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Political platforms which promote or incite racial discrimination

Updated study by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Doudou Diène

Summary

The present report provides an update to the study (E/CN.4/2006/54) submitted pursuant to Commission on Human Rights resolution 2005/36 on the incompatibility between democracy and racism, in which the Commission invited the Special Rapporteur to review and further expand the study on the question of political platforms which promote or incite racial discrimination (E/CN.4/2004/61), as updated for the General Assembly (A/59/330), and to submit it to the Commission at its sixty-second session. It is submitted to the Human Rights Council pursuant to Council decision 1/102, in which the Council decided to extend exceptionally for one year, all the mandates, mechanisms, functions and responsibilities of the Commission on Human Rights.

The study takes into consideration the replies provided by Member States[1] to the letter sent by the Special Rapporteur on 14 July 2005 requesting information, as well as the conclusions of a workshop on the issue organized in Brasilia on 29 July 2006, following the Regional Conference of the Americas.

The report confirms the significant tendencies identified in the previous reports, such as the normalization of racism, racial discrimination and xenophobia for political ends, the penetration of the racist political platforms of extreme right-wing parties and movements in the political programmes of democratic parties, and the growing intellectual legitimization of those platforms.

The report analyses the resurgence of acts inciting to racial hatred and violence, in spite of the existence, in most national legislations, of provisions meant to counter such acts. It considers how far-right political parties are increasingly portraying limitations of incitement to racial hatred and discrimination as constituting a violation of the freedom of opinion and expression. It further studies the progressive legitimization of platforms that propagate hate and exclusion, both by some intellectuals that promote exclusionary and anti-immigrant discourse centred on the defence of national identity, and by mainstream political parties that either resort to similar anti-immigrant and xenophobic rhetoric as far-right political organizations or go into governing coalitions with such groups.

Among the main recommendations in the report, the Special Rapporteur calls for a strengthened commitment of political leaders and intellectuals to strongly reject and condemn any public expression of hate and xenophobia, and to promote a climate of respectful and peaceful coexistence between various ethnic groups in society. He also calls for the maintenance and improvement of existing legal instruments to fight incitement to racism, racial discrimination and xenophobia. Besides, given the challenge posed by the growing instrumentalization of freedom of expression by extreme right groups, the Special Rapporteur calls for a renewed reflection, by all bodies concerned, on the balance and complementarity between freedom of expression and freedom of religion.

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[1] Argentina, Azerbaijan, Belarus, Georgia, Mexico, Oman, Poland, Slovenia, Syrian Arab Republic, Ukraine, the United States of America and Venezuela (Bolivarian Republic of).

CONTENTS

Introduction

1.   The present report provides an updated study of an earlier report submitted by the Special Rapporteur to the Commission on Human Rights (E/CN.4/2006/54), pursuant to resolution 2005/36 (para. 17) on the incompatibility between democracy and racism, in which the Commission invited the Special Rapporteur to review and further expand the study on the question of political platforms which promote racial discrimination (E/CN.4/2004/61), as updated for the General Assembly (A/59/330), and to submit it to the Commission at its sixty-second session. It is submitted to the Human Rights Council pursuant to Council decision 1/102, in which the Council decided to extend exceptionally for one year, all the mandates, mechanisms, functions and responsibilities of the Commission on Human Rights. The reference period covered in the present report will be 2004-2006.

2.   This study should be read and considered in the context of the implementation of the Durban Declaration and Programme of Action (A/CONF.189/12 and Corr.1, paras. 27, 83 and 85, and para. 115, respectively) and Human Rights Council decision 2/106, in which the Council invites the Office of the United Nations High Commissioner for Human Rights, in collaboration with the Special Rapporteur, to continue to analyse further the issue of incitement and promotion of racism, racial discrimination, xenophobia and related intolerance in the political debate. The Council also requests the Special Rapporteur, when submitting his report to the Council at any session after its fourth session, to include the issue of political participation and representation of groups that are vulnerable to racism, racial discrimination, xenophobia and related intolerance in the decision-making process in national governments, parties, parliaments and civil society in general, taking into consideration their possible contribution to reinforcing the anti-discrimination perspective in political and social life with a view to strengthening democracy. This issue, tackled in some parts of the present report, will be further considered in the Special Rapporteur's main report to the Council in 2008.

3.   The report is structured around three main sections preceded by an introduction. Section I presents a general overview on the issue of incompatibility between democracy and racism; section II provides an analysis of the most relevant political platforms that have incited racism and racial discrimination in Europe, Asia, Africa, South America, the Middle East and North America; and section III offers conclusions and recommendations drawn from that analysis.

4.   For the purpose of this study, the expression "political platforms which promote or incite racial discrimination" will be used to indicate all political ideologies, statements, strategies, programmes and practices that advocate racial or ethnic discrimination or hatred, xenophobia and related intolerance as an instrument for building political consensus and/or gaining political power.

**I.   GENERAL ISSUES ON THE INCOMPATIBILITY
BETWEEN DEMOCRACY AND RACISM**

5.   One of the main characteristics of the current resurgence of racism, racial discrimination, xenophobia and related intolerance is the increasing role and relevance it has acquired in the political arena. Faced with legal constraints which include outright prohibition in many countries, political entrepreneurs of racial or ethnic hatred or discrimination have sought

respectability by abandoning the old language of "racial superiority" and adopted an apparently democratic language of cultural difference. According to this new rhetoric, groups that were previously identified as belonging to different and "inferior races" are now said to have cultures that are incompatible with the dominant culture. This shift, by merely replacing "race" with "culture", left intact the idea of a hierarchy of human beings implied by race theories and ideologies.[2]

6.   In most regions of the world, the use of racism, racial and ethnic discrimination, xenophobia and related intolerance in politics had for long been limited to extremist right-wing political groups. Neo-Nazi, neo-Fascist and ultra nationalist organizations which have explicit racist or ethnically centred ideologies at the core of their political initiatives were considered marginalized and the issues they spearheaded rarely found space in the agenda of traditionally democratic parties. As documented by the Special Rapporteur in previous reports, this situation is rapidly changing and many such political organizations have found their way to power as members of governing coalitions usually led by traditionally democratic parties. More alarming is the impact of these extremist groups on the overall political agenda: an increasing number of traditionally democratic parties are now resorting to the language of fear and exclusion, scapegoating and targeting ethnic or religious minorities in general, and immigrants and refugees in particular, in order to maintain or acquire political power.

7.   In the political arena, as in other areas of public life, elite discourse has played and continues to play an important part in the reproduction and transmission of racist and xenophobic ideas and practices.[3] Thus, political leaders and political parties can and ought to play a fundamental role in strengthening democracy by combating racism, racial discrimination, xenophobia and related intolerance.

8.   Besides, political leaders and their parties need to promote the participation and representation of groups that are vulnerable to racism, racial discrimination, xenophobia and related intolerance in the decision-making process in national governments, parties, parliaments and civil society in general, taking into consideration their contribution to reinforcing the anti-discrimination perspective in political and social life with a view to strengthening democracy.

II. REGIONAL CONTEXTS AND CHARACTERISTICS

9.   In the following paragraphs, the Special Rapporteur will examine the situation of political platforms which promote racial discrimination in a number of countries, including some visited by the Special Rapporteur or examined in his previous reports.

