



General Assembly

Distr.: General
30 September 2021

Original: English

Seventy-sixth session

Agenda item 72 (a)

Elimination of racism, racial discrimination, xenophobia and related intolerance

Contemporary forms of racism, racial discrimination, xenophobia and related intolerance*

Note by the Secretary-General

The Secretariat has the honour to transmit to the General Assembly the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achiume, in accordance with Assembly resolution [75/169](#).

* The present report was submitted after the deadline in order to reflect the most recent information.



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

Combating glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance

Summary

In the present report, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achiume, summarizes State submissions regarding actions taken to combat the glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance. The Special Rapporteur has prepared the report on the basis of contributions received from States and civil society actors. She provides a summary of the contributions received from eight States on the implementation of resolution [75/169](#), as well as contributions from non-governmental and other organizations containing their views on the subject.

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I. Introduction

1. The present report is submitted to the General Assembly pursuant to resolution [75/169](#), in which the Assembly requested the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to submit a report on the implementation of that resolution to the General Assembly at its seventy-sixth session.
2. In the report, the Special Rapporteur summarizes information received from Member States with regard to the implementation of the above-mentioned resolution. She thanks Azerbaijan, Belarus, Ireland, Italy, Kyrgyzstan, Qatar, the Russian Federation and Tunisia for their contributions. She also expresses her gratitude for the submissions from the World Health Organization (WHO) and civil society actors.
3. The Special Rapporteur outlines the governing principles and obligations of racial equality and non-discrimination, highlighting their application in combating racism and xenophobia. As highlighted in previous reports, she reminds Member States of the strong commitment required to tackle the increase in hate crime and incitement to violence targeting ethnic, racial and religious minorities worldwide.

II. Summary of submissions from Member States

4. In the present section, the Special Rapporteur summarizes submissions received from Member States on law and policy in place to combat Nazism, neo-Nazism and other practices that fuel racism, racial discrimination, xenophobia and related intolerance. However, she does not analyse or evaluate these laws or policies. She underscores that, by providing these summaries of State submissions, she does not endorse or corroborate the content of the submissions. Indeed, some of the laws and policies summarized below may be, or have been, subject to review and condemnation by other actors within the United Nations human rights system for being in contravention of international human rights law.

Azerbaijan

5. The Government of Azerbaijan referred to its contribution to the victory over fascism in the second world war. According to the Government, Azerbaijan has been a home for different ethnic and religious groups, which have been living in the country in harmony, mutual respect, tolerance and peace as one family. The Government also stated that Azerbaijan enjoys a strong record of accomplishment in terms of the promotion of intercultural and interreligious tolerance.
6. The Government of Azerbaijan reaffirmed its determination in ensuring the equal enjoyment of human rights and freedoms by all of its citizens, irrespective of their ethnic or religious affiliations. The submission referred to article 25 of the Azerbaijani Constitution, which provides equal rights to everyone, irrespective of race, ethnicity, religion, language, sex, origin, property status, occupation, beliefs or affiliation with political parties, trade union organizations or other public associations.
7. The Government alleged instances of hatred against Azerbaijanis in neighbouring Armenia. According to Azerbaijan, official discriminatory discourse in Armenia is reflected at the highest political level and in the media, as well as through online hate speech against Azerbaijanis. In its submission, the Government described how this discourse also permeates the religious sphere and how it has contributed to fuelling contemporary forms of racial discrimination and related intolerance.

Azerbaijan alleged that Armenian authorities have failed to take action against any act of incitement to racist hatred against Azerbaijanis.

Belarus

8. The Government of Belarus affirmed its rejection of the glorification of Nazism and neo-Nazism and reported the adoption of the Law on Preventing the Rehabilitation of Nazism. In addition, to increase criminal and legal protections in relation to the rehabilitation of Nazism as one of the manifestations of extremism, appropriate amendments and additions have been made to its Criminal Code. Thus, Belarus states that an independent norm on criminal liability for the rehabilitation of Nazism has been introduced. Propaganda, public demonstrations and the production and distribution of Nazi symbols and paraphernalia have been criminalized.

9. Belarus reported that, in April 2021, the Prosecutor General's Office opened a criminal case on the genocide of the population of Belarus during the Great Patriotic War (1941–1945) and reported on the actions that have been taken in this case.

10. The Government of Belarus also submitted an address by the Heads of States of members of the Commonwealth of Independent States to the peoples of States members of the Commonwealth and the world community, in connection with the eightieth anniversary of the Beginning of the Great Patriotic War of 1941–1945. In the statement, it emphasized the importance of carefully preserving the memory and knowledge of the truth about the war and of the need to jointly combat the falsification of history and the glorification of the Nazi movement.

