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Racism, racial discrimination, xenophobia and related forms of intolerance: follow-up to and implementation of the Durban Declaration and Programme of Action

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

Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Ashwini K.P.

Summary

The present report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Ashwini K.P., is being submitted to the Human Rights Council pursuant to General Assembly resolution 77/204. In the report, the Special Rapporteur summarizes the submissions of States regarding the actions they have 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 and outlines relevant information submitted by non-governmental organizations. The Special Rapporteur provides information about the relevant international legal framework and recommendations for Member States.

* Reissued for technical reasons on 28 June 2023.



I. Introduction

1. The present report is submitted to the Human Rights Council pursuant to General Assembly resolution 77/204, 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 Council at its fifty-third session.
2. In the present report, the Special Rapporteur summarizes information received from Member States regarding the implementation of the aforementioned resolution. She thanks the Member States for their contributions. She also expresses her gratitude for the submissions from eight other stakeholders.
3. In the present report, the Special Rapporteur outlines the relevant principles and obligations of racial equality and non-discrimination in international human rights law and highlights their application in combating racism, racial discrimination, xenophobia and related intolerance. As with previous reports of the mandate holder, the Special Rapporteur calls upon Member States to demonstrate the strong commitment needed to address the rise in hate crime and incitement to violence against ethnic, racial and religious minorities and groups around the world. She also reminds the Member States to consider the horrors of the Second World War and the references in resolution 77/204 to preventing future wars and saving future generations from the scourge of war. She calls upon States to redouble their efforts to counter all forms of ethnic, racial and religious hatred and to promote tolerance and understanding within and among countries.

II. Submissions by Member States

4. In the present section, the Special Rapporteur summarizes information submitted by Member States on existing laws and policies to counter Nazism and neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance. However, she does not analyse or evaluate those laws or policies. She emphasizes that providing a summary of a Member State submission does not constitute an endorsement of its content. The legal and policy frameworks referred to may have been assessed within the United Nations human rights system as being incompatible with international human rights law.
5. The present section contains summaries of the submissions of Member States. The full submissions and the supporting information provided are available on the website of the Special Rapporteur.¹

Armenia

6. According to the information provided, the Criminal Code of Armenia establishes liability for public speech instigating or propagating hatred, discrimination, intolerance or hostility towards a person or group of persons on the basis of racial, national, ethnic or social origin, religion, political or other views or other personal and social circumstances and for disseminating materials or objects for that purpose. The Criminal Code also criminalizes propaganda about or public denial, justification or de-emphasis of the danger of genocide or crimes against humanity on the basis of racial background, skin colour, national or ethnic origin or religious background for the purpose of provoking hatred, discrimination or violence against a person or a group of persons.
7. Armenia reported that a specialized subdivision of the Police of the Ministry of Internal Affairs conducts monitoring activities to detect the dissemination of racist or xenophobic materials over the Internet. According to the information provided, the following number of criminal cases were instituted under article 226.2 of the previous Criminal Code of the Republic of Armenia (“Public calls for using violence, publicly justifying or

¹ <https://www.ohchr.org/en/special-procedures/sr-racism>.

propagating violence”): 17 in 2021 and 35 in the first half of 2022, and under article 226 of the previous Criminal Code (“Inciting ethnic, racial or religious enmity”): 8 in 2021 and 16 in the first half of 2022. In the second half of 2022, 43 criminal cases were launched under article 330 of the present-day Criminal Code (“Public calls to use violence, publicly justifying or propagating violence, as well as dissemination of materials or objects for that purpose”), while one criminal proceeding was launched under article 329 of the present-day Criminal Code (“Public speech aimed at inciting or propagating hatred, discrimination, intolerance or enmity, as well as dissemination of materials and objects for this purpose”).

8. The Government also provided information about alleged incidences of violence, racism, intolerance and discrimination perpetrated by Azerbaijan.

Azerbaijan

9. In the information provided, Azerbaijan indicated that hatred and intolerance towards ethnic groups led to more systematic violations of human rights in addition to crimes and wars. The State also reported on policies in place to protect ethnic and cultural diversity in Azerbaijan based on the multicultural values and democratic principles of the Azerbaijani people. Azerbaijan described the ways in which the Baku International Multiculturalism Centre, established in 2014, had become a platform for dialogue and the exchange of views between ethnic and religious minorities. According to the information provided, since 2015, the Centre has organized the International School of Multiculturalism for both Azerbaijani and international students. In 2016, a series of events promoting coexistence, tolerance and multicultural traditions was held in the country. Since 2018, the Centre has been producing a bimonthly programme on multiculturalism with Azerbaijan Television. The programme presents discussions on various aspects of the multiculturalism policy of Azerbaijan and on its tradition of tolerance and culture of coexistence.

