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Elimination of racism and racial discrimination

Combating racism, racial discrimination, xenophobia and related intolerance and comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Note by the Secretary-General**

The Secretary-General has the honour to transmit to members of the General Assembly the interim report submitted by Doudou Diène, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, pursuant to Assembly resolution 60/144.

* A/61/150.

** This document is submitted late so as to include the most up-to-date information possible.



Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

Summary

In this report, the Special Rapporteur describes the activities in which he participated as part of the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in the period since the sixty-first session of the Commission on Human Rights. He summarizes, inter alia, the reports he submitted to the Commission at its sixty-second session, to be introduced to the Human Rights Council at its second session, namely: his general report on racism, racial discrimination, xenophobia and all forms of discrimination (E/CN.4/2006/16), his report on the situation of Muslims and Arab peoples in various parts of the world (E/CN.4/2006/17) (in the aftermath of the events of 11 September 2001), his report on political platforms which promote or incite racism (E/CN.4/2006/54), his reports on his mission to Japan (E/CN.4/2006/16/Add.2 and Corr.1) and Brazil (E/CN.4/2006/16/Add.3), as well as his preliminary note on his mission to Switzerland (E/CN.4/2006/16/Add.4).

This report also takes stock of the various meetings and conferences in which the Special Rapporteur participated as part of his mandate. The activities reported upon are categorized as follows: reports submitted by the Special Rapporteur to the Commission at its sixty-second session, coordination activities with other human rights mechanisms, his participation in various meetings and conferences on themes within his mandate, and field missions. The last-mentioned include missions to Japan, Brazil, Switzerland and the Russian Federation.

The Special Rapporteur has adopted two approaches in all these activities: on the one hand, close monitoring and analysis of old and new forms of racism, racial discrimination and xenophobia and, on the other hand, promotion of a dual — political and legal, as well as cultural and ethnic — strategy to combat them.

Contents

| | <i>Paragraphs</i> | <i>Page</i> |
|---|-------------------|-------------|
| I. Introduction | 1–7 | 4 |
| II. Activities of the Special Rapporteur | 8–60 | 5 |
| A. Reports submitted to the Commission on Human Rights at its sixty-second session | 10–19 | 5 |
| B. Coordination with other human rights mechanisms | 20–23 | 9 |
| C. Participation in various meetings and conferences | 24–40 | 11 |
| 1. Annual meeting of special procedures mandate holders and the first session of the Human Rights Council | 24–29 | 11 |
| 2. Resurgence of racism, racial discrimination and xenophobia | 30–34 | 12 |
| 3. Efforts to combat the defamation of religions and to promote interreligious dialogue | 35–36 | 14 |
| 4. Racism in sport | 37–40 | 14 |
| D. Field missions | 41–60 | 15 |
| 1. Mission to Japan | 43–47 | 16 |
| 2. Mission to Brazil | 48–50 | 17 |
| 3. Mission to Switzerland | 51–55 | 19 |
| 4. Mission to the Russian Federation | 56–60 | 19 |
| III. Conclusions and recommendations | 61–66 | 20 |

I. Introduction

1. In its resolution 60/144 of 16 December 2005 on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation and follow-up to the Durban Declaration and Programme of Action, the General Assembly — inter alia on the basis of the Special Rapporteur's conclusions and recommendations — pronounced itself alarmed at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large, inter alia, as a result of the resurgent activities of associations established on the basis of racist and xenophobic platforms and charters.

2. The General Assembly expressed its unequivocal condemnation of all forms of racism and racial discrimination, including acts of racially motivated violence, xenophobia and intolerance, as well as propaganda activities and organizations that attempt to justify or promote it in any form. The Assembly also expressed its deep concern at recent attempts to establish hierarchies among emerging and resurgent forms of racism, racial discrimination, xenophobia and related intolerance, and urged States to adopt measures to address these scourges. It emphasized that it was the responsibility of States to adopt effective measures to combat criminal acts motivated by racism, racial discrimination, xenophobia and related intolerance, including measures to ensure that such motivations are considered an aggravating factor for the purposes of sentencing, to prevent those crimes from going unpunished and to ensure the rule of law.

3. The General Assembly condemned the misuse of print, audio-visual and electronic media and new communication technologies, including the Internet, to incite violence motivated by racial hatred, and called upon States to take all necessary measures to combat this form of racism in accordance with the commitments that they have undertaken under the Durban Declaration and Programme of Action, in accordance with existing international and regional standards of freedom of expression and taking all necessary measures to guarantee the right to freedom of opinion and expression. It also encouraged States to include in their educational curricula and social programmes education on knowledge of and tolerance and respect for foreign cultures, peoples and countries.

4. The General Assembly also recognized with deep concern the increase in anti-Semitism, Christianophobia and Islamophobia in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas directed against Arab, Christian, Jewish and Muslim communities, communities of people of African descent, communities of people of Asian descent and other communities.

5. The General Assembly requested the Special Rapporteur to continue giving particular attention to the negative impact of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of civil, cultural, economic, political and social rights by national or ethnic, religious and linguistic minorities, immigrant populations, asylum-seekers and refugees. The Assembly expressed its full support and appreciation for the work of the Special Rapporteur and urged Member States to continue to cooperate with him, calling upon them to consider responding favourably to his requests for visits so as to enable him to fulfil his mandate fully and effectively. It also encouraged Member States and other

relevant stakeholders to consider implementing the Special Rapporteur's recommendations. To that end, the Assembly urged the United Nations High Commissioner for Human Rights to provide States, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur. Further, the Assembly encouraged closer collaboration between the Special Rapporteur and the Office of the United Nations High Commissioner for Human Rights, in particular the Anti-Discrimination Unit. It also requested the Secretary-General to provide the Special Rapporteur with all the necessary human and financial assistance to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit an interim report to the General Assembly at its sixty-first session.

6. The General Assembly welcomed the determination of the United Nations High Commissioner for Human Rights to profile and increase the visibility of the struggle against racism, racial discrimination, xenophobia and related intolerance and her intention to make this a cross-cutting issue in the activities and programmes of her Office.