Ireland

11. The Government of Ireland reported on the Garda¹ National Diversity and Integration Unit, which monitors all hate crimes recorded on the Garda Police Using Leading Systems Effectively (PULSE) system.² Any identifiable patterns or trends pertaining to organized Nazi or neo-Nazi groups are reported to the Security and Intelligence Section within the Department of Justice, which undertakes a wider monitoring of organizations or groups.

12. Ireland referred to the Garda Síochána Diversity and Integration Strategy 2019–2021³ and its five strategic priorities, which are focused on improving operational effectiveness to tackle hate crimes. The strategic objectives include: (a) the protection of the community, particularly minorities and marginalized communities and individuals; (b) effective and accurate management of data on hate crimes; while respecting the privacy and rights of all persons; (c) the development of the skills and environment to ensure equality, diversity, integration and human rights in all aspects of operational policing; (d) engagement with internal and external stakeholders to build trust and identify the policing needs of all diverse, minority and “hard to reach” communities, and (e) open, honest, sensitive and respectful communication with the communities.

13. Ireland stated that in the absence of a specific hate crime legislation, the Garda Diversity and Integration Strategy introduced for the first time a working definition of “hate crime,” which allowed for a more standardized approach to its investigation. Ireland also referred to the notion of hate incidents, which do not constitute a crime and are perceived as a hostility or prejudice based on age, disability, race, colour,

¹ An Garda Síochána is the official title of the Irish police force.

² The Garda computer system.

³ www.garda.ie/en/crime-prevention/community-engagement/community-engagement-offices/garda-national-diversity-integration-unit/diversity-and-integration-strategy-2019-2021-english-v1-1.pdf.

nationality, ethnicity, religion, sexual orientation or gender. In October 2020, a number of measures were introduced into the Garda PULSE system to facilitate the reporting and improvement of the recording of hate crimes and hate incidents.

14. According to the submission, a new policy, as well as procedures and training, have been developed in order to increase confidence and provide support and guidance to Garda members in providing an efficient response to hate crimes. In addition to providing guidance and support in recording, investigating and prosecuting hate crimes, the aim of the training is to ensure that all Gardaí are equipped with the skills and confidence to interact positively with migrants and marginalized communities and to reduce opportunities for disaffection and radicalization.

15. Ireland reported on measures adopted to prevent radicalization and countering violent extremism and terrorism. In this regard, the Government stated that it works with European Union partners to coordinate and collaborate in the area of radicalization prevention and intervention. It participates in the European Union Cooperation Mechanism. The Government stated that it plays an active role in the European Union Internet Forum, which in part addresses the online components of radicalization, violent extremism and terrorism. These forums address a range of forms of terrorism and violent extremism, including violent right-wing extremism.

16. The Government reported on the national Anti-Racism Committee, which is an independent committee appointed in 2020 with the mandate to draw up a national action plan against racism for Ireland. The Committee submitted its interim report to the Government on 30 November 2020, setting out the Committee's initial ideas and plans for developing the national action plan. The Committee has launched a 12-week public consultation phase, covering four themes: access to justice; all forms of media and communication, including: new technologies; employment, education, health and accommodation; and inclusion and participation. Regarding measures aimed at preventing and countering hate speech and incitement to violence, the Government of Ireland reported that, under the Justice Plan 2021, new legislation to deal with hate crime and incitement to hatred is being developed and will be approved by the end of 2021.

17. The Government notes in its submission that, although incitement to hatred is already an offence, experience has shown that it is difficult to prosecute and there have been very few convictions since the introduction of the Prohibition of Incitement to Hatred Act, 1989. Therefore, the Act is being reviewed and updated, based on the policy *Legislating for Hate Speech and Hate Crime in Ireland: Report on the Public Consultation 2020*, published in December 2020. The proposed legislation will create new, aggravated forms of certain existing criminal offences, where those offences are motivated by prejudice against a protected characteristic, namely, race, colour, nationality, religion, ethnic or national origin, sexual orientation, gender or disability.

18. The Government also identified good practices to combat and eliminate forms of racism, xenophobia and related intolerance. These successful practices include the organization of the Garda National Diversity Forum and the introduction of Garda Diversity Officers, who are trained to actively engage with and attend to the concerns of minority, diverse and hard-to-reach communities. Ireland also referred to the establishment of new reporting mechanisms, such as the Online Hate Crime Reporting and Hate crime campaigns.

