



PARLIAMENTARY FORUM
ON SMALL ARMS AND LIGHT WEAPONS

Policy Statement on Discrimination and Violence

Board of the Parliamentary Forum on Small Arms and Light Weapons,
meeting in Buenos Aires, May 16, 2009

Discrimination against persons or groups because of their ethnicity or race, physical or mental abilities, sexual preferences, inherited genetic conditions, diseases, religion or for other reasons based on factors other than individual character, is a problem in many societies. The deviation of persons from the majority is often associated with prejudice that might lead to direct discrimination or violence.

Discrimination is expressed in various ways in different parts of the world, and national legislation to protect people from discrimination varies from country to country. One expression of discrimination is *stigma*, which means that a person with a disease, disability or other deviation from the majority not only suffers the burden of the deviation itself but also a loss of his or her individual rights. Stigmatization may in some circumstances lead to loss of, or difficulties in obtaining employment, housing, education, medical health or other social services.

Discrimination can also lead to *hate crimes*, a criminal offence motivated by prejudice and hate. Hate crimes can manifest as *criminal acts*, motivated by hatred towards characteristics such as race or ethnic origin, sexual orientation, disability, gender, religion etc, or as *hate speech* and harassment, verbal abuse or insults, or physical assaults. This can be very controversial, since action against hate speech can be seen as a violation of freedom of speech.

Racial or ethnic violence and discrimination

The concept of race or ethnicity is complicated. One of the assumptions of racism is that some racial or ethnic group is superior to others and that this fact entitles the superior group to exploit the groups perceived as inferior. The (perceived) race or ethnicity of a person is sometimes strongly connected to the person's social status which can be determined by, for example, economic wealth.

The majority of the hate crimes reported today appears to stem from racial bias. The UN has worked hard, and continues to work hard to find measures to reduce and, eventually, abolish racism, ethnic violence and discrimination. This has resulted in a number of resolutions, conventions and *declarations*. Even though progress has been made it has not stopped it from continuing to constitute a major problem in many societies, sometimes with disastrous consequences e.g. the genocide in Rwanda 1994.

People with mental or physical disabilities

According to the UN the term '*persons with disability*' should apply to "*all persons with disabilities including those who have long-term physical, mental, intellectual or sensory impairments which, in interaction with various attitudinal and environmental barriers, hinder their full and effective participation in society on an equal basis with others.*"

Studies have shown that people with mental/or physical disabilities are four times more likely to be verbally and physically abused than people without a mental or physical disability. Disabled women are twice as likely to be victims of domestic violence as women without disabilities.

Disabled children are much more likely to become victims of violence. In many parts of the world, particularly those with weak systems to deal with disabilities, people often believe that a child born with a disability, or becomes disabled after birth, is the result of a curse or due to 'bad blood', incestuous relationships or other cultural, religious and popular social beliefs.

LGBT persons

LGBT (or GLBT) is an abbreviation used for lesbian, gay, bisexual and transgender people.

LGBT persons often suffer from various forms of abuse in the form of discrimination, violence, imprisonment, torture, and even execution because of their sexual orientation and/or gender identity. Many countries still refuse to address violence committed against LGBT persons, creating an environment of impunity in which such abuses can continue and escalate unmitigated. Some of these abuses are committed by state authorities themselves.

The international response to hate crimes due to sexual orientation or gender identity is hindered by the fact that these forms of discrimination are not well integrated into international human rights and anti-discrimination bodies and mechanisms. There is no convention or treaty specifically focusing on the human rights of LGBT persons. Within the framework of the United Nations, the problem of bias-motivated violence against LGBT persons is only just beginning to gain recognition and has remained largely outside the framework of the general human rights treaty bodies, as well as those special mechanisms that deal with related issues of discrimination and intolerance.

The nonbinding Yogyakarta Principles, developed by human rights experts, offer a way forward by reflecting state obligations under international law to address human rights violations—including violent hate crimes—based on sexual orientation and gender identity.

In 2008 the European Commission suggested a new anti-discrimination directive prohibiting discrimination on the grounds of age, disability, sexual orientation, religion or beliefs and racial or ethnic origin.

People with inherited genetic conditions – the example of Albinos

Albinism is an inherited genetic trait that is characterized by a lack of melanin (pigment) in a person's hair, skin and eyes. About 96% of albinos suffer from poor eyesight. Albinism can affect all ethnic groups, but it is more common in Africa. For instance in South Africa, one in every 4000 people is born with albinism. In contrast, in Denmark the figure is only one in 60000.

