



EXECUTIVE SUMMARY: POPULISM AND RACIAL EQUALITY

SPECIAL RAPPORTEUR E. TENDAYI ACHIUME'S REPORT TO THE HUMAN RIGHTS COUNCIL, AUGUST 2018 (A/73/305)

WHAT IS THIS REPORT ABOUT?

This report analyses nationalist populism and the pressing dangers it poses to human rights from a racial equality perspective. The report “condemns nationalist populism that advances exclusionary or repressive practices and policies that harm individuals or groups on the basis of their race, ethnicity, national origin and religion, in combination with gender, sexual orientation, disability status, migratory status or other related social categories” (A/73/305, para. 6).

DEFINING RACIAL DISCRIMINATION

International human rights law prohibits discrimination by States, including on the basis of race, and provides that all persons are equal under the law and entitled to equal protection of the law without discrimination (UDHR, Art. 2; ICCPR, Art. 2(1) and 26; ICESCR, Art. 2(2)). Racial discrimination means “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” (ICERD, Art. 1(1)).

NATIONALIST POPULISM CAN STOKE RACISM, XENOPHOBIA AND RELATED INTOLERANCE

In general, nationalist populism can be understood alternately as “an ideology, a form of discourse or rhetoric, a political strategy or a type of political logic,” with a central theme being that it “focuses on societal cleavage between unaccountable or corrupt elites and ‘the people’” (A/73/305 paras. 7-8). When right-wing or ethno-nationalist governments adopt nationalist populism, ‘the people’ that they claim to represent usually reflects only “a particular racial, ethnic or religious group understood to be the only legitimate national group” (para. 11). These nationalist populists reject multiculturalism and advance their own “heteronormative, patriarchal visions of the nation, and a version of ‘traditional values’ that leads to serious violations against marginalized social groups” (para. 13). They target not only societal elites but also minority groups whose interests are seen as oppositional to those of the dominant group.

Right-wing or ethno-nationalist politicians may “appropriate the language of democratic legitimacy and representation of ‘the people’” in order to legitimize their “exclusionary and typically racialized conceptions of the nation” (para. 11). In some cases, they seek to re-write their nation’s history to remove the contributions of minority groups from the narrative. Increasingly, they are relying on emerging digital technologies, such as social media, which facilitate the spread of their sensationalist messages.

RIGHT-WING AND ETHNO-NATIONALIST POPULISM IS LEADING TO SYSTEMIC DISCRIMINATION AGAINST MARGINALIZED GROUPS

Nationalist populist governance “can result in systematic political, social and other forms of exclusion” of racial, ethnic and minority groups who fall outside of the dominant group designated as ‘the people’ (A/73/305, para. 25). This can take the form of overtly discriminatory laws and policies or seemingly race-neutral measures with discriminatory impacts, including:

- **Voter suppression** laws that exclude certain groups from voting
- Laws restricting certain groups’ **access to public goods and services**
- Restrictions on **citizenship, nationality, and immigration status**, including blanket bans preventing certain groups of non-nationals from entering the State’s territory
- **Surveillance** measures, under the guise of national security or counter-terrorism, which target certain groups

Nationalist populist governments are often associated with **corruption**, the weakening of checks and balances in systems of government, and the suppression of civil society. In some States, nationalist populist leaders and governments have used or supported the use of violence, intimidation, and criminalization to **crack down on political dissent** and **suppress human rights defenders and civil society organizations**.

The patriarchy, heteronormativity, and ‘traditional values’ often advanced by nationalist populist leaders constrains the autonomy of women and non-conforming gender and sexual minorities (para. 40). This leads to **hate crimes** against LGBTQI+ people as well as the **denial of sexual and reproductive rights**. In different States, “[m]inority women have been especially vulnerable to right-wing ethno-nationalist populism,” such as the exclusion of veiled Muslim women from public spaces (para. 42).

