



Human Rights Council**Twenty-third session**

Agenda item 9

Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up to and implementation of the Durban Declaration and Programme of Action**Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on the implementation of General Assembly resolution 67/154***Summary*

The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mutuma Ruteere, submits the present report pursuant to General Assembly resolution 67/154, in which the Assembly requested the Special Rapporteur to prepare for the Human Rights Council a report on the implementation of that resolution based on the views collected in accordance with the request made by the Commission on Human Rights, as recalled in paragraph 32 of resolution 67/154.

In the light of the information received, the present report addresses the latest developments identified by the Special Rapporteur with regard to the human rights and democratic challenges that extremist political parties, movements and groups, including neo-Nazis and skinhead groups, and similar extremist ideological movements continue to pose.

In this respect, the Special Rapporteur examines the main areas of concern where further efforts and consistent vigilance are required, including with regard to the protection of vulnerable groups of individuals against racist and xenophobic crimes and the protection and consolidation of democracy and human rights in general, and also identifies good practices developed by States and different stakeholders.

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 67/154, in which the Assembly requested the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to prepare for the Human Rights Council a report on the implementation of that resolution based on the views collected in accordance with an initial request of the Commission on Human Rights.

2. In paragraph 31 of resolution 67/154, the General Assembly recalled the request of the Commission on Human Rights, in its resolution 2005/5, that the Special Rapporteur continue to reflect on the issue of the inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and racial intolerance, and in paragraph 32 requested the Special Rapporteur to prepare a report based on the views collected in accordance to that request.

3. In the light of the information received, in the present report, the Special Rapporteur addresses the latest information received with regard to the human rights and democratic challenges that extremist political parties, movements and groups, including neo-Nazis and skinhead groups, as well as similar extremist ideological movements, continue to pose. In this respect, he also identifies good practices developed by States and different stakeholders since the previous report submitted by the Special Rapporteur to the Human Rights Council (A/HRC/20/38) and to the General Assembly (A/67/328) on the implementation of Assembly resolutions 63/162, 64/147 and 65/199. He also examines the main areas of concern where more efforts and consistent vigilance are required, including with regard to the protection of vulnerable groups of individuals against racist and xenophobic crimes and the protection and consolidation of democracy and human rights in general.

4. The present report is based on information received up to 1 March 2013. In accordance with General Assembly resolution 67/154, paragraph 32, the Special Rapporteur will submit a more detailed report, including a summary of the contributions sent by States and other stakeholders on the implementation of the above-mentioned resolution, to the Assembly at its sixty-eighth session.

5. The Special Rapporteur concludes the report with his conclusions and recommendations.

II. Information received relating to the existence of extremist political parties, movements and groups, including neo-Nazis and skinhead groups, and similar extremist ideological movements

6. In the section below, the Special Rapporteur focuses on the information received relating to the existence of extremist political parties, movements and groups, including neo-Nazis and skinhead groups, and similar extremist ideological movements. These challenges concern (a) the protection and consolidation of democracy and human rights; and (b) the protection of vulnerable groups of individuals against racist and xenophobic crimes.

A. Protecting and consolidating democracy and human rights

7. The Special Rapporteur is concerned that, as noted in his previous report to the Human Rights Council on this issue,¹ the ongoing economic and financial crisis and its consequences on unemployment and poverty has further contributed to the rise of extremist political parties, movements and groups, and exacerbated identity-related issues. As societies have become increasingly diverse in terms of cultural and ethnic origin and religious affiliation, such diversity has led in some instances to identity-related tensions that have been exploited in the context of the economic and financial crisis by certain extremist political parties to incite discrimination and hatred against specific groups. The Special Rapporteur learned that, in some countries, the economic and financial crisis has revived old, negative stereotypes and racial prejudice against members of minority populations. In some regions, those hardest hit by the current crisis have expressed their frustration by voting in favour of extremist political parties, including those with racist and xenophobic programmes, in a climate of fear and discontent as pauperization, unemployment and budget cuts in social benefits have continued. Furthermore, with the development of new technologies, the Internet has been used as an instrument for the dissemination of ideas. Indeed, the Special Rapporteur is concerned that some extremist groups may have moved their activities to the Internet and social media networks to spread their ideas and propaganda with relative impunity.

