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**RACISM, RACIAL DISCRIMINATION, XENOPHOBIA  
AND ALL FORMS OF DISCRIMINATION**

**Report submitted by Mr. Doudou Diène, Special Rapporteur  
on contemporary forms of racism, racial discrimination,  
xenophobia and related intolerance**

## Summary

This report is submitted by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance pursuant to resolution 2005/64 adopted by the Commission on Human Rights at its sixty-first session. It expands on the comments made by the Special Rapporteur when introducing his interim report (A/60/283) before the General Assembly at its sixtieth session. The present report should be read in conjunction with the reports on the question of political platforms which promote or incite racial discrimination (E/CN.4/2006/54) and on the situation of Arab and Muslim populations in various regions of the world (E/CN.4/2006/17) submitted by the Special Rapporteur to the Commission at the current session.

Since the Commission's previous session, the Special Rapporteur has, in all his activities, relied on a dual approach: close monitoring and analysis of old and new forms of racism, racial discrimination and xenophobia, and a dual strategy to combat them: both political and legal as well as cultural and ethical. The political and legal strategy, in consonance with the Durban Declaration and Programme of Action, is based on two major priority government measures: the expression of a firm political will to combat racism, and the adoption and implementation of national legislation against racism, discrimination and xenophobia. The intellectual and ethical strategy must seek to promote better understanding of the deep cultural roots of racism, and its ideological, cultural and psychological foundations, processes and mechanisms.

In 2005 the Special Rapporteur conducted two visits. The first was to Japan, from 3 to 12 July 2005, and the second to Brazil, from 17 to 26 October 2005. The details of these visits and the Special Rapporteur's recommendations appear in his reports to the Commission (E/CN.4/2006/16/Add.2 and Add.3).

For the Special Rapporteur, the existence of racism, racial discrimination, xenophobia and related intolerance is indicative of the following ominous trends: the resurgence of racism, racial discrimination and xenophobia, fed by intolerance and hostility towards immigration, the general increase in the defamation of religion, in particular, anti-Semitism and Christianophobia, and more particularly, Islamophobia, the increasing importance in identity constructs of a rejection of multiculturalism, a tendency to establish a hierarchy in racial discrimination, the increasingly overt intellectual legitimization of racism, racial discrimination and xenophobia, the acceptance as normal of racism through the pervasiveness in the programmes of democratic parties of racist and xenophobic political platforms taken from extreme right-wing parties, and the increase in racism in sport, in particular, football.

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## Introduction

1. In his interim report to the General Assembly at its sixtieth session (A/60/283), the Special Rapporteur drew particular attention to the resurgence in manifestations of racism, racial discrimination and xenophobia throughout the world. Firstly, he noted the increasing complexity of discrimination through the greater intermingling, in most recent crises and tragedies, of racial, cultural and religious factors. In his view such a conjoining not only blurs analysis and diagnosis and thus weakens responses and strategies, but, in a still more disquieting manner, reinforces a dynamic of conflict of culture and religion. This dynamic is illustrated by the community, ethnic or religious spin placed on individual acts, which then leads to confrontations between communities.

2. This blending of religion, race and culture has resulted in religious discrimination, including Islamophobia. In this context, the Commission on Human Rights requested the Special Rapporteur to examine the situation Arab and Muslim populations in various regions of the world following the events of 11 September 2001. The study is submitted in a separate document (E/CN.4/2006/17) to the Commission at its current session.

3. In his interim report to the General Assembly, the Special Rapporteur also stressed the need, on the part of Governments, for a greater affirmation and demonstration of the political will to combat racism, which must go hand in hand with intellectual and scientific mobilization in order to identify the profound causes and exact nature of the manifestations and expressions of discrimination. In this context, he emphasized the need to view all forms of racism and discrimination equally, avoiding any hierarchization and recognizing their singularity and specificity. The report focused in particular on Islamophobia. In the ideological context created by the tragic events of 11 September 2001, Islamophobia represents an increasing and particularly alarming manifestation of discrimination, frequently justified by policies and programmes to combat terrorism. The Special Rapporteur also emphasized that other serious forms of religious defamation, in particular anti-Semitism and Christianophobia, must be the subject of redoubled vigilance. These two forms of discrimination will be dealt with in this report inasmuch as the Commission, contrary to the Special Rapporteur's recommendation, asked him to prepare a report only on the situation of Arab and Muslim populations in various regions of the world following the events of 11 September 2001.

4. The Special Rapporteur has also drawn attention to the acceptance and political use of racist and xenophobic language with the insidious encroachment on the political agendas of democratic parties of racist and xenophobic platforms under the guise of combating terrorism, defending national identity and promoting national preference, and combating illegal immigration. These developments have a serious impact, not only in the form of greater participation in coalition governments by political parties overtly accepting these platforms, and thus access by their to leadership positions with the potential for transforming the State, but above all in the form of legislation and administrative and security practices that criminalize non-nationals, immigrants, refugees and asylum-seekers. The Special Rapporteur analyses this grave threat to democracy in his study on the question of political platforms which promote or incite racial discrimination, also submitted to the Commission (E/CN.4/2006/54).

5. The Special Rapporteur notes the lessening of the political will of a number of governments to combat racism and discrimination, as illustrated by the treatment, in contravention of international norms, of aliens, asylum-seekers, refugees and immigrants by security, police and administrative officials, in particular at entry points and in reception and waiting areas (airports, ports and stations). In such areas there is a lack of access to recourse and of defence of particularly vulnerable groups, the use by law enforcement officials of physical or verbal violence of a racist nature, cramped conditions and lack of privacy, and a lack of even minimum conditions of hygiene. This point is developed further in this report.

6. The Special Rapporteur notes with concern the increase in violence and overtly racist manifestations in sport, in particular football, a point dealt with in further detail in this report.

7. Concerning those communications sent to governments in 2004 (see E/CN.4/2005/18/Add.1) to which there has been no response, the Special Rapporteur would have wished to have dealt with the lack of response in this report. Owing to space constraints, he will consider the matter in his report on communications (E/CN.4/2006/16/Add.1).