Italy

19. The Government of Italy described its National Office against Racial Discrimination, which was responsible for protection against all forms of

discrimination, be it on the ground of race, ethnic origin, religion or belief, age, sexual orientation or gender identity. The reports handled by the Office in recent years confirm that most data relating to discrimination shows discrimination based on ethno-racial grounds, followed by religious and sexual orientation and gender identity grounds. The Government of Italy reported that racism and racial discrimination can mainly affect migrants, refugees and specifically stigmatized national communities or ethnic groups, such as Roma.

20. In order to prevent and tackle discrimination on grounds of race or ethnic origin, the National Office Against Racial Discrimination reportedly intervenes in different areas and with several awareness-raising and capacity-building tools, pursuing more equal access to employment, occupation guidance and vocational training, social protection, health care, social benefits, education, goods and services. Moreover, it pairs awareness-raising measures with judicial protection of victims by civil actions against discrimination.

21. Italy stated that a recent and worrying trend concerns the development of cyber-racism, a growing phenomenon that quickly disseminates hate speech and racist ideologies. In recent years, the National Office Against Racial Discrimination has registered an increase in complaints about racial hatred against migrants and ethnic minorities on the Internet. Cyber-racism is disseminated through videos, photos, blogs and on-line written comments. Additionally, racist comments, photos and videos can be found on social networks such as Facebook, Twitter, Instagram and Telegram. On social networks, it is difficult to verify corporate responsibilities and act against content producers; therefore, the National Office has monitored web activity and developed cooperation with postal police and social network providers.

22. Italy described its legal and policy framework aimed at addressing and tackling racism and any form of discrimination, including the Department for Equal Opportunities at the Presidency of the Council of Ministers, which is responsible for providing guidance to support equal opportunities and treatment and preventing and eliminating all forms of discrimination, gender violence and exploitation. The Department is also in charge of the promotion and coordination of legislative actions concerning the elaboration and implementation of gender and anti-discrimination policies, the acquisition and analysis of data and information about gender equality and equal opportunities and the tackling of any form of discrimination, with particular reference to racial and ethnic discrimination, particularly with respect to employment and occupation.

23. According to its submission, the National Office Against Racial Discrimination is also strongly engaged in promoting the integration of Roma communities. Discrimination against Roma people is one of the most important challenges that Italy must tackle in order to guarantee equal opportunities and non-discrimination to the most vulnerable. The fight against racism against Roma and the improvement of their role in social and economic development is supported by concrete measures and tools included in the national Roma integration strategy 2012–2020 and will be developed further in the next strategy, for 2021–2030. The aims, objectives and outcomes of these strategies can be considered a concrete institutional answer for “Romaphobia”, fostering Roma inclusion and fighting any discrimination against this ethnic group.

24. Italy reports that, in order to prevent and tackle religious discrimination, particularly antisemitism, the National Office Against Racial Discrimination has been participating in marking the International Day of Commemoration in Memory of the Victims of the Holocaust. In addition, the Technical Working Group for the Recognition of the Definition of Antisemitism approved by the International Holocaust Remembrance Alliance was established by Prime Ministerial Decree of 16 June 2020, with the participation of institutional representatives, several ministries

and Jewish organizations, as well as experts, and was chaired by the National Coordinator for the Fight against Antisemitism. In January 2021, the Group delivered its final report containing a proposal for a national strategy against antisemitism, which will be presented for approval to the current Government. The key elements of the strategy are the coordination and promotion of concrete collaboration between the institutions concerned, Jewish communities, cultural institutions, universities, schools, the social sphere, sports, media and politics. In the strategy, the Group suggests expanding the scope of the criminal sanctions applied to conduct defending fascism and prohibiting both direct active propaganda of fascist or Nazi socialist parties, including the production, distribution, dissemination or sale of propagandist materials (images, objects, gadgets or symbols) and public conduct (symbols and gestures). The strategy also includes measures aimed at combating hate speech online, including approving parliamentary proposals on changes in social media platform policies in order to guarantee a uniform and efficient system for reporting and removing hate speech. The Government of Italy believes that the strategy may be considered a good practice in the fight against and eradication of antisemitism and discrimination.

25. Italy reports that prevention activities tackling online hate speech have been carried out by the National Office Against Racial Discrimination, including awareness-raising campaigns, seminars and other events.

Kyrgyzstan

26. The Government of Kyrgyzstan stated that article 24 of its Constitution provides that all persons in Kyrgyzstan are guaranteed rights and freedoms, and contains the principle of non-discrimination. The Government reported that there is a prohibition on creating political parties on a religious or ethnic basis. It affirmed that access to justice is guaranteed to all without discrimination in Kyrgyzstan. The Government also reported that Kyrgyzstan has acceded to the International Convention on the Elimination of All Forms of Racial Discrimination and that the Criminal Code imposes criminal liability for inciting racial, ethnic, national religious or interregional hatred.

