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OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”**

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

Summary

This report by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance is submitted pursuant to Human Rights Council decision 1/102. It examines in greater detail the current worrying trends in racism and xenophobia to which the Special Rapporteur drew attention when introducing his interim report (A/61/335) to the General Assembly at its sixty-first session. The present report should be read in conjunction with the updated report on political platforms which promote or incite racial discrimination (A/HRC/4/44) submitted by the Special Rapporteur to the Human Rights Council at its current session. It follows the reports submitted by the Special Rapporteur to the Commission on Human Rights at the sixty-second session, including his general report on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/2006/16), the report on the situation of Arab and Muslim populations in various parts of the world following the events of 11 September 2001 (E/CN.4/2006/17) and the report on political platforms which promote or incite racial discrimination (E/CN.4/2006/54).

Efforts to combat racism, racial discrimination, xenophobia and related intolerance encounter a number of serious major challenges manifested by the following worrying trends: the resurgence of racism, racial discrimination and xenophobia and their violent manifestations; the growing “democratic legitimization” of racism and xenophobia, demonstrated by the spread of racist and xenophobic political platforms and by their implementation through alliances with Governments, which enable the political parties responsible for these platforms to invest them with legal and democratic legitimacy; the criminalization of and the exclusively security-based approach to immigration, asylum and the status of foreigners and national minorities; the general increase in the defamation of religions and racial and religious hatred, in particular, anti-Semitism and Christianophobia, and more particularly, Islamophobia; the ideological and intellectual acceptance of racist and xenophobic speech and rhetoric, which favours an ethnic or racial interpretation of social, economic and political problems and their legal instrumentalization, as demonstrated by the tendency to establish a dogmatic, ideological and political hierarchy of the freedoms guaranteed by the International Covenant on Civil and Political Rights, such as freedom of expression, to the detriment of other freedoms and restrictions and limitations contained in the Covenant; the increasing importance in identity constructs of a rejection of diversity and resistance to the process of multiculturalism of societies; and the increase in violent manifestations of racism in sport, in particular, football.

To reverse these worrying political, legal, ethical and cultural trends, the Special Rapporteur is continuing to promote, in all his activities, the development of a dual strategy - political and legal, on the one hand, and cultural and ethical, on the other - in order to identify and combat manifestations and expressions of racism and xenophobia, as well as their root causes. The political strategy aims to arouse and strengthen the political will of Governments to combat racism and xenophobia, and the legal strategy must enable States to adopt the legal and administrative instruments and mechanisms for this purpose, in line with the Durban Declaration

and Programme of Action. The cultural and ethical strategy must target the root causes of racist and xenophobic attitudes and culture, particularly identity constructs, foster acceptance of diversity and meet the central challenge of multiculturalism in order to promote coexistence in societies.

In 2006, the Special Rapporteur made three visits. The first was to Switzerland from 9 to 13 January 2006; the second, to the Russian Federation from 12 to 17 June 2006; and the third, to Italy from 9 to 13 October 2006. The details of these visits and the Special Rapporteur's recommendations can be found in the addenda to this report, which have also been submitted to the Council (A/HRC/4/19/Add.2, Add.3 and Add.4, respectively).

CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
I. MAIN OBSERVATIONS	1 - 6	5
II. ACTIVITIES OF THE SPECIAL RAPPORTEUR	7 - 33	7
A. Visits by the Special Rapporteur	7 - 10	7
B. Follow-up on the Special Rapporteur's visits	11 - 16	8
C. Activities of the Special Rapporteur	17 - 33	10
III. CONTEMPORARY MANIFESTATIONS OF RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE	34 - 53	14
A. Incitement to racial or religious hatred	35 - 36	14
B. Islamophobia, anti-Semitism and Christianophobia	37 - 41	14
C. Multiculturalism and racism	42 - 45	16
D. Racism, discrimination and xenophobia at points of entry, and in reception and waiting areas	46 - 47	18
E. Racism and sport	48 - 53	18
IV. CONCLUSIONS AND RECOMMENDATIONS	54 - 65	20

I. MAIN OBSERVATIONS

1. The most serious manifestation of the setback in the campaign against racism is the current phenomenon of a “shift from words to action” in manifestations and expression of racism and xenophobia, as shown by two recent, associated developments: the resurgence of racist violence and the “democratic” legitimization of racism and xenophobia. The resurgence of racist violence can be seen in the growing number of acts of physical violence and murders targeting members of ethnic, religious or cultural communities or national minorities, which the perpetrators - neo-Nazi, nationalist or extreme right-wing groups - openly claim to be motivated by racism and xenophobia. Added to this is the resurgence of manifestations of racist violence in sport, particularly football, despite the resolute measures recently adopted by the Fédération internationale de football association (FIFA). The “democratic” legitimization of racism and xenophobia results from the ability of political parties advocating racist and xenophobic platforms to apply these platforms directly through a growing number of government alliances, which gives them democratic legitimacy and enables them to use the State’s legislative, administrative and budgetary means.

2. Intellectual and political resistance to multiculturalism is one of the root causes of the resurgence of racist and xenophobic violence. In the context of globalization, such resistance reflects the central role that identity constructs play in the resurgence of racism and xenophobia. The profound crisis that is drastically changing identity constructs is caused by the conflict between old national identities and the profound multiculturalization process in societies. The defence of identity that embodies this conflict is based on the rejection of diversity reflected in two sensitive areas of national identity constructs: the value system and cultural expressions and symbols. With regard to value systems, defence of identity is reflected, particularly in Europe, in the dominant integration-assimilation approach which, by making an immigrant’s integration exclusively dependent on his or her acceptance of and compliance with the values of the host country, assumes that the immigrant or asylum-seeker has no human, cultural or religious values that could enrich or contribute to the national culture. This approach, which amounts to the negation of the very humanity of the immigrant, foreigner or asylum-seeker precisely because of their diversity, is part of the old ideology of the hierarchy of cultures, races and civilizations, on which all subjugation of peoples and legitimization of racist mentalities and culture have historically been founded, creating a breeding ground for all old and new forms of racism and xenophobia, from anti-Semitism to Islamophobia, and serving to justify incitement to racial or religious hatred. Integration is a decisive factor in the coexistence of contemporary multicultural societies. Intercultural dialogue, the urgent need for which has been universally acknowledged, must therefore provoke thought about, and lead to action on, integration. In this regard, intercultural dialogue is above all an internal requirement for societies undergoing a process of multiculturalization, and is an essential element in efforts to counter racism and xenophobia. Intercultural dialogue depends on an approach to integration that respects cultural diversity and is based on the principle of interaction and cross-fertilization, including in the field of values, among various national, ethnic, cultural and religious communities.