10. Azerbaijan reported that, since 2020, the Centre had published an international scientific journal entitled the *International Journal of Multiculturalism*. In addition, courses on Azerbaijani multiculturalism and on an introduction to multiculturalism are included in the curriculum within the educational system. The Ministry of Science and Education has a department for the development and publication of textbooks and programmes in the languages of national minorities, according to the information provided. Women and youth belonging to national minorities reportedly take an active part in the public life of the country through sociocultural organizations. Organizations representing ethnic minorities in Azerbaijan receive financial assistance from the Government.

11. Azerbaijan reported that 96 per cent of the population of Azerbaijan were Muslim and 4 per cent were Christian, Jewish or members of other religions. Since 2009, the State has been undertaking a process to reregister religious organizations. During that process, 970 religious organizations, both Muslim and non-Muslim, have been reregistered, according to the information provided. Since 2011, financial assistance from the State budget has been allocated to religious organizations, including those from the Christian, Jewish, Baha’i and Baku Krishna Consciousness religious communities. Many historical and religious monuments in Baku and in other parts of the country have been repaired with funding from the State budget and philanthropic organizations.

12. The Government also provided information about alleged incidences of violence, racism, intolerance and discrimination perpetrated by Armenia.

Brazil

13. According to the information provided, Brazil criminalizes any practice of racism in its legislation. One of the key provisions criminalizing racism in Brazil is Law No. 7716 of 5 January 1989, which lists crimes resulting from prejudice on the basis of race or skin colour. Brazil has adopted new legislation updating Law No. 7716 to criminalize injuring or offending someone on the basis of race, colour, ethnicity or national origin, in line with article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination. The new legislation also criminalizes violence based on religion. Furthermore, the law

establishes severe penalties for practising, inducing or inciting discrimination or prejudice on the basis of race, colour, ethnicity, religion or national origin. In addition, the legislation reportedly establishes severe penalties for manufacturing, commercializing, distributing or conveying symbols, emblems, ornaments, badges or propaganda that use the swastika cross for the purposes of promoting Nazism. Furthermore, under Law No. 14532 of 11 January 2023, a judge must consider any attitude or treatment directed towards a person or group that causes embarrassment, humiliation, shame, fear or undue exposure, and that would not usually be directed towards other groups, as discriminatory when applying provisions relating to racism.

14. According to the information provided, the Inter-American Commission on Human Rights has reported an increase in discriminatory hate speech in the public sphere and on social networks, particularly with regard to women, lesbian, gay, bisexual, transgender and intersex persons, persons of African descent in urban settings and members of social movements struggling for land, housing and a safe environment. Following the observation of the Commission, the Ministry of Human Rights reportedly set up a working group to develop strategies and public policies to combat hate speech and extremism. Brazil reported that discriminatory hate speech in the public sphere and on social networks had increased, in particular in the political context.

15. According to the information provided by Brazil, the Commission considered the situation of Indigenous Peoples and communities, as a group subjected to discrimination within Brazil, to be serious and worrying. It reportedly expressed concern that Indigenous Peoples faced the threat of invasion of their territories by non-Indigenous individuals in addition to major challenges with respect to the titling and protection of their lands.

16. Brazil reported that the Commission had also identified a pattern of discrimination against Afro-Brazilians, including numerous hurdles to accessing and exercising their rights, particularly regarding their effective participation in democratic forums; access to the formal job market and management positions in the corporate private sector; quality health care; education; decent housing; and effective access to justice. The Commission had reportedly further identified systemic violence practised by State agents, especially members of police institutions and agents in justice systems rife with racial profiling designed to criminalize and punish the Afrodescendent population.

17. According to the submission, violence against women has reportedly increased. The Commission reportedly reiterated that intersectional discrimination factors tended to heighten the vulnerability of women and compound their victimization, including through gender-based murders, with women of African descent suffering the cumulative impact of gender-based exclusion, discrimination and violence. That vulnerability is exacerbated by structural racial discrimination based on their ethnic or racial origin. Violence against the lesbian, gay, bisexual, transgender and intersex community is reportedly also an issue of concern.