RIGHT-WING AND ETHNO-NATIONALIST POPULIST POLITICIANS AND GOVERNMENTS ARE PROMOTING HATE SPEECH AND INCITING VIOLENCE AGAINST MARGINALIZED GROUPS AROUND THE WORLD

The resurgence of right-wing and ethno-nationalist governments adopting nationalist populism has led to an increase in “incidents of racist and xenophobic violence, crimes and speech all over the world” ([A/73/305](#), para. 17). Messages of intolerance, which were previously “confined to marginal, extremist platforms” are increasingly being spread and mainstreamed ([para. 17](#)). Some politicians adopt nationalist populist rhetoric to make xenophobic and racially discriminatory public statements as well as inciting violence against migrants, racially marginalized people, and other minority groups. As these racist and xenophobic messages become more widespread, it gives permission to citizens to engage in similar conduct. In its most extreme form, “the implementation of majority will with no regard for minority rights results in genocide and ethnic cleansing” ([para. 24](#)).

INTERNATIONAL HUMAN RIGHTS LAW CREATES STATE OBLIGATIONS IN RELATION TO NATIONALIST POPULIST POLICIES

The prohibition on racial discrimination under international human rights law provides for substantive equality and requires States “to dismantle discriminatory structures, in addition to tackling intentional discrimination” ([A/73/305](#), para. 45). States must “combat the structural effects of nationalist populism, such as institutionalized discrimination and exclusion, and the shrinking of civic and democratic space, all of which should be seen as undermining racial equality” ([para. 44](#)). This means that States must address “all measures that are aimed at voter suppression, or that undermine judicial independence, threaten the lives of human rights defenders and undermine press freedom, all in the service of advancing non-plural, mono-racial, mono-ethnic or mono-religious nations” ([para. 46](#)). (See [paras. 47-48](#) and [A/HRC/38/52](#) for how the principles of non-discrimination and equality apply to non-nationals.) The promotion of “political and policy agendas aimed at reasserting ‘traditional values’ to the detriment of the rights of women and some gender-non-conforming persons” contravenes international law ([para. 49](#); [CEDAW](#), Arts. 5(a); 7; [CEDAW/C/GC/32](#)).

RACIAL EQUALITY AND FREEDOM OF OPINION AND EXPRESSION “ARE SYMBIOTIC, AND SHOULD NOT BE PITTED AGAINST EACH OTHER”

The report underscores that freedom of opinion and expression are protected international human rights, enshrined in the ICCPR, ICERD and other international instruments, which can only be restricted in limited circumstances. The ICCPR provides that States must prohibit “advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence,” which has been held to set a “high threshold” for limitation of the rights to freedom of opinion and expression ([A/73/305](#), para. 52; [ICCPR](#) Art. 19-20).

At the same time, ICERD requires States to condemn propaganda and organizations that promote the superiority of certain racial or ethnic groups or which justify or promote racial hatred or discrimination ([ICERD](#), Art. 4). States must take measures to eradicate incitement and acts of such discrimination, and punish by law the dissemination of these discriminatory ideas as well as the incitement and acts of violence associated with them. The Special Rapporteur notes other related protections, including the right to equality before the law, the right to be free from racial discrimination in the enjoyment of rights (including freedom of expression), the right to effective remedies for rights violations, as well as the importance of education in promoting equality and tolerance ([para. 56](#); [ICERD](#), Arts. 5-7).

The report outlines that these rights are not incompatible—but instead “symbiotic”—under international human rights law. However, the Special Rapporteur cautions against States using “concerns about racist or intolerant speech as a pretext for illegitimately quashing expression that is compliant with human rights” ([para. 55](#)). (See [paras. 50-59](#) for the Special Rapporteur’s full human rights analysis.)

THE SPECIAL RAPPORTEUR’S RECOMMENDATIONS WITH RESPECT TO NATIONALIST POPULISM

- States, political parties and leaders, as well as multilateral agencies and regional bodies, should actively and explicitly recognize that nationalist populism threatens racial equality
- States must take all appropriate measures to combat direct and indirect forms of racial discrimination, at all levels of government
- States should reject the reinforcement of patriarchy and heteronormativity through laws, and should carefully account for how gender, disability status, sexual orientation and other social categories result in intersectional discrimination
- States should implement concrete recommendations made by other United Nations bodies pertaining to combating racist and xenophobic expression
- States, civil society and even private individuals should take positive measures to counter climates of intolerance
- Media should observe codes of conduct that embody a substantive commitment to racial equality

(See full list of recommendations: [A/73/305](#), paras. 60-65)