3. In this context, the rejection of diversity - a root cause of the rise of racism and xenophobia - is manifested increasingly by intolerance, even repression, of cultural symbols and expressions that reveal the specific identity of various ethnic, cultural or religious communities.

From the prohibition of religious signs or symbols to restrictions on and obstacles to the construction of places of worship or culture, this rejection of diversity is one of the main manifestations of the defamation of religions, particularly Islamophobia. Ideologically legitimized by the dominant concept of integration-assimilation, implemented through legal restrictions and exaggerated in the media, which have reduced spiritual traditions and religions to these external signs, the rejection of diversity fosters a culture of intolerance and defence of identity, which are fertile breeding grounds for xenophobia and racism. The globalization of such practices by their use in the media and politics creates a dangerous dynamic of conflicts between civilizations, cultures and religions.

4. The legal instrumentalization of the rejection of diversity is reflected, inter alia, by a hierarchical and political interpretation of human rights and fundamental freedoms. It is also reflected in the ideological pre-eminence of freedom of expression over the other freedoms and restrictions and limitations contained in the International Covenant on Civil and Political Rights. This has serious consequences: the legitimization, under the pretext of freedom of expression, of overt incitement to racial and religious hatred and the promotion of rhetoric about an inevitable clash of civilizations and religions, which sets “the West and other civilizations” against each other solely in the interest of defending freedom of expression.

5. The trivialization of racist and xenophobic speech and rhetoric - owing to its intellectual legitimization, democratic acceptability and tolerance - is a serious and worrying trend in contemporary racism and xenophobia. On the one hand, intellectual legitimization is reflected by a growing number of so-called “scientific” or “literary” publications or editorials in the media which, under the pretext of defending national identity and security, expound explanatory theories and concepts based on an ethnic or racial interpretation of social, economic and political problems. On the other, democratic acceptability is reflected by the increasing role of the rhetoric of racist and xenophobic platforms in the political programmes of democratic parties, particularly in dealing with questions relating to immigration, asylum and terrorism. Lastly, political, intellectual, media and popular tolerance of overtly racist and xenophobic rhetoric is a manifestation of the cultural trivialization of racism. The trivialization and democratic legitimization of racist and xenophobic platforms also result in the trivialization of the political parties and movements that promote them. The electoral success of these platforms gradually results in the presence of their elected representatives in democratic, particularly regional, institutions, as was recently the case in Germany. This development confirms the Special Rapporteur’s opinion that racism is on its way to becoming the greatest threat to democratic progress.

6. The growing expression of elitist racism and xenophobia is also a serious and worrying trend in the rise of racism and xenophobia. The extent of the political use and intellectual legitimization of racism and xenophobia can be seen among the ruling classes of many countries. The manifestations of this elitist racism are based on an ethnic and racial interpretation of social, economic and political events and violent and polemic verbal responses to any expression of ethnic or religious multiculturalism in elitist societies. Two aspects of the historical and cultural roots of racism are thus revealed: by its current resurgence, elitist racism confirms the essential role of identity constructs both in the origin and the development of all forms of racism, both new and old, and the crucial challenge of mounting a real intellectual front against racism.

Multicultural dynamics are upsetting old identity constructs by introducing the fight against racism and the notion of coexistence to the traditional markers of racism - social, economic and political - and, increasingly, to the more sensitive ground of the value system, memory and, therefore, national identity. This identity backlash on the part of elites - by its repercussions at the regional and international levels and its "cold war rhetoric" of cultural and ethical polarization and "defence of our values" - encourages racist and xenophobic platforms and strengthens the ideological and political initiative of nationalist or extreme right-wing parties and movements that promote and form part of a dangerous drift towards a clash of civilizations and religions.

II. ACTIVITIES OF THE SPECIAL RAPPORTEUR

A. Visits by the Special Rapporteur

7. The Special Rapporteur visited Switzerland from 9 to 13 January 2006 in order to assess the situation of racism, racial discrimination and xenophobia, as well as policies and measures adopted by the Government to combat these phenomena. The Special Rapporteur's observations and recommendations are contained in his mission report (A/HRC/4/19/Add.2).

8. The Special Rapporteur visited the Russian Federation from 12 to 17 June 2006 with the principal objective of analysing the situation of racism, racial discrimination and xenophobia in the Russian Federation, particularly in light of the many incidents of racial and xenophobic violence reported by human rights organizations and by the national and international press. The Special Rapporteur's findings and recommendations are contained in his mission report (A/HRC/4/19/Add.3).

9. The Special Rapporteur also went to Italy from 9 to 13 October 2006 with the aim of assessing the situation of racism, racial discrimination and xenophobia, particularly in the light of the current strong migratory pressure and the legislative legacy and xenophobic policy inherited from the racist and xenophobic political platforms that marked the previous Government. During his mission, he visited transit and reception camps for immigrants and asylum-seekers. An exhaustive assessment of the situation, as well as the Special Rapporteur's findings and recommendations appear in his mission report (A/HRC/4/19/Add.4).

10. The Special Rapporteur would also like to inform the Human Rights Council of the positive responses that he received from the Governments of Estonia, Latvia and Lithuania to his request to conduct a regional visit during the second half of 2007, as well as the positive oral response from Mauritania. The Special Rapporteur considers it necessary to recall that the Governments of India, Pakistan and Nepal have not yet responded to his requests for invitations, sent for the first time in 2004 and again in 2006. The Dominican Republic has also not responded, despite several reminders, to the request for the joint visit by the Special Rapporteur and the Independent Expert on minority issues. Consequently, in light of these recurring situations, where no response is received for several months or even years, the Special Rapporteur, in his statement during the November 2006 session of the working group on the review of mandates of the special procedures, proposed that the Human Rights Council consider imposing time limits on States' negative or positive responses to requests for special procedure visits.