## **I. ACTIVITIES OF THE SPECIAL RAPPORTEUR**

### **A. Visits by the Special Rapporteur**

8. The Special Rapporteur visited Japan from 3 to 12 July 2005 in connection with the situation with regard to racism, racial discrimination and xenophobia in that country. The Special Rapporteur's observations and recommendations are contained in his mission report (E/CN.4/2006/16/Add.2).

9. The Special Rapporteur also visited Brazil from 17 to 26 October 2005, the principal objective being to evaluate the progress made in implementing the recommendations of his predecessor, who visited the country in 1995, as well as the current situation of racism, racial discrimination and xenophobia in that country. The Special Rapporteur's observations and recommendations are contained in his mission report (E/CN.4/2006/16/Add.3).

10. With regard to his requests to conduct visits, the Special Rapporteur wishes to inform the Commission that there has been no response from the following countries: India, Pakistan and Nepal. He offers his thanks to the following countries which have already agreed to his request for a visit, scheduled in 2006: Switzerland, the Russian Federation and Italy.

### **B. Mission follow-up**

11. In his previous report the Special Rapporteur emphasized the need, for special procedures to have credibility, to pursue dialogue with the governments concerned and to take account of the expectations of the populations and communities met, and not to consider visits as isolated events, and thus to give the greatest importance to follow-up to his reports and recommendations. In this spirit he invited the governments of the countries visited to consider the appropriateness and possibility of a follow-up visit on ways and means and the results of the implementation of his recommendations. To date, he has visited the following countries: Brazil, Canada, Colombia, Côte d'Ivoire, Guatemala, Guyana, Honduras, Japan, Nicaragua and Trinidad and Tobago. In addition to his mission visits, the Special Rapporteur is of the view that

follow-up may also be ensured through the regular publication of his information reports on measures taken, progress achieved and the problems remaining in efforts to counter racism, racial discrimination and xenophobia. Such information may come from governments, the communities affected, the United Nations system, non-governmental human rights organizations or the Special Rapporteur's own investigations. In this connection, in 2005 he requested information on follow-up to his visits from the authorities in Canada, Colombia, Côte d'Ivoire, Guatemala, Guyana, Honduras, Nicaragua and Trinidad and Tobago.

12. In a communication dated 9 August 2005, the Ministry of the Attorney-General of Trinidad and Tobago referred to paragraph 45 of the Special Rapporteur's report on his mission (E/CN.4/2004/18/Add.1), from 22 to 25 July 2003. The Ministry indicated that the Government of Trinidad and Tobago had acceded to the International Covenant on Civil and Political Rights and to its first Optional Protocol, in view of which individual complaints could be submitted to the Human Rights Committee.

13. Nevertheless, on 26 May 1998, the Ministry of Foreign Affairs informed the Secretary-General of the United Nations in writing that Trinidad and Tobago was withdrawing from the Optional Protocol pursuant to its article 12. At the same time a new instrument of accession was deposited, including a reservation on cases involving the death penalty. Denunciation took effect on 26 August 1998, three months after notification. As a result, the Human Rights Committee was no longer competent to consider new cases relating to the death penalty. The Ministry of the Attorney-General of Trinidad and Tobago also stated that the country was not a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

14. The United Nations Resident Coordinator in Guatemala has provided information on follow-up to the Special Rapporteur's recommendations, following his mission to that country from 26 June to 2 July 2004.

15. In his first recommendation (see E/CN.4/2005/18/Add.2), the Special Rapporteur took the view that the Government should make a bold political gesture to demonstrate its intent to eradicate the scourge of racism. The Special Rapporteur suggested that, for example, "the President should make a solemn statement formally recognizing the existence and the social, economic and cultural consequences of these phenomena and should express the Government's commitment to eliminating them on a democratic basis and with the participation of the indigenous peoples and people of African descent concerned" (para. 47 (a)). The Resident Coordinator was informed that public ceremonies had been held to constitute a basis for action to combat racial discrimination and racism, with the presence and participation of the President and Vice-President. The events included the announcing in April 2005 at the National Palace of Culture of a State policy for balance and life in harmony, the establishment of the Presidential Advisory Council on Indigenous Peoples and Diversity, and the establishment, in response to demands emerging from the National March against Discrimination and Racism in August 2005, of a high-level committee bringing together indigenous organizations and organizations of farmers, women, young people, widows and orphans of the armed conflict.

16. In his mission report the Special Rapporteur recommended an integrated approach to combating racism and racial discrimination through the formulation of a national programme to

combat racism and discrimination and the promotion of egalitarian multiculturalism (E/CN.4/2005/18/Add.2, para. 47 (c)). According to information received, State indigenous officials continue to operate through the machinery of indigenous inter-institutional coordination, comprising 18 bodies representing the office of the presidency, the ministries, funds and specialized agencies. In a public ceremony in 2004 they received the support of the President, and, to a greater extent, of the Vice-President, in pursuing this objective.

17. Regarding the Special Rapporteur's comments concerning the lack of resources for human rights institutions, as well as for the institutions making up the machinery of indigenous inter-institutional coordination, the information received seems to indicate that the situation improved in 2005. There seem to be encouraging signs of a gradual change, although the improvements are only at the general level of State machinery. Thus, in 2004 the Guatemalan Presidential Commission on Discrimination and Racism against Indigenous Peoples (CODISRA) had a budget of 2 million quetzales without there being a specific budget line in the general State budget, whereas for 2005 its budget was doubled and placed under a specific budget line. For 2006 the Commission has a projected budget of 10 million quetzales, already approved by Congress. However, owing to the devastating effect of hurricane Stan, a reprogramming of the national budget has become necessary.

18. Regarding formulation of a national programme to combat racism and discrimination, the Presidential Commission has begun to formulate a State policy for balance and life in harmony, involving government bodies and civil society organizations. A base document has been produced and will be the subject of a lengthy national consultation process, to begin in 2006.

