



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2005/18
13 December 2004

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Sixty-first session
Item 6 of the provisional agenda

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

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

Summary

This report is submitted pursuant to resolution 2004/88 adopted by the Commission on Human Rights at its sixtieth session. It should be read in conjunction with the interim report (A/59/329) and the study on the question of political platforms which incite or promote racial discrimination (A/59/330) submitted by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to the General Assembly at its fifty-ninth session.

Since the Commission's last session, the Special Rapporteur has endeavoured to pursue his dual strategy against racism, discrimination and xenophobia: on the one hand a legal strategy aimed at extending and strengthening the legal and political responses to racism, racial discrimination, xenophobia and related intolerance, and on the other an intellectual and ethical strategy aimed at achieving a better understanding of the deep cultural roots of racism and its ideological, cultural and mental bases, processes and mechanisms. In this context, he considers it urgent to promote equal treatment of all forms of discrimination.

The Special Rapporteur focused his attention on fieldwork, i.e. country visits, and on strengthening cooperation with institutional partners. In 2004, he undertook two country visits: a visit to Côte d'Ivoire, from 9 to 21 February 2004, and a regional visit to Central America, which took in Guatemala, Honduras and Nicaragua, from 26 June to 13 July 2004. He presents his findings to the Commission in his mission reports (E/CN.4/2005/18/Add.2, Add.3, Add.5 and Add.6 respectively). The Special Rapporteur also took steps to strengthen his collaboration with regional organizations and other institutional partners. In Vienna, he had a very fruitful meeting with the European Monitoring Centre for Racism and Xenophobia (EUMC), exchanging information about respective methods of work and identifying areas where the Monitoring Centre and the Special Rapporteur could fruitfully cooperate in the future. He also intensified his cooperation with the Organization for Security and Cooperation in Europe (OSCE) and the Inter-American Commission on Human Rights. Cooperation with these bodies focuses both on racism in general and specific forms of racism such as anti-Semitism, Islamophobia or racism against particular populations like the Roma. With regard to racism in sport, the Special Rapporteur stepped up his consultations and cooperation with relevant bodies, such as the International Olympic Committee (IOC) and the Fédération Internationale de Football Association (FIFA).

On the basis of the information which he has gathered, the Special Rapporteur considers that the present situation as regards racism, racial discrimination, xenophobia and related intolerance reflects the following predominant tendencies: the growing importance of the factor of identity in recent manifestations of racism, racial discrimination and xenophobia; the tendency to hierarchize different forms of racial discrimination; an ever more pronounced tendency to provide an intellectual justification for racism, racial discrimination, xenophobia and related intolerance; the rise and growing influence of parties and movements with racist and xenophobic platforms; and the exacerbation of the phenomenon of racism in sport. In the conclusion to the report, the Special Rapporteur presents his recommendations to the Commission.

CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
I. ACTIVITIES OF THE SPECIAL RAPPORTEUR	1 - 8	4
A. Field missions and activities of the Special Rapporteur ..	1 - 4	4
B. Participation in the work of the General Assembly at its fifty-ninth session	5 - 8	5
II. CONTEMPORARY MANIFESTATIONS OF RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE	9 - 43	6
A. Impact of identity constructions on racism, discrimination and xenophobia	9 - 12	6
B. Hierarchy of forms of discrimination and intellectual justification of racism and xenophobia	13 - 16	8
C. Rise of parties and movements with racist and xenophobic platforms	17 - 28	9
D. Racism and sport	29 - 38	12
E. The Roma and other groups	39 - 43	14
III. REGIONAL COOPERATION	44 - 47	15
IV. CONCLUSIONS AND RECOMMENDATIONS	48	16

I. ACTIVITIES OF THE SPECIAL RAPPORTEUR

A. Field missions and activities of the Special Rapporteur

1. The Special Rapporteur undertook a mission to Côte d'Ivoire from 9 to 21 February 2004, mainly for the purpose of making an objective assessment of the role played by ethnic factors in the political crisis facing that country. While the Special Rapporteur observed that, for the most part, the rich inter-ethnic fabric of society in Côte d'Ivoire shows no evidence of any tradition or system of xenophobia, he also noted that Ivorian society is caught up in a dynamic of xenophobia which is particularly dangerous in the context of the current crisis. One of the key recommendations which the Special Rapporteur makes in his mission report (E/CN.4/2005/18/Add.3) points to the need to place the question of the long-term reconstruction of inter-ethnic relations, which have been badly strained by the present crisis, at the heart of any lasting solution to the political crisis in Côte d'Ivoire.