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[2] Lentin, A., "Replacing 'race', historicizing 'culture' in multiculturalism" in *Patterns of Prejudice*, Vol. 39, No. 4, 2005.

[3] van Dijk, Teun A., "Élite Discourse and the Reproduction of Racism", paper presented at International Conference on European Racism, 25-30 September 1990, Hamburg, Germany (available online at http://www.discourses.org).

A. Europe

10.   In present day Europe, racism, racial discrimination, xenophobia and related intolerance affect mainly members of minorities defined in terms of race, ethnicity, national origin or nationality, language and religion, as well as immigrants, refugees and asylum-seekers.

11.   Among those minorities, Roma, Gypsies, Sinti and Travellers find themselves in a unique position since they are dispersed across all countries and subjected to discrimination and marginalization in all sectors of public life. In most European countries, they are among the most vulnerable groups to racist violence, racial or ethnic discrimination, xenophobia and related intolerance.[4]

12.   Immigrants, refugees and asylum-seekers are often the primary targets of racism and xenophobia across Europe. Most disturbingly, they are the preferred targets of renewed political activism by right-wing extremist parties which are the traditional vehicles of racist, anti-Semitic and xenophobic discourse in the political life of European countries.[5]

13.   As underlined in previous reports of the Special Rapporteur, the current resurgence of racism, anti-Semitism and xenophobia is exemplified by the increased acceptance of the racist, anti-Semitic and xenophobic political activities of far right parties; the negative impact of such activities on traditionally democratic parties, which in some cases have not only shared power with such parties but also adopted their racist arguments and policies; and, lastly, the intellectual legitimization of a new ethnic or cultural nationalism, dubbed by some as "progressive nationalism", which sees multiculturalism as an insidious threat to national identity, values and social solidarity, in a society considered as being formerly more "homogenous" and that has become "too diverse" due to the arrival of immigrants, refugees and asylum-seekers.[6]

14.   This political normalization and legitimization of the use of racist and xenophobic arguments as acceptable means for building political consensus is compounded by the "global war on terror" that ensued in the aftermath of the tragic events of 11 September 2001 and the terrorist train bombings of 11 March 2004 in Madrid and 7 July 2005 in London. The fight against terrorism is being carried out in a political and ideological context in which, in many

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[4] European Monitoring Centre on Racism and Xenophobia (EUMC): *Racism and Xenophobia in the EU Member States - Trends*, *developments and good practices*, Annual Report 2005, Part 2. (http://fra.europa.eu/fra/material/pub/ar05/AR05_p2_EN.pdf). See also EUMC (2006): The Annual Report on the Situation regarding Racism and Xenophobia in the Member States of the EU, Vienna 2006 (http://fra.europa.eu/fra/material/pub/ar06/AR06-P2-EN.pdf).

[5] European Commission against Racism and Intolerance (ECRI): "The Use of racist, anti-Semitic and xenophobic arguments in political discourse", Jean-Yves Camus, Strasbourg, March 2005.

[6] Goodhart, D., "Too Diverse? Is Britain becoming too diverse to sustain the mutual obligations behind a good society and the welfare state?", *Prospect*, Vol. 95, February 2004. See also by same author, "National Anxieties", *Prospect*, Vol. 123, June 2006.

cases, a sense of economic, social and physical insecurity felt by large segments of the population has been used to incite racism, racial discrimination, xenophobia and related intolerance. In such a context, terrorists with political aims but claiming to act in the name of Islam are made to be seen as synonymous to all Muslims and the latter, in turn, to non-European immigrants or their descendants, refugees and asylum-seekers.

15.   Since 11 September 2001, an increasing message of xenophobia has permeated both fringe and mainstream political movements and resulted in a climate of exclusion of, heightened anxiety and rising violence against immigrants, ethnic and religious minorities, refugees and asylum-seekers, fuelled by government policies and practices and by partisan politics.[7] The rise of xenophobic and racist violence over the last few years seems to have also acquired vigour from the legitimization of public expressions of hate by political movements founded on racist and exclusionary ideas. At the same time, the fight against racist violence gets progressively marginalized, with the risk of consolidating a climate of distrust and fear between majority and minority populations.

16.   Traditional far-right parties have become more visible and vocal in recent years, as illustrated by the creation in January 2007 of a political group in the European Parliament called Identity, Tradition and Sovereignty (ITS), made up of parliamentarians from far-right parties of seven member States (France, Belgium, Romania, Bulgaria, Italy, Austria and United Kingdom of Great Britain and Northern Ireland). At the national level, the overall impact of these parties on the political agenda appears to be disproportionately higher than would be predicted on the basis of their actual electoral weight. As highlighted earlier, this situation is partly due to their direct entry into some government coalitions and partly to the adoption of some of their ideas and policy measures, especially in the area of immigration and asylum, by mainstream political parties.

17.   The European Commission against Racism and Intolerance (ECRI) of the Council of Europe adopted on 17 March 2005 a "Declaration on the use of racist, anti-Semitic and xenophobic elements in political discourse"[8] which, after reaffirming its conviction that "tolerance and pluralism are at the foundation of genuinely democratic societies and that diversity considerably enriches these societies", condemns the use of racist, anti-Semitic and xenophobic elements in political discourse and stresses that such discourse is ethically unacceptable. ECRI is deeply concerned that the use of racist, anti-Semitic and xenophobic political discourse is no longer confined to extremist political parties, but is increasingly infecting mainstream political parties, at the risk of legitimizing and trivializing this type of discourse. It further notes with serious concern that it conveys prejudices and stereotypes in respect of non-citizens and minority groups and strengthens the racist and xenophobic content of debates on immigration and asylum. Furthermore, it notes with serious concern that this type of

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[7] McClintock, M., *Everyday Fears: A Survey of Violent Crimes in Europe and North America*; Human Rights First (formerly The Lawyers Committee for Human Rights), Cordoba Conference Edition, June 2005.

[8] http://www.coe.int/T/E/Human_Rights/Ecri/1-ECRI/4-Relations_with_civil_society/1-Programme_of_action/14-Public_Presentation_Paris_2005/Declaration%20eng.asp

discourse often conveys a distorted image of Islam and that anti-Semitism continues to be encouraged by certain political leaders and parties. ECRI invites European political parties to sign and implement the Charter of European Political Parties for a Non-Racist Society which encourages a responsible attitude towards problems of racism whether it concerns the actual organization of the parties or their activities.

18.   In Austria, it is mainly the Freedom Party (*Freiheitliche Partei Österreichs*, FPÖ) which has made use of racist, anti-Semitic and xenophobic arguments in political discourse and was one of the first such parties to gain political power at the national level by entering the governing coalition in 1999. In the last national elections in 2006, the party was joined on the far-right by a break-away new formation - the Alliance for the Future of Austria - led by former FPÖ leader Jorg Haider. The two far-right parties jointly received fewer votes than the original FPÖ score in 1999, at the peak of its maximum political consensus. During the European parliamentary election campaign in 2004, the title of the second item on the FPÖ's agenda was "Stricter regulation of immigration and the right of asylum: Austria is not an immigration country". Other similar campaigns calling for a stop to access to social rights for asylum-seekers were launched by this party.[9]

19.   In Belgium, the main far-right and anti-immigrant party is the Flemish Interest (*Vlaams Belang*) in the Flanders. It supports Flemish independence, strict control of immigration and the deportation of immigrants who fail to integrate. It has made substantial gains in all elections since 1981 and carried 20.7 per cent of the votes in the latest provincial elections in October 2006. Despite this electoral success, mainstream parties have successfully applied a policy of a "cordon sanitaire", in which they agree to refuse to form a coalition with the *Vlaams Belang*. In the Wallonia region, the far-right nationalist party is the National Front (*Le Front National*) which, like the *Vlaams Belang*, makes use of overt racist and xenophobic rhetoric. The party leader Daniel Féret was sentenced on 18 April 2006 to community service and barred from running for political office for 10 years for publishing racist pamphlets. The court ruled that the pamphlets encouraged hate against foreigners and were grave attacks against democratic values; the conviction was upheld in October 2006 by a superior court.