7. This report is submitted pursuant to this resolution, whose main provisions are summarized above.

II. Activities of the Special Rapporteur

8. Several fundamental aspects of the Special Rapporteur's mandate underpin his activities: to focus efforts to combat racism on national and international plans for the promotion and implementation of the Durban Declaration and Programme of Action; to encourage the elaboration of effective political, legal and cultural strategies to identify and combat the root causes of old and new forms of racism and xenophobia, including their politicization and legitimization in intellectual discourse; to promote the link between efforts to combat racism and xenophobia and the construction over the long-term of an egalitarian, democratic and interactive multiculturalism based on respect for the cultural diversity of national communities and the promotion of social unity.

9. The Special Rapporteur's activities are categorized as follows: reports he submitted to the Commission at its sixty-second session, to be examined by the Human Rights Council; coordination with other human rights mechanisms; participation in various meetings and conferences organized by Governments or civil society on racism, racial discrimination and xenophobia; efforts to combat the defamation of religions and to promote interreligious dialogue; racism in sport; and, finally, field missions he has conducted.

A. Reports submitted to the Commission on Human Rights at its sixty-second session

10. Since the General Assembly expressed a wish in several of its resolutions to be kept informed of reports submitted to the Commission on Human Rights, the Special Rapporteur provides here details of the reports he submitted to the Commission at its sixty-second session, including his general report on racism, racial discrimination, xenophobia and all forms of discrimination (E/CN.4/2006/16),

his report on the situation of Muslims and Arab peoples in various parts of the world (E/CN.4/2006/17) (following the events of 11 September 2001) and his report on political platforms which promote or incite racism (E/CN.4/2006/54). His reports on his mission to Japan (E/CN.4/2006/16/Add.2 and Corr.1), Brazil (E/CN.4/2006/16/Add.3) and Switzerland (E/CN.4/2006/16/Add.4) are discussed in section D, on field missions.

11. In his general report (E/CN.4/2006/16), the Special Rapporteur draws the Commission's attention to the following ominous trends in contemporary manifestations of racism, racial discrimination and xenophobia and related intolerance: the increasing importance in identity constructs of a rejection of multiculturalism; a general increase in the defamation of religion, in particular Islamophobia; the increasingly overt intellectual legitimization of racism, racial discrimination and xenophobia; the trivialization of racism through the pervasiveness in the programmes of democratic parties of racist and xenophobic political platforms taken from extreme right-wing parties; various forms of racism, discrimination and xenophobia at country entry points and in reception and waiting areas; and the increase in racism in sport, in particular, football.

12. The Special Rapporteur has introduced a new section on mission follow-up, which contains his recommendations. He emphasizes the need to pursue dialogue with Governments, to take account of the expectations of the communities and victims concerned and to cooperate on the ground with non-governmental organizations (NGOs) and the United Nations system.

13. The Special Rapporteur stresses the need for Member States to promote the linkage between combating racism, racial discrimination and xenophobia and the construction of a democratic, interactive and egalitarian multiculturalism. He also invites the Commission to draw the attention of Member States to the historical and cultural roots of racism, to ensure that efforts to combat this scourge cover its economic, social and political manifestations as well as identity constructs and intellectual aspects. The Special Rapporteur also invites the Commission to denounce and condemn the seriousness of racist and xenophobic behaviour and practices at points of entry to countries and in reception and waiting areas, which are characterized by a lack of respect for basic rights and are humiliating to the persons involved, to ensure that such zones do not become "no-rights zones". Finally, he invites the Commission to encourage and support initiatives of international and national sports bodies to combat the increase in racism in sport, including through education, awareness-raising and prevention, as well as by promoting the ideals of mutual respect, fair play and dialogue to combat the nationalistic and overcommercialized dimension of high-level sport.

14. His report on the situation of Muslim and Arab peoples in various parts of the world (E/CN.4/2006/17) (following the events of 11 September 2001) is partly based on the contributions of a high-level expert seminar organized at his initiative at Seville, Spain, on 18 and 19 November 2005, with the excellent cooperation of the Fundación Tres Culturas. The Special Rapporteur draws the Commission's attention to the following conclusions: there has been a serious upsurge in manifestations and expressions of racism against Muslim and Arab peoples, especially in Europe; in such manifestations, the focus is on the politicization of Islam, which is openly used in intellectual discourse to legitimize Islamophobia; Islam is identified with terrorism and there is an excessive focus on security issues

with regard to Islam, which translates into suspicion and monitoring of Muslim places of worship, culture and congregations, as well as efforts to control Muslim education.

15. The Special Rapporteur has devoted a significant part of the report to the issue of the cartoons of the Prophet Muhammad published in the Danish newspaper *Jyllands-Posten* on 30 September 2005. He sees the motivations, handling and ramifications of this affair as being revelatory of the historical, cultural and political roots of Islamophobia. It illustrates the worrying trends underpinning the resurgence of Islamophobia, including the politicization and trivialization of the defamation of religions owing primarily to the increasing prominence of far-right racist and xenophobic platforms in the political programmes of traditionally democratic parties and the conflation of Islam with violence and terrorism. Based on a chronological analysis, the Special Rapporteur claims that the crisis over the Danish cartoons cannot be reduced to a conflict between religions and civilizations. Some Danish leaders and certain Western media outlets reduce the crisis to a basic, insurmountable conflict between “them and us”, between Western civilization, incarnating irreducible freedom of expression, and the Islamic world, motivated purely by religious dogma — an ideological and Manichaeian interpretation inherited from the Cold War. This interpretation has been radically disproved, though, by the diversity of reactions to the crisis in political, religious and media circles, whether in Europe, the Americas or the Islamic world.