Many African albinos are subjected to superstition and prejudice since the birth of an albino is traditionally considered to be the result of bewitchment or a curse. Many people believe that albinos have magical powers and cannot die, therefore the skin, hair and bones of albinos are considered to bring luck. In Tanzania and Burundi the situation is alarming. In 2008 many albinos were brutally murdered and their body parts were removed and subsequently handed over to witch doctors and sold for profit. Albino body parts constitute a growing market that is difficult to stop.

Discrimination against albinos is a serious problem throughout Sub-Saharan Africa and the situation has worsened during recent years. As the situation is becoming more and more serious, some African governments are making an effort to protect the albino population, by keeping records of all albinos in the country or escorting albino children to school.

UN Secretary Ban Ki-moon condemned the killings in Tanzania in February 2009, stating; "We strongly condemn such killings and violation of human rights, and support initiatives by Tanzanian authorities to address the issue"

People with severe diseases – the example of HIV/AIDS

According to the UN Commission on Human Rights, a person's health status is covered by International Human Rights law that guarantees a person protection from discrimination on different grounds such as race, skin color, sex, religion, or other status (with health included in "other status"). Thus people living with HIV/AIDS are protected by Human Rights law and should not be discriminated against. However, discrimination against people that are HIV-positive is common and 74 countries have some form of traveling restrictions for people living with HIV.

Women and children are especially vulnerable to HIV infection as a consequence of violence both during peacetime and in conflict. Sexual violence and rape affects the health of the victim and is a violation of a person's human rights. The UN Commission also states that general national anti-discrimination laws should include the protection of people with HIV and AIDS.

Women are the most affected by HIV/AIDS – not only because they are physically more vulnerable than men, but also because they are socially more vulnerable. Sexual violence, the difficulty for women to say no or to insist on the use of a condom as well as their husbands having multiple sexual partners at the same time, puts many women at risk of HIV infection. These women are not only affected by the disease, but are also subjected to stigma and discrimination that makes their lives very difficult.

Violence and people with HIV/AIDS

Violence against people with HIV/AIDS can take many forms. The most common forms are discrimination, verbal harassment, bias assault, domestic violence, abuse and neglect by service providers. Violence can, in extreme cases, even take the form of homicide.

According to the report "Violence Against Women and HIV/AIDS" by WHO, it is also evident that violence is a consequence of HIV infection. If a woman is known to be infected by HIV or AIDS, the risk of her being the target of violence or abandonment increases. The risk of becoming a victim of violence following the disclosure of HIV positive status, as well as the risk of being subjected to interpersonal violence in general, is higher for women than for men.

Objectives:

The Board of the Parliamentary Forum of Small Arms and Light Weapons, meeting in Buenos Aires, May 16 2009;

Draws attention to the needs of establishing more comprehensive anti-discrimination laws, were discrimination against persons or groups because of their physical or mental abilities, sexual preferences, inherited genetic conditions, diseases, religion or other reasons based on factors other than individual characteristics are included;

Takes note of the fact that discrimination on the grounds of sexual orientation is not yet well integrated into international human rights and anti-discrimination declarations, treaties and mechanisms;

Welcomes, the European Commission's suggested Anti-Discrimination Directive, which prohibits discrimination on the grounds of age, disability, sexual orientation, religion or beliefs and racial or ethnic origin;

Recognizes the work done by the UN to combat violence and discrimination against people due to their racial or ethnic inheritance

Understands that people with disabilities, as a group, are highly exposed to discrimination and violence;

Acknowledges the difficult situation women living with HIV/AIDS experience since it is evident that the violence they may experience is both a cause and a consequence of the infection;

Supports initiatives taken by the UN and Tanzanian authorities to stop the killings of albinos, and strongly condemns such killings as violations of human rights;

Recommends that further research on the topic be conducted;

Recognizes that knowledge and awareness is one of the best tools to achieve real change in the area of anti-discrimination;

Encourages the members of the Forum to revise their national legislation to ensure that it is comprehensive, covering all groups of society usually exposed to discrimination and violence;

Mandates the Forum, its members and the Secretariat to undertake all necessary activities to work together against discrimination and violence;