8. The Special Rapporteur is concerned about the stigmatization and targeting of vulnerable groups in the context of the economic downturn. Reports received indicate the growing tendency of political leaders to promote their agenda in ethnic terms, while stigmatizing certain groups and blaming them for any problems endured. In this regard, it appears that extremist political parties have effectively succeeded in putting the burden of the negative consequences of the crisis on minorities, foreigners, migrants, including irregular migrants, refugees and asylum seekers. These groups have been labelled a threat to the standard of living of the general population, and blamed for being responsible for the rise in unemployment and State debt. Reports received indicate that citizens from the Muslim and Jewish faiths, as well as from the Roma communities, have been singled out and stigmatized in particular, especially during electoral campaigns carried out in some countries, including at the highest level.

9. The Special Rapporteur is concerned that some mainstream political parties that have been in power for long periods have engaged in a rhetoric similar to that of extremist political parties, and have also treated vulnerable groups as scapegoats. The Special Rapporteur recalls that finding scapegoats and using stereotypes create a climate of general hostility in which intolerant and negative rhetoric increasingly becomes the norm. It is of outmost importance that traditional political parties and politicians, including high-level political leaders, clearly and unequivocally condemn such discourse and rhetoric. The Special Rapporteur is pleased to note that, in some instances, colleagues from the same party or coalition have been quick to condemn the use of populist rhetoric language targeting and scapegoating migrants and minorities to secure re-election. The absence of condemnation could send the wrong signal, namely, that ideas promoted by extremist political parties are acceptable, while they actually represent a danger to democracy and to social cohesion. The Special Rapporteur urges all politicians and political parties to break out of the spiral of intolerant, racist and xenophobic discourse that seeks to inflame tensions rather than build mutual understanding and respect. He also emphasizes that it is in addition important that such a stance be taken by traditional political parties against expressions of intolerance, racism and xenophobia when these originate from their own ranks.

¹ A/HRC/20/38.

B. Protecting vulnerable groups against racist and xenophobic crimes

10. The Special Rapporteur was informed about the continuing persistence of incidents of racist and xenophobic violence perpetrated by extremist movements and groups, including neo-Nazis, skinheads and other right-wing movements in some countries, in particular in Eastern and Southern Europe. In this regard, he is concerned about reported cases of violence and harassment perpetrated by neo-Nazis and skinheads against individuals of African descent. He is also concerned by information indicating that Roma continue to be at a high risk of racist and xenophobic violence by individuals or groups with close ties with extremist political parties, movements and groups. Furthermore, reports indicating that, in some countries, Muslims and Jews have been targeted by individuals or groups linked to extremist political parties, movements or groups and have been victims of physical attacks, perpetrated by individuals belonging to extreme right-wing movements, are of particular concern to the Special Rapporteur. In a similar pattern, reports indicate the painting of swastikas on monuments dedicated to the victims of the Holocaust or in religious cemeteries, as well as anti-Semitic acts, by neo-Nazi groups registered as legal entities under different names.

11. The Special Rapporteur also received reports about incidents against migrants and foreigners committed by individuals closely linked to far-right nationalist parties, including attacks on houses where immigrants live, arson attacks on houses and places of worship, cases of the beating and stabbing of foreign students, migrants and asylum seekers in the street, and racist demonstrations in areas frequented by foreign students, migrants and asylum seekers that led to them being injured. In some cases, vigilante groups comprising members of extremist political parties, together with local residents, had patrolled certain areas and intimidated and threatened migrants, foreign students and asylum seekers, forcing them to relocate and thus creating “foreign-free” zones. The Special Rapporteur was also informed about racist demonstrations organized by extreme right groups propagating xenophobic ideas and degenerating in riots, leaving foreigners and migrants who happened to be there injured. The States concerned should take the measures necessary to ensure that perpetrators of racially motivated acts are held responsible and brought to justice. States should also pay due attention to the victims of such crimes by providing them with effective means to make complaints and access to effective remedies.

12. The Special Rapporteur was also informed about attempts by extreme-right groups to falsify history. Such attempts of revisionism contribute to the rehabilitation and dissemination of Nazism and other extreme ideologies, and create fertile ground for nationalist and neo-Nazi manifestations. The Special Rapporteur is concerned about alleged attempts to reward veterans of the Second World War who had enrolled voluntarily with the Nazi and Axis forces when their country was forcibly occupied by those armies. Serious action should be taken by States to prevent revisionism of the Second World War, the denial of the Holocaust and the Nazi genocide and the glorification of Nazi criminals, which lead to the growth of neo-Nazi, xenophobic and anti-Semitic sentiments and serve to foment inter-ethnic conflicts.