20.   In Denmark, the main far-right party with a racist and xenophobic platform is the Danish People's Party (*Dansk Folkeparti*). In the 2001 elections, it became the third largest party in parliament and entered into the conservative-liberal coalition Government, in exchange for the implementation of some key demands such as strong anti-immigration policies. The party has an explicit anti-immigrant platform based on the idea that the Danish people are homogeneous in religious, cultural and ethnic terms and, as such, "must therefore be reinforced and preserved". The party, which indicates that "Denmark is not and has never been an immigration country, so we shall not allow it to be turned into a multiethnic society", is opposed to a multicultural and multiethnic society, and therefore the presence of people from other countries, even if they are integrated into Danish culture.[10] During the election campaign, the party newspaper *Dansk Folkeblad* devoted extensive space to criticism of Islam, as well as a long indictment of the

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[9] Camus, op. cit. (supra note 5), p. 8.

[10] Ibid. See also http://news.bbc.co.uk/1/hi/world/europe/4276963.stm.

European Monitoring Centre on racism and xenophobia (EUMC) and its work, which it accused of introducing a new form of totalitarianism. The controversy generated by the publication by the newspaper *Jyllands-Posten* of 12 cartoons of the Prophet Muhammad in September 2005 revealed a deliberate instrumentalization of freedom of expression by some political parties promoting their xenophobic agendas, both in Denmark and other European countries. The Special Rapporteur has dealt extensively with this issue in his latest report on the situation of Muslims and Arab peoples in various parts of the world (E.CN.4/2006/17).

21.   In Germany, far-right parties, notably the National Democratic Party (*Nationaldemokratische Partei Deutschlands*, NPD) and the German People's Union (*Deutsche Volksunion*, DVU), had until 2006 remained out of political power at the national and regional levels as they had never crossed the threshold of 5 per cent of votes required to be represented in parliament. This situation changed in the fall of 2006 when the NPD entered the state parliament in Mecklenburg-Western Pomerania and the DVU entered the state parliament in Brandenburg. The most radical expressions of racism and anti-Semitism are to be found in the propaganda of the NPD,[11] which espouses the classic anti-democratic, nationalistic and anti-European Union, as well as anti-Semitic and xenophobic views of Germany's far right. A recent study concluded that right-wing extremist ideology is not only found at the right fringe of German political spectrum, but across all population classes and generations as well as among voters of all parties.[12] The authors cautioned that special attention should be paid to xenophobia as the "gateway drug" leading to right-wing extremism and that democratic parties must refrain from xenophobic and discriminatory statements in order not to provide additional legitimacy to right-wing extremist parties.

22.   In France, the three main parties with platforms which incite or promote racism and xenophobia are the National Front (*Front national*, FN*)*, led by Jean-Marie Le Pen, the National Republican Movement (*Mouvement national républicain*, MNR), led by Bruno Mégret, a former second-in-command in National Front, and the Movement for France (*Mouvement pour la France*, MPF), led by Philippe de Villiers. The traditional themes of these parties are the alleged links between immigration and insecurity, terrorism and economic crisis. The National Front calls for preference in access to employment, housing and social services to nationals and Europeans; immediate deportation of unauthorized immigrants; stopping immigration to France of spouses or other relatives of immigrants legally residing in France; and a radical change in the citizenship laws and procedures that will make far more difficult for children born by immigrants in France to acquire French nationality. Bruno Mégret's party notes that "immigration is the nest of Islam in France and Islam is the nest of Islamism" and calls for the deportation of Islamists from France even if they are French citizens.[13] Philippe de Villiers' central political platform is centred on the message that Islam is the main threat to the national Christian identity.

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[11] Camus, op. cit. (supra note 5), p. 7.

[12] Brähler, E. and Decker, O., *Vom Rand zur Mitte: Rechtsextreme Einstellungen und ihre Einflussfaktoren in Deutschland*, commissioned by the Friederich Ebert Foundation (2006).

[13] Camus, op. cit. (supra note 5), p. 9.

23.   A poll conducted in December 2006 by French newspaper *Le Monde* and French radio *RTL* found that support for Le Pen's ideas remains quite high among the French population. About 26 per cent of the surveyed declared that they "completely agree or very much agree" with his ideas, a percentage said to be the second highest in support for Le Pen's party after the 28 per cent recorded in a similar poll in 2002. Equally significant is that 29 per cent of the interviewed think that Le Pen does not represent a danger for democracy in France, against 19 per cent in 1997. According to *Le Monde*, the high consensus around Le Pen's ideas results partly from the change in strategy carried out by Le Pen and partly from the underestimation of the party's ideas by those opposing it. In December 2006, Le Pen announced that the National Republican Movement was going to be part of the Patriotic Union alliance backing his presidential bid at the 2007 elections.

24.   In Italy the most important party with a racist and xenophobic platform is the Northern League (*Lega Nord*). Though its territorial base is almost exclusively in the northern regions, it nonetheless has a high share of the vote in national elections. The party became one of the two major partners in former Prime Minister Berlusconi's coalition Government from June 2001 to May 2006. It has an explicit exclusionary anti-immigrant, anti-Muslim and xenophobic political platform, which is clearly demonstrated both in the party's daily *La Padania* and in the various campaigns and policies of its ministers or local administrators. As member of the former governmental coalition, the Northern League played a primary role in the enactment of a new law on immigration,[14] known as *Bossi-Fini* law, with a strong security approach. The party advocates not only for national preference to the exclusion of immigrants, but also for regional preference in favour of residents in its territorial base. It declares being against globalization, multiculturalism, multiethnic society and Islam, and strongly opposes the building of places of worship for Muslims as well as setting up Roma, Sinti and Traveller camps. In the European election in 2004 and the national parliamentary elections in 2006, the party opposed voting rights in local elections for long-term resident immigrants, which was a major theme of its campaign. Particularly disturbing is the frequent and overtly racist statements of its leadership against immigrants. Besides, a number of prominent exponents of the party have been convicted for violent and racist acts, including a member of the European Parliament, who was convicted for arson of a temporary shelter used by North African immigrants, and a regional minister of health, who was found guilty of incitement to racial hatred and discrimination against a group of Sinti.

25.   Another party with an overtly racist, anti-Semitic and xenophobic platform is New Force (*Forza Nuova*). This group, which has been involved in the European parliamentary elections in 2004 and the national one in 2006, formed an alliance with Social Alternative list headed by MP Alessandra Mussolini and campaigned on the basis of an insidiously xenophobic platform, defining the essence of Europe as Greek in its thought, Roman in its values of justice and civic sense, and Christian in the values that shape and motivate it. This alliance is also participating in the newly formed far-right group at the European Parliament (see paragraph 16 above). New Force is against globalization, multiethnic society, multiculturalism and Islam. The Special Rapporteur visited Italy in October 2006 and his mission report (A/HRC/4/19/Add.4) was presented at the fourth session of the Human Rights Council.