Burundi

18. According to the information provided, new trends in discrimination, intolerance, violence, racism and xenophobia involving the participation of extremist movements and groups, including neo-Nazis and skinheads, do not exist in Burundi.

19. The Constitution of Burundi enshrines the equality of all citizens in rights and obligations. Article 13 reportedly states that all Burundians are equal in merit and dignity, that all citizens enjoy the same rights and are entitled to the same protection under the law and that no Burundian shall be excluded from the social, economic or political life of the nation on the basis of race, language, religion, sex or ethnic origin. Burundi reported that it had integrated all international human rights instruments to which it was a signatory into its national legislation. As a result, any acts of discrimination are criminalized by the Constitution and Penal Code. In addition, the Government of Burundi has adopted anti-discriminatory measures to prohibit political parties that promote violence, exclusion and hatred in all their forms, including those based on ethnicity, region, religion or gender. The Constitution also reportedly provides for ethnic balance in the Government and Parliament.

The representation of women, minorities and Indigenous groups is also provided for under the law.

20. Hate speech is defined in national law as a type of insult with racial and ethnic connotation and is criminalized by the Burundian Penal Code. According to the information Burundi provided, the State does not have disaggregated data on victims, perpetrators or incidences of hate speech.

21. Inspired by the Sustainable Development Goals, Burundi has introduced Vision Burundi 2025, a planning instrument that is particularly focused on the consolidation of the rule of law and human rights and the reduction of all forms of inequality, including structural and systemic racism. At the institutional level, the Ministry of National Solidarity, Social Affairs, Human Rights and Gender, the Independent National Commission on Human Rights and civil society organizations carry out training sessions on human rights for different groups in the Burundian population.

Cuba

22. Cuba reportedly condemns all forms of discrimination, racism, xenophobia and related forms of intolerance. According to the information provided, combating racism and racial discrimination is inextricably linked to independence, the abolition of slavery and national liberation. The State reiterates that, after the Cuban Revolution in January 1959, conditions of exclusion, inequality, poverty, institutionalized racial discrimination and segregation were eliminated. The Constitution reportedly strengthened the recognition and protection of the right to equality and the prohibition of discrimination. Article 42 of the Constitution prohibits and criminalizes discrimination on the grounds of, inter alia, race, skin colour, sex, national origin and religious beliefs.

23. Cuba has introduced a national programme against racism and racial discrimination, which was approved by the Council of Ministers in November 2019. The implementation of the programme is overseen by a government commission headed by the President. The programme is aimed at identifying the causes of racial discrimination; disseminating the historical and cultural legacy of African, Indigenous and other non-white peoples as part of Cuban cultural diversity; and promoting public debate on racial issues within political and social organizations and in the media.

24. Cuba reported that the condemnation of racist practices had been a fundamental part of its foreign policy. At the international level, Cuba has observed with concern a disturbing wave of racism, racial discrimination and xenophobia promoted by social networks and other media. Cuba firmly believes that the persistence and reappearance of neo-Nazism, neo-fascism and other violent nationalist ideologies based on racial and national prejudices must be internationally condemned. Such practices cannot be justified by manipulating and selectively wielding arguments related to the exercise of the rights of peaceful assembly and association and freedom of opinion and expression.

Iraq

25. Iraq is reportedly preparing a strategy to combat the violent extremism that leads to terrorism. The preparation of the strategy follows a wide range of violations against the Iraqi people, including many ethnic and religious groups, inter alia, Christians, Turkmen, Mandaeans and Yazidis, by Da'esh. The strategy is aimed at creating an environment that encourages moderate, open and tolerant thought and behaviour and rejects violent extremism. According to the information provided, the strategy is also designed to consolidate the national spirit, build respect for different cultures and address gaps within the legal framework to combat extremism.

26. Iraq provided information about the measures taken by the State to combat political parties, movements, ideologies and extremist groups of a racist nature. According to the information, a law was enacted in 2016 to prohibit the Baath Party and every entity, party,

activity or approach that adopts, incites, glorifies or promotes racism, terrorism, *takfir*,² sectarian cleansing or national cleansing. In addition, article 5 of Law No. 36 of 2015 on political parties stipulates that establishing a party based on racism, terrorism, *takfir*, sectarian fanaticism, ethnic discrimination or discrimination based on nationality is prohibited. The law also prohibits the establishment of a party that adopts or promotes the ideology or approach of the dissolved Baath Party. The Judicial Council has established specialized human rights courts in each appellate area, including areas inhabited by minorities, to investigate such crimes.