16. Among his recommendations, the Special Rapporteur stresses the importance of calling upon Member States to demonstrate a firm and determined political commitment to combating all forms of defamation of religions, to recognize the deep historical and cultural roots of Islamophobia and to combat it, together with all forms and manifestations of racism and discrimination, through the recognition, respect and promotion in depth and over time, of the ethnic and religious multiculturalism which structures their societies. To that end, and in the context of reconstructing plural identities, he recommends two parallel strategies: the promotion — through education, information and communication — of in-depth knowledge of each other’s communities, especially their cultural, ethnic and religious diversity, and the adoption of political, economic, social and cultural initiatives to encourage interaction and cross-fertilization between different national communities. He also draws the Commission’s attention to a particularly alarming climate of defamation of religions: the upsurge, in some societies, of intolerance towards religion and religious practices. Finally, he invites all religious and spiritual traditions to engage in critical introspection of domestic sources of the defamation of religions arising from their own religious dogmas and practices and their perspectives and interrelations. He recommends that the Commission should invite Member States to combat and sanction the conflation of Islam with violence and terrorism, an essential element of the Danish cartoons, in the spirit of articles 18, 19 and 20 of the International Covenant on Civil and Political Rights. With regard to the main issue raised by the cartoon controversy, namely the adequacy of international law in the matter of religion, particularly in respect of the balance between freedom of expression and religious freedom, the Special Rapporteur recommends that the Commission should remind Member States of their commitments and obligations under international human rights instruments and encourage all relevant treaty bodies to examine the issue of the interpretation of existing norms relating to freedom of expression, religious freedom and non-

discrimination, and to reflect on whether any additional standards are needed for that purpose. The Special Rapporteur hopes to contribute to this fundamental discussion in cooperation with the Special Rapporteur on freedom of religion or belief, pursuant to decision 1/107 of the Human Rights Council (see paras. 27 and 28 below).

17. The report on political platforms which promote or incite racial discrimination (E/CN.4/2006/54), which updates reports previously submitted to the Commission on Human Rights (E/CN.4/2004/61) and General Assembly (A/59/330), constitutes a preliminary study of the issue owing to the limited number of replies received from Member States to the High Commissioner's note verbale and the postponement of a workshop on this subject in Brazil. The conclusions of the workshop, which was finally held on 29 July 2006, will form the basis of a report to be submitted to the Human Rights Council at its fourth session in 2007. These conclusions focus on two ominous trends in the resurgence of racism and xenophobia: on the one hand, the trivialization of racism and xenophobia through the increasing pervasiveness in the programmes of democratic parties of racist and xenophobic platforms taken from extreme right-wing parties; on the other hand, the translation of those platforms from word into action. This is achieved not only through the resurgence of racist and xenophobic violence, but also and especially, through the legal and democratic application of those platforms by means of political alliances within government which include the leaders of these parties, now invested with democratic legitimacy and at the heart of power. Based on this development, which is exacerbated by a mixture of racial, cultural and religious factors, the Special Rapporteur claims in his report that racism constitutes the greatest threat to democracy in many societies on all continents.

18. The Special Rapporteur also notes the electoral success of ideologies, speeches, political programmes and strategies that openly promote discrimination or racist hatred and xenophobia as means of gaining power. In this context, he highlights the politicization of issues of immigration, asylum, protection of national identity and, more recently, the fight against terrorism.

19. In his conclusions, the Special Rapporteur emphasizes that the fight against racism, racial discrimination and xenophobia must be built around a dual strategy: on the one hand, a political and legal strategy expressing political determination to combat all the forms and manifestations of racism, racial discrimination and xenophobia, accompanied by the legal transcription at national level of anti-racist international instruments and agreements; on the other hand, an ethical, intellectual and cultural strategy to eradicate the deep roots of racist and xenophobic culture and mentality through education and teaching at all levels. He also stresses the importance of warding off the impact of racist and xenophobic political platforms through greater democratic vigilance and efforts to combat the criminalization of immigration and asylum and the reduction of these problems to a security issue. Finally, the Special Rapporteur stresses the importance of linking the fight against racism, racial discrimination and xenophobia with the construction of a democratic, egalitarian and interactive multiculturalism to ensure that the unity versus diversity debate helps eradicate the root causes of racist culture and mentality by linking a recognition of cultural, ethnic and religious specificities with the promotion of interactions between the different communities based on universal values that have evolved over time in all cultures.

B. Coordination with other human rights mechanisms

20. As part of his ongoing regular consultations with the Committee on the Elimination of Racial Discrimination, the Special Rapporteur reported on 7 March 2006 to the Committee on his activities over the past year and communicated his views on the ethnic, religious and political dimensions of the upsurge in racism and xenophobia.

21. The Special Rapporteur believes that the Danish cartoon controversy has revealed two major issues underlying the current upsurge in racism. Firstly, he emphasizes the decisive role of identity constructions in recent manifestations of racism and xenophobia in several regions of the world. It is thus that identity reconstructions in the former Yugoslavia played a decisive role in the ethnic and religious polarization that characterized the wars in the Balkans and was central to several recent conflicts in Africa and Asia. In that connection, he believes that the rise in racism and xenophobia in Europe has its roots in the contradiction between, on the one hand, the dogma of old, national identities based on ethnicity and religion — upheld for emulation by other dominated peoples — and, on the other hand, the multiculturalism which structures societies today. This identity-related tension is politicized by far-right parties, intellectually and ideologically legitimized by influential circles of the intelligentsia and mass media and exploited for electoral purposes by democratic party leaders. It finds expression in a rejection of diversity and ethnic, cultural and religious pluralism and highlights the importance of the issue of racism and xenophobia in European societies. Thus, the Danish Government's management of the cartoon crisis — including the Prime Minister's refusal to meet with the ambassadors of Muslim countries immediately following the publication of the cartoons, long before the crisis gained international proportions, as well as the Government's ideological stance which reduced the crisis to an insurmountable clash between two civilizations with opposing values — can largely be explained by a political context influenced by the xenophobic, racist and Islamophobic political platforms of far-right political parties that are members of the Government coalition. In this context, the Special Rapporteur believes that the reconstruction of a multicultural European identity is the forgotten issue in European construction. With regard to the debate over freedom of expression versus freedom of religion, he believes that it is paradoxically symptomatic both of progress in international law on the protection of fundamental human rights and of its limitations in combating racism, discrimination and xenophobia. It has been possible to evoke freedom of expression and freedom of religion because their protection is guaranteed by international instruments, but the controversy revealed that their compatibility depends above all on the dominant policy and ideology. He thus proposes that the Committee should make an in-depth study of the linkages between the principles of freedom of expression and freedom of religion, and of the imperatives of the fight against racism and xenophobia. He also notes that the legal thinking must be accompanied by an in-depth study of the issue of dialogue between cultures, civilizations and religions. He emphasizes the decisive role to be played by the Committee in the debate on the linkages between freedom of expression and the right to religious freedom. Finally, the Special Rapporteur proposes that the Committee should invite him to attend meetings on the examination of the reports submitted pursuant to the International Convention on the Elimination of All Forms of Racial Discrimination by States parties whose countries he has visited and on

which he has submitted a mission report, with a view to monitoring their follow-up to his recommendations.

