



United Nations Security Council Counter-Terrorism Committee Virtual Open Briefing on
*Emerging Trends in Violent Extremism Conducive to Terrorism and Addressing Violent
Extremism Through a Human Rights-Based Approach*
Friday October 9, 2020

Statement by the UN Special Rapporteur on Contemporary Forms of Racism, Racial
Discrimination, Xenophobia and Related Intolerance, Prof. E. Tendayi Achiume

Excellencies,

It is a privilege to address you on the chosen theme of this briefing, and to contribute the perspective of my mandate as Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance. In particular, my remarks concern two trends highlighted in the concept note for this briefing: (1) “increasing concern at the emerging threat posed by violent extremism motivated by intolerance, or racism toward certain ethnic or religious groups” as well as (2) concern regarding “terrorist acts committed by . . . ‘extreme right-wing’ terrorism’ [or] ‘racially and ethnically motivated terrorism’.”

Reiterating the conceptual, legal, and societal concerns with the Counterterrorism and C/PVE Frames, and their typically harmful impact on racially, ethnically and religiously marginalized groups

On the one hand, there is no denying that in regions across the world there has been an apparent, and in some cases even documented increase in racially, ethnically and religiously motivated violence, including on the basis of ideologies espousing extremism in different forms. My first report to the General Assembly as Special Rapporteur, for example, highlighted some of these trends related to the rise in ethnonationalist populism in different parts of the world.¹ Every year my mandate is required to produce two reports on the glorification of neo-Nazism, and in each of these I have documented alarming increases in violence and extremist conduct motivated by antisemitism, white supremacy, Islamophobia or anti-Muslim intolerance, and other ideologies of racial or religious intolerance.² Threats of this sort are very real, and require urgent action by the United Nations and its member states.

¹ Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, A/73/305 (Aug. 6, 2018), <https://undocs.org/A/73/305>

² A/HRC/38/53 (Apr. 25, 2018), <https://undocs.org/A/HRC/38/53>; A/73/312 (Aug. 7, 2018), <https://undocs.org/A/73/312>; A/HRC/41/55 (Apr. 29, 2019), <https://undocs.org/A/HRC/41/55>; A/74/253 (July 30, 2019), <https://undocs.org/A/74/253>; A/HRC/44/58 (May 19, 2020), <https://undocs.org/A/HRC/44/58>

On the other hand, there is real reason for concern regarding the appropriateness or suitability of the existing UN Counterterrorism and Combatting/Preventing Violent Extremism (C/PVE) frameworks for addressing the issues under discussion today. Briefly, I would like to reiterate the concerns in this vein that were articulated by the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism, Professor Fionnuala Ní Aoláin, in her most recent report to the Human Rights Council entitled *The Human Rights Impact of Policies and Practices Aimed at Preventing and Countering Violent Extremism*.³ She notes that the definition of “violent extremism” remains “opaque and deeply contested.”⁴ She further notes that “the lack of semantic and conceptual clarity surrounding violent extremism is an obstacle to any in-depth examination of the impact on human rights of strategies and policies to counter violent extremism, as well as of their effectiveness in reducing the threat of terrorism.”⁵

The Special Rapporteur has also highlighted that the absence of legal and conceptual clarity “ultimately allows for a discriminatory or overbroad application of [C/PVE] measures to individuals and groups that legitimately exercise their fundamental freedoms.”⁶ Her report also raises grave concerns about the efficacy of the C/PVE frame, stressing that “[a]s is now widely recognized, presumptions and assumptions about the drivers of violent extremism and the underlying factors must be robustly challenged.”⁷

I raise these concerns in order to stress that any action taken by this Committee and other UN actors to address “the emerging threat posed by violent extremism motivated by intolerance, or racism” must first address the fundamental issues that go to the core of the C/PVE regime. This is especially true because racially, ethnically and religiously marginalized groups all over the world have also typically been the groups most negatively impacted by C/PVE interventions. To the extent that my country visits, and the many communications I receive implicate counterterrorism and C/PVE frameworks, they typically involve credible allegations and proven cases of racially discriminatory human rights violations resulting from implementation of these frameworks. Indeed, there is extensive human rights analysis from different parts of the world that strongly indicates that C/PVE and related frames have been instrumentalized by governments to persecute racial, ethnic and religious minorities, or to undercut their equal enjoyment of human rights.

For all of these reasons, the growing attention of this Committee to “violent extremism motivated by intolerance, or racism” must also account for the ways that ostensible efforts to combat or prevent violent extremism have subjected minorities to human rights violations.