27. According to the information provided, Iraq prohibits laws that call for religious hatred and that constitute an incitement to discrimination, hostility or violence. Efforts are made to ensure full respect and protection for religious places, sites, shrines and symbols and measures are taken wherever such premises are subject to desecration or vandalism. Iraqi laws also reportedly guarantee the right of all persons to worship or assemble within the framework of religion or belief, to establish and manage places necessary for such purposes and to write, issue and distribute relevant publications. Iraq also takes all necessary and appropriate measures in accordance with international human rights standards to combat hatred, intolerance, acts of violence, intimidation and coercion motivated by fanaticism based on religion and incitement to hostility, violence and discrimination.

28. Measures have been taken to establish partnerships with regional and international organizations, including the Organization of Islamic Cooperation. Such partnerships are designed to establish principles of cooperation and understanding, to unify religious discourse against extremist ideology, to activate the role of international supporters and donors and to foster cooperation and coordination between ministries and international and governmental organizations in all fields.

29. The Government has adopted a national initiative focused on women's rights in partnership with the United Nations Assistance Mission for Iraq. The partnership, with national, social and political scope, is aimed at establishing an Iraq free from violence and dependence, in which all ethnic, religious and societal groups can coexist and participate.

Mexico

30. According to the information provided, in Mexico the right to equality and non-discrimination is enshrined in article 1 of the Constitution. According to the Federal Law to Prevent and Eliminate Discrimination, discrimination is understood as any distinction, exclusion, restriction or preference that, by action or omission, intentionally or unintentionally, is not objective, rational or proportional and has the purpose or result of hindering, restricting, preventing, impeding, impairing or nullifying the recognition, enjoyment or exercise of human rights and freedoms, when based on: ethnic or national origin, skin colour, culture, sex, gender, age, disability status, social, economic, health or legal status, religion, physical appearance, genetic characteristics, migration status, pregnancy, language, opinions, sexual preferences, political identity or affiliation, marital status, family situation, family responsibilities, criminal record or any other reason. The law also covers discrimination based on homophobia and misogyny and any manifestation of xenophobia, racial segregation, antisemitism, racial discrimination and other related forms of intolerance.

31. The National Council for the Prevention of Discrimination is reportedly the institution responsible for the anti-discrimination policy and for coordinating and supervising the implementation of the National Programme for Equality and Non-Discrimination 2021–2024. The National Programme is aimed at promoting the exercise of human rights without discrimination in the public sector and regulating relations between public authorities and society, focusing in particular on the rights to education, health, work, social security, security and justice.

32. The Federal Law to Prevent and Eliminate Discrimination grants powers to the National Council for the Prevention of Discrimination to promote the prevention and

² *Takfir* means to declare a fellow Muslim guilty of apostasy.

eradication of hate speech, in coordination with public institutions, the private sector and civil society organizations, and to elaborate, disseminate and promote the incorporation in the media of content aimed at preventing and eliminating discriminatory practices and hate speech. The National Council is also granted the power to execute administrative and reparation measures in cases in which discriminatory acts and practices are proven. This includes restitution for the violated right, compensation for the damage caused, public reprimand, public or private apology or a guarantee of non-repetition.

33. On 30 June 2022, the Media Regulations Unit and the National Council jointly established a working group comprising representatives from public media for a project aimed at generating a standardized basis for anti-discrimination criteria, and actions to avoid content that promotes prejudice and discriminatory stereotypes in public communications. According to the information provided, the National Council also joined the global No Hate Speech Movement, promoted by the Council of Europe. The initiative includes measures to prevent and combat online and offline hate speech. It was launched in response to the need to counteract the increase in such hate speech on the basis of multiple grounds for discrimination and is aimed at mobilizing all those interested in preventing and combating hate speech.

34. In 2017, the National Institute of Statistics and Geography conducted the National Survey on Discrimination, according to the information provided. The survey provided disaggregated data on discrimination and social inequality in Mexico, including discrimination on the basis of Indigenous status, disability, belonging to a religion other than Catholicism, age, sex, gender or occupation. In addition, the National Institute oversees the National Census of Federal Justice Procurement, which provides information on crime, including relating to discrimination.