27. The Government guarantees equality before the law and the court through part 2 of article 24. The Constitution prohibits the adoption of laws abolishing or detracting from freedoms and human rights in part 2 of article 56. Propaganda promoting national, racial, religious hatred, gender and other social superiority, or calling for discrimination, hostility or violence, is also prohibited under part 4 of article 32. Thus, Kyrgyzstan affirmed that it recognizes the principles of equality and non-discrimination that permeate all forms of social relations.

28. The Government stated that no new trends of discrimination, intolerance or xenophobic violence have been identified in Kyrgyzstan. It reported that representatives of ethnic groups participate in integration processes, which is reflected in relevant programmes. The stated objective of integration processes is to unite people of different social, ethnic and territorial communities. The Government referred to the Concept of Strengthening the Unity of the People and Interethnic relations for 2013–2017 and reported that a new draft concept, which puts forward an approach to the construction of a civic identity, has been consulted upon.

29. Kyrgyzstan reported on the measures taken to promote tolerance and eliminate all forms of discrimination, xenophobia and related intolerance. In particular, the Government reported on the new Constitution of 2021, which reflects norms on the protection of the rights of representatives of ethnic groups. It includes the principle of equality and non-discrimination. The Government also stated that the provisions of its Criminal Code are in accordance with article 4 of the International Convention

on the Elimination of All Forms of Racial Discrimination. In addition, it reported that it is actively working to implement recommendations in the concluding observations of the Committee on the Elimination of Racial Discrimination.

30. The Government stated that there are no strict measures to regulate hate speech in the media and that the State Committee for National Security monitors nationalist rhetoric in the public discourse and issues warnings identifying the possible consequences. The Government reaffirmed that the fight against racism, xenophobia, intolerance and discrimination is firmly enshrined in national policy and based on the principles of equality and non-discrimination. The Government reported on the implementation of the Concept of Strengthening the Unity of the People and Interethnic Relations and the work of the State Agency for Local Self-Government and Interethnic Relations. It also reported on the transfer of the functions of the Agency-created system for early response and prevention of interethnic conflicts to the Ministry of Culture, Information, Sports and Youth Policy. In addition, it reported the establishment of a system for an early response to conflicts, as well as of the monitoring centre for the prevention of inter-ethnic violence. The monitoring centre has developed an interactive electronic map of zones of potential conflict and has conducted preventive work and issued recommendations for the adoption of appropriate preventive measures.

Qatar

31. The Government of Qatar reported that it has established the principle of equality and non-discrimination in its Constitution, namely in articles 18, 34 and 35, which govern all State institutions and agencies and require that they refrain from any act or practice that involves discrimination and from encouragement or protection of discrimination regardless of the party that conducts the action or practice. All Qatari citizens and residents enjoy rights and freedoms guaranteed in chapter III of the Constitution without any discrimination based on sex, origin, language or religion.

32. Article 35 of the Constitution prohibits discrimination in general, including racial discrimination, and the term “origin” contained in this article is a comprehensive word that includes race, colour and national or ethnic origin. This article also contains the term “people” to guarantee the application of the principle of non-discrimination to society without distinction between a citizen and a resident or between a man and a woman.

33. This constitutional principle is also reflected in the various State laws regulating civil, political, economic, social and cultural rights. The Government of Qatar believes that if some laws contain an exception, restriction or differentiation between citizens and non-citizens based on nationality, this is an objective criterion, which is not considered racial discrimination.

34. Qatar referred to several international human rights instruments, as well as International Labour Organization conventions in relation to the elimination of discrimination, including the International Convention on the Elimination of All Forms of Racial Discrimination; the International Convention on the Suppression and Punishment of the Crime of Apartheid; the Convention on the Elimination of All Forms of Discrimination against Women; the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child; International Labour Organization Discrimination (Employment and Occupation) Convention, 1958 (No. 111); and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions.

35. Qatar also referred to legislation adopted in order to fulfil its international obligations arising from the international conventions and instruments to which it is

affiliated. Several Qatari laws include the principle of equality and non-discrimination. The Government also reported that, with respect to article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, Qatari legislation prohibits the dissemination of ideas based on racial superiority or racial hatred, as well as organizations that promote racial discrimination.

36. Qatar also detailed the establishment in 2013 of the Social Work Foundation, a private institution for the public interest in accordance with the provisions of Decree-Law No. 21 of 2006. This institution is responsible for preparing and developing plans, programmes, policies and strategies necessary to achieve the goals of civil society and to follow up their implementation in cooperation and coordination with ministries, government agencies, public and private bodies and institutions in Qatar and abroad.