B. Follow-up on the Special Rapporteur's visits

11. The Special Rapporteur believes that the effectiveness and objectivity of his mandate are linked to respect for two essential principles: on the one hand, his ability to provide continuous follow-up on the situation regarding racism, racial discrimination and xenophobia in countries, both for his general report on the global situation and for specific reports on countries visited and, on the other hand, direct, balanced and independent relations with Governments and civil society organizations, particularly in the spirit of the Human Rights Council's universal periodic reviews.

12. In this context, the Special Rapporteur wishes to emphasize the need to pursue dialogue with Governments, to take account of the expectations of the communities and victims affected and to cooperate on the ground with non-governmental organizations (NGOs) and the United Nations system. On the basis of the ongoing nature of his mandate, which is not confined to official visits, he invites the Governments of the countries visited to provide information on the implementation of his recommendations and responses to questions raised in his reports. He also recommends that these Governments provide for the possibility and opportunity of issuing invitations for follow-up visits. He invites, moreover, the communities affected, United Nations organizations and human rights NGOs to provide information on the progress achieved and problems remaining in efforts to counter racism, racial discrimination and xenophobia in the countries concerned.

13. In order to promote follow-up visits and the implementation of the recommendations of special procedures, the Special Rapporteur suggested that the working group on the review of mandates of the special procedures consider including in the Council's programme of work, every two or three years, an item on follow-up visits, based on the reports of Governments and civil society organizations of the countries visited. He believes that the absence of institutional follow-up mechanisms is one of the greatest shortcomings of the special procedures, in that it favours the non-implementation of their recommendations and may ultimately negate the effectiveness of these procedures.

14. In this context, the Special Rapporteur welcomes the statement made by the delegation of Japan during the interactive dialogue following the presentation of his interim report to the sixty-first session of the General Assembly, in which the Japanese Government, emphasizing the key role of education as a tool to combat racial discrimination and xenophobia and the importance of promoting mutual understanding and a fair interpretation of history, announced that contacts that had been made with a view to developing historical research programmes with China and the Republic of Korea. The Special Rapporteur welcomes this initiative, which is fully in keeping with the spirit and the letter of one of the main recommendations of his report on his visit to Japan, in which he suggested that, in order to settle the historical dispute between Japan and its neighbours, in particular China and the Republic of Korea, which was a root cause of discrimination against the communities of nationals from those countries in Japan, a general history of the region should be drafted, in cooperation with the countries of the region and under the guidance of the United Nations Educational, Scientific and Cultural Organization (UNESCO), similar to the general histories written about Africa, Latin America, the Caribbean or Central Asia. This joint undertaking to produce a scholarly history of the region is part of

the intellectual and cultural strategy that the Special Rapporteur recommends to strengthen the political and legal strategy for eradicating the root causes of racist and xenophobic attitudes and cultures. For it is the long memory of history - its writing and its teaching - that forms national identities, the root cause of national, ethnic and religious hatred. The Special Rapporteur also welcomes the mobilization and activation of Japanese civil society in efforts to counter racism and xenophobia. He commends, in particular, the establishment, with the encouragement from the International Movement against Racism and Discrimination, of an NGO network to support efforts to combat racism and xenophobia by promoting the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, as well as the recommendations made by the Special Rapporteur in his mission report.

15. As part of the follow-up to his visit to Brazil, the Special Rapporteur wishes to thank the Government for organizing the Regional Conference of the Americas on the progress and challenges of the plan of action against racism, racial discrimination, xenophobia and related intolerance, held in Brasilia from 26 to 28 July 2006. The conference, which brought together representatives of Governments and civil society in the region, was the largest international meeting yet held for the evaluation and promotion of the implementation of the Durban Declaration and Programme of Action at the regional level. The Special Rapporteur also wishes to commend the Government of Brazil on its catalytic role in work on the preliminary draft of the inter-American convention against racism and all forms of discrimination and intolerance.¹ The Special Rapporteur believes that South America is currently the most highly mobilized region in respect of the implementation of the Durban Programme of Action, owing in particular to the leadership of Brazil, the commitment of a growing number of political leaders and the active and mutually supportive mobilization of communities that have traditionally suffered from discrimination, in particular indigenous communities and communities of African descent. Indeed, he considers that any major breakthrough in the eradication of racism in South America, historically and geographically the scene of the systematic application of racism and the ideological pillar of the slave system and European colonization, will encourage efforts to combat racism and to implement the Durban Programme of Action in other regions of the world.

16. As part of the follow-up to his visit to Canada, the Special Rapporteur noted with great interest the appointment, on 27 September 2005, of Michaëlle Jean, a woman of Haitian origin, as Governor General of Canada, who has become the third woman and first black person to occupy the post. The Special Rapporteur believes that this appointment is a particularly significant indication of Canada's commitment to the construction of a democratic, egalitarian and interactive multiculturalism and the long-term campaign against racism and xenophobia. In anticipation of more detailed information from the Canadian Government, civil society

¹ See the resolution adopted on 6 June 2006 by the General Assembly of the Organization of American States and the "preliminary draft inter-American convention against racism and all forms of discrimination and intolerance" (CP/CAJP-2357/06), available on the Internet at the following address: <http://www.civil-society.oas.org/English/CJPA/CP16076E.doc>.

organizations and the affected communities on follow-up to his report and his recommendations, as well as a positive response to his request for a follow-up visit, the Special Rapporteur trusts that, in order to counter the historical legacy of racism, the appointment of Ms. Jean will be accompanied by political, economic and social policies and programmes that strengthen multiculturalism through greater promotion of reciprocal knowledge and interaction among ethnic, cultural and religious communities.

C. Activities of the Special Rapporteur

17. Apart from country visits, the activities of the Special Rapporteur included, participation in various meetings with a view to strengthening coordination with other human rights mechanisms and participation in a number of conferences organized by Governments or civil society on the issues of racism, racial discrimination and xenophobia, combating the defamation of religions and promoting interreligious dialogue. Despite the amount of work involved, the Special Rapporteur welcomes the number and variety of these meetings, which attest to the remarkable mobilization of both Governments and civil society in efforts to combat racism.