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[14] Law No. 189 of 30 July 2002.

26.   In Poland, the League of Polish Families (*Liga Polskich Rodzin*, LPR), considered by many as a far-right party, is an ultraconservative Catholic and nationalist political party and a partner in the current governing coalition, which has an open racist and anti-Semitic discourse. In June 2006, the European Parliament condemned a rise in racist, xenophobic, anti-Semitic and homophobic intolerance in Poland and urged the Government to tone down its rhetoric or risk sanctions. In September 2006, the Anti-Defamation League called on the Polish Government to remove the head of LPR from his position as minister of education because of the anti-Semitism manifested by his party.

27.   Particular concern has been caused by *Radio Maryja*, an openly anti-Semitic and racist Catholic radio station that played a crucial role in the electoral success of the Law and Justice Party, which is heading the governing coalition. This radio station has hosted a known anti-Semitic propagandist who denied Holocaust saying that "since the Holocaust has been on the school curriculum, everyone believes that Auschwitz was a death camp rather than a normal labour camp" and added that "in a Catholic country like Poland, as long as most ministers are Jewish and stink of onions, Poland will never be Polish".[15] Another case concerns the alleged publication of a neo-Nazi magazine calling for the expulsion of Jews from Poland by the deputy chief of the State television.

28.   In the Netherlands, xenophobic discourse has markedly hardened in recent years and is no longer confined to the fairly limited sphere of far-right parties, especially on issues relating to immigration and asylum policies. Following the events of 11 September 2001 and the murder of Theo Van Gogh by a young Dutch man of Moroccan origin, the theory of a "clash of civilizations" acquired new appeal, lending legitimacy to questions about Islam's compatibility with democratic norms and values. Those events have also been used to justify the stricter immigration and asylum policies spearheaded by some democratic parties. The Netherlands is a case where far-right political platforms have had significant impact on government policies on asylum, without necessarily being partners in the governing coalition. The Party for Freedom (*Partij voor de Vrijheid*, PVV) and One NL (*Eén NL*) are the two main far-right and anti-immigrant parties. During the 2006 elections, the Party for Freedom demanded a halt to immigration from non-Western countries, abolition of dual citizenship and no construction of new mosques. The Party leader Geert Wilders declared that "Islamisation of the Netherlands" was a "tsunami" that needed to be stopped, because it threatened Dutch culture. One NL is critical of Islam and the Dutch multicultural model; it advocates assimilation of immigrants living in the country and halt to further immigration especially from Muslim countries.[16] Prominent members of the Government have also made hostile derogatory statements against Muslims or some Islamic practices. The immigration Minister sponsored a proposal in 2006 to ban Muslim women from wearing the burqa in public places, which was backed by the cabinet noting that burqas disturbed public order, citizens and safety. About 5 per cent of people living

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[15] Camus, op. cit. (supra note 5), p. 18.

[16] Ibid., p. 13.

in the Netherlands are Muslims and there are just a few dozen women in the Netherlands who choose to wear the burqa. In January 2007, the Minister of Foreign Affairs, in an interview with the Brazilian daily *Correio Braziliense*, reportedly said that 10 per cent of the Dutch population comes from Muslim countries, adding that "they have gone on to become Dutch citizens, but they have different genes from ours. They are less tolerant".[17]

29.   In Switzerland, the Swiss People's Party (*Union démocratique du Centre*, UDC) is one of the governing parties that use xenophobic populist rhetoric in reference to immigrants and asylum-seekers. It advocates the need to halt immigration and reduce the number of asylum-seekers who are granted refugee status. During the last general election campaign, UDC targeted asylum-seekers by associating them with drug trafficking, acts of violence and racketeering, accusing them of asylum tourism and increasingly abusing the country's social benefits.

30.   The UDC made wide use of xenophobic discourse during the campaign on facilitating the naturalization of second and third generation foreigners in 2004. The party used a poster of a box full of Swiss passports towards which hands, several of them Black, were stretching out to catch one and it carried the caption: "Mass naturalizations? Twice NO to the naturalization plans". The party mainly objected to the plan to transfer to the law, through the Government instead of the residents of the municipalities where applicants reside, the authority to decide who could acquire Swiss citizenship. The UDC launched a counter initiative entitled "In favour of democratic naturalizations", which sought to restore exclusive authority to the residents of a municipality to decide whether a candidate for Swiss nationality was to be accepted. The decision to change the procedure of naturalization was based on a ruling by the Federal Tribunal in 2003, which held that any decision to reject an application should be subject to appeal and that, since a vote on naturalization was not subject to appeal, the right to decide on the subject could no longer be conferred to citizens. In December 2005, the Government enacted stricter asylum and immigration laws making it more difficult for refugees to receive assistance and effectively blocking non-European unskilled workers from entering the country. These laws were later ratified by voters in September 2006 with an overwhelming majority in all the 26 cantons. In his mission report to Switzerland (A/HRC/4/19/Add.2) submitted to the fourth session of the Human Rights Council, the Special Rapporteur notes that racist and xenophobic discourse has left its mark on people's minds, even within the State apparatus. The leitmotif of foreigners as criminals, revived on the occasion of many votes, punctuated by political discourse and exaggerated by certain media, increasingly penetrates the collective mentality and gives legitimacy not only to identity-related tensions hostile to cultural diversity, but also to discriminatory and arbitrary behaviour by members of certain State bodies.

31.   In the Russian Federation, international governmental organizations and NGOs have reported about a disturbing and rapidly deteriorating situation of public expression of hate and xenophobic discourse for political ends, against various ethnic and religious minorities and immigrants. In its Third Country Report[18] on the Russian Federation, ECRI expressed concern

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[17] http://www.eubusiness.com/news_live/1169150414.57/.

[18] ECRI: Third Country Report on the Russian Federation, Strasbourg, May 2006.

that racist and xenophobic discourse is not only used by extremist parties but also by representatives of mainstream parties. One of the most worrying cases was the "Letter of the 500", an appeal sent to the Prosecutor General in January 2005 urging him to review the activity of all Jewish religious and cultural organizations on the grounds of "extremism". Among the signatories, there were 19 members of the State Duma. Despite immediate condemnation by President Putin and the Orthodox Church, in March 2005 the letter was resubmitted to the General Prosecutor with 5,000 signatures, including those of several well-known personalities. No charge was brought against any of the signatories under the criminal law provisions prohibiting racial hate speech.

32.   Several political organizations, including parties with representation in Parliament, such as Rodina or the Liberal Democratic Party of Russia, use xenophobic slogans in their programmes in order to attract votes. In addition, the dissemination of racist and xenophobic ideas and stereotypes by an increasing sector of the media is contributing to portraying a negative image of members of certain communities and fostering feelings of intolerance and xenophobia within the population. Examples of stereotypes in mainstream media are found in the associations of Roma and Tajiks with drug trafficking and organized crime, Caucasians, in particular Chechens, with extremism and terrorism, or immigrants in general with unemployment, criminality and social precarity. The report of the Special Rapporteur's mission to the Russian Federation (A/HRC/4/19/Add.3) is presented at the fifth session of the Human Rights Council.