Russian Federation

37. The Government of the Russian Federation reiterated its condemnation of all propaganda and activities of all organizations that are based on ideas or theories of superiority based on racial nationality or ethnicity, and it affirmed that it consistently takes the necessary measures to eradicate any incitement to this kind of hatred or discrimination. The Russian Federation reported on its legal framework and referred particularly to articles 19 and 13 of its Constitution, which guarantee the principle of equality and the prohibition of activities aimed at inciting racial hatred, respectively. Furthermore, it referred to the Federal Law on Countering Extremist Activity, which defines the legal and organizational framework for countering extremist activities.

38. On the basis of an analysis of threats of extremism in the country and the identification of the main factors that have a negative impact on inter-ethnic and inter-faith relations, the Government referred to the revision and extension until 2025 of its Strategy of State National Policy.

39. The Government reported on measures adopted to remove prohibited information from social networks and to abolish groups dedicated to its dissemination. It referred to the creation of a monitoring system of inter-ethnic and inter-faith conflicts aimed at timely identification of conflict and pre-conflict situations to ensure a prompt response. As part of its preventive activities, the Federal Agency for Ethnic Affairs of the Russian Federation carries out activities aimed at harmonizing inter-ethnic relations, as well as the development of a respectful attitude towards representatives of other nationalities and cultures.

40. The Government reported its prohibition of the use of Nazi symbols, as well as propaganda or public display of attributes or symbols of organizations that collaborated with groups, organizations, movements or persons found to be criminal or guilty of the commission of crimes in relation to Nazism. Any attempts by public figures to hold events, including the construction of monuments and memorials or the renaming of streets, in order to glorify Nazism are strongly condemned. Articles of a patriotic nature and historical materials, as well as other publications that promote inter-ethnic and interreligious tolerance, are published on the Internet. It also reported on the actions taken and investigations of cases involving rehabilitation of Nazism.

Tunisia

41. The Government of Tunisia noted that, since the outbreak of the revolution of 14 January 2011, campaigns calling for the adoption of a law criminalizing racism in Tunisia have been launched by human rights organizations and associations, as well as civil society organizations working in this field. In addition, these organizations

have been mobilizing human rights defenders in Tunisia to demand the elimination of all forms of racism and ethnic and religious hatred and ensure the protection of human rights of migrants, especially African students from sub-Saharan countries.

42. On 13 January 1967, the Tunisian State ratified the International Convention on the Elimination of All Forms of Racial Discrimination. The preamble to the Tunisian Constitution of 2014 includes a set of principles and values of solidarity, respect, tolerance, human values and the principles of universal human rights, as well as urging integration with African peoples, cooperation with the peoples of the world and the combating of all forms of racism. The provisions of chapter II of Law No. 50/2018 also concern the elimination of all forms of racial discrimination. In 2021, Tunisia created the National Committee against Racial Discrimination.

43. The Government of Tunisia stated that it has adopted a preventive approach whereby it pledges to spread the culture of human rights, equality, tolerance and acceptance of others among the various components of society in accordance with article 49 of the Constitution. In addition, Tunisia has criminalized all kinds of discrimination, hatred, incitement and support for such acts by several pieces of legislation, namely Decree No. 2011-115/2011 on freedom of the press, printing and publishing, and chapter 9 of Constitution Law No. 50/2018, on the elimination of all forms of racial discrimination. Moreover, in addition to criminalizing racial discrimination, Law No. 50/2018 also included provisions criminalizing the incitement to hatred, violence, discrimination, segregation, exclusion or threat thereof against any person or group of persons based on racial discrimination. It penalizes the spreading of ideas based on racial discrimination, racial superiority or racial hatred by any means, as well as praising the practices of racial discrimination through any means. Forming a group or organization that clearly and repeatedly supports, affiliates with or participates in racial discrimination and supporting activities, associations or organizations of a racist nature have also been included as criminal offences. In addition, Law No. 50/2018 provides the victims of racial discrimination with psychological, social and legal protection, as well as fair and appropriate judicial compensation.

44. Furthermore, the Government of Tunisia stated that the Ministry of Religious Affairs has developed an integrated programme to implement the national strategy to combat terrorism and extremism to raise public awareness and sensitization. The Ministry of Education has also launched an educational guide and an interactive electronic platform for “education on human rights, promotion of freedom of expression and combating hate speech in the school environment”.

III. Summary of submissions from intergovernmental organizations and civil society organizations

45. In the present section, the Special Rapporteur summarizes the submissions from civil society organizations describing efforts and challenges related to combating the glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance. However, she emphasizes that by providing these summaries of civil society submissions, she does not endorse or confirm allegations levelled against specific actors.