Russian Federation

35. According to the information provided by the Russian Federation, monuments and, in some cases, graves from the Soviet period in Estonia, Latvia and Lithuania have been destroyed. Investigators from the Department for the Investigation of War Crimes, Genocide and the Rehabilitation of Nazism of the Main Investigative Directorate of the Investigative Committee of the Russian Federation are currently investigating 112 cases of desecration, destruction or damage of military graves, Soviet monuments and memorials located in the territory of 12 countries, including Bulgaria, Czechia, Estonia, Greece, Latvia, Lithuania, Poland, Romania, Slovakia and Ukraine.

36. According to the information provided, on 12 May 2022, the Latvian Parliament unilaterally suspended article 13 of the Agreement of 1994 between the Government of the Russian Federation and the Government of Latvia concerning the social security of the military pensioners of the Russian Federation and members of their families residing in the territory of Latvia. On 16 June 2022, the Latvian Parliament reportedly passed a law on prohibiting the display of and dismantling objects glorifying the Soviet and Nazi occupation regimes on the territory of Latvia. According to the information provided, to implement the law, the Cabinet of Ministers of Latvia approved a list of 69 Soviet monuments that were subject to compulsory demolition.

37. In December 2022, the Lithuanian Parliament reportedly approved a draft law on de-Sovietization, according to which public facilities may not perpetuate or depict symbols, information or persons who were or are active in political, military or repressive structures or organizations, or events and dates, associated with totalitarian, autocratic regimes and their ideologies. The law is due to take effect on 1 May 2023. Prior to the approval of the law, the destruction of Soviet monuments reportedly took place throughout 2022. There are reportedly no official statistics on the demolished memorials, but the Russian Federation reported that, according to the Russian Embassy in Riga and the media, more than 120 Soviet monuments had been destroyed by the Latvian authorities in 2022.

38. On 15 February 2023, the Estonian Parliament reportedly adopted amendments to the Building Code creating grounds for the demolition of Soviet monuments and structures supporting the occupation authorities that incited hatred or supported or justified the

occupation regime, an act of aggression, genocide, a crime against humanity or a war crime. Owners of the land on which the monuments with prohibited symbols are located must make authorities aware of such monuments within six months. On 7 March 2023, the President of Estonia rejected the bill and sent it back for legal revision. However, 25 memorials have reportedly been destroyed.

39. The Main Investigative Department of the Investigative Committee of the Russian Federation, as part of its work to suppress the glorification of Nazism, has reportedly completed an investigation into 12 criminal acts that took place between 2020 and 2022. The acts involved posting photographs on the Internet of Nazi invaders and traitors committing crimes, as defined by the International Military Tribunal in Nuremberg. Guilty verdicts were rendered in all 12 cases. In 2022, the Office of the Prosecutor General sent 1,321 requests to the Federal Service for Supervision of Communications, Information Technology and Mass Communications to restrict access to the information disseminated in violation of the law. Overall, the Office removed or blocked more than 184,500 pieces of information.

40. According to the information provided, the Office of the Prosecutor General, together with other federal government bodies, is implementing a project entitled “No statute of limitations” aimed at preserving the historical memory of the tragic impact of war crimes perpetrated by the Nazis and their accomplices on the civilian population between 1941 and 1945. The project is also aimed at establishing the circumstances of newly discovered crimes, including identifying the perpetrators. The Investigative Committee of the Russian Federation is investigating a criminal case, initiated on 11 August 2020, involving crimes falling under article 357 of the Criminal Code, which defines “genocide”. This investigation concerns the alleged mass extermination of peaceful citizens and prisoners of war in 24 regions of the former Soviet Union, according to the information provided.

Saudi Arabia

41. Islamophobia is reportedly one of the contemporary trends of racism and intolerance. The information provided described numerous incidents of offending Islamic symbols or the Qur’an, such as burning and tearing copies of the Qur’an, in several European countries. The Muslim World League, of which Saudi Arabia is a member, has launched a campaign entitled “Reject Hate” aimed at seeking to influence social networks and combat online hate speech against Islam. The League also endeavours to provide and develop programmes, initiatives and conversations worldwide for the containment and treatment of hate speech against Islam.