18. Several fundamental objectives underpin the Special Rapporteur's participation in these meetings: promoting and implementing the Durban Declaration and Programme of Action; encouraging the development of effective political, legal and cultural strategies, not only to redress the political, economic and social effects of racism but also to identify and eradicate the root causes of old and new forms of racism and xenophobia, in particular their politicization and their legitimization in intellectual discourse; and lastly, to promote the link between efforts to combat racism and xenophobia and the construction, over the long term, of egalitarian, democratic and interactive multiculturalism based on respect for the cultural diversity of national communities and their interaction.

19. The Special Rapporteur's activities are categorized as follows: activities to strengthen coordination with other human rights mechanisms; participation in various meetings and conferences organized by Governments or civil society on racism, racial discrimination and xenophobia; and lastly, participation in activities to prevent the defamation of religions and promote interreligious dialogue.

Enhanced coordination with other human rights mechanisms

20. In the spirit of strengthening the complementarity of their two mandates, on 17 March 2006 the Special Rapporteur reported to the Committee on the Elimination of Racial Discrimination on his activities over the past year and communicated his views on the root and economic causes of the rise of racism and xenophobia. Among his recommendations, in the light of questions raised by the crisis caused by the publication of caricatures in a Danish newspaper, and with a view to strengthening efforts to combat racism, he proposed that the Committee should begin a detailed study of the link between the principles of freedom of expression and freedom of religion, and of the implications of the current amalgam of racial, cultural and religious factors in manifestations and expressions of racism and xenophobia. He also stressed the need to link the fight against racism to the long term, and not the current makeshift, construction of democratic, egalitarian and interactive multiculturalism.

The Special Rapporteur also proposed that the Committee invite him to attend meetings at which the Committee considers the reports on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination by States parties that he has visited and on which he has submitted a report, with a view to evaluating the situation of racism as well as follow-up to his recommendations.

21. The Special Rapporteur also increased his cooperation with the Anti-Discrimination Unit of the Office of the United Nations High Commissioner for Human Rights by participating in the following activities: the regional workshop for the Americas entitled “Strategies for the inclusion of people of African descent in programmes to reduce poverty, especially to achieve Millennium Development Goal No. 1”, which was held in Chíncha, Peru, from 2 to 4 November 2005, the main objective of which was to devise strategies that involved people of African descent in the development, implementation, monitoring and assessment of poverty-reduction programmes, in particular with the view of attaining Millennium Goal No. 1 for development, as well as finalizing the strategic documents of the campaign against poverty; the thematic debate on the topic of “Globalization and racism”, held during the fourth session of the Intergovernmental Working Group on Effective Implementation of the Durban Declaration and Programme of Action, which was held on 16 and 17 January 2006; discussion on the theme of “Fighting everyday racism”, held in Geneva on 21 March 2006 to mark the International Day for the Elimination of Racial Discrimination. Lastly, the Special Rapporteur and the Anti-Discrimination Unit cooperated closely on the organization of a seminar on political platforms which incite racial discrimination, held in Brasília on 29 July 2006 on the Special Rapporteur’s initiative.

Resurgence of racism, racial discrimination and xenophobia

22. The Special Rapporteur has made a number of statements concerning the resurgence of racism, racial discrimination and xenophobia, and has analysed their historical and cultural depth. To this end, he participated in the conference entitled “Living Together - The European Coalition of Cities Against Racism” organized by UNESCO and the city of Nuremberg, Germany, from 23 to 25 September 2005, and in the Conference of the Fund for Projects against Racism and for Human Rights entitled “Against Racism, for Human Rights: the Commitment of the Confederation: Assessment and Outlook”, held by the Swiss Government in Bern on 15 November 2005. He also gave a presentation, at the invitation of the German Institute for Human Rights, entitled “United Nations mechanisms to combat racism: lessons learned and challenges ahead”, in Berlin on 22 November 2005.

23. The Special Rapporteur also participated in the conference entitled “Racism, Xenophobia and the Media: towards respect and understanding of all religions and cultures”, held in Vienna from 22 to 23 May 2006, by the Austrian Ministry of Foreign Affairs, the European Commission and the European Monitoring Centre on Racism and Xenophobia, under the auspices of the Austrian Presidency of the European Union.

24. The Special Rapporteur also gave close attention to the discrimination suffered by people of African descent and indigenous Amerindian populations. With Mr. Lilian Thuram, a member of the French football team who is particularly active in efforts to combat racism,

he participated in the First European Conference on Anti-Black Racism, held in Geneva on 17 and 18 March 2006 under the auspices of the Swiss NGO Platform for Reflection and Action against Anti-Black Racism. At the invitation of the Government of Brazil, the Special Rapporteur participated in a workshop on racism during the Second Conference of Intellectuals from Africa and the Diaspora, held in Salvador da Bahia, Brazil, from 12 to 14 July 2006. The Special Secretariat of Policies for the Promotion of Racial Equality of the Government of Brazil also invited the Special Rapporteur to the Regional Conference of the Americas on the progress and challenges of the plan of action against racism, racial discrimination, xenophobia and related intolerance, held in Brasilia from 26 to 28 July 2006, and to its preparatory meeting in Montevideo, Uruguay, held from 26 to 28 June 2006.

25. On 29 July 2006, following the Regional Conference of the Americas and in cooperation with the Office of the United Nations High Commissioner for Human Rights and the Government of Brazil, the Special Rapporteur organized an expert seminar on the issue of political platforms which incite racial discrimination. The discussions and conclusions of the seminar are contained in the updated report on the subject (A/HRC/4/44) that the Special Rapporteur will submit to the Human Rights Council at its current session.

26. Among other activities dealing with the general upsurge in racism and xenophobia and, in particular, the situation of racism and the question of integration in Switzerland, the Special Rapporteur highlights the following events: the “End racism” debate, held in Geneva on 19 April 2006 by the Swiss Youth Resources Centre on Human Rights; the “Four continents symposium” held in Neuchâtel on 26 May 2006 by the African Centre for Sociocultural Development; the presentation “Upsurge in racism and xenophobia: national and international challenges”, which he gave in Geneva on 19 September 2006 during the General Assembly of the International League against Racism and Anti-Semitism; and the talk on the subject of integration, war and countries at peace at the Lausanne Museum of Immigration on 21 October 2006. The number and variety of these meetings testify to the mobilization of Swiss civil society in the fight against racism and xenophobia.