13. The Special Rapporteur was also informed of cases of extremism in police forces. In certain countries, some members of the police force openly propagate extreme-right, nationalist and xenophobic ideas and discourse in their official capacity as guardians of the public order and as civil servants of the State. He is also concerned at allegations that such police officers are reluctant to intervene and receive complaints from victims of racist and xenophobic crimes. This situation further reinforces the impunity of extremist and vigilante groups. Furthermore, it also strengthens the legitimate fear of the victims, who are even more reluctant to report racist or xenophobic acts, especially if they are in an undocumented situation.

14. The Special Rapporteur is also concerned about the impact of racist and xenophobic ideas and values on some of the most vulnerable groups who have been most affected by the financial and economic crisis. Youth and impoverished citizens who are experiencing unemployment and cuts in social services often do not see any opportunity for improvement or future in regions and countries hardest hit by the crisis. Extremist ideologies grow easily in such a fertile climate of discontent. The Special Rapporteur recalls the importance of education to counter the dissemination of ideas based on racial superiority or hatred and to promote the values of equality, non-discrimination, diversity, democracy and respect for all. The State has an inherent role and responsibility in this area, but the position of the parents and family in fostering a culture of tolerance and respect is also fundamental.

15. The Special Rapporteur is also concerned about the targeting of persons on the basis of their sexual orientation. In this regard, he was informed about attacks by individuals linked to extreme-right and neo-Nazi groups who had beaten homosexual men and lesbian women during or after public manifestations advocating for the recognition of LGBT rights. Similarly, he was informed about laws and regulations that would prohibit such public events, which aim to promote tolerance and the recognition of sexual orientation. In the view of the Special Rapporteur, the identity of an individual is made up of multiple components, including gender, age, nationality, profession, sexual orientation, political opinion, religious affiliation and social origin; therefore, tolerance, mutual understanding and respect for all, without prejudice, stereotyping or discrimination, should be the basis of human relations of any kind. He urges States to take appropriate measures to address the multiple and often interlinked forms of discrimination faced by individuals on the basis of their race, colour, descent, national or ethnic origin or sexual orientation.

16. The Special Rapporteur is concerned that the underreporting of racist crimes by victims continues to be a problem, including in the case of irregular migrants and asylum seekers. Lack of reporting distorts statistics and data, and may as a result create the impression that racist crimes by extremist political parties, movements and groups do not exist or are less prevalent than they actually are. Furthermore, lack of reporting and of reliable data remains an important obstacle to address effectively racist, xenophobic and intolerant crimes by individuals closely linked to extremist political parties, movements and groups. The Special Rapporteur reiterates again the importance of collecting accurate statistics and disaggregated data on racist, xenophobic and homophobic crimes. He also encourages States and civil society actors to establish detailed systems for recording, reporting and monitoring all these incidents and to encourage victims to report them.

17. The Special Rapporteur is also concerned about information received indicating that victims do not report incidents for several reasons, including fear of law enforcement authorities, particularly if their residence status is precarious, a lack of trust in the criminal justice system and in public institutions in general, fear of reprisals, and sometimes language barriers and ignorance of their rights. It is important that victims be made aware of their rights and have access to justice, including reparation. Further measures to better engage with the victims, reduce fears, create a sense of trust between the police, the prosecution and victims, and encourage reporting of such crimes should be taken. Law enforcement officers and members of the judiciary should also be provided with specific training to help them deal with racist and xenophobic crimes in an effective, appropriate and human rights-based manner.

III. Good practices in countering extremist political parties, movements and groups

18. The examples of good practices developed to counter extremist political parties, movements and groups given below, while not exhaustive, provide an overview of some of

the legislative, policy and institutional measures taken by States in different sectors that could be replicated in and adapted to local context. Such governmental measures have also been complemented by encouraging initiatives developed by civil society organizations.

19. The Special Rapporteur notes that a growing number of States include in their Constitution and laws prohibitions against racial discrimination and xenophobia. Furthermore, a growing number of States have incorporated the International Convention on the Elimination of All Forms of Racial Discrimination into their domestic law, and have recognized the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals claiming to be victims of a violation by the State of any of the rights set forth in the Convention.

20. Furthermore, a growing number of States have enacted either specific laws with, or included in their general Criminal Code, provisions on aggravating circumstance for offences committed on the grounds of persecution or hatred based on race, religion or nationality, or for the purpose of completely or partially annihilating a national, ethnic, racial or religious group or individual. The Special Rapporteur welcomes such legislative developments at the domestic level.

21. Similarly, a number of States have included provisions in their migration and refugee laws that reaffirm the principle of non-discrimination and mandate the specific institutions in charge of issues relating to migrants and refugees to take all measures necessary to prevent discrimination against these vulnerable groups.