2. The Special Rapporteur also carried out a regional visit to Central America, covering Guatemala, Honduras and Nicaragua, from 26 June to 13 July 2004. The aim of the mission was to analyse the role in problems of racism and discrimination of two key factors, of particular significance in this part of the Americas, which he had already identified during his previous visits to Colombia (see E/CN.4/2004/18/Add.3), Guyana and Trinidad and Tobago (see E/CN.4/2004/18/Add.1): the depth of the historical legacy of racism and discrimination, the ideological underpinning of slave-holding and colonial systems, which has heavily influenced the shape of societies in this hemisphere; and the impact of the political violence that has marked the recent history of Central and South America on communities of indigenous people and people of African descent, which have traditionally experienced discrimination. In these three countries in transition towards peace-building, social cohesion and consolidation of democracy there is a striking correlation between the map of poverty and marginalization and the geographical distribution of communities of Amerindian people and people of African descent, which have historically experienced discrimination. These countries are thus confronted with three main challenges: recognition by the political authorities of the reality and depth of racism and discrimination; the formulation of policies and programmes that mitigate and remedy the structural, economic and social effects of discrimination in de facto multi-ethnic societies; and the need to combine a more open and determined fight against discrimination with the long-term construction of a democratic, egalitarian and interactive multiculturalism. The Special Rapporteur's comments and recommendations are contained in his mission reports (E/CN.4/2005/Add.2, Add.5 and Add.6).

3. As for prospective missions, the Special Rapporteur has requested invitations to visit the following countries: India, Japan, Pakistan, Nepal, Brazil, the Russian Federation, Switzerland and Italy. The Special Rapporteur thanks the following countries, which have already acceded to his requests for an invitation to visit: Brazil, the Russian Federation and Japan.

4. With regard to the question of the defamation of religions, the Office of the United Nations High Commissioner for Human Rights and the Centre of the United Nations Educational, Scientific and Cultural Organization in Catalonia hosted an expert seminar, at the Special Rapporteur's initiative, on the defamation of religions and the global combat against

racism, anti-Semitism, Christianophobia and Islamophobia from 11 to 14 November 2004 in Barcelona, Spain. The Commission, in its resolution 2004/6, asked the Special Rapporteur to prepare a report on Islamophobia, while the General Assembly, in its resolution 58/160, encouraged the Special Rapporteur to continue his work and expressed deep concern at the increase in Islamophobia, anti-Semitism and Christianophobia. In light of the mandates entrusted to him, particularly the statement which the Secretary-General of the United Nations made at the United Nations seminar on anti-Semitism held at New York on 21 June 2004, calling on the Special Rapporteur on contemporary forms of racism and the Special Rapporteur on freedom of religion or belief to actively explore ways of combating anti-Semitism more effectively in the future, the Special Rapporteur considered it necessary, in order to help the Commission to explore these issues more fully, to organize a discussion about Islamophobia, anti-Semitism and Christianophobia, focusing on their specific characteristics as well as the universality of their underlying causes. This seminar brought together some 30 high-level experts who presented and discussed their research papers on these three topics. The Special Rapporteur's thoughts and recommendations, based on the outcome of that meeting and other sources of information, are presented in a separate report (E/CN.4/2005/19).

B. Participation in the work of the General Assembly at its fifty-ninth session

5. The Special Rapporteur has submitted two reports to the General Assembly: an interim report (A/59/329) and a study on the question of political platforms which incite or encourage racial discrimination (A/59/330). The interim report focuses on the country visits which he undertook in 2004, the main meetings which he attended with a view to contributing to the implementation of the Durban Programme of Action, and contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance, particularly racism in sport, racist propaganda on the Internet and manifestations of racism associated with Islamophobia and anti-Semitism. The Special Rapporteur recommended that the General Assembly should call on international sports bodies to take appropriate measures to eradicate racism in sport and cooperate to that end with the relevant human rights mechanisms, in particular the Committee on the Elimination of Racial Discrimination and the Special Rapporteur. He also invited the General Assembly to alert Member States to the growing importance of the intellectual front in the fight against racism, discrimination and xenophobia, the need to devise an intellectual strategy for combating that phenomenon in the domain of ideas, concepts, images, perceptions and value systems which fuel the construction of a racist, discriminatory and xenophobic culture and mindset, and the importance of reinforcing the legal and political strategy against racism and discrimination.

6. The Special Rapporteur welcomes the high standard of the interactive dialogue that took place in the Third Committee of the General Assembly and the discussions which he enjoyed on that occasion with representatives of the Member States, who expressed concern about racism in sport and on the Internet but also stressed the positive role that sport and the Internet can play in the fight against racism, as well as the central role of education in combating racism. While the Special Rapporteur agrees that sport can be an excellent vehicle for combating racism, he cannot fail to observe, with concern, that sport remains the theatre for a high number of racist incidents (see paragraphs 29-38 below). In the international domain, States have yet to reach a political agreement on how to prevent the Internet being used for racist

purposes and on how to promote its use to combat the scourge of racism. The Special Rapporteur sees an urgent need for a political agreement on this question. He also sees a need for wider cooperation and complementarity, such as the Special Rapporteur has already initiated, between the United Nations and other international organizations that are actively involved in this domain, such as OSCE and EUMC.

7. While the Special Rapporteur underlined the central role of education, he also pointed out that it is primarily the quality and content of education, in particular the value systems which it transmits, that play a decisive role in combating racism, discrimination and xenophobia. Indeed, education as a vehicle for the transmission of information and knowledge is not in itself a sufficiently powerful tool for combating racism. Nazi Germany was an educated country, but that did not prevent the horror of the Holocaust and the concentration camps. Those who practised apartheid in South Africa also considered themselves to be “educated”. In this connection, the Special Rapporteur has called on all countries to include in their education systems not only the writing and teaching of the history of identity constructions that are likely to ostracize or discriminate against others, but also intercultural education and education in democratic values and human rights, in accordance with paragraph 130 of the Durban Declaration, which calls “upon States to undertake and facilitate activities aimed at educating young people in human rights and democratic citizenship and instilling values of solidarity, respect and appreciation of diversity, including respect for different groups”.

