

**«NEW GENERATION»**  
Humanitarian Non-Governmental  
Organization



**«ՆՈՐ ՍԵՐՈՒՆԳ»**  
Մարդասիրական Հասարակական  
Կազմակերպություն

# WHAT IS DISCRIMINATION?



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## **WHAT IS DISCRIMINATION?**

The term "discrimination" originated from the Latin word "discrimire", which means "distinguish, differentiate, and diversify".

**Discrimination is the demonstration of differentiated treatment towards individuals with certain features in significantly similar situation without any objective basis or reasonable explanation.**

It includes intolerant treatment towards individuals based on their race, skin color, national or gender identity, sexual orientation, political or religious beliefs, language, etc.

Discrimination exists everywhere, and though prohibition of discrimination is prescribed in international and legislative documents, direct discrimination, indirect discrimination, incitement to discrimination, discrimination based on assumptions and hate speech continue to persist as the main types of discrimination, and children, women, elderly people, people with disabilities, people with HIV/AIDS, national and religious minorities, people with different political views and others are being discriminated.

## **CAUSES OF DISCRIMINATION**

**Causes of discrimination can be one's race; skin color; language; religion or belief; political or other convictions; national, ethnic or social origin; citizenship; health status; disabilities; age; social, familial or marital status; type of employment; sexual orientation; genetic features or any other circumstances.**

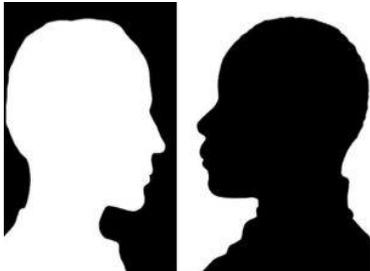
**Discrimination prevents complete exercise and implementation of human rights.**

**Discrimination impacts the public, which consequently results in formation of prejudice or preconceived attitude.**

# EACH PHYSICAL OR LEGAL ENTITY CAN BECOME A VICTIM OF DISCRIMINATION

## PROHIBITED GROUNDS OF DISCRIMINATION

### Racial discrimination



According to the International Convention on the Elimination of Racial Discrimination, racial discrimination is defined as «any distinction, exclusion, restriction, or preference made on the basis of race, skin color, genetic, national or ethnic origin, which has the effect or purpose to eliminate the recognition, enjoyment or exercise of human rights on equal bases, as well as humiliates basic human rights in political, economic, social, cultural, public and any other field of life.

- **Racism is** the belief that a particular race is superior or inferior to another.

- **Xenophobia** is hatred of anything that is unfamiliar, foreign or unusual.
- **Nationalism** is the strong belief that the interests of a particular nation-state are of primary importance.
- **Ethnocentrism** is the belief of superiority of one's personal ethnic group.

## Language Discrimination

**Language discrimination** refers to the unfair treatment of an individual based solely upon the characteristics of their speech.



## Religious Discrimination

**Religious discrimination** refers to the unequal treatment of an individual or group based on their beliefs.

## Age Discrimination



**Age discrimination** is expressed in the willingness to cooperate with and adequately perceive the people who correspond to previously established age criteria. Age discrimination can be open (age limits for recruitment), and closed (potential absence of professional growth of the older or their rich experience).

- **Adultism** is prejudice and accompanying systematic discrimination against young people.
- **Jainism** is the preference of the youth, when the fact is taken into account that young people are more viable and / or physically beautiful than older people.

- **Adult centrism** is the exaggerated egocentrism of adults based on the belief that an adult perspective is inherently better.

Age discrimination can result in a number of dangerous circumstances.

### **Discrimination Based on Family or Marital Status**

The term **marital status** includes both registered and non-registered marital relations, and applies to married, divorced or single people regardless of the fact whether those relations are legally recognized in the in-state legislative system or not. Discrimination based on marital status can be accompanied with other features. The term **parental status** includes not only biological, but also foster parents and other guardians.

