

# THE PHENOMENON OF SOCIAL DISCRIMINATION NOWADAYS AND THE LEGAL SYSTEMS OF EXTINGUISHMENT

*Vasilaki Aspasia-Maria*

Attorney (Member of Bar Association of Corfu, Greece),  
M.Sc. in Civil, Civil Procedural and Labor law, Aristotle University of Thessaloniki, Greece

---

## Abstract

Despite the fact that during the last years, the international and European community has made some important progress in the fight against racism, racial and religious discrimination, xenophobia and related intolerance through the implementation of national and international law systems and the foundation of numerous international human rights mechanisms and organizations, the economical, political and technological progress nowadays encourages the maintenance of the phenomenon of social discrimination and the danger of its future expansion. To fight this issue, the international community needs the improvement of its legal systems through a deep consideration of the problem and the development of innovative and cooperative solutions.

---

**Keywords:** Racism, discrimination, law

## Introduction

During the last sixty years since the adoption in 1948 of the Universal Declaration of Human Rights, the international and European community has made some important progress in the fight against racism, racial and religious discrimination, xenophobia and related intolerance. National and international laws have been enacted and numerous international human rights mechanisms and organizations, particularly struggling to ban racial discrimination, have been developed. Progress has been made -witness the defeat of apartheid in South Africa, but still the target of a world free of racial hatred and bias remains only half reached.

### I.

As economic crisis and unemployment expands, technology brings the people of the world closer together and political barriers tumble, racial discrimination, xenophobia and other forms of intolerance continue to ravage our societies. Horrors such as "ethnic cleansing", reminding the contemporary Nazi race terminology and the genocides of Holocaust and European citizens, have emerged in recent years, while ideas of racial or religious superiority have spread uncontrollably to new media like the Internet, enslaving negatively people's mentality and way of thinking. Proof of that are the recent issues of the action of Jihadists' **Foundation**, in which more and more people, among them many Europeans, are being constantly enrolled. Even globalization in economy, industry and investments carries risks that can lead to exclusion and increased inequality, very often along racial and ethnic lines.

As a result, United Nations and European Union are deeply worried about the maintenance of the phenomenon of racism and xenophobia nowadays, disapprove such

human behaviors that reflect hatred and prejudice and stress the importance of all nations taking measures to combat racial and religious discrimination in solidarity and cooperation.

As racial discrimination and ethnic violence grow in complexity, they become more of a challenge for the international community. As a result, there is an emergency call for new, innovative tools to deal with racism. The fight of hostile stereotypes and arrogance towards other cultures and religions *require a tough legal approach by the state not only towards perpetrators, but at the same time education, media and any other field of public life.*

Considering the Article 18 of the International Covenant on Civil and Political Rights, the Articles 2, 18 of the Universal Declaration of Human Rights, the Article 2 of the Convention of the Prevention and Punishment of the Crime of Genocide and finally the Articles 1,2 of the Declaration on the Elimination of All Forms of Racial Discrimination, there are some strong measures to be recommended.

First of all, there should be a tough, unequivocal approach by the state law not only towards perpetrators (punishment system), but also towards the victims by the provision of compensation in case of "attack" and protection, giving priority and attention on those who are at risk and vulnerable on multiple fronts due to racism and xenophobia. At the same time the states should adopt of substantial measures, based on the causes of discrimination, which not only aim at the present but also at the future (viable measures). This mechanism requires a deep research into the sources, causes, forms and contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance.

Additionally, as it was previously mentioned, the adopted measures should not only improve the states' policy, but also determine the individual's behavior. The only way of succeeding this is by addressing mainly the education, the media and the unemployment. To increase the level of awareness about the scourge of racism and racial discrimination, there should be the empowerment of a healthy, ethnic and cultural identity and at the same time certain guidelines about the promotion of other cultures, races and religions through the media and education in order people to be encouraged to travel and meet other civilizations and finally approve the immigration and respect the diversity in their own homeland. The formulation of a strong social conscience against racism demands also the adoption of objective standards of employment according to capabilities and skills of candidates and not their origin or political and religious belief.

Finally, the states should ensure the effectiveness of the existing measures by the continuous support of the existing institutions, which fight racism and xenophobia by the implementation of all legal mechanisms, which guarantee all civil, cultural, economic, political, personal and social rights.

## **Conclusion**

Elimination of Racism, Racial Discrimination, Xenophobia and Related Intolerance is an issue that concerns the states worldwide. This means that such a serious matter cannot be effectively faced and combated in the restricted borders of a state but the most basic principle of dealing with such a phenomenon is the enhancement of the international cooperation on the subject. As the former Secretary-General, Kofi Annan, stated in the World Conference against Racism in Durban, South Africa 2001 *"Our aim must be to banish from this new century the hatred and prejudice that have disfigured previous centuries."*

## **References:**

International Day for the Elimination of Racial Discrimination  
(<http://www.un.org/depts/dhl/racial/>)  
Committee on the Elimination of Racial Discrimination  
(<http://www2.ohchr.org/english/bodies/cerd/>)

International Convention on the Elimination of All Forms of Racial Discrimination  
(<http://www2.ohchr.org/english/law/cerd.htm>)

Special Reporter on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (<http://www2.ohchr.org/english/issues/racism/rapporteur/index.htm>)

Demonizing the other : antisemitism, racism, and xenophobia, edited by Robert S. Wistrich, London : Routledge, c1999 - (Studies in antisemitism)

Confronting racism : the problem and the response, Jennifer L. Eberhardt and Susan T. Fiske, editors Thousand Oaks, Calif. : Sage, c1998

Identity and intolerance : nationalism, racism, and xenophobia in Germany and the United States, edited by Norbert Finzsch and Dietmar Schirmer Washington, D.C.: German Historical Institute : Cambridge University Press, 1998 - (Publications of the German Historical Institute)