8. With regard to the study on the question of political platforms which incite or encourage racial discrimination (A/59/330), the Special Rapporteur expressed deep concern not only at the growing electoral success, in several countries, of political parties which openly promote racist and xenophobic platforms, but, above all, the insidious and alarming way in which these platforms have penetrated the political agendas of democratic parties on all continents, under the guise of combating immigration, promoting “national preference”, combating terrorism or protecting national security, helping to downplay the importance of racism, discrimination and xenophobia.

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

A. Impact of identity constructions on racism, discrimination and xenophobia

9. A number of recent incidents, notably in the Netherlands, Thailand and Côte d’Ivoire, demonstrate the decisive role, often glossed over by most countries, which identity constructions play in the dynamic of racism, discrimination and xenophobia. In the Netherlands, the particularly brutal murder of film director Theo Van Gogh, a harsh critic of Islam, sparked off a wave of intercommunity and inter-religious violence, even though the murder was the act of an individual. In Thailand, deadly acts of repression committed by the forces of law and order against young Muslim demonstrators led to bitter clashes between the Muslim minority and the Buddhist majority, claiming many lives. In Côte d’Ivoire, in the context of the political crisis and the race for power, the concept of “*ivoirité*”, or Ivoirianness, was used to justify

discriminatory and xenophobic practices. Not only do these incidents provide evidence of a general increase in racism, discrimination and xenophobia, they also raise the central question of the relationship between identity constructions and racism, discrimination and xenophobia. Indeed, these recent incidents all have three characteristics in common:

- The conflation of questions of race, religion and culture;
- The way that individual acts lead to clashes between communities or religious groups;
- The ideological spin which politicians and the media give to the acts of individuals, portraying them as manifestations of a clash of cultures. In the Netherlands, for example, a Liberal Party politician described the murder of Theo Van Gogh as evidence of the arrival of “Jihad in the Netherlands”.

10. The Special Rapporteur takes the view that the concept which is common to the rhetoric that surrounds these incidents is that of identity construction. The way that these incidents were taken as evidence of a clash of religions, cultures or civilizations can be seen in analyses of the type “an attack upon our values and our civilization”, “a threat to our identity”, etc. As a result, these incidents were perceived or portrayed as threatening or calling into question a national identity which is “in peril”. The crisis in the Netherlands following the murder of Theo Van Gogh demonstrates the dual mechanism by which discrimination is created: denial of the particular, the individual or the personal, leading to a systematic interpretation of private, individual or personal acts as collective behaviour and, thus, the stigmatization of a community or group.

11. Similarly, the debate over Turkey’s accession to the European Union and the inclusion of a reference to Europe’s Christian heritage in the European Constitution showed the same intellectual and political processes at work; either rejection, owing to an “insuperable” difference of values or religion, or the retreat of a country, group or continent into an identity forged around values which are allegedly immutable and fixed for all eternity. In that regard, the Special Rapporteur wishes to draw attention to the forgotten question of the identity construction of the new Europe. The identity of the new Europe at the dawn of the twenty-first century can no longer be what it was in the eighteenth, nineteenth and twentieth centuries. The construction of Europe’s present identity takes no account of two movements which have transformed European identity: the movement of non-European peoples in the post-colonial era, and more recent immigration, particularly from the countries of Central and Eastern Europe, together with a new wave of immigration of non-European origin. These identity-changing processes have not been paid sufficient attention. Moreover, the role of nationalism, a major cause of the inter-European wars which battered the continent over the centuries, does not appear to have been analysed properly in terms of its impact on the new Europe.

12. It is therefore vital, for the deconstruction of racism and xenophobia, to recall the point which the Special Rapporteur made in his first report to the Commission, namely that the construction of an identity results in the creation of an enemy, the tendency of a people to focus on its ethnic, religious or cultural identity to the exclusion of others, and the rejection and denigration of the other, the odd man out, and, in its contemporary form, of non-nationals, refugees, immigrants.

B. Hierarchy of forms of discrimination and intellectual justification of racism and xenophobia

13. The hierarchization of different forms of racism, discrimination and xenophobia, and thus of the priority and urgency of dealing with one at the expense of the other, represents a particularly serious setback for the fight against racism and discrimination. While there is no question that each form of racism and discrimination has its own ontological, historical, geographical and cultural characteristics, they all share, in the Special Rapporteur's view, deeper roots that form part of a universal culture and mindset of racism and discrimination. The hierarchization of forms of racism and discrimination challenges and seriously undermines the notion of the universality of racism, diminishing the effectiveness of, and commitment to, efforts to combat it.

14. This hierarchization is contrary to the principle of the indivisibility and inseparability of human rights, which was reaffirmed by the 1973 World Conference on Human Rights in the Vienna Declaration, paragraph 5 of which reads: "All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis." According to that principle, human rights form part of a whole and are inseparable. Hence, any violation is important in and of itself and there must be no hierarchy of the rights guaranteed under international law. This principle confirms that all forms of xenophobia or racial discrimination must be treated equally and that there can be no ranking of their individual importance.