27. At the invitation of Ms. Anastasia Crickley, chairperson of the European Monitoring Centre on Racism and Xenophobia, he participated in the inaugural lecture of the Department of Applied Social Studies at the National University of Ireland, entitled “Racism: Global issues, local challenges”, held in Maynooth on 17 November 2006, with the support of the National Plan of Action against Racism and the National Consultative Committee on Racism and Interculturalism. During his speech, the Special Rapporteur emphasized that the tension and identity crisis resulting from the changes taking place in societies affected by a far-reaching “multiculturalization” process, particularly of non-European origin, is one of the main causes of the rise of racism and xenophobia in societies that receive a large number of immigrants.

28. The Special Rapporteur also participated in the First International Conference on Dalit Women’s Rights held in The Hague on 20 and 21 November 2006, during which he emphasized the relevance to his mandate of addressing the question of discrimination based on the caste system. That question, which will be the subject of various activities in 2007, will be addressed in detail in his next general report to the Human Rights Council.

29. On 23 November 2006, the Special Rapporteur took part in the symposium “Memory and Human Rights: Challenges and perspectives for the peoples of Africa and Latin America”, held at the Palais des Nations in Geneva by several NGOs, including the Swiss Lenten Fund, and in association with the Geneva Graduate Institute of Development Studies. At the symposium, the Special Rapporteur made a statement on cultural resistance to slavery and its consequences. The Special Rapporteur welcomes this initiative, which draws attention to the absence of memory and the failure to acknowledge crimes linked to colonization and slavery.

30. On 24 November 2006, at the invitation of the International Labour Office, he participated in the symposium to mark the eightieth anniversary of the Commission of Experts of the International Labour Organization (ILO), which brought together numerous high-level experts on international law, including representatives of the inter-American human rights system, the International Court of Justice and other regional and international institutions. At the symposium, which covered the various aspects of protection of labour rights as well as human rights, the Special Rapporteur made a statement on human rights special procedures.

31. Lastly, on 27 and 28 November 2006, the Special Rapporteur participated in the Race Convention 2006 in London, organized to mark the thirtieth anniversary of the Commission for Racial Equality, during which he talked about the additional challenges that globalization poses to efforts to combat racism, racial discrimination, xenophobia and related intolerance. In this context, he wishes to commend the Commission’s outstanding contribution to the campaign against racism in the United Kingdom. He hopes that the new institution, the Commission for Equality and Human Rights, which is to replace the present Commission for Racial Equality, will be able to make combating racism a high priority, while promoting a holistic approach to the fight against all forms of discrimination (including race, religious belief, age, disability and sexual preference), as recommended by the Special Rapporteur in his recent reports.

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

32. The Special Rapporteur took part in many discussions and seminars on combating the defamation of religions and promoting interreligious dialogue. He drew attention to the Atman Encounter “Dialogue among cultures and religions”, held in Madrid on 27 and 28 October 2005 by the Atman Foundation, and the expert seminar on “Combating the defamation of religions”, held in Seville on 18 and 19 November 2005 by the Office of the United Nations High Commissioner for Human Rights and Fundación Tres Culturas.

33. The Special Rapporteur also participated in the work of the conference “Challenging Stereotypes in Europe and the Islamic World: Working Together for Constructive Policies and Partnerships” held at Wilton Park on 2 and 3 May 2006 by the British Foreign Office in association with the Organization of the Islamic Conference. The conference, which brought together officials of several European Governments and of the Islamic Conference, representatives of Muslim communities in Europe and the United States of America, intellectuals and NGOs, covered the promotion of cooperation and dialogue in the establishment of joint programmes to combat prejudice against and stereotyping of Muslim communities throughout the Western world.

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

34. In this part of the report the Special Rapporteur wishes to draw the Human Rights Council's attention to some particularly alarming problems and manifestations of racism, racial discrimination and xenophobia. Although political platforms which incite or promote racial discrimination, as well as the related issue of the activities of neo-Nazi groups, are mentioned in the following paragraphs, these issues are addressed in depth in a separate report (A/HRC/4/44), which will be submitted to the Council at its current session.

A. Incitement to racial or religious hatred

35. In September 2006, pursuant to Human Rights Council decision 1/107 entitled "Incitement to racial and religious hatred and the promotion of tolerance", the Special Rapporteur and the Special Rapporteur on freedom of religion or belief submitted a joint report on incitement to racial or religious hatred to the Council at its second session. In its decision, the Council requested the two Rapporteurs "to report [...] on this phenomenon, in particular its implications for article 20, paragraph 2, of the International Covenant on Civil and Political Rights".

36. The Special Rapporteur believes that three factors make it necessary to attach high priority, in efforts to combat racism, to the upsurge in incitement to racial and religious hatred. At the political level, the principal factor stems from the trivialization of racism and xenophobia through the political and electoral exploitation of racism and xenophobia, which is reflected in the pervasiveness of racist and xenophobic platforms in the political programmes of democratic parties and by governmental alliances that enable parties that promote such platforms to implement them with the necessary democratic legitimacy. At the ideological level, the principal factor is the Manichean concept of the clash of civilizations and religions that is becoming increasingly widespread in the thinking and rhetoric of the political, intellectual and media elite, and which is manifested in the refusal of diversity, a dogmatic rejection of multiculturalism and a defence of identity based on intangible "values". At the legal level, these two ominous trends are reflected in a hierarchical interpretation of fundamental freedoms that ignores the balance and complementarity of such freedoms and the restrictions and limits so carefully established by the relevant international instruments, particularly by giving preference to freedom of expression over all other freedoms, such as freedom of religion.

B. Islamophobia, anti-Semitism and Christianophobia

37. The defamation of religions and the rise of anti-Semitism, Islamophobia, Christianophobia and hostility towards spiritual and religious traditions of Asian origin - such as Hinduism and Buddhism - and of African origin - such as voodoo and its syncretic forms such as candomblé and santería - form part of and stem from three ominous trends. First, the amalgam and interweaving of racial, cultural and religious factors are the main characteristics of the current political and ideological climate, particularly following the tragic events of 11 September 2001 in the United States of America. Secondly, at the ideological and

political levels, particularly in Europe, there is a dogmatic and quasi-religious secularism demonstrated by growing intolerance of any form of religious or spiritual expression. Lastly, there is the politicization of the religious factor, which leads to religious violence.