22. The Special Rapporteur has tightened his collaboration with the Anti-Discrimination Unit of the Office of the United Nations High Commissioner for Human Rights. To this end, he participated in several activities organized by the Unit, including the Regional Workshop for the Americas on Inclusion Strategies for Afro-descendants in Poverty Reduction Programs, held from 2 to 4 November 2005 in Chincha, Peru, which had the principal objective of elaborating strategies to involve persons of African descent in the elaboration, application, monitoring and evaluation of poverty-reduction programmes. In his presentation, the Special Rapporteur stressed the need in any anti-poverty strategy to take cognizance of two factors specific to the historical and social situation of African descendants in South America. The first (social) factor is racism, the ideological underpinning for slavery and the reason for the presence of African descendants in South America. This racism is deeply embedded in societies in the region, where there is a direct linkage between political, economic and social marginalization on the one hand and, on the other, ethnic groups and communities, especially indigenous communities and African descendants, which have traditionally suffered from discrimination. Efforts to combat poverty in these communities must thus be linked to efforts to combat the racism and discrimination that they have suffered for centuries. The second (historical) factor is the fact that the survival of African descendants is linked to their physical and cultural resistance to slavery-related violence. Faced with material hardship arising from economic exploitation and a dehumanized system of slavery, their cultural resistance has found expression over the long-term in collective values of solidarity, sharing and the primacy of the family and the community as the ultimate focus for putting these values into practice and for survival. The rich ethical heritage of solidarity and sharing, still alive in these communities, must inform any strategy for sustainable poverty eradication, including through efforts to ensure local economic, social and political ownership.

23. Furthermore, the Special Rapporteur participated in a thematic debate on the topic "Globalization and racism", held during the fourth session of the intergovernmental working group on effective implementation of the Durban Declaration and Programme of Action on 16 and 17 January 2006, at which he emphasized the need to link the fight against racism, discrimination and xenophobia to the promotion and construction of a democratic, egalitarian and interactive multiculturalism. He also took part in debates on the theme of "Fighting everyday racism", held in Geneva on 21 March 2006 to mark the International Day for the Elimination of Racial Discrimination, where he drew attention to the fact that racism was becoming more commonplace; to the increasingly racist and xenophobic dimension of immigration and asylum policies; and to the increase in racist violence, as evidenced by several recent racist crimes. Finally, the Special Rapporteur and the Anti-Discrimination Unit collaborated closely to organize a seminar on political platforms which incite racial discrimination, held in Brasilia on 29 July 2006 at the Special Rapporteur's initiative (see para. 33 above).

C. Participation in various meetings and conferences

1. Annual meeting of special procedures mandate holders and the first session of the Human Rights Council

24. The Special Rapporteur participated in the 12th annual meeting of special procedures mandate holders of the Commission on Human Rights, held from 12 to 18 June 2006 in Geneva, to coincide with the first session of the Human Rights Council.

25. The Special Rapporteur associated himself with the statement of special procedures mandate holders concerning the establishment of the Council, and with the principles and considerations guiding the examination of these mandates. In that connection, he underlined the need to preserve and guarantee the autonomy of the mandates and the central role of the participation of human rights bodies. In order to promote follow-up visits and the implementation of the recommendations of the Special Rapporteur's reports, he also suggested that the Council, within the context of the examination of its working methods, should decide to include in its agenda, every two or three years, an item on follow-up visits, based on the reports of Governments and civil society organizations of the countries visited. He believes that the absence of institutional follow-up mechanisms is one of the greatest shortcomings of the special procedures, in that it favours the non-implementation of their recommendations.

26. In conjunction with this meeting, the Special Rapporteur participated in a number of activities, in particular those organized by non-governmental organizations (NGOs) such as Amnesty International, the Centre on Housing Rights and Evictions and the International Service for Human Rights. He also met with representatives of the Governments of Brazil, the Dominican Republic, Italy, Latvia, Nicaragua and the Russian Federation.

27. The Special Rapporteur wishes to draw the General Assembly's attention to two texts, adopted on 30 June 2006 by the Human Rights Council at its first session, with particular importance for his mandate: decision 1/107, entitled "Incitement to racial and religious hatred and the promotion of tolerance", and resolution 1/5, entitled "Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action".

28. By decision 1/107, the Council, taking into account the statements made during its first session expressing deep concern over the increasing trend of defamation of religions, incitement to racial and religious hatred and its recent manifestations, decided to request the Special Rapporteur on freedom of religion or belief and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance as well as the United Nations High Commissioner for Human Rights to report to its next session on this phenomenon, in particular its implications for article 20, paragraph 2, of the International Covenant on Civil and Political Rights. In that regard, the Special Rapporteur wishes to inform the General Assembly that the focal points of his report will be based on the following: the historical and cultural depth of racial and religious hatred, their role in the construction of national identities, their politicization and trivialization, and their intellectual justification. His report will also attempt to highlight the role of the post-September 11 ideological context of the

overemphasis on the fight against terrorism, not only in the resurgence of racial and religious discrimination, but also in the priority placed on a political reading of the existing system of international law and human rights, as illustrated by the debate on the relationship between freedom of expression and freedom of belief in the context of the Danish cartoon crisis.

29. In its resolution 1/5, the Council requested the Office of the United Nations High Commissioner for Human Rights to select, in close consultations with regional groups, five highly qualified experts to study the content and scope of the substantive gaps in the existing international instruments to combat racism, racial discrimination, xenophobia and related intolerance. It also requested that these experts, in consultation with human rights treaty bodies, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and other relevant mandate holders should produce a base document that contains concrete recommendations on the means or avenues to bridge these gaps, including but not limited to the drafting of a new optional protocol to the International Convention on the Elimination of All Forms of Racial Discrimination or the adoption of new instruments such as conventions or declarations. The Special Rapporteur welcomes this initiative and emphasizes his willingness to cooperate with the experts.