19. The Special Rapporteur had proposed that there should be a critical evaluation of achievements and shortcomings under the relevant provisions of the peace accords, particularly the Agreement on Identity and Rights of Indigenous Peoples. In this context "combating racism and racial discrimination should be linked to the long-term promotion of multiculturalism, based on the principle of unity and diversity, the recognition and promotion of, and respect for, the identity-related, ethnic, spiritual and cultural characteristics and peculiarities of all peoples and communities, and the promotion of a process of interaction and cross-fertilization between them all" (E/N.4/2005/18/Add.2, para. 47 (d)). On 3 August 2005 the Framework Act on the Peace Accords, Congressional Decree No. 52-2005, was approved; it establishes norms and mechanisms regulating and governing the implementation of the peace accords. The Act establishes the National Commission on the Peace Accords (CNAP), endowed with autonomy and functional independence, to conduct dialogue, coordinate, initiate, guide and propose legal and political reform, and to programme projects in implementation of the accords. The National Commission brings together representatives of the executive, legislature and judiciary, as well as representatives of the Unidad Revolucionaria Nacional Guatemalteca (URNG) and various sectors of civil society: trade unions, farm workers' associations, employers, human rights organizations, academics. The Human Rights Procurator and an international observer, the United Nations Development Programme (UNDP) Resident Representative, also participate.

20. In his recommendations, the Special Rapporteur emphasized the question of the construction of a pluralist identity in Guatemala through the promotion of multicultural and intercultural education. In his view special attention should be paid to the way history is written and taught, to the system of values, and to the development of genuine multilingualism in all walks of life. The Special Rapporteur cited as examples the development of adequately

resourced local, community-based, free media. Relevant activities included the holding by the Presidential Commission on Discrimination and Racism against Indigenous Peoples and civil society of awareness-raising workshops for social workers.

21. Pursuant to one of the Special Rapporteur's recommendations (E/CN.4/2005/18/Add.2, para. 47 (g)), the work initiated by the Commission for Historical Clarification, set up to shed light on past human rights violations, should be pursued and its recommendations implemented quickly. By Government Decree No. 258-2003 of 7 May 2003, amended by Decree No. 188-2004 of 6 July 2004, the National Compensation Programme was established in order to provide individual and/or collective compensation for civilian victims of human rights violations and crimes against humanity perpetrated during the internal armed conflict. The programme includes the establishment of government policies, projects and activities to provide reparation, compensation, restitution, indemnification, assistance and rehabilitation for victims.

22. At present the programme's geographical coverage extends to the departments of Chimaltenango, Quetzaltenango, Alta and Baja Verapaz and Sololá. Notwithstanding the efforts made, it seems that there is some disenchantment at the regional level, and there have been complaints against staff employed under the programme of discriminatory treatment of victims. The Presidential Commission on Discrimination and Racism against Indigenous Peoples and the Indigenous Women's Ombudsman have publicly denounced such incidents. At present the two institutions have procedures in place for follow-up to such complaints. Among other initiatives, the United Nations Development Programme's Civil Society Participation programme (PASOC) works with civil society organizations, in particular the Commission on the Location of Disappeared Children and organizations of wives and widows of the armed conflict in various departments, to promote local reconciliation processes. These forums help communities to prepare and train for participation in the National Compensation Programme.

23. The Special Rapporteur recommended that non-governmental organizations should take an active part in drawing up and implementing a national programme to combat racism and racial discrimination by making proposals to eliminate racism and racial discrimination, with the focus on resolving communities' specific problems. Most national and regional indigenous organizations are engaged in specific awareness-raising activities, mostly through seminars, workshops and diploma training courses for men and women in communities, as well as for public officials, on the implementation of national and international instruments for the protection of the human rights of indigenous peoples.

24. In the context of the Special Rapporteur's follow-up visit, Maya, Garifuna, Xinca and Ladino culture-awareness days were held in the Garifuna region, together with training and recreational activities, at the end of 2004. These activities were supported by the Office of the United Nations High Commissioner for Human Rights in Guatemala project. The Garifuna people spoke to the Vice-President about their proposal for the establishment of a Garifuna institute intended to provide a development fund for the Garifuna people. The project is now in its initial phase, which includes: (a) the establishment of the basic infrastructure, and (b) the definition of the mandate for the technical training of Garifunas who will direct the institute in the future.

25. In his reports the Special Rapporteur also included recommendations to the Organization of American States (OAS) (E/CN.4/2005/18/Add.2, para. 48). In particular, he recommended



that the Inter-American Commission on Human Rights should assign a central role in peacebuilding to the thoroughgoing eradication of racism and racial discrimination with a view to building democratic, egalitarian and interactive multiculturalism in the region. The sixth negotiating session of representatives of various indigenous peoples' organizations and of representatives of States took place in Guatemala from 10 to 14 October 2005, with the support of the Government and indigenous peoples' organizations; a decision was taken to adopt the American Declaration on the Rights of Indigenous Peoples. The text had been under discussion since 1999 and, this year, for the first time, the Working Group held sessions away from the headquarters of OAS.

26. The Special Rapporteur wishes to commend the Government and the competent institutions in Guatemala for measures taken in follow-up to his report. The Government has thereby demonstrated its political determination to combat the racism and racial discrimination suffered by indigenous communities and those of African origin. The Special Rapporteur also welcomes the excellent cooperation of UNDP in compiling the necessary information. He trusts that other countries visited will follow this example. Lastly, he wishes to draw the Commission's attention to a fundamental element in this dialogue and in his reports in general: the exchange of information, in particular on political, legislative, judicial and administrative practice, among countries in the context of measures to combat racism, racial discrimination and xenophobia.

### **C. Activities of the Special Rapporteur**

27. The activities of the Special Rapporteur, in addition to country visits, involved participation in meetings of international and regional organizations and non-governmental organizations relating to racism, racial discrimination and xenophobia. Three elements underlay these joint activities: promoting and implementing the Durban Declaration and Programme of Action; strengthening international mobilization against racism and giving concrete expression to the complementarity of mandates and mechanisms to combat racism; discussing and sharing experience, considerations and the problems relating to this common endeavour.