38. In this context, the most serious current manifestation is the rise of Islamophobia and the deterioration of the situation of Arab and Muslim minorities in the world, particularly in the wake of the events of 11 September 2001. Three major developments bear witness to the seriousness of this situation. First, the growing tendency to associate Islam with violence and terrorism; this association, which is bolstered by intellectual constructs, used by political rhetoric and exaggerated in the media and which has a profound impact on the popular imagination, constitutes the main justification for the upsurge and spread of Islamophobia. Secondly, these ideological constructs are reflected in a purely security-based approach to the inspection and surveillance of places of worship and culture, and even of the teaching of Islam, and thereby in the resurgence of policies and the adoption of legislative, administrative and police measures that stigmatize or criminalize national or foreign minorities of the Muslim faith, as demonstrated by the increase in the number of imams who have been deported. Lastly, the rejection of diversity and multiculturalism is manifested by the creation of obstacles to the construction of mosques and by intolerance and repression of Islamic cultural expressions and symbols and attire, and therefore its very visibility.

39. Several recent developments testify to the rise of Islamophobia throughout the world: in France, the reinterpretation and unlawful extension of the prohibition of visible signs of religion in State schools, the workplace and acts relating to municipal life, such as marriage; in the Netherlands, the threat to prohibit the wearing of the burka in the street and public places recently made by the Minister of Immigration; in the United Kingdom, the growing tendency to question the progress made by multiculturalism in politicians' statements claiming that the veil or the burka is antisocial; in many countries, the statements justifying the refusal to allow Turkey to join the European Union; and lastly, also in many countries, the selective profiling in airports, ports, stations and at borders of people with an allegedly Islamic appearance, whether physical (skin colour, beard, etc.) or because of their clothing. The resurgence of these manifestations attest to an insidious climate of undeclared wars between civilizations and religions which, because of their globalized images and their reciprocal effects, gradually poison and pervert movement and human, cultural and political relations at the global level, and create negative and antagonistic attitudes among the general public.

40. The rise of both old and new forms of anti-Semitism must be acknowledged. The tenacity and extent of anti-Semitism in European societies is demonstrated, directly or insidiously, both in statements by politicians, particularly in pre-election sparring, and in texts and publications that perpetuate old stereotypes. The contradiction of or doubt cast on the extermination of the European Jews during the Second World War are the latest manifestations of this deep-seated anti-Semitism. The Israeli-Palestinian conflict and the particularly grave situation of the Palestinian people give rise to new forms and manifestations of anti-Semitism in certain Muslim and Arab communities. The confusion of the State of Israel with all Jewish communities of the diaspora or living in Israel, whatever their nationality, the stereotyping of the Jewish people and the non-recognition of their cultural, religious and political diversity are the root causes of this new form of anti-Semitism. The President of Iran, Mahmoud Ahmadinejad,

is a sobering example of these two manifestations, both in his repeated statements that the State of Israel should be eradicated and in his organization of a conference questioning the truth of the extermination of the European Jews by Nazi Germany. By organizing this conference, he 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, symbols of anti-black racism in the United States of America, such as one of the historical leaders of the American Ku Klux Klan. The main intellectual and ideological platform of this historical racist movement in the United States is the racial inferiority of black people and the need for their physical elimination, which has resulted not only in the murder of many African-Americans, but which also still profoundly influences the attitudes and actions of groups and individuals campaigning for a “white America”, from which not only black people but also Arabs, Asians and citizens with an Asiatic appearance, including Iranians, would be excluded.

41. The rise of Christianophobia is an irrefutable fact in a number of European, Asian and South American countries. There are three main reasons for Christianophobia. First, in Europe, the cultural pervasiveness of dogmatic secularism, which is historically based on opposition to the political, cultural and ethical pre-eminence of Christianity, under the guise of modernization, the market and globalization, leads not only to an anti-religious culture, but also to intolerance of any religious practice, expression or sign. Recent illustrations of this are the decline in religious practices, cultural impertinence towards and mockery of Christian figures and symbols in the name of freedom of speech, and the reluctance - if not the refusal - to accept the legitimacy of a religious ethic in the fundamental choices and discussions of society. Secondly, the identification of the West with Christianity, owing to their historical closeness during the era of European colonization and current political and intellectual rhetoric about the Christian identity of Europe, and opposition to Turkey’s admission to the European Union, foster anti-Christian sentiment in Africa, Asia and the Middle East. Lastly, the proselytism of certain evangelical groups, particularly those from North America, is provoking resistance and hostility towards Christianity in South America, Africa and Asia. The demonization by certain evangelical groups in South America of Amerindian and African spiritual religions and traditions, such as candomblé in Brazil, as well as Hinduism or Buddhism in India, is leading to increasingly violent manifestations of Christianophobia.

C. Multiculturalism and racism

42. The main problem in most societies today lies in the profound contradiction between the nation-State - the expression of an exclusive national identity - and the dynamic of multiculturalization at work in such societies. The resurgence of racism and xenophobia results from the politicization and the intellectual legitimization of the rejection of diversity and multiculturalism. Multicultural dynamics reveal two main aspects of discrimination: the economic, social and political aspect and the role of national identity constructs. In multicultural societies, the equating of social, economic and political marginalization to ethnic, cultural and religious diversity is indicative of the fundamental role of racism and discrimination in the structure of society. However, multicultural processes also drastically alter national identity constructs, which exclude the identities of national, ethnic, cultural and religious minorities and immigrants. Racist and xenophobic platforms are therefore based on the rhetoric of “defence of national identity and national values”. In most parts of the world, this identity

backlash is a determining factor in the dominant concept, in most regions of the world, of integration-assimilation, which negates the very existence of values and memories specific to national minorities and immigrants, thereby excluding their contribution to the value system, to history and, consequently, to national identity.

43. Both the rise of racist violence among marginal groups and the emergence of racism and xenophobia among the elite, which is of a more political and cultural nature, form part of these two aspects that underpin most current internal tensions and political conflicts. In this light, intercultural dialogue - the most effective response to racism - is above all a priority in societies undergoing profound and irreversible multicultural changes. The racism of marginal groups is increasingly taking the form of racist violence, which has been illustrated recently by the murder in Antwerp, Belgium, of a Malian woman and the young white girl she was taking for a walk, and, in the Russian Federation, the racist murders of several members of national minorities from the Caucasus region or foreign nationals from Africa, Asia and the Arab world.