15. However, this hierarchy, often the result of historical contexts which are specific to each form of discrimination, either an opportunistic political manipulation of the fight against racism or the result of a victim mentality, is found to different degrees in all regions and affects all forms of racism and discrimination. The phenomenon is further exacerbated by the process of the intellectual legitimization of racism and xenophobia which is unfolding before us. The increasingly overt trend towards intellectual legitimization of racism and its spread not only through the media, but more particularly literature and the human sciences, shows an intellectual and scientific community in retreat from its commitment to the fight against racism, discrimination and xenophobia. A significant example of this intellectual trend of creating or justifying discrimination is Samuel Huntington's new book *Who Are We? The Challenges to America's National Identity*.¹ Following on from his previous book on the clash of civilizations, the central argument of this work is the assertion that the presence of "Latinos" and "Latino" culture in the United States of America poses a threat to the American identity.

16. The characterization of immigration as a threat to national identity goes hand in hand with the perception of globalization as a process of cultural homogenization. They both produce, in political discourse, intellectual thought and the public imagination, ghetto identities and identity siege mentalities, whose construction and justification lead to xenophobia, racism and discrimination. At the heart of these processes, the rejection of diversity and cultural, ethnic or religious pluralism fuels rejection of, and discrimination against, non-nationals, immigrants and refugees, but also nationals from different ethnic, cultural or religious backgrounds or minority groups.

C. Rise of parties and movements with racist and xenophobic platforms

17. The Special Rapporteur noted with great concern the rise of parties and movements with racist and xenophobic political platforms, leading, inter alia, to the recent electoral successes of such parties in several countries. In that context, the General Assembly, in its resolution 59/175 of 20 December 2004, entitled “Measures to be taken against political platforms and activities based on doctrines of superiority and violent nationalist ideologies which are based on racial discrimination, ethnic exclusivism and xenophobia, including neo-Nazism”, took note of the recommendations of the Special Rapporteur, including on the need for States to exercise greater control over racist and xenophobic statements especially when they are expressed by representatives of political parties or other ideological movements. The General Assembly also expressed support for the activities of the Special Rapporteur and called upon all States to cooperate with him with a view to enabling him to fulfil his mandate.

18. The Special Rapporteur wishes to draw the attention of the Commission to the study on the question of political platforms that incite or encourage racial discrimination (A/59/330), which he submitted to the General Assembly at its fifty-ninth session, providing an overview of parties and movements worldwide whose strategy or objective is to incite racial hatred or xenophobia. When the report was introduced before the Third Committee of the General Assembly, some delegations contested the allegations made concerning their respective countries. The Special Rapporteur agreed to review the cases raised by some countries and to include the necessary corrections in his subsequent reports, should such criticisms prove justified.

19. The Special Rapporteur also drew attention to another very worrying development: the number of political parties which are increasingly taking up overtly racist and xenophobic positions. In that regard, the Special Rapporteur wishes to underline the commitment made by the States Members at the Durban Conference. In paragraphs 84 to 87 of the Durban Declaration, the States Members condemned political platforms and organizations based on racism, xenophobia or doctrines of racial superiority and related discrimination, and noted that “article 4, paragraph (b), of the International Convention on the Elimination of All Forms of Racial Discrimination places an obligation upon States to be vigilant and to proceed against organizations that disseminate ideas based on racial superiority or hatred, acts of violence or incitement to such acts. These organizations shall be condemned and discouraged.”

20. However, the newest and most alarming aspect of the rise of parties with racist and xenophobic platforms is the insidious way in which these platforms have found their way into the political agendas of democratic parties. What is new is not the existence of these platforms as such, but their progressive co-optation by democratic parties, for electoral purposes, under the guise of defending “national identity”, combating illegal immigration or defending “national preference”, in the context of economic recession, the fight against terrorism, or the defence of national security. As a result, racist or xenophobic discourse and writing, and therefore racist or xenophobic acts, enter the mainstream. The Special Rapporteur regards racism and xenophobia as the most serious threat to contemporary democracy.

21. The Special Rapporteur wishes to illustrate this point by citing a number of recent cases which he regards as particularly worrying. In Germany, the two parties with openly racist and

xenophobic platforms, namely the National Democratic Party (NDP) and the Union of the German People (DVU), made a breakthrough at the regional parliamentary elections in September 2004: the first took 9.1 per cent of the vote in Saxony, and the second took 5.9 per cent in Brandenburg. The Special Rapporteur noted with deep concern the statements which the representatives of those parties made to the press. Holger Apfel, leader of the NPD, announced that one of the first things that he would do if he were to come to power would be to destroy the monument which had been erected in Berlin to commemorate the victims of the Jewish genocide carried out by the Nazis. The NPD and DVU held a joint congress on 1 November 2004, at which they announced that they had formed an alliance to “march together on Berlin”.