### **Discrimination based on political belief or activity**

**Discrimination based on political belief or activity** often occurs in public service sector and labor relations when the decisions of hiring, firing, salaries, vacations, disciplinary sanctions and many other decisions are made by taking into account a person's political views, his participation in public events and a

number of other factors rather than his professional capacities necessary to implement that job.

In this type of discrimination the actions are subject to protection when the person expresses his disagreement with the governing political principles, system or the authorities. The expression of dissident views and ideas is subject to protection in general.

### **Gender-Based Discrimination**



It is defined as discrimination based on sexual or gender identity, which is the result of stereotypes existing in the society. Particularly sex discrimination appears in labor relations (while hiring, paying), and in family life (gender roles).

### **Health care discrimination**

✚ **Discrimination against people with disabilities** is the result of the interactions that happen among people with health issues, the treatment towards them and restrictions of the surrounding environment that

consequently hinder the complete and equal participation in the social life on equal bases.

This type of discrimination is problematic especially in labor relations and educational system.

✚ **Ableism** is a form of discrimination or social prejudice against people with disabilities.

✚ **Discrimination against people living with HIV / AIDS**

This type of discrimination is difficult to record. In developed countries more complaints are filed by people living with HIV / AIDS whose rights are violated by employers and in the military service. Because of the stigma and discrimination people living with HIV / AIDS are not supported when they need it the most. They can be expelled from workplace, home and community. They can die in poverty. Their life expectancy may be reduced if they are not able to take care of their health and healthcare needs.

## Discrimination based on sexual orientation



LGBTI people are exposed to insults and violations, and in some countries homosexuality is considered to be a crime, whereas in the last years about two dozens of countries have ratified legislative measures to prevent discrimination based on sexual orientation and gender identity.

- + **Homophobia** is the general formulation of the negative attitude against homosexuality and its expressions.
- + **Heterosexism** is defined as discrimination against LGBTI people.

## Discrimination based on physical features

- + **Discrimination or prejudiced perception based on physical features** supposes creation of standards of beauty and attractiveness and violation of rights of people who do not meet those standards. This type of discrimination often occurs in labor relations.

## **Discrimination based on lifestyle**

From the perspective of the employer smoking, weight, or hypertension can be considered drawbacks, thus people with this kind of features are subject to additional risk of resignation.

## **Discrimination based on national origin**

**Discrimination based on national origin** is widely spread especially in Asian societies. For instance, in Chinese society the representatives of rural areas don't possess the opportunities of the people from urban areas.

In Armenia people from regions are discriminated by people from cities and are considered a second class. The representatives from more wealthy families in kindergartens, elementary and secondary schools are treated much better than those from non-wealthy families.

## **Genetic Discrimination**

Genetic discrimination is demonstrated towards the people who have or are likely to have a genetic mutation which can cause or increase the risk of genetic disorders. This type of discrimination is often based not on the one's merits but on the genetic fund.

## TYPES OF DISCRIMINATION

### Direct discrimination

This is the most obvious and common type of discrimination. Direct discrimination involves a decision, action or inactivity, which is directed to a specific person or a group of persons, when as a result the person finds himself in a less favorable situation compared with other persons. The main characteristic of this type of discrimination is that the action or inactivity is directed to a specific person or a group of persons and causes a direct legal effect.

### Indirect discrimination

Indirect discrimination unlike direct discrimination applies to all persons and to a specific person in a seemingly neutral manner. Indirect discrimination occurs when a specific person or a group or persons are deprived of specific rights or privileges during the implementation of a law, policy, demand, action, inactivity or practice.

## Associated discrimination

Associative (dual) discrimination is the act of discriminating an individual because of an association with another person.

## Persecution

"Persecution" is defined as any undesirable behavior which has the effect to create unfriendly, negative, hostile, humiliating and offensive environment which consequently humiliates the individual's dignity based on one of prohibited grounds of discrimination. The factor of premeditation is not important. Moreover, the actions should not necessarily be directed towards a particular person. Anyway, if the individual believes that the undesirable treatment offends his/her dignity, then he/she can claim that he/she is exposed to prosecution. In other words, the threshold of the objective characteristic of prosecution is very low, and the start of the means of protection is that individual's perception.