2. Resurgence of racism, racial discrimination and xenophobia

30. The Special Rapporteur has delivered a number of addresses on the resurgence of racism, racial discrimination and xenophobia, together with an analysis of their historical and cultural depth. He spoke at the Conference on Racism in Europe, organized by the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the City of Nuremberg, Germany, from 23 to 25 September 2005, and at the Conference of the Fund for Projects against Racism and for Human Rights entitled "Against Racism, for Human Rights: the Commitment of the Confederation: Assessment and Outlook", organized by the Swiss Government in Bern on 15 November 2005. The Special Rapporteur noted the remarkable commitment of the personnel of the Fund in their efforts to combat racism in an unfavourable political context. He also gave a presentation, at the invitation of the German Institute for Human Rights, entitled "United Nations mechanisms to combat racism: lessons learned and challenges ahead", on 22 November 2005 in Berlin.

31. The Special Rapporteur also participated in the Conference on Racism, Xenophobia and the Media: towards respect and understanding of all religions and cultures, organized by the Austrian Ministry of Foreign Affairs, the European Commission and the European Monitoring Centre on Racism and Xenophobia, in the framework of the Austrian Presidency of the European Union, in Vienna from 22 to 23 May 2006. Benita Ferrero-Waldner, European Commissioner for External Relations and the European Neighbourhood Policy, and a number of high-level Arab and European media representatives participated in the conference. Topics under discussion included regulation of the press and editorial policies, in particular the limits to freedom of speech and incitement to racial hatred, the promotion of cultural diversity in the media, in terms of the information they disseminate and their internal operations, and relations between the media, civil society and institutional mechanisms to combat racism and xenophobia. The Special Rapporteur noted that the media should take greater account of the historical and cultural roots of racism and xenophobia, in particular Islamophobia, to further combat their

intellectual justification and promote the linkage between efforts to combat racism and xenophobia in all their forms and the construction of a democratic, egalitarian and interactive multiculturalism.

32. The Special Rapporteur also gave close attention to the discrimination suffered by autochthonous Amerindian populations and persons of African descent. In addition to the seminar mentioned in paragraph 22, he participated in the First European Conference on Anti-Black Racism, held in Geneva on 16 March 2006 under the auspices of the Swiss non-governmental organization Platform for Reflection and Action against Anti-Black Racism. Lilian Thuram, a member of the French football team who is particularly active in International Federation of Association Football (FIFA) efforts to combat racism, also participated. At the invitation of the Government of Brazil, the Special Rapporteur also participated in a workshop on racism at the Second Conference of Intellectuals from Africa and the Diaspora, held in Salvador, Bahia, Brazil, from 12 to 14 July 2006. The Special Secretariat of Policies for the Promotion of Racial Equality of the Government of Brazil also invited the Special Rapporteur to the Regional Conference of the Americas on the progress and challenges of the plan of action against racism, racial discrimination, xenophobia and related intolerance, held in Brasilia from 26 to 28 July 2006, and to its preparatory meeting in Montevideo, Uruguay, held from 26 to 28 June 2006. This conference, which gathered together 400 representatives of regional governments and civil society was the largest international meeting yet held for the implementation of the Durban Declaration and Programme of Action at the regional level. The Special Rapporteur believes that South America is currently the most highly mobilized region in respect of efforts to combat racism, owing to the leadership of Brazil in particular, the commitment of a growing number of political leaders and the active and solitary mobilization of communities that have traditionally suffered from discrimination, in particular indigenous communities and communities of African descent. In his address, the Special Rapporteur welcomed the progress that had been made on a draft inter-American convention against racism and all forms of discrimination and intolerance, and he emphasized the symbolic significance and scope of this major development. Indeed, any major breakthrough in the eradication of racism in South America, historically and geographically the scene of the systematic application of racism — the ideological pillar of the European slave system and colonization — will encourage efforts to combat racism and the implementation of the Durban Programme of Action in other regions of the world.

33. On 29 July 2006, following the Regional Conference of the Americas and in collaboration with the Office of the High Commissioner and the Government of Brazil, the Special Rapporteur organized an expert seminar on the issue of political platforms that incite racial discrimination. The discussions and conclusions of the seminar will be the basis of a report on the subject which will be submitted to the Human Rights Council at its fourth session in 2007, in accordance with Commission on Human Rights resolution 2005/36 of 19 April 2005.

34. Among other symposiums on the general upsurge in racism and xenophobia, the Special Rapporteur highlights the “End racism” debate, organized on 19 April 2006 in Geneva by the Swiss Youth Resources Centre on Human Rights, and the “Four continents symposium” organized by the African Centre for Sociocultural Development on 26 May 2006 at Neuchâtel, on the issue of integration in

Switzerland. The Special Rapporteur gave a talk at this symposium on current issues with regard to the integration of foreigners.

3. Efforts to combat the defamation of religions and to promote interreligious dialogue

35. The Special Rapporteur took part in a number of discussions and seminars on combating the defamation of religions, in particular Islamophobia, and promoting interreligious dialogue. He drew attention to the Atman Encounter “Dialogue among cultures and religions” organized in Madrid by the Atman Foundation on 27 and 28 October 2005, and the expert seminar on “Combating the defamation of religions” organized by the Office of the United Nations High Commissioner for Human Rights and Fundación Tres Culturas on 18 and 19 November 2005 in Seville. The conclusions of the expert seminar, which began a process of reflection on the underlying causes, manifestations, expressions and lasting solutions to the issue of Islamophobia, the basis of the report on the situation of Muslims and Arab peoples in various parts of the world (E/CN.4/2006/17) in the aftermath of the events of 11 September 2001. This report also includes a section on the Danish cartoons, the content of which is summarized earlier in this report.

36. Within the context of the defamation of religions and, in particular, the rise of Islamophobia, the Special Rapporteur participated in the work of the conference “Challenging Stereotypes in Europe and the Islamic World: Working Together for Constructive Policies and Partnerships” organized by Wilton Park in association with the Organization of the Islamic Conference on 2 to 3 May 2006. This conference gathered officials of a number of Governments of European States and the Islamic Conference, representatives of the Muslim communities in Europe and the United States of America, intellectuals and NGOs, and covered the promotion of cooperation and dialogue in the establishment of joint programmes to combat stereotyping and prejudice victimizing Muslim communities throughout the Western world.