46. WHO submitted information on its actions to address racial and ethnic discrimination. It reported on the various multilateral efforts undertaken to raise awareness for addressing structural racial and ethnic discrimination, which included a consultative process that culminated with the United Nations frontier dialogue on

addressing structural racial and ethnicity-based discrimination through coronavirus disease (COVID-19) recovery plans. A report was produced to provide guidance to Governments on how to tackle racial discrimination in their COVID-19 recovery efforts. WHO also referred to the training on addressing structural racial and ethnicity-based discrimination and strengthening the protection of minorities and Indigenous peoples' rights in United Nations programming processes to be delivered in October 2021. In addition, WHO reported on the various initiatives taken by its regional office in the Americas, which has prioritized ethnicity as a cross-cutting theme. Member States of PAHO and WHO have approved the Policy on Ethnicity and Health and have agreed to respect an intercultural approach to health and equitable treatment to indigenous peoples, Afrodescendants, Roma and members of other ethnic groups. The policy has been followed up at the global level and, in 2019, a Strategy and Plan of Action on Ethnicity and Health was approved by all WHO member States. WHO reiterated its continuing support for efforts and initiatives to address racial discrimination, reduce inequalities and bring real change for people.

47. The Association of Reintegration of Crimea expressed its concerns regarding the Russian Federation policy of so-called "countering extremism and terrorism". It reported limits on education of Ukrainian and Crimean Tatar languages in Crimea, the ban of the Mejlis of the Crimean Tatar People, and the use of hate speech against Ukrainians and Crimean Tatars in Russian official media and Russian-controlled media in Crimea. According to the submission, accusations of extremism are actively used by the Russian Federation authorities to persecute dissenters, in particular Crimean Tatars and Ukrainians who oppose the occupation or belong to ethnic-related religious communities. The authors also alleged that Russian punitive bodies since 2014 actively used "Crimean Self-Defence" and "Crimean Cossacks" squads in Crimea to threaten, torture and kill activists who belong to Crimean Tatar and Ukrainian communities.

48. The International Observatory of Human Rights and Arseh Sevom reported instances of antisemitism, xenophobia and related intolerance against Jews in the Islamic Republic of Iran. According to the submission, there are pro-Nazi groups on State-controlled Internet sites, and social media platforms have often been used to spread antisemitic messages. The submission alleges that messages promoting discrimination, division and exclusion have migrated from Telegram or Facebook to the country's domestic Internet platforms. It also alleges that, in the Islamic Republic of Iran, hate speech is rampant, often in the form of jokes. According to the submission, the COVID-19 pandemic has increased hate speech against Jews, often associating them with responsibility for the COVID-19 virus and pandemic.

49. The International Observatory of Human Rights and Arseh Sevom have also reported how hate speech and incitement to violence with antisemitic content has expanded transnationally. These organizations referred to the Global Handbook on Hate Speech Laws, which reports that 118 countries have adopted a law on hate speech and 75 do not have a law on this issue. They reported on measures adopted by the United Kingdom of Great Britain and Northern Ireland, Germany and the Council of Europe to combat hate speech. They reported that the "No Hate Speech Movement" has mobilized young people in 45 countries to report hate speech and cyberbullying to the relevant authorities and on social media channels. The International Observatory and Arseh Sevom also stated that legislation requiring platforms to moderate content must clearly define which content is harmful in order to avoid over-censorship. They also expressed concern at the use of artificial intelligence and algorithms in moderating social media content.

50. Just Atonement Inc. expressed its concerns regarding the rise of eco-fascism as a movement that seeks to use growing environmental crises as a justification for forms

of government that create, perpetuate, and sustain ethnic and racial hierarchies. This movement also seeks to use terrorism against marginalized and excluded groups as a means of creating scapegoats for environmental problems, as well as generalized xenophobia that insists on keeping immigrants out of a given jurisdiction and holds that ethnic groups should remain in “original lands”. Eco-fascist groups focus on minorities as the cause of environmental degradation and typically maintain a virulent opposition to immigration and a belief that “races” should remain confined to separate places.

51. Just Atonement Inc. believes there is a risk of eco-fascist groups taking over the discourse on climate change and environmentalism. It noted that, during the course of the pandemic, hate crimes against people of Asian descent by white supremacists and neo-Nazis have risen, and such groups are creating a stereotype of a class of “subhumans” responsible for the virus and the pandemic. Just Atonement Inc. recommends further analysis and study to fully understand the scope of eco-fascist ideology and its prominence in Nazi and neo-Nazi movements.