33.   In the United Kingdom of Great Britain and Northern Ireland, the British National Party (BNP) is the most prominent far-right political party and makes frequent use of racist and xenophobic discourse in its political propaganda, notably targeting asylum-seekers and immigrants. Though it has less than 1 per cent of votes (2005 general election), it has increased its overall representation at local level and has built considerable local support bases in certain areas. According to the party's constitution, it "stands for the preservation of the national and ethnic character of the British people and is wholly opposed to any form of racial integration between British and non-European peoples".[19] Membership in the BNP is open to whites only defined by the party as "indigenous Caucasians". Its election manifesto in 2005, significantly entitled "Abolishing multiculturalism, preserving identity", contained various proposals including, inter alia, abolishing all laws against racial discrimination in employment.[20] The BNP has historically promoted anti-Semitism and holocaust denial; its current leadership says it wishes to get rid of "the thinly veiled anti-Semitism which held the party back for two decades". It states in its website that "the real enemies of the British people are home-grown Anglo-Saxon Celtic liberal-leftists … and the Crescent Horde - the endless wave of Islamics who are flocking to our shores to bring our island nations into the embrace of their barbaric desert religion".[21]

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[19] http://www.bnp.org.uk/resources/constitution_8ed.pdf.

[20] http://www.bnp.org.uk/candidates2005/manifesto/manf4.htm.

[21] http://www.bnp.org.uk/news_detail.php?newsId=1057 (see also http://www.islamophobia-watch.com/display/ShowJournal?moduleId=103277&filterBegin=2006-07-01T00:00:00Z&filterEnd=2006-07-31T23:59:59Z).

Another party with an anti-immigration platform is the UK Independence Party (UKIP)[22] which claims that immigration is out of control and that its aim would be "to approach zero net immigration" and introduce "Britishness" tests to encourage immigrants to assimilate fully into British society.[23] In its Third Country Report on the United Kingdom, ECRI expressed concern at the negative climate of opinion concerning asylum-seekers and refugees and noted that hostility towards them had been favoured by the assumption, promoted in public debate, that most asylum-seekers are bogus refugees, and by the vilification of those who are considered by the authorities to have invalid asylum claims.[24] It also noted that the negative climate around asylum- and refugee-related issues was closely linked to frequent changes in the asylum policies, which are designed to increasingly deter asylum-seekers from entering the United Kingdom. This climate of hostility towards asylum-seekers and refugees has worsened following the London bombings of July 2005 and the British multicultural model has come under increasing attack even by prominent mainstream politicians and progressive intellectuals.[25] In October 2006, the former Secretary of State for the Foreign and Commonwealth Office, Jack Straw, publicly said that Muslim women who wear veils over their face can make community relations harder.[26] These declarations sparked further controversy about British multiculturalism.

34.   In Hungary, the far-right is populated by two parties: the Hungarian Justice and Life party (*Magyar Igazság és Élet Pártja,* MIEP) and the Movement for a Better Hungary (*Jobbik Magyarországért Mozgalom*). The leader of MIEP, István Csurka, is known for his frequent anti-Semitic public statements, including denouncing Jews for their collaboration with the Communists and their role in global finance and a claim that Hungarian State agencies are in Jewish hands in a secret attempt to buy up the country.[27] This situation was denounced in the Third Country Report on Hungary of ECRI, which also noted that anti-Semitic attitudes persist in mainstream society.

B. Asia

35.   In Asia's many multi-ethnic, multicultural and multi-religious nation States, millions of people continue to be negatively affected by problems deriving from ethnic-nationalism,

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[22] Fieschi, C., "Far Right Alarmism", *Prospect*, vol. 108, March 2005.

[23] From the "Immigration" paragraph of the party manifesto (see http://news.bbc.co.uk/2/shared/bsp/hi/pdfs/15_04_05_ukipmanifesto.pdf).

[24] ECRI: Third Country Report on the United Kingdom, Strasbourg, May 2005.

[25] Goodhart, D., *Progressive Nationalism: Citizenship and the Left*, Demos, May 2006 (http://www.demos.co.uk/publications/progressivenationalism).

[26] BBC News, "Straw's veil comments spark anger", 5 October 2006 (http://news.bbc.co.uk/go/pr/fr/-/2/hi/uk_news/politics/5410472.stm).

[27] Boyes, Roger, "Hungary: Far right tries to take control of the revolt", *The Times*, 23 September 2006.

discrimination, xenophobia and related intolerance. Some political movements or even governments have overtly resorted to exclusionary ideologies, policies and practices in order to build political consensus. These platforms promote hostility between different groups on grounds of race, ethnicity, religion, indigenousness, statelessness or even migrant and/or refugee status. Vulnerable groups are, among others, indigenous populations, such as the Bihari in Bangladesh; the Burakumin as well as Korean and Chinese immigrants or nationals in Japan; the Karen, Shan and Rohingya peoples in Myanmar; groups in Nagaland, Mizoram and other regions in north-east India; and the Cordillerans in the Philippines. Some ethnic and religious problems occur not only within one State but also between neighbouring States and have been aggravated by some governments' attempts to manipulate and stir up the ethnic aspirations of some groups.

36.   In India, the caste system remains a source of great inequality for millions, particularly the Dalits, in spite of constitutional and other legal instruments introduced over the years to fight it. While measures such as the quota system, introduced by law, have enabled many Dalits to access State institutions, discrimination remains culturally deep-rooted and a serious threat to social cohesion in India. Among the political platforms that incite inter-religious violence is the *Rashtriya Swayamsevak Sangh* or *RSS* (National Volunteer Corps) and its political wing, the *Bharatiya Janata Party (BJP).* The underlying ideology of these organizations, represented by *Hindutva* ("Hinduness"), exacerbates the social and political situations of the traditionally oppressed, the Dalits and religious minorities. Its assertion of Hindu supremacy ignores deep-rooted caste, class, ethnic, linguistic and regional loyalties. In other countries of the region such as Pakistan and Nepal, caste-based discrimination continues to marginalize millions of individuals.

37.   In Japan, except for the anti-discrimination provision contained in article 14 of the Constitution, there are no other instruments that enforce the general principle of equality or sanction discriminatory acts committed by citizens, businesses or non-governmental organizations (NGOs). Hate speech is not a criminal offense, but rather a minor civil violation that may result in monetary compensation; yet only when it has been judged as defamation of individuals, but not of certain groups of people or minorities in general. Besides, the country does not have specific hate crime laws. Racism and hate-motivated offenses which include assault, vandalism and robbery are prosecuted as ordinary crimes. Sanctions against the dissemination of ideas based on racial superiority or hatred and incitement to racial discrimination would be applied insofar as they are compatible with the rights to freedom of assembly, association and expression. As a result, propaganda of ideas based on racial superiority or hatred may only be punished if it results in criminal conduct such as physical violence, threat or defamation of an individual. Racism remains a major problem for most minorities and immigrants in particular.[28] In spite of the approach outlined above, racist and xenophobic discourse by prominent politicians has given rise to protests, both inside and outside the country, especially in the neighbouring countries from where the main targets of such discourse come. The Special Rapporteur's report on Japan (E/CN.4/2006/16/Add.2) points out

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[28] BBC News: "Japan mulls multicultural dawn", 5 October 2004.

that racial discrimination and xenophobia affects three categories of people: national minorities (the Buraku people, the Ainu and the people of Okinawa); people and descendants of former Japanese colonies (Koreans and Chinese); foreigners and migrants from other Asian countries and the rest of the world.