Challenges

³ Human rights impact of policies and practices aimed at preventing and countering violent extremism, A/HRC/43/46 (Feb. 21, 2020), <https://undocs.org/en/A/HRC/43/46>

⁴ Ibid., para. 12

⁵ Ibid., para. 12

⁶ Ibid., para. 15

⁷ Ibid., para. 18

With respect to violent, extremist conduct motivated by racial, ethnic and religious intolerance, a significant challenge is that in many of the countries where the threat is the greatest, the targeted minority groups are also groups that governments typically neglect or treat with implicit or explicit animosity. In other words, the victims are regularly groups that are politically or socially marginalized, and thus neglected by state authorities, including authorities that are supposed to be responsible for public safety. In North America and Europe, for example, people of African descent and Muslim and Jewish communities are frequent targets of extreme right-wing groups steeped in white supremacist ideologies, groups that are ignored or tolerated by too many governments. In South and South East Asia, Muslims are too often targeted by religious extremist groups that are similarly tolerated by too many governments. It is the case that even where extremist conduct is perpetrated by non-state actors, it is often encouraged or tolerated, if not incited by governments that endorse ideologies or racial or religious supremacy, or who choose to ignore the threat that racial, ethnic and religious majorities can pose to minority groups.

A related challenge is that in many countries, governments are reluctant genuinely to confront historical legacies of racial and religious intolerance and supremacy, that continue to shape societies today. Extreme right-wing groups espouse racist and intolerant views, that are increasingly represented in official governmental bodies—from legislative to executive branches of government. In 2017, for example, the Committee on the Elimination of Racial Discrimination had to issue a decision, under its Early Warning and Urgent Action Procedures, calling on the government of the United States unequivocally to condemn and take action against neo-Nazis, Ku Klux Klan members and other white supremacists, following egregious failures by the government to do so. And even where governing authorities are controlled by more moderate authorities, these authorities also fail to speak out unequivocally and take action against extreme right-wing intolerance.

In most countries, extreme right-wing intolerance is difficult to disassociate from broader structures of entrenched racial, ethnic and religious discrimination, including structures that lie at the very foundations of how different nation-states are constituted. Imperial legacies of colonialism and slavery, long histories of antisemitic and Islamophobic attitudes, beliefs and institutions—these and many others often underlie the failures of governments to take extreme right-wing conduct seriously in ways that point to the complexity of the problem, as well as the nuanced, multi-faceted approaches necessary to address it. Securitization of the threat posed to racial, ethnic and religious groups targeted by extremist groups will not advance the human rights of those affected, and may in fact make the problem worse.

Gaps and Recommendations

A serious shortcoming in existing approaches to conceptualizing and addressing the relevant threats is a failure to center the human rights regime. International human rights treaties, treaty bodies, soft law as well as international human rights experts within and outside of the human rights system have developed an extensive body of relevant knowledge regarding combatting racial, ethnic and religious intolerance and violence. I wish to call special attention to the International Convention on the Elimination of Racial Discrimination (ICERD) which provides a concrete framework for achieving racial and ethnic equality, including by prohibiting racially

discriminatory conduct or violence motivated by supremacist ideologies. Within the framework of this Convention, CERD—the relevant treaty body has made clear how these provisions are to be implemented in ways that do not falsely pit equality norms against freedom of expression or association norms, and also made clear that states must not use these provisions as pretexts for repression of minorities or other groups and individuals. In addition to human rights treaties and treaty bodies, the Special Procedures of the Human Rights Council, the Office of the High Commissioner for Human Rights and many others are all repositories of valuable expertise for addressing the seemingly intractable problems under consideration today.

I recommend that this Committee engage meaningfully with the human rights machinery of the United Nations, and that UN member states divert resources to these human rights mechanisms in order to make urgent progress to address the extremist threat to racial, ethnic and religious minorities.

Another shortcoming, both at the national and the international levels, is absence of the input and expertise of the communities who are most impacted by right-wing extremism. Racial, ethnic and religious minorities whose daily experiences expose them to intolerance and violence must be centrally represented in processes intended to address the violations these groups are facing. Racially, ethnically and religiously marginalized groups have unique expert perspectives on the nature of the problem, as well as promising avenues for change. This Committee and the broader relevant UN machinery must find ways meaningfully to incorporate these groups in any processes designed to ensure their protection, and must do so in non-tokenistic ways.

Finally, I recommend that this Committee and the broader relevant UN machinery take every opportunity to address the fundamental human rights concerns that attach to the “violent extremism” frame, including those I referenced at the start of my presentation.

I thank you again for this opportunity to engage.