22. As regards Switzerland, the Special Rapporteur wishes to express grave concern at the xenophobic tone of the agendas of certain political parties, as manifested during the most recent legislative elections and the referendum on access to Swiss nationality held on 26 September 2004. This was rightly condemned by a section of the press, non-governmental organizations, and the Swiss Federal Commission against Racism, which reserved its special condemnation for a poster designed by the Union démocratique du Centre (UDC) party, showing hands of different colours grabbing for Swiss passports and thus making skin colour a criterion for naturalization, which is completely unacceptable.

23. The Special Rapporteur welcomes the measures taken by certain countries against parties with racist and xenophobic platforms. He noted with appreciation the judgement which the Belgian Court of Cassation handed down on 9 November 2004 against the Vlaams Block, the populist party led by Filip Dewinter, which, according to recent figures, is the major political party in Flanders. The Court of Cassation found that the Vlaams Block was a racist party, and was therefore liable to criminal prosecution, because it systematically stigmatized and incited hatred towards groups of individuals on account of their origin and religion. In order to avoid prosecution, the party changed its name to the Vlaams Belang (Flemish Interest) and toned down its language, particularly on the expulsion of immigrants. The Special Rapporteur nevertheless invites the Belgian authorities to remain vigilant and to make sure that this change is not merely a cosmetic exercise. The Special Rapporteur also invites the other parties not to break with the tradition of the “cordon sanitaire”, committing them not to form an alliance with the Vlaams Block, as a racist party, unless they are sure that the agenda of the Vlaams Belang contains no hint of racism or xenophobia.

24. The Special Rapporteur also noted with great concern the increase in the number of racist incidents in the Russian Federation, and the rise of the skinhead movement, which has been responsible for many of these incidents. The Ministry of Interior of the Russian Federation has published a list of the racist attacks committed on national soil: 157 racist crimes were carried out in 2003, as compared with 94 between January and September 2004. At the same time, the police opened files on 457 leaders and members of young skinhead groups in 2003. The experts estimate that there are around 55,000 skinheads in the Russian Federation today. Confined in the past to the large cities, today these movements and their ideas have taken hold in small provincial towns and even rural areas.

25. The targets of skinheads are “non-white” foreigners in general, including Africans, Arabs and Asians, as well as people from the Caucasus. Skinheads openly espouse Hitler’s theories and have “Aryan oaths”. For example, in order to join the White Wolves-Skinheads’ Union,

members have to take the following oath: "I swear to give my life for the domination of the white race. I swear to use every means to cleanse it of refuse." A young skinhead in this movement revealed that he was particularly fond of a phrase in Hitler's *Mein Kampf*: "Kill them all: the enemy of the race has neither age nor sex." He admitted that he saw himself as the cleaner of a city which "is crawling with these bronzed monkeys". Thus, on 6 December 2004, three young Chinese students were hospitalized after being attacked by a group of skinheads in broad daylight in Saint Petersburg. It was the latest in a wave of attacks against foreign students in that city.

26. The Russian authorities appear to be aware of the alarming scale of this phenomenon in their country and to be paying more and more attention to it. An anti-extremism act was adopted in 2002, but the phenomenon has only spread since then. Moreover, the debate on the act had the effect of giving violent and xenophobic movements greater visibility. Trials of small groups of skinheads for "murder" or "ethnic cleansing" are being held at present or have already resulted in convictions. However, this new act must be applied against xenophobic organizations. Moreover, much more effective measures are needed to combat these skinhead movements, which pose a real threat to the democratic values of Russian society and to peace and stability in that country. The Special Rapporteur therefore welcomes the invitation which he received in response to his request to visit the Russian Federation in 2005, and hopes that his visit can contribute to the Government's efforts to combat racism and xenophobia in the Russian Federation. The Special Rapporteur furthermore welcomes the adoption, at the initiative of the Russian Federation, of Commission on Human Rights resolution 2004/16, which requests the Special Rapporteur to reflect on the inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and to make relevant recommendations in his report to the Commission.

27. In Africa, the question of incitement to racial hatred and xenophobia in the political debate is particularly worrying because of its consequences. In Côte d'Ivoire, in the context of political crisis and power politics, the concept of "*ivoirité*", or Ivorianness, based on an ethnocentric identity, is used to exclude politicians from the competition for power and to discriminate against a large part of the country's population, which is regarded as foreign. This exclusion, played up by the media, sparked off an uprising, which plunged the country into a serious political and military internal conflict. Ethnicity has been used, throughout the ages, by both ruling parties and the opposition. In his report to the Commission (E/CN.4/2005/18/Add.3), the Special Rapporteur lays stress on the xenophobic dynamic of the current political crisis.

28. In Darfur (Sudan), black rebels, who are demanding a larger share of the country's resources but are also making a number of identity-related demands, are in conflict with the mainly Arab Government in Khartoum. In this situation, according to reports by the United Nations and non-governmental organizations, the pro-Government Janjawid Arab militia continue to wage a campaign of violence, massacres and rape against the black populations of Darfur. Indeed, some countries have accused the Government of practising genocide and ethnic cleansing. A particularly firm response from the international community is urgently needed in order to bring a halt to these practices which lead to grave violations of human rights and discriminatory acts. The Special Rapporteur proposes that he accord greater priority to this region and conduct an investigation that is as rigorous and comprehensive as possible on the conflicts which are tearing the region apart.