52. Queensland University of Technology Digital Media Research Centre expressed its concerns regarding the challenges of addressing the spread of harmful content online. It stated that one of the biggest challenges of content moderation is that platforms primarily focus on the most acute and blatant manifestations of racism, to the exclusion of more common forms of racism. According to the Centre, social media platforms struggle to identify and assess racist jokes, allowing extremist groups to use humour as a veil for hate, abuse and discrimination. Extremist groups constantly alter the way they communicate online in order to avoid content moderation, including by using coded language, and often use automation, including bot accounts, to push their agendas. Extremists use technological features of social media, including anonymity and pseudonymity, to cloak their identities and incite tension. For example, extremists sometimes pose as people from racial minorities, and weaponize these identities to stoke confrontation, spread disinformation and incited hatred. Often, extremists appropriate and hijack keywords from social justice movements to manipulate search algorithms and promote extremist content.

53. In another submission concerns were expressed regarding United States Confederate memorials and memorials that seemingly pay tribute to slavery and suppression. According to the submission, Confederate memorials are frequently maintained by the Government, which means that the government actors help maintain racist expression. It was argued in the submission that one of the main mechanisms through which the fight against systemic racism in the United States can begin is the removal of Confederate memorials and memorials that glorify slavery.

IV. Applicable racial equality framework

54. The Special Rapporteur recalls that international human rights law is based on the premise that all persons, by virtue of their humanity, should enjoy all human rights without discrimination on any grounds. Article 1 (1) of the International Convention on the Elimination of All Forms of Racial Discrimination defines racial discrimination. The Special Rapporteur reiterates that the prohibition on racial discrimination is aimed at guaranteeing substantive equality rather than a formal approach to equality.⁴ States must take action to combat intentional or purposeful racial discrimination, as well as de facto or unintentional racial discrimination.

⁴ Committee on the Elimination of Racial Discrimination, general recommendation No. 32 (2009) on the meaning and scope of special measures in the Convention, paras. 6–10.

55. The International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenant on Civil and Political Rights both impose strong limitations on the propagation of racist and xenophobic ideas, and outlaw the advocacy of national, racial or religious prejudices that amount to incitement to discrimination, hostility or violence. Speech that constitutes advocacy of antisemitic racial and religious prejudices amounting to incitement to discrimination, hostility or violence is thus unlawful and prohibited under the applicable legal frameworks.

56. The Special Rapporteur recalls that article 2 (1) of the International Convention on the Elimination of All Forms of Racial Discrimination stipulates that States parties undertake not to sponsor, defend or support racial discrimination by any persons or organizations, including those espousing racial superiority and intolerance. Article 4 of the Convention requires States parties to condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form. This means that States parties must take action to prohibit organizations that meet the conditions articulated in article 4 (b), including in contexts in which such organizations use antisemitic fervour to attempt to mainstream their extreme ideologies or racial, ethnic or religious hatred and intolerance. Legislation alone is not sufficient. Article 6 of the Convention makes clear that effective protection from and remedies for racial discrimination are just as important as formal provisions.

57. Article 4 of the Convention also requires States parties to undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination, and to declare punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin. The Committee on the Elimination of Racial Discrimination has recommended concrete guidance for States parties on the adoption of legislation combating racist speech falling under article 4, and the Special Rapporteur encourages States to review the Committee's general recommendation No. 35 (2013) on combating racist hate speech. In the general recommendation, the Committee recalls that the proscription of racist hate speech and the flourishing of freedom of expression should be seen as complementary, and that the rights to equality and freedom from discrimination, and the right to freedom of expression, should be fully reflected in law, policy and practice as mutually supportive human rights.

58. Article 19 of the International Covenant on Civil and Political Rights protects freedom of opinion and of expression. Any restriction on freedom of speech must not only be a matter of necessity, but must be proportionately tailored to achieve the legitimate end that warrants the restriction. Article 20 of the Covenant stipulates that States parties must prohibit by law any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. The Human Rights Committee and a number of other human rights mechanisms have interpreted this provision as creating a high threshold, because limitations on speech must remain exceptional. When individuals or groups meet this high threshold, including in the context of antisemitic hate speech, States must hold these actors to account for their violations of international human rights law.