4. Racism in sport

37. The issue of the resurgence of racist incidents in sporting events, to which the Special Rapporteur has granted particular attention in preceding reports to the General Assembly and the Commission on Human Rights, remains more than ever a contemporary issue, in particular in the world of football.

38. During a meeting organized by the International Federation of Association Football (FIFA) on 28 March 2006 in Zurich, Switzerland, which included the participation of the Government of Germany, the European Monitoring Centre on Racism and Xenophobia (EUMC), the International Federation of Professional Football Players (FIFPro), Football against Racism in Europe (FARE), the Germany 2006 Organizing Committee and the Special Rapporteur, FIFA announced the 2006 World Cup activities that had been planned in order to combat racism and discrimination in football. Among these activities, the Special Rapporteur noted the dissemination of clear messages against racism at each match; the fifth international symposium on the elimination of racial discrimination to be held on 30 June and 1 July 2006 during the quarter-finals of the competition, to which the Special Rapporteur and other public figures committed to combating racism were invited; the implementation of a monitoring system for any manifestation of racism or

discrimination; the implementation of the “Football unit” project, through which people of diverse backgrounds and religions carried out activities against racism throughout the competition; the organization of activities by associations of football fans worldwide aimed at preventing violence, the promotion of social integration of migrants and ethnic minorities and the dissemination of information on activities by the far right and ways to confront them; and providing anti-racism training to the personnel working the matches. The Special Rapporteur also wishes to congratulate FIFA for the awareness-raising work carried out by its multi-ethnic “team” of ambassadors against racism, which includes the greatest former and current players and trainers. He also pays tribute to FIFA for its adoption of an amendment to its disciplinary code which provides for stricter sanctions against those involved in racist incidents, ranging from match suspension to point deductions or the disqualification of the team.

39. The Special Rapporteur also congratulated the European Parliament for its 30 November 2005 written declaration on tackling racism in football, which strongly condemns all forms of racism at football matches and calls on all other competition organizers in Europe to consider the option of imposing sanctions on national football associations and clubs whose supporters or players commit serious racist offences. The Special Rapporteur said he was convinced that these concerted actions, based on the principles of responsibility and sanctions for all stakeholders in football — managers, supporters and players alike — could reverse the spiral of racist incidents and demonstrations during competitions. Such actions would also help eliminate racism — of which these incidents are a direct reflection — in the societies in question.

40. The Special Rapporteur believes there is a need for close monitoring and clear determination in the implementation of these measures, together with long-term efforts to ensure that the founding values of sports competition, including mutual respect and dialogue, prevail over the rising values of nationalism and over-commercialization. Thus sport will be a determining factor in the promotion of pluralism and intercultural dialogue by its symbolic visibility and its capacity for mobilization.

D. Field missions

41. The Special Rapporteur wishes to briefly inform the General Assembly about his visits to Japan, Brazil, Switzerland and the Russian Federation in 2005 and 2006. He would also like to inform the General Assembly that he will visit Italy in October 2006.

42. The Special Rapporteur would also like to inform the General Assembly that he has requested invitations from the Governments of the Dominican Republic, Estonia, Latvia, Lithuania and Mauritius to visit them in 2007. He welcomes the positive responses received to date from Estonia, Latvia and Lithuania, as well as the positive oral response from Mauritius, and looks forward to receiving an invitation from the Dominican Republic soon. The Special Rapporteur, recalling that the Governments of India, Nepal and Pakistan did not respond to his requests for invitations sent in 2004 and again in 2006, wishes to reiterate his interest in visiting these countries. He hopes that, in the spirit of the Human Rights Council, in

particular of universal periodic review, these Governments will soon reply to him in the affirmative.

1. Mission to Japan

43. The Special Rapporteur visited Japan from 3 to 11 July 2005, during which time he visited Osaka, Kyoto, Tokyo, the island of Hokkaido (Sapporo, Niburani and Hakuro) and Chubu in Aichi prefecture. He met the representatives of a number of ministries, local government representatives from Osaka, Kyoto, Tokyo and Sapporo, and representatives of civil society and the communities concerned.

44. In his mission report to the Commission (E/CN.4/2006/16/Add.2), he concluded that there is racial discrimination and xenophobia — the manifestations of which are mainly of a social and economic nature, but also of a political, cultural and historical nature — that affect three circles of discriminated groups: the national minorities (the Buraku people, the Ainu and the people of Okinawa), people and descendents of former Japanese colonies (Koreans and Chinese) and foreigners and migrant workers.

45. The Special Rapporteur welcomes the adoption of a number of laws which promote certain rights of certain minorities, but notes with concern that there is no national legislation that outlaws racism, racial discrimination and xenophobia. In this connection, he recommends the recognition of the existence of racial discrimination in Japan, and the expression of the political will to combat it, the adoption of a national law against discrimination, and the establishment of a national commission for equality and human rights, attached to the Office of the Prime Minister, whose mandate would be to address the principal forms of racism and discrimination. The commission, in consultation with the minorities concerned, should as a first priority draft a national plan of action, based on the Durban Declaration and Programme of Action, to combat racism, racial discrimination and xenophobia. In view of the central role of history in the construction of identities, which are deep-rooted sources of discrimination, and the depth of the traditional conflict with neighbouring countries, the Special Rapporteur also suggested that a general history of the region should be drafted, in collaboration with the countries of the region and under the guidance of UNESCO, similar to the general histories that have been written about Africa, Latin America, the Caribbean and Central Asia.