Thus, the Special Rapporteur took part, inter alia, in the following meetings:

10 January	Working Group on the drafting of an additional protocol to the International Covenant on Economic, Social and Cultural Rights, Geneva
12 February	Migrants' Day, Quimper, France
28 February	Thematic discussion of the question of prevention of genocide organized by the Committee on the Elimination of Racial Discrimination, Geneva
8 March	Discussion of multiculturalism organized by the Committee on the Elimination of Racial Discrimination, Geneva
30 March-3 April	Seminar on racism and gender, Puerto Rico
21-25 April	Interfaith Peace Summit in Africa, Johannesburg, South Africa

28 and 29 April	Discussion on Switzerland and slavery, Book Salon, Geneva
10 and 11 May	Meetings of European national committees for UNESCO, Luxembourg
25-27 May	World Conference on Interreligious Dialogue, Santiago de Compostela, Spain
8 and 9 June	Organization for Security and Cooperation in Europe (OSCE) conference on anti-Semitism and other forms of intolerance, Córdoba, Spain
23-25 September	Conference organized by the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the City of Nuremberg on racism in Europe
26-29 September	Symposium entitled “Cultural diversity in the Mediterranean: between conflict and dialogue”, Seville, Spain
27 and 28 October	Meeting on intercultural and interreligious dialogue, Madrid
2-4 November	Strategies for inclusion of peoples of African descent in poverty-reduction programmes, Lima
15 November	Conference of the Fund for Projects against Racism and for Human Rights, Swiss Government, Berne
18 and 19 November	Expert seminar on defamation of religions, Seville, Spain
22 November	Speech on United Nations mechanisms to combat racism: lessons learned and challenges ahead, Berlin

The Special Rapporteur’s participation in these meetings related to the following considerations:

Resurgence of old and new manifestations of racism and xenophobia;

Historical and cultural roots of racism, racial discrimination and xenophobia;

Intellectual legitimization and political use of racist and xenophobic statements and acts;

The central role of identity constructs and of multiculturalism issues in the exacerbation of forms of racism and xenophobia;

The dynamic of the conflict of civilizations, cultures and religions inherent in the rise of racism and the conjoining of racial, cultural and religious factors; and

The need to promote a dual strategy in combating racism: a political and legal strategy to combat its political, economic and social manifestations and expressions, and an intellectual and ethical strategy to eradicate its deep roots linked to value systems, identity constructs, the recording and teaching of history, and to education.

## **II. CONTEMPORARY MANIFESTATIONS OF RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE**

28. In this part of the report the Special Rapporteur wishes to draw the Commission's attention to particularly alarming problems and manifestations of racism, racial discrimination and xenophobia. Such manifestations as Islamophobia and the activities of neo-Nazi groups are dealt with in separate reports, the report on the question of the situation of Arab and Muslim populations in various parts of the world (E/CN.4/2006/17) and the report on political platforms which promote or incite racial discrimination (E/CN.4/2006/54), respectively.

### **A. Multiculturalism and racism**

29. The problem of multiculturalism, its recognition, its management and its social, political and economic dynamic, is an underlying factor and the central issue in present-day crises in most of the regions of the world. The current crisis in the suburbs of France reveals the social and cultural depths of multiculturalism. The question of discrimination involves the multicultural process in two broad dimensions. The more visible, political, economic and social dimension, is characterized by the correspondence between the map of marginalization and the ethnic, racial or religious map of a multicultural society. But, at root, the identity issue in the multicultural process is illustrated by efforts to counter discrimination in the arenas of memory and value systems. This dimension, often overlooked by political leaders, reveals the need for a cultural and ethical strategy to eradicate racism and discrimination from multicultural societies.

30. Multicultural societies are the outcome of lengthy historical processes involving contact between peoples, cultures and religions. These encounters and intermixings have taken place within societies whose progressive development has, over the course of history, produced an organizational and operational framework, the nation. The organizing mechanism for this structure is generally based on a factor for recognition and cohesion and unity: the national identity. The correlation or link between two concepts, identity and nation, has resulted, through the processes of the construction of identity over time on the basis of history, memory, language, culture and religion, in the structuring of most modern societies by the political and legal concept of the nation State. The nation State concept has, in general, been intellectually and ideologically conceived and implemented politically as the expression of a national identity reflecting, depending on the political context, on an exclusive basis, an ethnic group, a religion or a culture. The central problem of most modern societies lies in the fundamental contradiction between the framework of the nation State, the expression of an exclusive national identity, and the dynamic of multiculturalization at work in those societies.

31. The cultural, ethnic or religious diversity of communities, groups and peoples brought together through various historical processes always results in an encounter between different identities. The circumstances attending that encounter, discovery, conquest or domination determine the way in which this diversity is perceived: attraction, rejection, fear, hostility. The

intercultural encounter thus generates an identity-related tension which lies at the heart of the process of multiculturalization. Depending on the nature of the initial perception of diversity, whether cultural, ethnic or religious, identity-related tension is subject to a particular reading or interpretation or to a particular use, as determined by the value system of each group, community or people. Intercultural encounter thus functions through the cultural perspective from which peoples, communities and groups brought together within a given national framework perceive, compare, measure, oppose or acknowledge each other. Identity-related tension constitutes the engine of an ongoing process of reciprocal reconstruction of identity on the part of communities brought into contact. Identity-related tension is inherent in cultural diversity. It expresses itself in two major constituents of the identities of groups and communities and hence two areas subject to the multicultural process which profoundly structure discriminatory practices: memory and values.