22. In some cases, such legislative developments have also been accompanied by the establishment of specific institutions, such as a national human rights institution or ombudsperson, in accordance with the Paris Principles, to receive and consider communications referred to in the International Convention on the Elimination of All Forms of Racial Discrimination. Such institutions are sometimes also empowered to receive complaints and investigate cases of racism, racial discrimination, xenophobia and related intolerance. The Special Rapporteur welcomes these developments and recommends that such specialized institutions also monitor and raise awareness about the challenges posed by extremist political parties, movements and groups, and provide advice on measures to counter them. States should ensure that such institutions have a robust mandate and adequate resources to discharge it.

23. The Special Rapporteur was also informed about and welcomes the establishment of specific units or offices mandated to combat discrimination and xenophobia and responsible for issues relating to discrimination, racism and xenophobia, which provide liaison with the police, the judiciary and governmental and non-governmental organizations. These specific units sometime register criminal offences with a racist or xenophobic motive and also regularly monitor websites, web chat rooms and other forums associated or linked with violent extreme right-wing groups.

24. The Special Rapporteur also welcomes measures taken by States with regard to the training of their officials, in particular law enforcement agents. He was informed of programmes that include human rights training sessions developed for the police, the judiciary and the Public Prosecutor's Office. The Special Rapporteur also noted with interest that some countries had developed specific statistics collection systems that disaggregate data on hate crimes, including hate crimes committed against individuals on the grounds of race, colour, ethnicity, origin or minority status, citizenship, language, religion, disability, sexual orientation, gender or transgender. The Special Rapporteur also noted that, in the absence of official data in some States, non-governmental organizations play a key role by collecting statistical data on hate crimes. He welcomes these initiatives, which allow the prevalence of such crimes and the impact of legislation on racist and xenophobic crimes to be assessed.

25. In addition, the Special Rapporteur was informed of the adoption of national plans of action and policies to combat racism, racial discrimination and xenophobia and to promote the social integration of individuals belonging to minorities. He welcomes these initiatives and appreciates the number of programmes specifically launched by some States to combat extremism, racism and xenophobia, specifically in the educational sphere and among youth and marginalized communities.

26. The Special Rapporteur also welcomes the numerous awareness-raising activities that have been conducted by States to foster tolerance and respect for cultural diversity, to combat racism, racial discrimination, xenophobia and related intolerance and to strengthen intercultural dialogue. These measures include the organization of cultural events, art festivals of national minorities, exhibitions, concerts, forums and seminars, and the publication of books and brochures promoting cultural diversity. The Special Rapporteur encourages such initiatives, which offer space for further intercultural dialogue and interaction. Other initiatives, such as information broadcasts on television and the Internet aimed at promoting acceptance and tolerance among different ethnic groups, are also appreciated. The Special Rapporteur welcomes the fact that the mainstream media in some countries have started to recognize the cultural value of diversity and to promote the idea of improving the living and working conditions of members of minorities.

27. The Special Rapporteur was also informed about numerous educational activities taken by States in response to the rise of extremist political parties, movements and groups, including neo-Nazis and skinhead groups, as well as similar extremist ideological movements. He stresses the need for human rights education to address the root causes of racism.

28. On a similar note, the Special Rapporteur welcomes initiatives developed by civil society organizations, such as educational activities aimed at unmasking extremist ideologies in secondary schools and monitoring racially motivated crimes in football stadiums.

29. Lastly, the Special Rapporteur stresses that cooperation with relevant international and regional human rights mechanisms and with civil society is also important. He appreciates the engagement of States with regional and international human rights mechanisms, including the Committee on the Elimination of Racial Discrimination, the special procedures of the Human Rights Council and the Office of the United Nations High Commissioner for Human Rights. The Special Rapporteur encourages States to continue to play an active role in countering extremist political parties, movements and groups through further cooperation with relevant regional and international human rights mechanisms.

IV. Conclusions and recommendations

30. **The Special Rapporteur reiterates his appreciation for the efforts made by States to counter extremist political parties, movements and groups, including neo-Nazis and skinhead groups, and similar extremist ideological movements. While good practices have been identified, important challenges remain that require greater efforts and increased vigilance from States. The continued growth of extremist political parties, movements and groups, including neo-Nazi and skinhead groups and similar extremist ideological movements, continues to pose major human rights and democratic challenges. The Special Rapporteur reiterates his concern about the impact the current economic and financial crisis has had in different parts of the world by further aggravating this trend. He acknowledges that a number of efforts have been made by States and civil society in order to address the problem, but more need to be made to effectively counter such a phenomenon, which threatens**

democracy. Greater vigilance from States and all relevant actors is therefore required. In this regard, the Special Rapporteur is of the view that a comprehensive approach based on a solid legal framework complemented by other measures should be developed and implemented in an effective, inclusive and cooperative manner with the involvement of relevant actors. Particular attention should be paid to victims; good practices should also be exchanged on a regular basis among all actors working in this field. To this end, the Special Rapporteur makes the specific recommendations below.