## Sexual harassment

Unlike persecution, sexual harassment is directed to a particular person and the prohibited ground of discrimination should be gender. Sexual harassment can have physical, verbal or written expressions which intent to offend, humiliate or frighten an individual. One-time act can be claimed as sexual harassment: it is not necessary to repeat a similar act.

## **Incitement to discrimination**

Incitement to discrimination is defined as an order or call which causes discrimination against a person or a group of persons?

## **Victimization**

Victimization is defined as any action or inactivity which has negative consequences for the person who has lodged a complaint of discrimination or human rights violation. This type of discrimination often occurs at workplace. Victimization is not defined in the RA legal documents which significantly complicate the legal protection of such kind of violations.

## **Segregation**

Segregation is any act or inactivity which separates, distinct and finally isolates physical or legal entities from others based on one of the prohibited grounds of discrimination. The most common type is racial segregation. Segregation is associated with race and hate speech. Thus, the applicant can use the methods of defense applicable for racism and hate speech.

## PROTECTION MECHANISMS

Standard norms of prohibition of discrimination are enshrined in various legal documents, which, however, fail to ensure an integrated, comprehensive and effective system of legal protection. As a result, there are a number of legal gaps, which can be refilled with international legal documents ratified by the Republic of Armenia. The following agencies ensure legal protection of human rights:

 **Human Rights Defender Organizations**

 **Human Rights Defender**

 **RA Judicial Bodies**

 **RA Administrative Bodies**

 **European Court on Human Rights**

# INTERNATIONAL ORGANIZATIONS AGAINST ALL TYPES OF DISCRIMINATION



## UNITED NATIONS ORGANIZATION

- Committee on the Elimination of Racial Discrimination
- Office of the High Commissioner for Human Rights
- Committee on the Rights of Persons with Disabilities
- Committee on the Elimination of Discrimination against Women
- Special Rapporteur on the Rights of Persons with Disabilities
- Special Rapporteur on Minority Issues
- Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance
- Working Group on the Issue of Discrimination against Women in Law and in Practice

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

## COUNCIL OF EUROPE

- European Commission against Racism and Intolerance
- Organization of Security and Co-operation in Europe (OSCE)
- OSCE Office for Democratic Institutions and Human Rights
- OSCE High Commissioner on National Minorities

## MEASURES TO COMBAT DISCRIMINATION

Ratification of international conventions, adoption of relevant laws are the first steps of prohibition of discrimination, but the above-mentioned documents have the minimum effectiveness if they are exercised in practice. Political will and public support are needed for full prohibition of discrimination. In this regard, the role of non-governmental organizations, social initiatives and the Mass Media is significant.

### THE ROLE OF EDUCATION IN THE FIELD OF HUMAN RIGHTS

**The education in the field of human rights** is the entirety of methods and forms which are applicable in non-formal and formal educational system to increase the legal consciousness among the public. The requirements of the education in the field of human rights are:

- ✓ respect for the human rights and fundamental freedoms;
- ✓ a sense of self-respect and respect for human dignity;
- ✓ respect for cultural, national, ethnic, religious, linguistic and other minorities.

### WHAT RIGHTS DO YOU HAVE AS A VICTIM OF DISCRIMINATION?

If You or Your relatives / friends have become a victim of discrimination, or have become aware of discrimination cases, APPLY TO or CALL human rights defender organization in the Republic of Armenia.

## MEMORABLE DAYS

On March 21, in 1960, the police opened fire and killed 69 people at a peaceful demonstration in Sharpeville, South Africa, against the apartheid pass laws. Proclaiming the day in 1966, the United Nations General Assembly called on the international community to redouble its efforts to eliminate all forms of racial discrimination.

**MARCH 21**  
**International Day  
for the elimination  
of Racial  
Discrimination**

Each year June 20 is celebrated as World Refugee Day, which was established by the UN General Assembly in 2000.