32. The memory factor in multiculturalism concerns the place of particular memories of various components of a multicultural society in the national collective memory. Memory being the expression of the historical and identity-related experience of each community over a long period, multicultural societies are by their very nature receptacles of plural memories. The identity-related tension of memory stems from the latent or overt conflict between the construction of a national memory by the group or dominant community and the claiming by other groups or communities, whether or not minority, of an acknowledgement, complete and full, of their particular memories. The national memory, officially sanctioned and legitimized through its place in the national history books and transmitted through the national education system, is generally built on the basis of two principles: negation, dismissal or misrepresentation of the specific memories of minority groups or communities and the promotion of the memory construct of the group or dominant community. Tension arises as a result of the fact that the memory of the dominated groups or communities is suffused with conditions, manifestations and expressions of the domination of which they were victims. History and heritage are the major battlegrounds of this conflict of memories in multicultural societies. The dominant national memory usurps the recording and teaching of the national history and the designation of what should represent the national heritage. National citizenship is also organized around symbolic events, emblematic of national identity. These relate to historical, cultural and religious events, to places and to figures that exemplify national values and the national identity and which, through their commemoration and incorporation into the national cultural and social landscape, are intended to be acknowledged, memorized and celebrated by the model citizen. Historical overlooking of events and actions, the invisibility of personalities and places evoking memories and the reduction to folklore of cultural and spiritual expressions characterize the treatment and place in the national consciousness of dominated or minority groups and communities. This conflict of memory and heritage increases the initial identity-related tension and gives a meaning and substance to the visions and policies of integration and/or maintenance of cultural identity in any multicultural society. The multicultural dynamic thus has a fundamental relationship with memory.

33. The ethical issue, the question of values, constitutes a central dimension of the multicultural process and a particularly sensitive element in countering discrimination in a multicultural society. It is in the domain of cultural and spiritual or religious values that the identity of each group, community and people is most deeply rooted and is most sensitive. This identity-related tension is reflected, in the multicultural process, depending on the historical circumstances and political context, in the promotion and imposition of the cultural and spiritual

values of one group or community on minority groups, and hence the denial, overlooking or negation of the values of those other groups or communities. The desire to civilize and to transmit cultural and scientific progress constitute, for example, ideological stances justifying colonial and imperial domination. Identity-related tension is founded, in a multicultural society, in the confrontation between the assertion of intangible national values, expressions of the dominant group or community's values, set up as a unique model and reference point for national identity, and either the questioning of these values, or demands for account to be taken in these national values of the values of minority groups and communities in the nation. While multiculturalism is the common dominant characteristic of most modern societies, the way in which it is handled is more often than not makeshift, reflecting the ideological content of its theoretical models. Such theoretical models and political practice are profoundly influenced by several factors: the centrality of the question of identity in a context of globalization, the political emphasis on efforts to combat terrorism, and the resurgence of old and new forms of racism, discrimination and xenophobia.

34. The model of republican integration, the modern incarnation of integration - assimilation, constructs national unity on values viewed as the foundation of the republican political system. These values are stated as the expression of social and political progress and of a secular order. Political and social progress is reflected in the values of justice, equality and the primacy of the individual over membership of a community. Secularism, the expression of the separation of church and State, promotes the republican unity of society over the religious and cultural diversity of its components. Republican integration takes precedence over the maintenance of specific cultural or religious identities. The political exploitation of these factors, including through the rhetoric of "defending national identity and culture", feeds into political platforms and is a central element in the increase in racism, discrimination and xenophobia throughout the world. This model, displaying a profound refusal of cultural diversity, postulates the cultural dispossession of minority communities, of the immigrant, as a necessary precondition for national integration. The questioning of the cultural invisibility which results for minority communities is an indicator of an identity crisis in a multicultural society. In this regard the current crises in Europe, and particularly in France, are testament, through the exacerbation of racism, discrimination and xenophobia, to a profound reconstruction of identity, a question overlooked in the European construction. The sound and fury of these events, through the link between social, political and economic demands and the affirmation of identity, constitute the outward signs of the cracks and fissures in the old fabric of identity and the slow and painful emergence of a new, multicultural, national identity.

### **B. Anti-Semitism and Christianophobia**

35. The resurgence in anti-Semitism may be illustrated by three concomitant manifestations: the increase in individual acts, the resilience of intellectual legitimization, and political exploitation. The most dramatic and symbolic manifestation of individual acts of anti-Semitism concerns the profanation, the desecration of tombs and places of worship. While such profanation affects all religions, those affecting places identified as Jewish are more common in many countries, particularly in Europe. Thus, in France, instances of profanation increased from a level of 30 incidents at Jewish cemeteries and places of worship in 2003 to 91, from 13 to 87 for Muslims, and from 38 to 94 for Christians. Three groups stand out among those arrested: the extreme right or skinhead neo-Nazi Movement, young "satanists", and young people with a gamut of motivations, ranging from support for the Palestinian people to aping television and

films. In London, eight young orthodox Jews, recognizable by their black suits and hats, were attacked by gangs of young blacks and Asians. The attacks were accompanied by anti-Semitic insults and Nazi salutes. Similar incidents have taken place at several other locations in Britain. Intellectual legitimization is reflected by the number of publications increasingly distributed, in particular by the extreme right, on the Internet. Revisionist literature comes not only from extreme right-wing writers but also from university circles, as shown by several recent examples in France, in particular in Lyon. Political manipulation represents the most serious manifestation of the resurgence of anti-Semitism. The resurgence and electoral impact of racist and xenophobic political platforms testify to the vigour of a culture of racism and discrimination in general, in which context anti-Semitism has a long history, but also to a lowering of the political and moral guard and the cultural acceptance of anti-Semitism as normal. This ominous trend has recently been illustrated in Russia. A group of nationalist Russian deputies signed a pamphlet on the eve of the commemoration of the liberation of the Auschwitz camp which officially called for the prohibition of all Jewish organizations in the country. The parliamentary motion called upon the Procurator-General of Russia, in the name of “defence of the homeland”, to launch “an official judicial inquiry into the prohibition of all Jewish religious and community organizations”. The Special Rapporteur will draw attention to the significance and import of this step during his visit to the Russian Federation in the spring of 2006. The questioning of the right to exist of the State of Israel, in contravention of United Nations resolutions, constitutes a manifestation of anti-Semitism. The President of the Islamic Republic of Iran has recently provided an illustration of this in denying that the Holocaust took place and in advocating the removal of the State of Israel to Europe. This position undermines the position of the international community on the existence of two States, Israeli and Palestinian. The Special Rapporteur, informed of allegedly anti-Semitic remarks by the Iranian President, Ahmedinejad, formally brought the matter to the attention of the Iranian authorities in the context of a procedure for allegations of racism and discrimination.