59. The Committee on the Elimination of Racial Discrimination has reiterated that freedom of expression is integrated into the Convention, and that the Convention contributes to a fuller understanding of the parameters of freedom of expression under international human rights law. For determining what racist expression should be punishable by law, the Committee stresses the importance of context, which includes:

(a) the content and form of the speech; (b) the economic, social and political climate; (c) the position or status of the speaker; (d) the reach of the speech; and (e) the objectives of the speech. Member States, and even private actors such as the technology companies that often directly interface with racist and xenophobic content online, must remain vigilant in their identification of racist expression in national climates in which certain groups, including neo-Nazis, are openly committed to spreading and enforcing intolerance. The Committee warns that racist speech may sometimes rely on indirect language to disguise its targets or objectives and may rely on coded symbolic communication to achieve its ends. Even incitement may be express or implied, through actions such as displays of racist symbols or the distribution of materials as well as words.⁵

60. Member States must take urgent action to ensure that racist expression violating the standards set out in the International Convention on the Elimination of All Forms of Racial Discrimination are made punishable by law. The Committee on the Elimination of Racial Discrimination has recommended that the criminalization of forms of racist expression be reserved for serious cases, to be proven beyond reasonable doubt, that the application of criminal sanctions be governed by the principles of legality, proportionality and necessity, and that less serious cases should be dealt with using non-criminal sanctions.⁶

61. The Special Rapporteur also recalls that, in paragraph 84 of the Durban Declaration, the participants at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance condemned the persistence and resurgence of neo-Nazism, neo-fascism and violent nationalist ideologies based on racial or national prejudice. In paragraph 85 of the Declaration, they condemned political platforms and organizations based on, among other things, doctrines of racial superiority and related discrimination, as well as legislation and practices based on racism, racial discrimination, xenophobia and related intolerance, highlighting that they were incompatible with democracy and transparent and accountable governance. In paragraph 94 of the Declaration, participating States reaffirmed that the stigmatization of people of different origins by acts or omissions of public authorities, institutions, the media, political parties or national or local organizations is not only an act of racial discrimination but could also incite the recurrence of such acts, thereby resulting in the creation of a vicious circle which reinforces racist attitudes and prejudices, and which must be condemned.

V. Conclusions and recommendations

62. **The Special Rapporteur is grateful to all States and other organizations for the information provided on the measures implemented pursuant to General Assembly resolution 75/169. She also appreciates the contributions received from civil society actors.**

63. **The Special Rapporteur notes that some submissions referred to new trends of manifestations and incidents of discrimination, intolerance, racist and xenophobic violence involving the participation of, and motivated by extremist movements and groups of a racist or xenophobic character. In particular, some contributions referred to the new challenges on the dissemination of messages through the Internet and social media with antisemitic content and incitement to racial and ethnic hatred and violence, including the concerns regarding the use**

⁵ Committee on the Elimination of Racial Discrimination, general recommendation No. 35, paras. 7 and 16.

⁶ Ibid., para. 12.

of algorithms and artificial intelligence to identify hate speech in social media. One of the submissions also referred to the concerns over a rise in using environmental crises as a justification for forms of government that create, perpetuate and sustain ethnic and racial hierarchies. The Special Rapporteur wishes to reiterate that Member States, as well as civil society actors, should continue to be vigilant and monitor new manifestations of discrimination, intolerance, racism and xenophobic violence involving extremist groups. They should also strengthen their efforts to effectively address these new challenges.

64. The Special Rapporteur recommends that Member States take concrete actions to combat and prevent manifestations of antisemitism in accordance with international human rights standards, and provide effective remedies to those who have experienced antisemitic human rights violations.

65. She urges States to comply fully with their obligations as enshrined in article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, and reiterates her encouragement to those States that have made reservations to article 4 of the Convention to withdraw those reservations and commit to the obligation to tackle hate speech and incitement to violence.

66. The Special Rapporteur also urges States to take concrete actions to ensure the full and effective implementation and dissemination of the Durban Declaration and Programme of Action.

67. She reiterates her recommendation that Member States should implement the recommendations that other United Nations bodies, especially the Committee on the Elimination of Racial Discrimination, have made pertaining to combating racist and xenophobic expression.

68. The Special Rapporteur would like to stress the importance of reliable disaggregated data and statistics on racist, xenophobic and antisemitic crimes. The collection of data regarding the ideological affiliations of perpetrators, as well as the identity of victims, in cases involving suspected or alleged hate crimes is vital for understanding the prevalence of hate incidents and for designing measures to combat them. Data are also vital for monitoring racist crimes and assessing the impacts of measures taken to address such crimes.

69. The Special Rapporteur highlights the need to develop and implement effective, inclusive and comprehensive frameworks complemented by other means to combat racism. In this regard, collaboration with civil society and international, regional and national human rights mechanisms can reinforce the efforts to counter antisemitism and extremist movements and groups, including neo-Nazis. In particular, civil society can play a vital role in collecting information on racist crimes, working with victims and raising awareness. The Special Rapporteur encourages robust coordination between governmental structures and civil society entities to amplify efforts to develop and implement relevant legislation and policies.

70. Member States must take urgent and active measures to ensure that educational systems develop the content necessary to promote truthful accounts of the past and to promote tolerance and other international human rights principles.