D. Racism and sport

29. The Special Rapporteur dealt with the question of racism in sport in his most recent report to the General Assembly (A/59/329), submitted pursuant to General Assembly resolution 58/160, which called upon him to pay special attention to the increasing frequency of incidents of racism at various sporting events. Although at its fifty-ninth session, the General Assembly noted with appreciation the efforts taken by certain sports bodies to combat racism, it did again express its concern over the increase in racist incidents in sport. The Special Rapporteur shares the General Assembly's concern and renews his commitment to reporting on racist incidents that take place in the sporting world and the measures taken by sports bodies to deal with them. To that end, he has intensified his contacts with sports bodies in order to promote cooperation and complementarity in efforts to combat racism in sport.

30. Since sport is characterized by the absence of social, racial, and ethnic and religious barriers, it ought to play a dynamic role in the promotion of interculturalism in all societies, based on the principles of equality, solidarity and respect for diversity. The positive role that sport can play in this regard, as a vehicle for the transmission of these values, is emphasized in paragraph 86 of the Durban Programme of Action, which calls upon States to counter ideologies which promote racial hatred and racial discrimination, including by taking "measures to combat the negative influence of such ideologies especially on young people through formal and non-formal education, the media and sport". It is important to recall that paragraph 218 of the Durban Programme of Action "urges States, in cooperation with intergovernmental organizations, the International Olympic Committee and international and regional sports federations, to intensify the fight against racism in sport by, among other things, educating the youth of the world through sport practised without discrimination of any kind and in the Olympic spirit, which requires human understanding, tolerance, fair play and solidarity".

31. Nevertheless, numerous racist incidents continue to occur in the sporting world; there has even been a resurgence in such incidents. The following are some incidents that were reported by *Le Monde* newspaper. On 13 November 2004, in Bastia, France, two black players and members of their families were physically and verbally assaulted and subjected to racist abuse as they were leaving the stadium. The Chairman of the Bastia team, scandalised by what had happened, announced that he was going to file a complaint against persons unknown for "racist abuse". On 17 November, in Madrid, several hundred Spanish supporters hurled racist abuse at black players in the England team, which was playing a friendly match against Spain. The spokesperson for the Spanish Prime Minister and the British Prime Minister expressed strong condemnation of what had occurred. In October, racist, anti-black songs were heard during a Champions League match being played in Athens between Panathinaikos and Arsenal.

32. In view of the gravity of these racist acts and the coverage that they were given in the media, their condemnation and the adoption of measures against those responsible for them are not, in the Special Rapporteur's view, decisive enough, nor do they reflect the seriousness of the situation. The escalation of racism in sport is also seen in the increasing frequency of incidents for which the coaches of famous teams bear personal responsibility. In April 2004, Ron Atkinson, the well-known English consultant and trainer of the Aston Villa team, was forced to resign from the Independent Television Company after his words describing Marcel Desailly, a French player of Ghanaian origin, as a "fucking lazy thick nigger" were

broadcast by a Middle East television company. Following that incident, his contract with *The Guardian* newspaper was also terminated. However, in other cases, no action is taken about language that is equally offensive. Patrick Vieira, captain of the France football team, condemned the lack of any reaction to the remarks made by Luis Aragones, trainer of the Spain team, who labelled the French player Thierry Henry “a bloody black”.

33. It is both necessary and urgent for politicians and national and international sports organizations to take a firm stand on such incidents. Although some positive and fruitful initiatives have been taken by sports federations or other organizations, they remain too circumscribed. Some of them were mentioned by the Special Rapporteur in his report to the General Assembly, including those taken by FIFA, the Football Against Racism in Europe organization, and the Union of European Football Associations (see A/59/329, paras. 33-35). For example, after the above-mentioned incidents of October and November 2004, the President of FIFA defined the recent increase in racist acts in football as “sickening and unacceptable”. He added that racism and discrimination have no place in that sport and that, on the contrary, football has a positive influence which ought to be used to combat this scourge. However, it is vital that FIFA does not confine itself to making such statements, but also makes a more determined, comprehensive and open commitment to combating racism through wide-ranging national and international awareness campaigns and the imposition of exemplary punishments on the persons responsible for these incidents.

34. The Special Rapporteur is particularly concerned about the way that some of the media have trivialized such incidents. He noted with concern the initial reaction of the Spanish press to the incidents that took place during the England-Spain friendly, criticizing the English press for focusing on their gravity instead of analysing them at a deeper level by identifying the culprits.

35. In this context of mobilization of international sports bodies, the Special Rapporteur had a meeting, on 20 October 2004, in Lausanne, Switzerland, with Mr. Jacques Rogge, President of the IOC, to brief him on the work that the Special Rapporteur does to combat racism, racial discrimination and xenophobia in sport and to learn about the initiatives taken by the IOC in that domain. Mr. Rogge said that the IOC remained faithful to the Olympic Charter, which encourages fraternal relations among people and sporting events, without any form of discrimination, and that he had never witnessed any manifestation of racial discrimination in the course of his activities. The Special Rapporteur took note with satisfaction of the measures taken by the IOC to ensure geographical balance in its activities, including by providing appropriate assistance to countries and national committees. Welcoming this initial contact, which has paved the way for cooperation with the Olympic organization on the exchanging of information, the Special Rapporteur told Mr. Rogge that he would pass on to him any allegation which the Special Rapporteur received about racial discrimination or xenophobia during sporting events sponsored by the IOC or an affiliated national body.