36. As the Special Rapporteur emphasized in his 2005 report to the Commission on the defamation of religions (E/CN.4/2005/18/Add.4), Christianophobia constitutes an old and recurrent manifestation of discrimination, the intensity of which varies with the religious and political context. Two significant factors explain its current intensity: assimilation and the waning of Christianity in the West and the developed world, and, in the context of prioritizing efforts to contain terrorism, its political use in the dynamic of the war of civilizations and religions engendered by the tragic events of 11 September 2001. These two factors generate a climate of hostility between Christianity and Islam. This climate, which is undoubtedly nourished by the reductionist interpretations of certain political leaders, is, in a particularly disquieting manner, undergoing intellectual and ideological legitimization. By asserting the inevitability of conflict between the West and the Arab-Islam world, Samuel Huntington, in *The Clash of Civilizations and the Remaking of World Order*, portrays a confrontation between Islam and Christianity. This interpretation has been picked up by Christian preachers who provide him with biblical sources and Muslim preachers who reinterpret sharia. The historical sporadic, unrelated clashes between Christians and Muslims are thus placed in a general explanatory framework which provides a meaning and gives substance by systematizing them. The recurrent attacks on places of worship and culture in certain regions of the world, as in Nigeria and Pakistan, are thus legitimized, justified and exaggerated through an interpretation of a conflict of cultures and religions. This dynamic is at present undergoing a theological escalation and geographical expansion through the proselytizing of various evangelical movements in Africa,

South America and the Caribbean, and Asia. In Asia a particular form of Christianophobia has begun to emerge in recent years, not only on the part of followers of Islam, which has a massive presence in Indonesia, Malaysia, India and Pakistan, but also of Hinduism, especially in India, and Buddhism, in Thailand and Japan. The material and financial resources available to evangelical proselytizers in an impoverished social environment engender hostility on the part of followers of traditional local religions and significantly exacerbate Christianophobia in many parts of the world. Christianophobia is on the way to becoming, after Islamophobia, the second most widespread religious phobia in terms of geographical extent.

### **C. Intellectual legitimization of racism and xenophobia**

37. The most profound and lasting manifestations of racism and discrimination are the result of long-term intellectual constructs. Their profound roots are to be found in the ideas, concepts, images and representations which, in specific political, ideological or religious contexts, have postulated cultural inferiority, religious demonization and the natural inhumanity of entire races, ethnic groups, communities and peoples. The impact of these ideas, concepts, representations in education systems, literature, and their justification by science, have, over time, shaped sensibilities, outlooks, imaginations and value systems and thus created cultures of racism, discrimination and xenophobia. The durability and resilience of racism arise from these profound sources. The fertility of this invisible portion of the racist iceberg is founded in this fundamental fact: racism is a mutant, and its permanent eradication requires greater efforts and increased mobilization in the intellectual and ideological domains of measures to combat discrimination. To further an intellectual and ethical strategy to complement the political and legal strategy, in his reports the Special Rapporteur has consistently drawn the attention of the Commission and the authorities of the countries visited to one profound source of the resurgence of racism: its increasingly open and deliberate intellectual, media and ideological legitimization. He thus proposes to keep the Commission abreast of the most serious manifestations.

38. The intellectual legitimization of racism has seen two particularly significant illustrations in the context of the debate on the recent violence in the suburbs of major cities in France. The Special Rapporteur deals with this matter in his report on political platforms which promote or incite racial discrimination (E/CN.4/2006/54), submitted to the Commission at the current session.

### **D. Racism, discrimination and xenophobia at points of entry, and in reception and waiting areas**

39. The Special Rapporteur's attention has been drawn to the racist and xenophobic treatment, in many States, of asylum-seekers, refugees and immigrants in waiting areas, particularly airports, ports and stations. In his view, this is an indication that racism, discrimination and xenophobia are on the increase. Indeed, the widespread resurgence of racism is characterized not only by the strengthening of traditional forms of racism together with the appearance of new forms of racism against whole communities and religions, but above all by the appearance of several targets of modern racism, namely members of national, ethnic or religious minorities, non-citizens, immigrants, refugees and asylum-seekers. As a result of the overriding focus on the fight against terrorism, the treatment of such groups is characterized by suspicion, mistrust, fear that they may be dangerous, and cultural and religious hostility. Such sentiments result in the widespread implementation of national policies that have a tendency to

restrict the economic and social rights (housing, education, health) of these communities and thus illustrate that the political primacy of security over the law brings about a decline in human rights. Such policies are first applied at the points of entry to a country (airports, ports, borders): widespread use of discriminatory measures, such as targeting people because of their ethnic, cultural or religious appearance, systematic and humiliating searches, refoulement, separate counters for nationals and foreign nationals, and excessively long waiting lines at counters for foreign nationals. In this regard, human rights organizations report, in particular, that waiting areas for asylum-seekers and persons who have been turned back have become “no-rights zones”, characterized inter alia by a lack of access to redress and defence, physical and verbal violence of a racist nature by law enforcement officers, cramped conditions and lack of privacy, a lack of even minimum conditions of hygiene, a lack of measures to protect women and children. Generally speaking, these are restricted areas which human rights organizations cannot access. It is clear from the increase in violent incidents caused by legally vague conditions of expulsion, in particular group expulsions by charter and commercial flights, that particular attention needs to be given to this kind of resurgence of racism.

40. Such trends have been reported in France, for example, by the National Commission on Security Practices, which, in its annual report for 2003,<sup>1</sup> noted the existence of arrangements for enforced embarkation based on specific restraining techniques with a de facto humiliating aspect, such as placing restraints on people’s legs, transporting foreign nationals by plane in a horizontal position, the use of unprofessional methods of intervention and the systematic use of force. The Commission noted that in some cases these methods affected the physical and moral integrity of persons who had been turned back, two of whom died as a result of excessive use of restraints. The Commission also stressed that the systematic use of such methods, which are applied only to foreign nationals, is akin to institutional discrimination.