44. Elitist racism, the expression of deep-seated cultural resistance to multicultural dynamics by groups whose composition does not reflect their society's diversity, is characterized by two recent phenomena: for the past few years, by the intellectual legitimization of racism and xenophobia in literature, university research, the cinema and television and on the Internet and, more recently but increasingly, by the statements of prominent intellectuals, artists, media personalities and politicians.

45. In particular the emergence of elitist racism has been recently illustrated in France by a trend towards an ethnic interpretation of social, economic and political events and by the recycling of stereotypes and stigmas characteristic of past racist rhetoric. There are two notable examples. Georges Frêche, socialist head of the Languedoc-Roussillon regional council, having referred with impunity to the Algerian Arab *harki* community as "subhumans", referred to the multi-ethnic composition of the national football team by saying, "on this team 9 out of the 11 are black. It would be normal if there were three or four. That would be a reflection of society. But if there are that many, it's because the whites are useless ...". The political impunity and moral tolerance of such language may explain the public expression by the popular State television presenter Pascal Sevran of opinions which, because of their coarseness and advocacy of eugenics, crossed the line between tolerance and respect for the freedom of expression, on the one hand, and complacency and complicity in inciting racial hatred, on the other. Mr. Sevran, in line with his book *The Privilege of the Daffodils*, stated in a recent interview that "Africa is dying from all the children being born to parents who don't have the means to feed them. I'm not the only one to say so. Half the planet should be sterilized." Mr. Sevran crosses an even more serious boundary by recycling old stereotypes of anti-black racism, in particular their animal and sexual nature, and, even more seriously, by advocating the sterilization of black people. He endorses eugenics which, as the history of racism has shown, is the first step towards the neutralization of a community, ethnic group or race, which precedes genocide. The authorities' silence and failure to condemn Mr. Sevran's statements in the strongest terms is particularly serious. As part of the allegations procedure, the Special Rapporteur, at the suggestion of the Pan-African Press Association, sent a letter to the French Government

seeking confirmation of those statements, and any responses or measures taken in the light of the relevant international instruments. The Government of the Niger, whose country was explicitly implicated, announced its intention to bring the matter before the French courts. At the time of writing this report, Mr. Frêche remains head of the Languedoc-Roussillon regional council and Mr. Sevrain continues to work as a presenter on a State television channel. In future reports, the Special Rapporteur intends to address the profound significance of this worrying trend towards the trivialization and intellectual legitimization of racism in the resurgence of racism and xenophobia.

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

46. The Special Rapporteur remains alarmed at the racist and xenophobic treatment, in many countries, of asylum-seekers, refugees and immigrants in waiting areas, particularly airports, ports and stations, which is an indication that racism, discrimination and xenophobia are on the rise. As a result of the overriding focus on combating terrorism, the treatment of non-citizens, immigrants, refugees and asylum-seekers is characterized by suspicion, mistrust, fear that they may be dangerous, and by cultural and religious hostility. Such sentiments result in the widespread implementation of national policies that tend to restrict the economic and social rights (housing, education, health) of these communities and thus illustrate that the political primacy of security over the law brings about a decline in human rights.

47. Such policies are first applied at the points of entry to a country (airports, ports, borders): widespread use of discriminatory measures, such as targeting people because of their ethnic, cultural or religious appearance, systematic and humiliating searches, refoulement, separate counters for citizens and foreigners, and excessively long queues at counters for foreigners. In this regard, human rights organizations report that waiting areas for asylum-seekers and persons who have been refused entry have become “no-rights zones”, characterized, inter alia, by a lack of access - or difficult access - to redress and defence, by physical and verbal violence of a racist nature on the part of law enforcement officers, by cramped conditions and lack of privacy, the absence or lack of minimum conditions of hygiene, and by the absence or inadequacy of measures to protect women and children. The alarming number and seriousness of the violent incidents caused by such conditions, as well as the conditions in which persons in such places are expelled and returned, justifies the need to pay special attention to this resurgent form of discrimination and racism. These conditions, which the Special Rapporteur has already denounced in previous reports (see E/CN.4/2006/16, paras. 39-43), remain a source of concern. Human rights organizations and associations have denounced the appalling conditions in the aforementioned places on several occasions.

E. Racism and sport

48. The Special Rapporteur continued to consider the issue of racism in sport in his interim report to the General Assembly at its sixty-first session (A/61/335), pursuant to Assembly resolution 60/144, in which the Assembly expressed its concern “at the increasing incidence of racism in various sporting events” and invited Member States “to demonstrate greater

commitment to fighting racism in sport by conducting educational and awareness-raising activities and by strongly condemning the perpetrators of racist incidents, in cooperation with national and international sports organizations”. The Assembly reiterated these observations at its sixty-first session in its resolution 61/149.

49. In his general report to the Commission on Human Rights at its sixty-second session (E/CN.4/2005/16), the Special Rapporteur drew attention to the resurgence of racist incidents in sport, in particular in football. He noted that the increase in overtly racist violence is demonstrated not only by the actions of some supporters, particularly neo-Nazi groups, but also by the comments and behaviour of coaches of well-known teams who trivialize or legitimize racist or xenophobic incidents. Among the reasons for this resurgence, he stressed that the noble ideals of competition and mutual respect are being eroded by the exacerbation of the nationalist dimension of competitions and the overcommercialization of sport.

50. The Special Rapporteur wishes to thank FIFA for its activities to combat racism and discrimination in football during the 2006 World Cup, in association with the German Government, the European Monitoring Centre on Racism and Xenophobia, the Fédération internationale des footballeurs professionnels (FIFPro), the Football Against Racism in Europe network and the Organization Committee of Germany 2006, as well as the Special Rapporteur. These initiatives are in the spirit of General Assembly resolution 60/144 in which the Assembly “invites ... the Fédération internationale de football association, in connection with the 2006 and 2010 soccer World Cup tournaments to be held in Germany and in South Africa, respectively, to consider introducing a visible theme on non-racism in football”. The absence of any major racist or xenophobic incidents during this World Cup, despite alarmist and pessimistic predictions, is to the credit of the German Government and confirms the pre-eminence of political will in the fight against racism. The Special Rapporteur suggests that the experience gained on this occasion should not only bolster national efforts to combat racism, but should also be considered by the European Union, several of whose member States, such as Italy, Spain, and the Central European countries, continue to experience serious incidents of racism in football.