36. On 6 December 2004, the Special Rapporteur also had a meeting in Zurich, Switzerland, with Mr. Blatter, President of FIFA, who expressed deep concern about the recent racist incidents in football and outlined the actions that FIFA is taking to combat racism in football. For example, FIFA launched an inquiry into the racist incidents that occurred during the friendly match between England and Spain. For several years, FIFA has also sponsored social development and anti-discrimination programmes, including in cooperation with the

United Nations and some of its specialized agencies. Every year it organizes Anti-Discrimination Day, held in 2004 in conjunction with International Peace Day, on 21 September. In order to promote fair play and friendship among teams and supporters, FIFA decided that at the end of each match the two teams must line up and shake hands with one another. Mr. Blatter furthermore stressed that, under FIFA's statutes, national football associations must prohibit racial segregation clauses. Finally, he referred to the adoption by FIFA of a global rotation system for the selection of countries to host the world championships, and to the decision to hold the 2010 World Championships in South Africa, which will make it the first African country to host this sporting event. Finally, the Special Rapporteur proposed that Mr. Blatter and the Office of the High Commissioner for Human Rights organize a joint event to send a powerful message against racism on the occasion of the 2006 World Cup in Germany. He also proposed that Mr. Blatter promote the fight against racism in football at the national level by asking the federations to submit an annual report to FIFA on racist incidents and the measures taken in response to them.

37. In spite of the efforts already made, States and national and international sports bodies, including their managers, not only need to demonstrate greater commitment to, and vigilance in, the fight against racism and discrimination in sport, they also need to become more involved in awareness campaigns and activities designed to promote an image of interculturalism and multiracial integration at sporting events. These initiatives are particularly important in view of the recent rise in racism and xenophobia in sport. A tougher line is also needed against those who perpetuate and initiate these incidents. The Special Rapporteur considers that international sports bodies should set an example by taking harsh action against team managers or sports bodies which use language or behave in a manner that trivializes or justifies racist or xenophobia incidents.

38. The Special Rapporteur furthermore underscores the importance of the participation of civil society, including non-governmental organizations, in the fight against racism in sport. He noted with satisfaction the initiatives taken by *Kick It Out*, a non-governmental organization in the United Kingdom which for 10 years has been running campaigns against racism in football, in cooperation with sports and supporters' clubs and ethnic minority communities in the United Kingdom, using the slogan "Let's kick racism out of football". The Special Rapporteur noted with appreciation the week of national action against racism which the organization held from 14 to 26 October 2004, celebrating the contribution of blacks, Asians and other ethnic minorities to British football. In addition to the celebrations, the public was also presented with information about the meaning of Ramadan and the history of the black people, in order to widen its knowledge of the history and culture of other peoples. There were also discussions on racism, identity and citizenship, with contributions from artists, writers and poets.

E. The Roma and other groups

39. During his visit to the European Monitoring Centre for Racism and Xenophobia in Vienna,² the Special Rapporteur was briefed on the activities which the Centre pursues to combat discrimination against the Roma. The Centre and the Council of Europe undertook a joint study on Romani women and access to public health, and EUMC is now preparing a study on the Roma in primary education. It also supported the establishment of the European Roma women's network.

40. The first of these two studies collates information on access to public health systems for Roma women, taking as its point of departure the principle that the improvement of those women's health will benefit not only the women themselves but also the Roma community as a whole. The study attempts to identify the mechanisms that could make women more aware of their rights and their health and empower them to take more control over their own health and that of their families. It also attempts to identify the kind of legislation that is needed to facilitate access to health and to give effect to the rights of Roma women in this domain.

41. The second study looks at primary education systems in the 25 member countries of the European Union and the extent to which they facilitate the education of Roma children and their integration into the education system and society. It also looks at how far and in what way those education systems transmit knowledge of Roma culture and Roma society to other students. The study is intended to identify good practices that could be used in all countries in the region.

42. The Special Rapporteur welcomes the work which the Monitoring Centre does to promote the rights of the Roma. In view of the commitment which it shows and the quality of its work, the Special Rapporteur has decided, in a spirit of complementarity, to limit his future reports on Europe to describing and supporting the Centre's activities.

43. Finally, the Special Rapporteur's attention was drawn to the more subtle forms of discrimination in popular speech which stigmatize particular ethnic groups. For example, the terms "Mongol", "Mongolian" or "Mongoloid" are used inappropriately in the French language to denote a person who is mentally feeble or insane; this gives rise to discrimination against persons of Mongolian origin, who are very hurt by this usage.

III. REGIONAL COOPERATION

44. On 7 and 8 October 2004, the Special Rapporteur went to Vienna, at the invitation of the Monitoring Centre, the European Union agency responsible for providing the Union and its member countries with objective, reliable and comparable data on racism and xenophobia, to help in the formulation of policies on combating racism and xenophobia. The Special Rapporteur wanted to have a meeting with the Centre in order to exchange information about their respective activities and methods of work. The Monitoring Centre told the Special Rapporteur about the comparative studies which it has produced or is working on at present, including on the subject of racist crimes, violence, education, housing, employment, Islamophobia, anti-Semitism and the situation of the Roma. Areas where the Centre and the Special Rapporteur could fruitfully cooperate in the future were identified with a view to coordinating activities, avoiding duplication of effort, and using the expertise of each side in a complementary manner.