41. The National Commission on Security Practices noted that when it comes to escorting to the border or turning back persons who have not been admitted to French national territory - around 20,000 people in total at Roissy Charles de Gaulle airport in 2002 - police officers are not given any technical training on the specific nature or duration of such operations. The Commission also recommended teaching and applying, as strictly as possible, technical and professional methods of intervention which can then be used by border police officers in order to ensure respect for the dignity and physical and mental integrity of persons who are escorted to the border or turned back. The Commission also suggested improving dialogue with all the persons, authorities and associations concerned and ensuring respect for national and international standards on security-related searches and handcuffing.<sup>2</sup> In the Special Rapporteur’s view, the fact that such a commission was established and such a report published indicates that member States are now aware of the seriousness of the problem.

42. Treatment in waiting areas and the conditions of expulsion of refugees and asylum-seekers are also a matter of concern for Amnesty International, which expressed its disquiet on the occasion of World Refugee Day on 20 June 2005. To mark this date, the non-governmental organization published three reports on detention and practices relating to expulsion in the United Kingdom, Italy and Spain, although it stressed that such practices are a reality in most parts of the world.<sup>3</sup>

43. In general terms, Amnesty International noted that conditions of detention often do not respect standards relating to fundamental human rights. People are detained in unsatisfactory



conditions of hygiene for prolonged periods of time and are unable to contest the legality or necessity of their detention or to file a complaint for mistreatment, as in most cases the possibility of obtaining legal assistance is limited, if not non-existent. Allegations of excessive use of force by law enforcement officers or supervisory staff are also a cause for concern.

### **E. Racism and sport**

44. The Special Rapporteur discussed the issue of racism in sport in his previous report to the General Assembly at its fifty-ninth session (A/59/329), in response to General Assembly resolution 58/160, which requested him “to pay special attention to the increasing frequency of incidents of racism at various sporting events”. The General Assembly, in its resolution 59/177, while noting with appreciation the efforts made by some governing bodies in sports to combat racism, expressed its concern at the increasing incidence of racism at various sporting events.

45. In his general report to the Commission on Human Rights at its sixty-first session (E/CN.4/2005/18), the Special Rapporteur drew attention to the increase in racist incidents in sport, in particular in football. Among the reasons for this increase, he has noted that the noble ideals of competition and mutual respect are being eroded by the exacerbation of the nationalistic dimension of competitions and the over-commercialization of sport.

46. He has also noted that the increase in violence and openly racist incidents is illustrated not only by the actions of some supporters, including neo-Nazi groups, but also by the comments and behaviour of coaches of famous teams who trivialize or legitimize racist or xenophobic incidents. The Special Rapporteur considers that, in view of the gravity of some racist acts and the coverage that they were given in the media, their condemnation and the measures taken against those responsible do not reflect the seriousness of the situation.

47. In view of this increase in racist incidents, the Special Rapporteur believes it is necessary and urgent for politicians and national and international sporting bodies to take a firm stand, not only demonstrating greater commitment to, and vigilance in, the fight against racism and discrimination in sport, but also becoming more involved in awareness-raising campaigns and activities at the national and international levels in order to promote an image of interculturalism and multiracial integration at sporting events.

48. In the context of a greater mobilization of international sports bodies, the Special Rapporteur has intensified his contacts with sports bodies in order to promote cooperation and complementarity in efforts to combat racism in sport. He had an initial meeting with Jacques Rogge, President of the International Olympic Committee (IOC), on 20 October 2004. This meeting paved the way for cooperation with the Committee in the area of information exchange. On 6 December 2004, the Special Rapporteur also had a meeting in Zurich, Switzerland, with Joseph S. Blatter, President of the International Federation of Association Football (FIFA), who expressed his deep concern about the recent racist incidents in football and outlined the actions that FIFA is taking to combat racism.

49. The Special Rapporteur has noted that there have been some positive initiatives by sports federations or other organizations to combat racism in sport, such as the measures taken by FIFA and the Union of European Football Associations (UEFA) mentioned in his previous report to the General Assembly at its fifty-ninth session (A/59/329, paras. 33-35).

50. Among more recent initiatives, the Special Rapporteur wishes to draw attention to the FIFA Executive Committee's decision, at its meeting of 7 and 8 March 2005, to create a multiethnic "team" of FIFA Ambassadors against Racism, which brings together leading players and coaches both past and present.<sup>4</sup> This team of ambassadors, the captain of which is the French player Thierry Henry, will be responsible for actively promoting the fight against racism by embodying the values of football, primarily through interviews, events and summits.

51. The Special Rapporteur also wishes to congratulate FIFA for the activities it has organized each year, since 2002, as part of its worldwide Anti-Discrimination Day. In 2005, FIFA organized the fourth Anti-Discrimination Day to coincide with the semi-finals of the FIFA Confederations Cup (Germany 2005), held on 25 and 26 June, and the quarter-finals of the FIFA World Youth Championship (Netherlands 2005), held on 24 and 25 June. The Day was marked by various activities designed to deliver a clear message against racism, not only in football but also in society as a whole. At these matches, before kick-off, the two team captains read a statement condemning and rejecting all forms of discrimination in football and society as a whole and firmly saying "no to racism". For the FIFA World Cup qualifiers in June, FIFA also encouraged its member associations to help circulate this message against racism throughout the world by inviting them to participate in these actions on the ground.

52. UEFA has also stepped up its campaign against racism, which it conducts in close cooperation with Football Against Racism in Europe (FARE). Among the activities carried out, the Special Rapporteur wishes to highlight in particular that an anti-racism guide, published in July 2003, has been distributed to all the national federations, leagues and clubs in Europe and all UEFA referees, match delegates and stadium managers.

53. The Special Rapporteur also welcomes the ninth edition of the Anti-Racist World Cup, which was organized by UEFA and FARE in Montecchio, Italy, in July 2005 and was the first to receive FIFA backing. This tournament is a multicultural event which brings together groups of supporters, immigrants, local communities and anti-racist associations from more than 25 countries for five days of football, music and anti-racist activities.