C. Africa

38.   In Africa, almost all the nation States that emerged from the colonial era are multi-ethnic, multicultural and multi-religious and, in many cases, ethnic, cultural and religious groups have been divided between different nations. This diversity has, in some cases, reflected negatively on the political stability of the new nation States, as the elite have often used it to either broaden or consolidate its political base. In many African countries with multiparty political systems, partisan politics is often organized along ethnic lines rather than social, economic and ideological divide. Even in those cases where there is a single-party system or governed by the military, it is frequently alleged that the government is dominated by one ethnic group or another. In these cases, each ethnic community with, in turn, its internal stratification along socio-economic lines is represented by its own political elite which defends the interest of the community vis-à-vis the corresponding elites of other ethnic groups. In some cases, though, each ethnic group pursues a wide range of economic functions and occupations, and each economic class or sector cuts across members of several ethnic categories.[29]

39.   Whatever the prevailing organizational model, the role of political platforms in fuelling ethnic hatred and violence is crucial. The activities of organized political movements that incite ethnic violence and hatred have been a determining factor in unleashing such violence in Rwanda in 1994 when the Hutus massacred their fellow citizens of Tutsi origin; or in Liberia, Sierra Leone and Côte d'Ivoire in recent years; or in Darfur in the Sudan in present times.

40.   The conflict that began in the arid and impoverished Darfur region in the Sudan early in 2003 has continued unabated, leaving a long trail of destroyed villages, mass killings, abduction of women and rape, and tens of thousands of displaced persons forced to flee the area. Darfur has faced many years of tension over land and grazing rights between the mostly nomadic Arabs and farmers from the Fur, Massaleet and Zagawa communities. While the Government of the Sudan admits mobilizing "self-defence militias" following rebel attacks, it has denied any links to the Janjaweed militia, accused of being responsible for the mass killings, torched villages and raping of women. To many in the affected areas, this militia takes orders from governmental sources and is trying to "cleanse" black Africans from large swathes of territory.

41.   Elsewhere in the continent, communal violence continues to erupt and, in some cases, takes on religious and/or ethnic connotations, as a result of the activities of unscrupulous politicians who try to extract political benefits from such conflicts. In other cases, inter-group violence is part of the electoral competition in various transitions to democracy processes currently under way in the continent. In Nigeria for example, political competition has often exacerbated the numerous lines of regional, ethnic and religious conflict, and more political

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[29] Rupesinghe, K. and Tishkov, V.A., *Ethnicity and Power in the Contemporary World*, United Nations University Press: Tokyo - New York - Paris, 1996.

violence threatens to arise in the run-up to new elections. In Somalia, the long-lasting conflict between various clan-based militias has acquired a religious connotation since the intervention of the Union of Islamic Courts. In Côte d'Ivoire, ethnicity has been a major factor in the political crisis riveting the country since the late 1990s; at a stage in the crisis, "*ivoirité*", a concept thought to encompass the essence of being Ivorian, was used as legitimate means to neutralize political opponents. The impact of this exclusionary use of the concept is bound to be long-lasting as it has lent legitimacy to the idea that the country's citizens can be classified into "ethnic Ivorians" and "temporary Ivorians", on the basis of the place of origin of their parents. The Special Rapporteur's report on Côte d'Ivoire (E/CN.4/2005/18/Add.3) puts forward a number of recommendations deemed capable of staving off further conflict and paving the way for a return to peaceful coexistence amongst Côte d'Ivoire's various ethnic groups.

42.   In Zimbabwe, the governing ZANU successfully put across the message that victory by the MDC opposition block would benefit its white masters and not the people of Zimbabwe and this would amount to a betrayal of the free and independent Zimbabwe that had cost so much to attain.

D. South America

43.   In South America, racism, racial discrimination, xenophobia and related intolerance are part of the legacy of colonialism and slavery and, despite the fact that today's economic, social and political conditions are far better than during the colonial period, racism, racial discrimination and exclusion on grounds of race still permeate human, social and power relations in most countries of the region. The vulnerable groups here are predominantly Amerindians and people of African origin, without forgetting immigrants and asylum-seekers. In many countries of the region, poor and marginalized areas and communities often coincide with those where these groups prevail.

44.   The marginalization in the economic, political and social spheres is often coupled with low institutional awareness and low recognition of the existence of racism and its negative impact on social cohesion. To this end, it is indicative that many countries in the region define themselves in terms of their Spanish or Portuguese origin, thereby ignoring their Amerindian and African components. The concept of "Latin America", instead of "South America", reflects the denial or non-recognition of the roots of South American societies and the dominance of the European influence. While political parties function in many countries along racial lines, the participation of Amerindians and people of African descent in the political life remains marginal. In recent years though, vulnerable groups have effectively drawn attention to the problems of racism and racial discrimination they encounter as being major factors in their marginalization. More importantly, in different countries, politicians from Amerindian background have been elected to top political positions, thus encouraging further participation by segments of the population that would have otherwise stayed at the margins. While such developments do not mean the end of race-based discrimination with all its economic, social and political implications, they do shed lights of hope on the possibility that through democratic processes, change to a more egalitarian and multicultural society can be achieved.

45.   In Guyana, a severe ethnic division among people of African, Indian and Amerindian origin is still a reality of our days. This polarization is so entrenched in the history of the country that it is reflected both in the ethnic composition of the political parties as well as in the structure

of public institutions such the police and the army. Though Guyana has legal provisions forbidding incitement to racial or ethnic hatred and the Ethnic Relations Commission oversees the implementation of some of such measures,[30] the use of race to build political support has been a common practice by most of the country's political parties. In the report on his visit to Guyana (E/CN.4/2004/18/Add.1), the Special Rapporteur highlighted that ethnic polarization pervades certain segments of Guyanese society and leads to a profound moral, emotional and political fatigue.

46.   In Trinidad and Tobago, racial and ethnic divisions among its multi-ethnic population of African, Indian, mixed European, Chinese and Syrian/Lebanese descent are present in the public life, though they do not seem to be as harsh as in Guyana. Rather, the case of Trinidad and Tobago consists of an extensive discourse on race and colour, in a context where several racially and culturally exclusive groups struggle for power and jobs within a very small area. The Special Rapporteur in the report on his visit to Trinidad and Tobago (E/CN.4/2004/18/Add.1) noted with interest that ethnic polarization is lesser here than in Guyana and that the former enjoys a particular multicultural vitality in individual contacts and religious practices.

47.   In the Dominican Republic, racism, racial prejudice and discrimination are common traits of the country's history and affect not only Dominicans of mixed or African descent, but also Haitian immigrants and Dominicans of Haitian origin in very harsh ways. Expressions of anti-Haitian sentiment are common at all levels of society, including in the political sphere, and Haitian immigrants are a popular target of resentment and incitement to racial hatred and discrimination. NGOs working in the field of human rights have reported that the Dominican Government has conducted a series of massive deportations of Haitian immigrants, which in some cases involved Dominicans of Haitian origin on account of the their "darker" skin colour. In September 2005, the Special Rapporteur sent a letter of allegation to the Government regarding the case of more than 3,000 Haitians who were said to have been detained and over 1,000 deported without consideration of their legal status in the country. The Government has also turned down a ruling by the Inter-American Court of Human Rights for having "denied citizenship on the basis of race and rendered children of Haitian descent effectively stateless". The Special Rapporteur will soon have an opportunity to assess the situation in situ, in the light of the recent invitation of the Government for a visit, together with the independent expert on minority issues.

