governments.

The Fundamental Rights Agency, an independent body of the European Union established in 2007, provides expertise to member states implementing law on fundamental rights matters. In addition it seeks to raise public awareness on human rights questions and cooperate with civil society.

Several European countries have established some kind of national equality body to fight discrimination and promote equality and tolerance.

QUESTION: *Does your country have any public authority with the mission to fight discrimination?*

The Council of Europe also works on awareness-raising through different programmes. In 2006-2007, the European Youth Campaign ‘All Different – All Equal’ highlighted three different values: diversity (celebrating the richness of different cultures and traditions), human rights and participation (allowing everyone to play a part in building a Europe where everyone has the right to be themselves – to be different and equal). Another Council of Europe campaign dealing with discrimination against Roma is ‘Dosta!’, which is a Romany word meaning ‘enough’. This awareness-raising campaign aims at bringing non-Roma closer to Roma citizens.

Nevertheless the struggle against discrimination still goes on and the Council of Europe will continue vigorously to address it.

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Useful Resources

- Bellamy, Carol, *La Situation des Enfants dans le Monde*: UNICEF, 2004: www.unicef.org/french/sowc04/files/SOWC_04_FR.pdf



- *Children's Etiquette or How to Be Friends with Everybody*: Croatian Union of Physically Disabled Persons Associations (CUPDPA), Zagreb, 2002.
- *The Salamanca Statement and Framework for Action on Special Needs Education*: UNESCO, Salamanca, 1994: <http://unesdoc.unesco.org/images/0009/000984/098427eo.pdf>
- *Tous les Enfants du Monde ont le Droit* : Editions Fleurus Presse/ UNICEF France, 2007.
- Titley, Gavan, *Youth work with Boys and Young Men as a means to prevent violence in everyday life*, Council of Europe, 2003.

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Useful Websites

- Council of Europe: www.coe.int
- 'All Different – All Equal': <http://alldifferent-allequal.info>
- Office of the UN High Commissioner for HR: www.ohchr.org/english/
- UNICEF: www.unicef.fr
- Bibliothèque Numérique pour le Handicap : <http://bnh.numilog.com>
- EU Statement – United Nations: Convention on the Rights of Persons with Disabilities, 2007: www.europa-eu-un.org/articles/fr/article_6914_fr.htm
- International Standard Classification of Education (ISCED): UNESCO, 1997: www.unesco.org/education/information/nfsunesco/doc/isced_1997.htm

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References

- 1 See Droits Partagés, des droits de l'homme aux droits de l'enfants: www.droitspartages.org
- 2 See International Standard Classification of Education (ISCED): www.unesco.org/education/information/nfsunesco/doc/isced_1997.htm
- 3 See EU Statement – United Nations: Convention on the Rights of Persons with Disabilities: www.europa-eu-un.org/articles/fr/article_6914_fr.htm