45. In keeping with the spirit of collaboration established during the visit, Ms. Beate Winkler, Director of the Monitoring Centre, decided to attend the seminar on the defamation of religions held in Barcelona, Spain, from 11 to 14 September 2004. The Special Rapporteur then participated, on 19 November 2004, in an anti-racism prize-giving ceremony organized by German television in Vienna, in collaboration with the Director.

46. With regard to collaboration with OSCE, the Special Rapporteur took part in the organization's Conference on Tolerance and the Fight against Racism and Xenophobia held in Brussels on 13 and 14 September 2004. The Special Rapporteur then invited Mr. Christian Strohal, Director of the OSCE Office for Democratic Institutions and Human Rights to attend the seminar on the defamation of religions. He attended with two of his assistants.

47. In the Special Rapporteur's view, the establishment of this cooperation with the Monitoring Centre and OSCE is the only way to raise awareness of the phenomenon of racism and xenophobia at the national, regional and international levels. The Special Rapporteur therefore welcomes the participation of representatives from the Monitoring Centre and OSCE in the Barcelona seminar.

IV. CONCLUSIONS AND RECOMMENDATIONS

48. **Finally, the Special Rapporteur submits the following conclusions and recommendations to the Commission:**

(a) **The Special Rapporteur draws the attention of the Commission and its member States to the link between racism, discrimination and identity, particularly the fact that the construction of an identity often, if not always, results in the creation of an enemy, the ethnic, religious or cultural isolationism of a people, the rejection and denigration of the other, the odd man out, and, in its contemporary forms, of non-nationals, refugees, immigrants. The Special Rapporteur wishes to draw the attention of the member countries of the European Union to the urgent need to focus in particular on the construction of the identity of the new Europe in order to take account of its ethnic, cultural and religious pluralism. With regard to the political crisis in Côte d'Ivoire, he furthermore recommends that the political stakeholders, the United Nations and the African Union accord central importance, when searching for a lasting political solution, to the reconstruction of the inter-ethnic fabric, which has been badly rent;**

(b) **The Commission and its member States are invited to take account of the growing importance of the intellectual front in the fight against racism, discrimination and xenophobia. In parallel with the anchoring of human rights in legal instruments, which undoubtedly remains of fundamental importance, the Special Rapporteur invites the Commission and its member States to devise an intellectual strategy for combating racism in the domain of ideas, concepts, images, perceptions and value systems;**

(c) **The Commission is invited to alert the member States to the need to treat all forms of racism and discrimination equally, according them the same importance and urgency, while at the same time recognizing their particularity and specificity. In that spirit, any hierarchization of forms of racism or discrimination would constitute a particularly serious setback for the universal fight against racism and discrimination. Hierarchization, in this context, can lead to a form of discrimination;**

(d) **Member States are invited to fight more effectively, and to prosecute, organizations which promote ideas based on the notion of racial superiority or hatred and organizations which commit or incite acts of violence. Parties that make no secret of their**

racist, xenophobic or neo-Nazi leanings should be banned. When parties are banned for these reasons, as in the case of the Vlaams Block in Belgium, States are invited to ensure that any transformation which they undergo is not merely a cosmetic exercise and that a new ban is not required;

(e) The Commission should alert the member States to the way that racism and discrimination can enter the mainstream when racist and xenophobic political platforms find their way, for electoral reasons, into the agendas of democratic parties, under the guise of defending the “national identity”, combating illegal immigration or defending “national preference”, in a context of economic recession, the fight against terrorism and defence of national security;

(f) The member States are invited to demonstrate greater commitment to fighting racism in sport, by adopting preventive, educational and awareness-raising measures and condemning the perpetrators of racist incidents, in cooperation with national and international sports organizations. The Special Rapporteur furthermore considers that, in view of the gravity of the phenomenon of racism in sport, the United Nations and international sports bodies need to work together more closely. With regard to football, the Special Rapporteur therefore proposes, at the initiative of FIFA, that a highly significant and symbolic event could be organized in conjunction with the United Nations, the Office of the High Commissioner for Human Rights, on the occasion of the 2006 World Cup in Germany;

(g) The Special Rapporteur invites international sports organizations to take tough measures against the perpetrators of racist incidents. Whenever the perpetrators of such incidents are managers of teams or sports bodies, the measures should be especially severe so as to set an example. The Special Rapporteur also believes that international sports bodies should focus on the national dimension of the fight against racism, by asking national federations to submit annual reports on racist incidents and the action taken in response to them;

(h) The Special Rapporteur invites civil society to become more involved in the fight against racism in sport through projects designed to improve knowledge and appreciation of others and their culture.

Notes

¹ Samuel P. Huntington, *Qui sommes-nous? Identité nationale et choc des cultures*, Paris, Odile Jacob, novembre 2004, 400 pages.

² Pour une description complète de cette visite, voir la section III “Coopération régionale”.