54. The anti-racist campaign conducted by FIFA and FARE has continued to grow in recent years, as demonstrated by the fact that several national federations have submitted anti-racist programmes, namely the federations of Armenia, Belgium, the Czech Republic, England, Finland, Georgia, Germany, Iceland, Israel, Latvia, Lithuania, the Netherlands, Northern Ireland, Norway, the Republic of Moldova, the Russian Federation, Scotland, Slovakia, Spain, Sweden, Switzerland, Ukraine and Wales. Three programmes in Bosnia and Herzegovina, Hungary and the former Yugoslav Republic of Macedonia are currently under study.

55. Despite the efforts already made and the success of these initiatives, the Special Rapporteur continues to invite member States to demonstrate greater commitment to fighting racism in sport, by conducting educational and awareness-raising activities and by very firmly condemning the perpetrators of racist incidents, in cooperation with national and international sporting bodies.

56. The Special Rapporteur continues to be of the view that national and international sporting bodies and the United Nations need to work together more closely. In his report to the Commission on Human Rights at its sixty-first session (E/CN.4/2005/18), he therefore proposed,

with regard to football, that, at the initiative of FIFA and the host country, Germany, a highly significant and symbolic event could be organized in conjunction with the United Nations, in particular the Office of the High Commissioner for Human Rights, in order to send out a strong message against racism on the occasion of the 2006 World Cup in Germany. To this end, on 1 March 2005, the Special Rapporteur had a meeting in Vienna with the European Monitoring Centre for Racism and Xenophobia (EUMC) and with the artist André Heller, who is responsible for organizing special events in connection with the upcoming FIFA World Cup.

57. The Special Rapporteur also reiterates the recommendation contained in his report to the Commission on Human Rights (E/CN.4/2005/18, para. 48 (g)): to invite international sports organizations to take tough measures against the perpetrators of racist incidents. The Special Rapporteur believes that international sports bodies should ask national federations to submit annual reports on racist incidents and the action taken in response to them. The Special Rapporteur again emphasizes the role of civil society organizations, in particular non-governmental organizations, in the fight against racism in sport and invites them to become more involved through projects designed to improve knowledge and appreciation of others.

58. In this connection the Special Rapporteur recommended the organization of a significant, symbolic and spectacular international event as an illustration of international mobilization against racism in sport in connection with the World Cup in 2006 in Germany, with participation by the United Nations Secretary-General, the High Commissioner for Human Rights, heads of State from every region, the heads of the major international sports organizations and leading sports figures symbolizing their sports, mobilized against racism, together with the media from every region. The Special Rapporteur wishes to recommend to the host country for the World Cup that it should begin to organize such an event as a matter of urgency, as it could have a considerable impact throughout the world on the question of racism, an issue of concern to all countries.

59. The Special Rapporteur noted with satisfaction the positive response by the authorities of the Federal Republic of Germany and the United Nations High Commissioner for Human Rights to his proposal to the General Assembly.

### III. CONCLUSIONS AND RECOMMENDATIONS

60. **The Special Rapporteur recommends the adoption of legislation against racism, racial discrimination and xenophobia, pursuant to article 4, paragraphs (a) and (b), of the International Convention on the Elimination of All Forms of Racial Discrimination.**

61. **The Special Rapporteur recommends to the Commission the promotion by member States of the link between efforts to combat racism, racial discrimination and xenophobia, and the construction of democratic, interactive and egalitarian multiculturalism. This strategy is essential in ensuring that cultural diversity becomes an effective weapon against racism.**

62. **In a similar vein the Commission is invited to draw the attention of member States to the historical and cultural depth of racism. In this regard efforts to combat racism must involve economic, social and political measures and relate to the question of identity,**

**namely the dialectic between respect for the cultural and religious specificities of minority groups and communities and the promotion of cross-fertilization and interactions between all national communities.**

**63. The Special Rapporteur recommends that the Commission draw the attention of member States to the importance on the intellectual front of efforts to combat racism and thus of combating, through education and information, ideas and concepts likely to incite or legitimize racism, racial discrimination or xenophobia, in particular on the Internet. Efforts to counter historical revisionism and recognition of the specific memories of all communities provide intellectual weapons against a discriminatory culture and outlook.**

**64. The Commission is invited to stress the seriousness of racist and xenophobic manifestations and practices at points of entry to countries, reception areas and waiting areas (airports, stations, ports). It is essential for such areas not to become no-rights zones for non-nationals in general and in particular for immigrants and asylum-seekers. The Special Rapporteur recommends to the Commission that it draw the attention of member States to the importance of scrupulous respect for fundamental human rights, the presence of civil human rights organizations, proper levels of sanitation and the availability of recourse procedures and defence mechanisms in such areas.**

**65. The Commission is invited, in order to eradicate the increase in racism in sport in general and football in particular, not only to encourage and support specific programmes and initiatives by international sports bodies, but also to promote specific initiatives and measures by member States on education, awareness-raising and prevention. In this regard international, regional and national sports bodies should promote codes of ethics against racism in sport. The Commission should lend its support to the organization of a major event against racism in connection with the 2006 World Cup in Germany.**

#### Notes

<sup>1</sup> National Commission on Security Practices, 2003 report to the President and Parliament (Paris, La documentation française, 2004).

<sup>2</sup> Ibid., p. 15. See also submissions 2003-17 and 2003-19 in the same volume.

<sup>3</sup> See *The human cost of "Fortress Europe": Detention and expulsion of asylum-seekers and migrants in the EU. Amnesty International Open Letter to the incoming UK Presidency on the occasion of World Refugee Day; Italy: Temporary stay - Permanent rights: The treatment of foreign nationals detained in 'temporary stay and assistance centres' (CPTAs); and Spain: The Southern Border, The State turns its back on the human rights of refugees and immigrants.*

<sup>4</sup> See FIFA press release of 21 June 2005 entitled "Top national teams show solidarity in fight against discrimination" on FIFA's official website: [www.fifa.com](http://www.fifa.com).

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