48.   In Honduras, human rights organizations have highlighted the use of politically motivated criminal charges to harass, intimidate and deter opposition from individuals involved in defending the environment and a wide range of economic, social and cultural rights. In particular, abuses against indigenous peoples, including acts of intimidation, attacks and killings, and the failure of the authorities to investigate these abuses and bring those responsible to justice, have been reported. According to indigenous people, much of such abuse has been intended to obstruct their efforts to secure recognition of their claim to communal land titles. In the report on his mission to Honduras (E/CN.4/2005/18/Add.5), the Special Rapporteur noted

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[30] Ethnic Relations Commission, Conclusions of the Ethnic Relations Commission on Application of the Indian Arrival Committee, Georgetown, February 2005 (http://www.ethnicrelations.org.gy/publications/reports/IAC_Decision_Final.pdf).

with concern the overlapping between poverty-stricken areas and those inhabited by communities of indigenous people and people of African descent; the low involvement of representatives of these communities in important spheres of public life, such as the government, parliament and the judiciary; and their marginalization in the media, which explains their portrayal as objects of folklore.

49.   Brazil, despite its popularity as a case of successful multiracial and rich multiculturalism that transcends racial and colour boundaries, and the strong political commitment expressed at the highest state level to combat racism and discrimination, still suffers from racism, racial discrimination, xenophobia and related intolerance that afflict significant parts of its population. With deep roots and having influenced the structure of the entire society for five centuries, racial violence and discrimination principally affect the indigenous people, such as the Xukuru and the Truká, people of African descent, migrant workers, refugees and asylum-seekers from neighbouring countries. Besides social, economic, political and educational marginalization, manifestations of racism include considerable racial violence ranging from death threats to outright murder. While many African descendants are targets of such violence in the context of public discourse on urban insecurity and criminality, indigenous peoples are often targeted in the context of attempts by settlers to take over their lands. In many cases, public law enforcement agents have been alleged to be either directly responsible for the violence or to have failed to provide protection. Although a number of positive policy initiatives have been taken in recent years, including the establishment of the Special Secretariat for the Promotion of Racial Equality (SEPPIR), affirmative action measures facilitating access to university education and renewed efforts to demarcate and register indigenous people's lands, these are yet to produce significant changes in the lives of vulnerable groups, partly due to the resistance to such policies both within public and private institutions. In his mission report to Brazil (E/CN.4/2006/16/Add.3), the Special Rapporteur welcomes the role that the country is playing in fostering a regional and international dimension to the combat against racism, illustrated in particular by its leadership in the drafting of the Inter-American Convention against Racism and all forms of discrimination and intolerance, and the organization, in July 2006, in cooperation with Chile, of the Regional Conference of the Americas aiming at identifying progress and remaining challenges in the implementation of the Durban Declaration and Programme of Action. The Special Rapporteur, in the context of the Durban review process, encourages other regions to carry out the same analysis with the participation of governments, civil society and individual experts.

50.   The pattern of racially motivated marginalization of communities of indigenous peoples and Afro-descendants holds true also in Guatemala. The participation of indigenous peoples in the political and decision-making processes is generally limited though there are a number of consultation processes in place. In government service, they are often subjected to the "crystal roof" mechanism: they can only look up to the top posts without gaining access to them. Reporting on his visit to Guatemala (E/CN.4/2005/18/Add.2), the Special Rapporteur underlined the lack of awareness of how extensive and deeply rooted discrimination is, among both the political authorities and the population as a whole.

E. The Middle East

51.   In spite of past efforts by some nationalists to build in a single Arabic nation using as foundation the common culture, religion and history, the region is still rife with problems of racism, xenophobia and marginalization of ethnic and religious minorities. In many countries

political parties are structured along confessional and religious lines and, in such cases, Islam ceases to be a unifying factor and intra-faith differentiation and religious subgroup identities take the upper hand. In certain cases like Iraq, struggle for political supremacy in the post-Saddam Hussein era has assumed extremely violent forms between ethnic and subgroup religious identities. Under the present circumstances, the ethnically heterogeneous character of the country and the previous power balance in which one group was seen to hold power at almost all levels has made it particularly vulnerable to a pervasive and conflictual politicization of ethnicity.[31] The ongoing situation has certainly offered new opportunities for extremist forces on both sides not only to incite ethnic and religious hatred but also to perpetrate the massacre of civilians that has become a daily tragedy for the entire population.

52.   Lebanon in its recent history has also experienced ethnic and communal polarization that has sometimes taken violent forms. As in other countries of the region, competition for political power is often closely linked to religious affiliation and allegiance. Its varied and complex ethnic and religious mix, with 17 officially recognized sects,[32] has often been exploited mainly by external forces to pit one group against another, resulting in bloody internecine conflicts. Most analysts agree that the main point of discord is the struggle for political rather than religious domination by one group against the others. Even in the recent crisis, there were Muslim and Christian forces allied on both sides of the divide.[33] Incitement to violence usually stems from political competition rather than ethnic or religious rivalry and remains closely linked to pressure from neighbouring countries, in particular Israel and Syria. In Egypt, although the constitution provides for equal rights without regard to religion, discrimination against Egyptian Christians and intolerance of Baha'is and unorthodox Muslim groups remains a problem. Egyptian law recognizes conversions to Islam, but not from Islam to other religions. Muslims who convert to Christianity face difficulties in getting new identity papers and some have been arrested for allegedly forging such documents.[34]

53.   The Israeli-Palestinian conflict is significantly characterized by issues of racism, ethnocentrism, anti-Semitism and xenophobia. On both sides of the divide, political platforms constantly incite ethnic and religious hatred and violence. In the occupied territories, the situation is exacerbated by the building of the "security wall" which has rendered extreme the already harsh situation of marginalization in which the Palestinian population lives. Within Israel itself, the State continues to enact laws that discriminate against Palestinian citizens of Israel, such as the law that prohibits family reunification between Israeli citizens (mostly Palestinians)

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[31] Wimmer, A., Democracy and Ethno-Religious Conflict in Iraq, paper presented Center on Democracy, Development and the Rule of Law, Stanford University, 5 May 2003 (http://iis-db.stanford.edu/pubs/20214/wimmer.pdf).

[32] Peteet, J.M. "Lebanon: Palestinian Refugees in the Post-War Period", *Le Monde diplomatique*, December 1997 (http://www.monde-diplomatique.fr/cahier/proche-orient/ region-lebanon-refugee).

[33] Corm, G., "Lebanon: No "Civil War" This Time", *Le Monde diplomatique*, September 2006.

[34] Human Rights Watch: World Report 2007.

and their Palestinian spouses from the occupied territories, except in certain age categories. The consequences of the violence are not limited to this region, but also contribute to the rise of Islamophobia and anti-Semitism in other parts of the world.