**JUNE 20**  
**World Refugee Day**

On 9 November 1938, Nazi Germany started a pogrom against Jewish people. Jewish homes were ransacked, as were shops, towns, villages, buildings and synagogues, leaving the streets covered in pieces of smashed windows—the origin of the name "Kristallnacht", which freely translated means the "Night of Broken Glass". The "Kristallnacht" pogrom is considered the symbolic beginning of the systematic eradication of 6 million Jewish people. In the

**NOVEMBER 9**  
**International Day  
against Fascism and  
Anti-Semitism**

scope of the International Day against Fascism and Anti-Semitism a number of events and demonstrations are held worldwide.

In 1996, the UN General Assembly (by resolution 51/95) invited UN Member States to observe the International Day for Tolerance on 16 November, with activities directed towards both educational establishments and the wider public.

In 1948, the United Nations General Assembly adopted the Universal Declaration of Human Rights. In 1950, the Assembly passed resolution 423 (V), inviting all States and interested organizations to observe 10 December of each year as Human Rights Day. Today December 10 is celebrated worldwide as Human Rights Day. Universal Declaration of Human Rights, which was translated into 360 languages, is the main document, which first confirmed human rights and fundamental freedoms.

**NOVEMBER 16**  
**International**  
**Intolerance Day**

**DECEMBER 10**  
**Human Rights Day**

## References

- ✚ Official page of UN <http://www.un.am/en/>
- ✚ Official page of Council of Europe <http://www.coe.int/web/portal/home>
- ✚ Constitution of RA <http://www.arlis.am/DocumentView.aspx?DocID=75780>
- ✚ The Law of RA on the human rights defender  
<http://www.arlis.am/DocumentView.aspx?DocID=90940>
- ✚ The law on NGOs of RA  
<http://www.arlis.am/DocumentView.aspx?DocID=91330>
- ✚ Civil code of RA <http://www.arlis.am/DocumentView.aspx?DocID=102932>
- ✚ Criminal code of RA <http://www.arlis.am/DocumentView.aspx?DocID=102896>
- ✚ The Code of Administrative Procedure  
<http://www.arlis.am/DocumentView.aspx?DocID=102260>
- ✚ Labore code of RA <http://www.arlis.am/DocumentView.aspx?DocID=100895>
- ✚ Convention for the Protection of Human Rights and Fundamental Freedoms  
[http://www.gov.am/u\\_files/file/kron/EuoroConvent-Arm.pdf](http://www.gov.am/u_files/file/kron/EuoroConvent-Arm.pdf)
- ✚ International Covenant on Civil and Political Rights  
<http://ela.am/image/data/E-library-IHRI/%20%D4%B5%D5%8E%20%D5%94%D4%B1%D5%82%D4%B1%D5%94%D4%B1%D4%BF%D4%B1%D5%86%20%D4%BB%D5%90%D4%B1%D5%8E%D5%88%D5%92%D5%86%D5%94%D5%86%D4%B5%D5%90%D4%BB%20%D5%84%D4%B1%D5%8>

[D%D4%BB%D5%86%20%D5%84%D4%BB%D5%8B%D4%B1%D4%B6%D4%B3%D4%B1%D5%85%D4%BB%D5%86%20%D4%B4%D4%B1%D5%87%D5%86%D4%B1%D4%B3%D4%BB%D5%90.pdf](http://www.un.org/ru/ua/press/docs/2004/04040401.htm)