31. As stated in the outcome document of the Durban Review Conference, any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence should be prohibited by law, as should be the dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination as well as all acts of violence or incitement to such acts. In this regard, the Special Rapporteur calls upon all States to respect the commitments made in the Durban documents. He calls upon States parties to the International Convention on the Elimination of All Forms of Racial Discrimination to comply fully with their obligations as enshrined in article 4 of the Convention. In this connection, it is crucial to introduce into domestic criminal law a provision to the effect that the commission of an offence with racist, xenophobic, anti-Semitic or homophobic motivation or aim constitutes an aggravating circumstance attracting heavier sanctions.

32. The Special Rapporteur recalls that States have the responsibility of bringing to justice the perpetrators of crimes with racist, xenophobic, anti-Semitic or homophobic motivation and to fight against impunity. Indeed, as stated in paragraph 81 of the Durban Declaration, any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy and tends to encourage the recurrence of such acts. States should therefore ensure prompt, thorough and impartial investigation into these crimes, and that those responsible are adequately sanctioned.

33. The Special Rapporteur reiterates his recommendation that States should collect disaggregated data and statistics on racist, xenophobic, anti-Semitic and homophobic crimes in order to identify the types of offences committed, the characteristics of the victims and of the perpetrators, whether they are affiliated with an extremist political party, movement or group. Such disaggregated data would allow for a clear and concise assessment of the phenomenon and of the effectiveness of measures taken to address these crimes. Adequate financial, human and technical resources should be provided to improve the quality of data-collection systems where they already exist, while ensuring that civil society is involved in this process and that it is undertaken in such a way as to guarantee the protection of privacy.

34. The Special Rapporteur also recommends that the capacity of law enforcement officials and members of the judiciary be strengthened further to address crimes motivated by racist, xenophobic, anti-Semitic or homophobic biases. Complete and mandatory human rights training, including training with a specific focus on racist and xenophobic crimes perpetrated by individuals linked to extremist political parties, groups and movements should be available to public officials. Law enforcement agents should also be provided with the necessary guidelines and procedures to be able to identify, investigate and register such crimes. States should also ensure that law enforcement agents further engage with vulnerable groups who are particularly at risk of racist, xenophobic, anti-Semitic or homophobic crimes in order to reduce their fears and concerns, restore confidence in the application of the rule of law and report such crimes adequately.

35. States should take all opportunities, including those provided by the Internet, to counter the dissemination of ideas based on racial superiority or hatred, and promote the values of equality, non-discrimination, diversity and democracy while respecting their obligations under articles 19 and 20 of the International Covenant on Civil and Political Rights to guarantee the rights to freedom of expression and its inherent limitations. Extremist political parties, movements and groups pose a significant challenge. In order to ensure full respect for human rights and democratic principles, States, while adopting measures to counter their ideas and biases, should strengthen freedom of expression, which plays an outstanding role in promoting democracy and combating racist and xenophobic ideologies based on racial superiority.

36. Efforts made by States to counter extremist political parties, movements and groups, including neo-Nazis and skinhead groups, and similar extremist ideological movements should be enhanced through the replication of good practices. In this regard, it is important that good practices be shared more among all relevant stakeholders. The Special Rapporteur recalls the importance of cooperating closely with civil society and international and regional human rights mechanisms to effectively counter extremist political parties, movements and groups, including neo-Nazis and skinhead groups, and similar extremist ideological movements. In particular, the important role played by civil society in collecting information, working closely with victims and promoting democratic principles and human rights should be emphasized. Similarly, national human rights institutions should be encouraged to develop appropriate programmes to promote tolerance and respect for all persons and all human rights, and to combat extremism.

37. Lastly, preserving and consolidating a democratic society is fundamental to prevent and combat racism, racial discrimination, xenophobia and related intolerance. Political leaders and their respective parties should strongly and clearly condemn all political messages that disseminate ideas based on racial superiority or hatred, incitement to racial discrimination or xenophobia. Political leaders have the moral duty to promote tolerance and respect, and they should refrain from forming coalitions with extremist political parties of a racist or xenophobic character. Respect for human rights and freedoms, democracy and the rule of law should be the cornerstone of any programme or activity to ensure that political and legal systems reflect the multicultural character of society.