54.   In the Islamic Republic of Iran, public statements, including the remark that Israel be "wiped off the map" have been interpreted as having anti-Semitic connotations. In December 2006, the Government sponsored an international conference in Tehran which questioned the reality of the Holocaust. As indicated by the Special Rapporteur in his general report to the Human Rights Council (A/HRC/4/19) in March 2007, by organizing this conference, the President Mahmoud Ahmadinejad demonstrated his intention to legitimize the revisionism of other forms of racism, in particular, by inviting, in addition to prominent figures in European anti-Semitic revisionism, symbolic figures of anti-black racism in the United States of America, such as the Ku Klux Klan - whose main intellectual and ideological platform is the racial inferiority of black people and the need for their physical elimination. An anti-Semitic Holocaust denial cartoon contest had earlier been organized by the same Government.

55.   Migrant workers in the purportedly modern societies that the Gulf States have become continue to suffer extreme forms of labour exploitation that sometimes border on slavery-like conditions. Their life conditions are further worsened by deeply rooted gender, religious and racial discrimination. This provides the foundation for prejudicial public policy and government regulations, shameful practices of private employers, and unfair legal proceedings that may bring judicial sentences of the death penalty. Intolerance of religious diversity in some of these countries is widely reported by immigrants who have worked and lived there. Non-Muslim, but religiously observant migrant workers, must do with the absence of places of worship and refrain from public display of religious symbols such as Christian crosses or *tilaka* - the distinctive "holy spot" - that many Hindus apply on the forehead between the eyes. Private worship in community with others must always proceed cautiously and not be conspicuous.

F. North America

56.   In the USA, racist and xenophobic discourse is not illegal as it is considered as falling under freedom of expression and speech, which cannot be limited by law, in accordance with the provisions of the First Amendment of the United States Constitution. At the policy level, commitments to redressing structural and social wrongs have been eroded by populist parties and movements preaching hatred and racism. By the late 1990s there were over 540 extremist groups such as the Ku Klux Klan and neo-Nazi groups and peoples' militias in the United States. This situation has been further reinforced by the 11 September attacks, which have given rise to a resurgence of racist and xenophobic violence, in particular against individuals and communities of Arab, Asian and Muslim Americans. The Special Rapporteur has solicited an invitation to the American authorities to visit the country in late 2007, in order to provide an update to the report of his predecessor of 1994 (E/CN.4/1995/72/Add.1).

57.   There are several extremist organizations that preach racial and ethnic hatred in the United States. The Ku Klux Klan, formed in the second half of the nineteenth century, rose to become one of the most racist and deadly organizations of all time. Declaring itself "100 per cent

American, 100 per cent Christian and 100 per cent Protestant", by 1921 the Klan boasted 1.2 million members and, at its peak, approached 6 million. It is survived by a number of splinter groups such as the United Klans of America, The Invisible Empire, and the Knights of the Ku Klux Klan. One of its most famous leaders, David Duke, currently heads the openly racist and anti-Semitic European-American Unity and Rights Organization.

58.   Other racist and xenophobic organizations active in the United States include National Alliance, the Aryan Nations, the Aryan Brotherhood, the National Socialist Party of America, American Nazi Party, White Aryan Resistance and the Creativity Movement (formerly World Church of the Creator). These organizations are supported by a plethora of small groups that operate locally, disseminating racist, xenophobic and anti-Semitic propaganda through music, comic books, marches, rallies, leaflets, active recruitment and the Internet.

59.   Canada is not immune to the phenomena of racist and militant supremacist organizations that explicitly advocate for racial hatred. Unlike the United States, incitement to racial hatred is punishable under the Canadian Criminal Code which states that whoever, by communicating statements in any public place, incites hatred against any identifiable group where such incitement is likely to lead to a breach of the peace is guilty of an indictable offence and is liable to a prison term, or an offence punishable on summary conviction. This has made it possible to counter the activities of various neo-Nazi groups. One of the most prominent is the National-Socialist Party of Canada (NSPC) whose stated goals include "restoring white sovereignty in Canada" or challenging the Jewish influence on news and entertainment mass media.[35] Another organization, West Canada For Us (WCFU), set up in 2004, was dissolved during the same year after being convicted of violating Canadian hate crime laws by publishing on their website materials deemed to promote hatred. Other active organizations are the anti-Semitic and Holocaust Denial Institute of Historical Review (IHR) and the Canadian Ethnic Cleansing Team (CECT). In his mission report on Canada (E/CN.4/2004/18/Add.2), which he visited in 2003, the Special Rapporteur noted the resurgence of a far-right political platform that was particularly vocal with regard to Jews. The Special Rapporteur will soon have an opportunity to assess the situation in situ, in the light of the recent very positive invitation of the Government for a follow-up visit.

III. CONCLUSIONS AND RECOMMENDATIONS

60.   **The current resurgence of racism, racial discrimination, xenophobia and related intolerance represents a major threat not only to the rights of the victims but also to the development of democracy and social cohesion. This threat has attained new and alarming heights in the context of the current global "war on terror", as a result of intellectual legitimization of racist and xenophobic ideas via public discourse, and the translation into public policies by mainstream political parties of perspectives that were formally promoted by far-right political movements.**

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[35] See Canadian Human Rights Tribunal, Tremaine Decision, 2 February 2006 (http://www.chrt-tcdp.gc.ca/search/files/t1104_8505de1updated.pdf).

61.   **The following strategic lines of action are strongly recommended to counter the banalisation and the democratization of racism and to uproot the deeper sources of the growing racist and political platforms all over the world:**

     (a)   A stronger manifestation of political will to combat racism, racial discrimination and xenophobia, based on the awareness of the resurgence of all forms of racism and its serious threat to democracy. Political parties should provide leadership in the fight against racism and xenophobia by taking concrete steps to promote solidarity, tolerance, respect and recognition of vulnerable groups as full members of society, inter alia, by developing and implementing voluntary codes of conduct in favour of a non-racist society. Such codes of conduct should include a commitment not to engage in incitement to racism, racial discrimination, xenophobia and related intolerance, both within the party and in society at large; lay out a set of internal disciplinary measures for violations thereof; and undertake not to form coalition governments with parties and groups that advocate for or incite racism, racial discrimination, xenophobia and related intolerance;

     (b)   With a view to strengthening democracy, States should encourage the participation of groups that are especially vulnerable to racism and racial discrimination in the political life of their countries, taking into consideration their possible contribution to the reinforcement of the anti-discrimination perspective. Particular attention should be paid to specific ways in which racism, racial discrimination and xenophobia impact on women and other groups especially vulnerable to racism and discrimination, and the synergic effects of the multiple forms of discrimination they encounter;

     (c)   The implementation of all pertinent human rights instruments to fight racism, racial discrimination and xenophobia, in particular the International Convention on the Elimination of All Forms of Racial Discrimination and the Durban Declaration and Programme of Action. Member States should also adopt all necessary legal, political, administrative and judiciary measures to ensure the respect and complementarity of the fundamental rights guaranteed by the pertinent international legal instruments, in particular regarding freedom of expression and freedom of religion, to uproot the growing incitement to racial and religious hatred;

     (d)   The linkage and complementarity of the combat against racism, racial discrimination and xenophobia with the long-term construction of a democratic, non-discriminatory and interactive multicultural society, based on the recognition, respect and promotion of cultural, ethnic and religious diversity;

     (e)   The promotion of intercultural and inter-religious dialogue, both at the national and international level, on the basis of two interrelated strategies: the deepening of reciprocal knowledge between the different communities and the practice of social, cultural and religious interactions between them on the basis of universal values.