- ✚ The Universal Declaration of Human Rights.  
[https://www.google.am/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&uact=8&ved=0ahUKEwiipdi5k7PKAhUHRhQKHf8QChwQFgghMAE&url=http%3A%2F%2Fwww.arlis.am%2FDocumentView.aspx%3FdocID%3D1896&usq=AFQjCNFYemekXYH3t3ONql9yg80Rr53T2g&sig2=soBWPM09ytPAirSJH\\_O\\_2w](https://www.google.am/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&uact=8&ved=0ahUKEwiipdi5k7PKAhUHRhQKHf8QChwQFgghMAE&url=http%3A%2F%2Fwww.arlis.am%2FDocumentView.aspx%3FdocID%3D1896&usq=AFQjCNFYemekXYH3t3ONql9yg80Rr53T2g&sig2=soBWPM09ytPAirSJH_O_2w)
- ✚ Law on Equal Rights and Equal Opportunities for men and women  
<http://www.parliament.am/legislation.php?sel=show&ID=4761&lang=arm>
- ✚ The International Convention on the Elimination of All Forms of Racial Discrimination  
[http://www.un.org/res/UN%20Treaties/III\\_2.pdf](http://www.un.org/res/UN%20Treaties/III_2.pdf)
- ✚ The Law on Social Protection of Disabled People  
<http://www.parliament.am/legislation.php?sel=show&ID=1784&lang=arm>
- ✚ Virabyan v. Armenia ECHR d.  
[http://justice.am/storage/files/legal\\_acts/legal\\_acts\\_7182269154741\\_VIRABYAN-last.pdf](http://justice.am/storage/files/legal_acts/legal_acts_7182269154741_VIRABYAN-last.pdf)
- ✚ The UN Convention on the Rights of the Child  
[http://www.un.org/res/UN%20Treaties/III\\_12.pdf](http://www.un.org/res/UN%20Treaties/III_12.pdf)
- ✚ International Covenant on economic, Social and Cultural Rights  
[http://www.un.org/res/UN%20Treaties/III\\_3.pdf](http://www.un.org/res/UN%20Treaties/III_3.pdf)

- ✚ The UN Convention on the rights of Persons with Disabilities  
[http://www.un.am/res/UN%20Treaties/III\\_15.pdf](http://www.un.am/res/UN%20Treaties/III_15.pdf)
- ✚ The International Labour Organization Convention No. 111  
[http://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100\\_ILO\\_CODE:C111](http://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100_ILO_CODE:C111)
- ✚ Protocol No. 12 to the European Convention on Human rights  
<http://coe.am/docs/ratified/177arm.pdf>
- ✚ Legal protection modes about discrimination cases  
[https://www.google.am/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&uact=8&ved=0ahUKEwi6ieKyi7PKAhWffRoKHfs-AxEQFgggMAE&url=https%3A%2F%2Frm.coe.int%2FCoERMPublicCommonSearchServices%2FDisplayDCTMContent%3FdocumentId%3D09000016802fc15d&usg=AFQjCNEuWc4C5E uU8\\_GXifZ3aWz5zsxK6Q&sig2=N0Y9fnoQpSVAYDzw3cNHqA](https://www.google.am/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&uact=8&ved=0ahUKEwi6ieKyi7PKAhWffRoKHfs-AxEQFgggMAE&url=https%3A%2F%2Frm.coe.int%2FCoERMPublicCommonSearchServices%2FDisplayDCTMContent%3FdocumentId%3D09000016802fc15d&usg=AFQjCNEuWc4C5E uU8_GXifZ3aWz5zsxK6Q&sig2=N0Y9fnoQpSVAYDzw3cNHqA)
- ✚ The right to freedom from discrimination  
[https://www.google.am/url?sa=t&rct=j&q=&esrc=s&source=web&cd=13&cad=rja&uact=8&ved=0ahUKEwi6ieKyi7PKAhWffRoKHfs-AxEQFghdMAw&url=http%3A%2F%2Fwww.favl.am%2Fwp-content%2Fuploads%2F2014%2F01%2F2010\\_Xtrakanutyunits-Azat-Linelu-Iravunk.pdf&usg=AFQjCNHRGDaXU6PXOp841da2gJZSHOH9ow&sig2=phknWMuP-KKNml\\_YiDPDjQ](https://www.google.am/url?sa=t&rct=j&q=&esrc=s&source=web&cd=13&cad=rja&uact=8&ved=0ahUKEwi6ieKyi7PKAhWffRoKHfs-AxEQFghdMAw&url=http%3A%2F%2Fwww.favl.am%2Fwp-content%2Fuploads%2F2014%2F01%2F2010_Xtrakanutyunits-Azat-Linelu-Iravunk.pdf&usg=AFQjCNHRGDaXU6PXOp841da2gJZSHOH9ow&sig2=phknWMuP-KKNml_YiDPDjQ)



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