46. The Special Rapporteur would like to refer to his last visit to Japan from 10-19 May 2006, as a member of the Niwano Peace Prize Executive Committee. The Niwano Peace Prize is awarded each year to a person or an organization that has played an important role in the promotion of peace and interreligious cooperation. On the basis of on the ongoing nature of his mandate, which is not limited to official visits, he accepted the invitation of civil society organizations, in particular of the International Movement against All Forms of Discrimination and Racism, with a view to rounding out his visit, meeting important figures in Japanese society whom he had not been able to see in July 2005, and visiting regions that are important for his mandate, which he could not do during his short official visit. Accordingly, in Tokyo he met members of parliament from the main political parties who informed him of measures to combat racism and discrimination on their respective political agendas. He also met with representatives of civil society in Tokyo, Osaka and Okinawa. In Okinawa, he had not been able to visit in July 2005 despite the insistent invitations from civil society organizations. He noted two forms

of discrimination felt deeply and underlined by the representatives of civil society: security and environmental discrimination viewed as penalizing the population as a whole and arising from the excessive concentration of American military bases when compared to other regions of Japan, and cultural and historical discrimination in relation to the identity of the people of Okinawa. The Special Rapporteur, who intended to pay, a courtesy call at the outset to the Ministry of Foreign Affairs in order to inform it of the objectives and schedule of his visit, took note of the expression by the Government, at the end of his stay, of its displeasure with respect to his visit to Okinawa and its disagreement concerning its organization and sponsoring by civil society. The Special Rapporteur conveyed to the Japanese Government his different views on these two points. He believes that the effectiveness and objectivity of his mandate are linked to respect for two essential principles: on the one hand, his ability to continuously follow-up on the situation regarding racism, racial discrimination and xenophobia in countries both for his general report on the global situation and for specific reports on countries visited, and on the other hand, direct, balanced and independent relations with Governments and civil society organizations. Respect for these principles enables the Special Rapporteur to accept invitations and cooperation on the part of Governments, intergovernmental organizations, and national or international non-governmental organizations, both for field visits and for participating in diverse meetings concerning his mandate.

47. In this regard, bearing in mind the particularly sensitive nature of his mandate in the current international context, the Special Rapporteur, who dedicates a great portion of his time to the exercise of his mandate and is aware of the limited resources of the Office of the High Commissioner for Human Rights, would like to thank the Governments and civil society institutions that have sent him invitations and have assumed the cost (transportation and lodging) of a number of activities. He hopes that the respect for and implications of these principles will be taken into account in the review of the issue of special procedures by the Human Rights Council.

2. Mission to Brazil

48. From 17 to 26 October 2005 the Special Rapporteur visited Brazil with the objective of assessing the progress achieved in the implementation of the recommendations of his predecessor, who had visited the country in 1995, as well as the current situation of racism, racial discrimination and xenophobia. He visited Brasilia, Salvador de Bahia, Recife, Pesquiera, Rio de Janeiro and Sao Paolo. He met President Luiz Inácio Lula da Silva, who wished to inform him directly of his efforts to combat racism and of his vision of a multiracial, egalitarian and democratic Brazil, representatives of the Government at the national and local levels (in particular Ms. Matilde Ribeiro, Minister of the Special Secretariat for the Promotion of Racial Equality), members of the legislative and judicial branches (in particular two Afro-Brazilian women members of the Supreme Court), as well as a number of representatives of civil society and indigenous communities of African, Japanese and South American origin.

49. The report of the Special Rapporteur (E/CN.4/2006/16/Add.3) focuses on two principal conclusions: the historical and cultural depth of racism and racial discrimination in Brazilian society and the recognition of the political will of the Government to combat it. Brazilian society is profoundly structured at the political,

economic, social and cultural levels, by the strength of the ideological pillar of the transatlantic slave system that lasted several centuries. Its most striking manifestation is the juxtaposition of the social, economic and political marginalization map with the map of ethnic communities in the country. The poorest communities, invisible in the structures of political and economic power, are those that have been historically discriminated against, in other words, indigenous communities and the descendants of Africans. The leading class in Brazil has long masked the reality of racism and discrimination through different ideological mechanisms and through the exploitation of culture. The most effective ideological mechanism is the concept of “racial democracy”, which, by hiding the determining nature of the racial and ethnic factor and the premise of the social interpretation of the inequalities of society, has served as the basis for the construction, through education, information and communication, of the identity and the image of a multicultural, egalitarian and democratic society. The exploitation of the heritage of multiculturalism reinforces this identity construction through the promotion of the aesthetic dimension of cultural identity, disassociated from the political heritage of the indigenous and Afro-Brazilian communities discriminated against. The ideological concealment of racism has thus produced a schizophrenic society where the political, economic and social invisibility of these communities is masked by their cultural, artistic and athletic visibility. The Special Rapporteur noted with satisfaction the political will of President Lula to question the ideological consensus of the country’s elite and to combat racism in all its dimensions and manifestations. The measures adopted in this regard are particularly significant, especially the establishment under the Office of the President of the Special Secretariat for the Promotion of Racial Equality, the development of an affirmative action programme in higher education and the reinforcement of the repression of manifestations of racism and discrimination. The credibility of these efforts to combat racism is reinforced by a regional and international dimension that the Special Rapporteur wishes to underline, namely the regional promotion of efforts to combat racism reflected in decisive action by Brazil’s drafting of the Inter-American Convention against Racism and all Forms of Discrimination and Intolerance, and the recent organization of a conference to assess the implementation of the Durban Declaration and Programme of Action (see para. 32 above). However, the Special Rapporteur noted the profound political, social and intellectual resistance to these efforts, recently illustrated by the publication of a statement against affirmative action by a number of prominent intellectuals and artists.

50. In his recommendations, the Special Rapporteur essentially encourages the Brazilian Government to pursue and expand its programme to combat racism, bearing in mind its historical and cultural depth. In order to do this, he invites the Government to draft a national programme to combat racism on the basis of the most complete evaluation possible of the political, economic and social consequences of racism, with the active participation of the indigenous and Afro-Brazilian communities discriminated against. He also invites the Government to generalize affirmative action policies, ensure the representation of the indigenous Amerindian population and the population of African descent in political institutions, and carry out, parallel to a political and legal strategy, an intellectual, ethical and cultural strategy to eradicate the deep roots of the racist and discriminatory culture. The Special Rapporteur formulated detailed recommendations on the basis of his conviction that decisive advances in combating

racism in Brazil will promote efforts to combat racism on a continent which is profoundly structured by the historical legacy of racism.