51. Among these activities, the Special Rapporteur draws attention to the dissemination of clear messages against racism at each match; the holding of the fifth International Day for the Elimination of Racial Discrimination during the quarter-finals of the competition; the implementation of a monitoring system for any manifestation of racism; the implementation of the “football unit” project, in which people of diverse backgrounds and religions carried out activities against racism during the competition; the organization of activities by associations of football supporters worldwide with a view to preventing violence, promoting the social integration of migrants and ethnic minorities and disseminating information about extreme right-wing movements and ways to counter them; and providing anti-racism training to the personnel working at the matches. The Special Rapporteur wishes to commend FIFA for the awareness-raising work carried out by its multi-ethnic “team” of ambassadors against racism, which includes the most well-known former and current players and trainers. He also commends FIFA on its adoption of an amendment to its Disciplinary Code, which provides for stricter measures to punish racist incidents, ranging from match suspensions to point deductions or the disqualification of the team.

52. The Special Rapporteur also commends the European Parliament on its 30 November 2005 Written Declaration on tackling racism in football, which strongly condemns all forms of racism at football matches and calls on all other competition organizers in Europe to consider the option of imposing sporting sanctions on national football associations and clubs whose supporters or players commit serious racist offences.²

53. In spite of these efforts, the Special Rapporteur notes with concern that racist violence in stadiums continues, more than ever, to be a serious phenomenon. He wishes to refer in particular to the racist and anti-Semitic incidents that took place in Paris at the end of a match between Paris Saint-Germain and Hapoel Tel Aviv on 23 November 2006, during which hooligans attacked a young French national of Jewish origin and a black plain-clothes policeman who had tried to protect him. The policeman used his service weapon, which resulted in the death of one of the attackers and seriously injured another.

IV. CONCLUSIONS AND RECOMMENDATIONS

54. **The Special Rapporteur invites the Human Rights Council to draw the attention of the member States to the alarming signs of regression in efforts to combat racism, racial discrimination and xenophobia, particularly the upsurge in racist violence, and to remind them of the crucial importance of political will in the refusal to trivialize racism, xenophobia and intolerance, the rejection of their use in politics and electoral campaigns and the systematic combating of racist and xenophobic political platforms.**

55. **In this regard, he invites the Council to encourage member States to adopt, as a matter of urgency, national legislation against racism, racial discrimination and xenophobia, pursuant to article 4, paragraphs (a) and (b), of the International Convention on the Elimination of All Forms of Racial Discrimination.**

56. **In the same spirit, the Council is invited to encourage member States to demonstrate renewed commitment to the implementation of the Durban Declaration and Programme of Action. The Special Rapporteur also encourages the organization, in cooperation with the Office of the United Nations High Commissioner for Human Rights, of regional conferences to assess the progress of and challenges and obstacles to the implementation of the Declaration and Programme of Action, following the example of the Regional Conference of the Americas held in Brasilia in July 2006, which brought together Governments, affected communities, civil society and international and regional organizations, on the basis of the respective assessment reports of all these regional actors and leading to specific regional programmes for submission to the Human Rights Council.**

² Available on the Internet at the following address: http://www.enar-eu.org/anti-racism-diversity-intergroup/activities/Declaration69_EN.pdf.

57. **The Human Rights Council is invited to draw the attention of member States to the serious nature of the defamation of religion, anti-Semitism and Christianophobia and, more particularly, Islamophobia, and to promote the fight against these phenomena by strengthening the role of interreligious and intercultural dialogue, promoting reciprocal understanding and joint action to meet the fundamental challenges of development, peace and the protection and promotion of human rights.**

58. **The Human Rights Council is invited to encourage member States to wage a systematic campaign against incitement to racial and religious hatred by maintaining a careful balance between the defence of secularism and respect for the freedom of religion and by acknowledging and respecting the complementarity of all the freedoms contained in the International Covenant on Civil and Political Rights.**

59. **The Special Rapporteur recommends that the Human Rights Council remind member States of the link between efforts to combat racism, racial discrimination and xenophobia and the construction of democratic, interactive and egalitarian multiculturalism.**

60. **In a similar vein, the Human Rights Council is invited to draw the attention of member States to the historical and cultural depth of racism. Efforts to combat racism must involve economic, social and political measures and relate to the question of identity, namely the dialectic between respect for the cultural and religious identities of minority groups and communities and the promotion of cross-fertilization and interaction between all national communities.**

61. **To this end, the Special Rapporteur recommends that the Council draw the attention of member States to the importance of developing an intellectual front against racism and, consequently, of combating, through education and information, ideas and concepts likely to incite or legitimize racism, racial discrimination or xenophobia, in particular via the Internet.**

62. **The Human Rights Council is invited to encourage member States to adopt an approach to questions relating to immigration, asylum and the situation of foreigners and national minorities that is based on international law and instruments, such as the Covenants and the Durban Programme of Action, that promote respect for their rights.**

63. **The Human Rights Council is invited to stress the gravity of racist and xenophobic manifestations and practices at points of entry to countries, reception areas and waiting areas. It is essential that such areas should not become “no-rights zones” for non-citizens in general and, in particular, for immigrants and asylum-seekers.**

64. **The Human Rights Council is invited to encourage member States to exercise particular vigilance with regard to the upsurge in racism in sport, particularly football. The Human Rights Council is also invited to support and promote specific initiatives and measures by member States in the areas of education, awareness-raising and prevention,**

and to support programmes and initiatives by international sports bodies, in particular FIFA, whose effectiveness was demonstrated by the fact that the recent World Cup in Germany passed without incident.

65. In order to prevent the resurgence of racism and xenophobia and the association of race, cultural and religious factors, the Special Rapporteur reiterates his recommendation on the need to assess manifestations of racism and xenophobia accurately and to establish, to this end, within the Office of the United Nations High Commissioner for Human Rights, a centre for monitoring racist phenomena, in the same vein as the European Monitoring Centre on Racism and Xenophobia, whose excellent work makes it possible to obtain a clear and quantitative picture of racism and xenophobia in Europe.