3. Mission to Switzerland

51. The Special Rapporteur visited Switzerland from 9-13 January 2006, which is the subject of an exhaustive report of the Human Rights Council, with the principal objective of assessing the situation of racism, racial discrimination and xenophobia, as well as policies and measures adopted by the Government to combat these phenomena. The visit of the Special Rapporteur took place in excellent conditions owing to the openness and full cooperation of the Swiss authorities, in particular the Service for Combating Racism of the Federal Department of the Interior, as well as civil society organizations and the communities concerned.

52. In the course of his mandate, the Special Rapporteur visited three of the country's language regions. In the townships of Bellinzona, Berne, Basel and Neuchâtel he met federal and cantonal authorities, members and representatives of foreign communities and national ethnic, cultural and religious minorities, as well as representatives of non-governmental organizations and other civil society groups. In Basel, he also visited a detention centre and asylum-seekers' border registration centre, and met asylum-seekers whose applications had been rejected in Solothurn.

53. In the observations that he presented to the Committee in his preliminary note (E/CN.4/2006/16/Add.4), the Special Rapporteur emphasized the growing role in political platforms and in the media, of rhetoric based on the "defence of national identity" and "the threat of foreign presence". This rhetoric reflects the existence in Swiss society of a current of political opinion which is favourable to a defence of identity against immigration and hence prone to xenophobic tendencies. In this regard, Switzerland illustrates one of the profound causes of the increase of racism and xenophobia in Europe: the important role of the political exploitation of racism in electoral debate.

54. While welcoming the creation of services and mechanisms to confront these phenomena, the Special Rapporteur, however, noted the weakness in the current political and legal strategy to combat racism and xenophobia, in particular in two marked tendencies: the tendency to approach immigration and asylum issues purely from a security point of view and to criminalize foreigners, immigrants and asylum-seekers, and the considerable number of acts of police violence with racist and xenophobic overtones against these groups, as well as the judicial and administrative impunity enjoyed, according to the victims, by the perpetrators.

55. The Special Rapporteur also noted the central role played by the process of the multiculturalization of Swiss society in the increase of manifestations of racism and xenophobia. In this process, the challenge to national identity arising from the cultural, ethnic and religious diversity of society is the source of identity-related tensions, and the political, legal and cultural awareness, recognition and treatment of these tensions are the factors which will determine the construction of multicultural togetherness.

4. Mission to the Russian Federation

56. The Special Rapporteur visited the Russian Federation from 11-17 June 2006, with the principal objective of analysing the situation of racism, racial

discrimination and xenophobia in the country, in particular in light of the multiple incidents of racial and xenophobic violence reported by human rights organizations and by the national and international press. Another objective of this visit was to monitor and analyse one of the deep-rooted causes of the renewed upsurge in racism and xenophobia in many countries: the change from the multiculturalism of Soviet society, marked by the ideological multiculturalism of the “friendship of peoples”, and current society. This mission will be the subject of an exhaustive report to be submitted to the fourth session of the Human Rights Council.

57. The visit took place in excellent material and logistical conditions owing to the openness and cooperation of the Russian authorities, non-governmental organizations and the communities concerned. The Special Rapporteur visited Moscow and Saint Petersburg, where he met representatives of the executive, legislative and judicial branches, representatives of the Orthodox Church, leaders of civil society organizations, and direct victims of racism, racial discrimination and xenophobia. He also visited a Roma community near Saint Petersburg.

58. At the end of the visit, the Special Rapporteur shared his preliminary conclusions at a press conference. First, he pointed out that there was no official racist policy in the Russian Federation. He underlined, however, the existence of a marked tendency of racism and xenophobia in Russian society, which centres around the following factors: the upsurge in racist incidents, in which the degree of violence leads to murder in some cases; the extension of this violence to members of human rights organizations; the inaction of certain police services and legal agencies and, as a result, the existence of a certain measure of impunity enjoyed by the perpetrators of these acts; the activism of neo-Nazi groups; and the existence of racist, xenophobic and anti-Semitic political platforms. The Special Rapporteur noted, among the deep-rooted causes of this rise in racist and xenophobic ideology and violence, the ideological context of a political nationalism that is the subject of an ethnic interpretation by extreme right groups and trends.

59. Among his preliminary recommendations, he highlighted the importance of official recognition of the increase of racism and xenophobia and of the expression of a strong political will on the part of the Government to combat it; the implementation of a national programme of action against racism and xenophobia, with the democratic participation of all national communities and human rights organizations; the strengthening of the legal and judiciary systems for punishing the perpetrators of the manifestations and acts of racist violence; and the link between efforts to combat racism and xenophobia and the building of an interactive egalitarian and democratic multiculturalism. In that regard, a cultural and intellectual strategy is needed in order to eradicate the profound roots of racism.

60. The Special Rapporteur will submit a detailed report on his visit to the Human Rights Council, including precise recommendations on the basis of information gathered and additional information that he requested from governmental institutions, civil society and the communities concerned.

III. Conclusions and recommendations

61. The General Assembly is invited to draw the attention of Member States to the alarming signs of a retreat in the struggle against racism, racial discrimination and xenophobia as a result of two serious developments: the

growing acceptance of racism and xenophobia through the impact of racist and xenophobic platforms in the political programmes of democratic parties and the rise in racist political violence.

62. The General Assembly is also invited to remind Member States of the central importance of political will in efforts to combat racism and xenophobia.

63. The General Assembly is also invited to promote the link between the struggle against racism and xenophobia and the recognition and promotion of multiculturalism.

64. The General Assembly is invited to draw the attention of Member States to the serious nature of the defamation of religions, anti-Semitism and Christianophobia, and more particularly, Islamophobia, and to promote the struggle against them by strengthening the role of the United Nations in interreligious and intercultural dialogue and by the active and joint participation of the representatives of religions and spiritual traditions in programmes and activities for peace, development and human rights.

65. The General Assembly is invited to encourage international sporting bodies, in particular FIFA, to implement and expand their programmes to combat racism in sports and to encourage Governments to actively support those programmes.

66. The General Assembly is invited to underline the compatibility and complementarity of freedom of expression and freedom of religion in the struggle against all forms of racism and discrimination, in the spirit of the International Covenant on Civil and Political Rights, and to invite all relevant Convention bodies and international mechanisms to consider the additional provisions needed to strengthen this complementarity.