42. As a State party to the International Convention on the Elimination of All Forms of Racial Discrimination, Saudi Arabia has taken several steps to combat all forms of racism. It reportedly guarantees the conformity of school curricula with national and international human rights standards, ensuring that they do not include anything that could lead to racial discrimination, racism, xenophobia and related forms of intolerance. Saudi Arabia has also enhanced the rights of foreign labourers by launching a mechanism to receive complaints from migrant workers, including complaints relating to racial discrimination. A wage protection system has reportedly been launched to guarantee pay for migrant workers. In addition, Saudi Arabia has enhanced awareness-raising on combating all forms of racism and racial discrimination. The Human Rights Commission has implemented symposiums, workshops and training courses, including for judges, public prosecutors, law enforcement officials and civil society representatives, aimed at providing information about the provisions included in the Convention.

43. Saudi Arabia has reportedly approved several procedures for preventing and combating propaganda and organizations based on concepts or theories advocating the superiority of any race, group, colour or ethnic origin. The prevention of the promotion of racial discrimination by public authorities or institutions is stipulated under article 2 of Royal Decree No. 43 of 17 June 1958. That law includes penalties for the exploitation of position or the abuse of power leading to human rights violations, abuse or coercion.

44. Measures to combat hate speech reportedly include article 5 of the Media Law, which prohibits actions that incite racist sentiment, discrimination and hatred among citizens. Several governmental and non-governmental institutions, including the Human Rights

Commission, the violence reporting centre in the Ministry of Human Resources and Social Development, the child support line of the National Family Safety Programme and the National Society for Human Rights, receive and follow up on complaints of hate speech.

45. To promote tolerance and coexistence within society, Saudi Arabia has introduced several social programmes, such as the King Abdulaziz Center for National Dialogue, aimed at promoting the values of social peace and coexistence within society. In addition, the Dialogue Academy for Training provides programmes for all areas of society. For example, imams and preachers are trained in communication, dialogue and the promotion of the values of tolerance and equality. Saudi Arabia has also provided athletes with training in sports dialogue skills. In addition, several workshops were held to revise schoolbooks to promote tolerance, justice, equality and the rejection of hatred and intolerance. Workshops on characterizing evidence for combating violent extremism and on media and other cultures were organized in cooperation with the United Nations Educational, Scientific and Cultural Organization.

III. Submissions by other stakeholders

46. In the present section, the Special Rapporteur summarizes the submissions received from other stakeholders. However, she emphasizes that, in providing these summaries, she does not endorse any information provided or endorse or confirm any allegations levelled against specific actors.

47. The present section summarizes the submissions by other stakeholders. The full submissions and the supporting information are available for reference on the website of the Special Rapporteur.

Association of Reintegration of Crimea

48. The Association of Reintegration of Crimea reported that, since the beginning of the military aggression by the Russian Federation in Ukraine, on 24 February 2022, the Russian Federation had targeted the civilian population and infrastructure on a wide scale, which amounted to war crimes and crimes against humanity under international law. The Association reported that, in the territories occupied by the Russian Federation, the Ukrainian language had been banned, libraries had been destroyed, Ukrainian web-based media sources had been blocked and education had been aligned with “Russian standards”. The Association described how, despite several calls by the international community, including the International Court of Justice, the European Court of Human Rights, the General Assembly and the Human Rights Council and its special procedures, the Russian Federation had not complied with its obligations under international humanitarian law and international human rights.

49. The Association reported that the former Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance had noted, with alarm, in her report to the Human Rights Council that the Russian Federation had sought to justify its military invasion and territorial aggression in Ukraine on the purported basis of allegedly eliminating neo-Nazism.³ The Association highlighted that the previous Special Rapporteur had stressed that the use of neo-Nazism as a pretext to justify territorial aggression seriously undermined genuine attempts to combat neo-Nazism. The Association also stated that the former Special Rapporteur had denounced the use of neo-Nazism by the Russian Federation as a pretext to justify the unlawful breach of the sovereign territory of Ukraine and its humanitarian consequences.

³ [A/HRC/50/61](#), para. 3.

Belarusian Helsinki Committee

50. According to the information provided by the Belarusian Helsinki Committee, in cooperation with Human Constanta, the Center of Equal Rights Expertise and the Belarusian Association of Journalists, certain laws and regulations exist in Belarus to address Nazism, neo-Nazism, racism, racial discrimination, xenophobia and related intolerance. However, there is a significant lack of specialized mechanisms to effectively tackle intolerance in the country. Belarus has reportedly not adopted comprehensive legal provisions defining and prohibiting racial discrimination in accordance with the Convention on the Elimination of All Forms of Racial Discrimination. The State asserts that this is not necessary, since such definition and prohibition are enshrined in the Convention, which is already part of national legislation, according to the information provided. Civil society organizations have reported that there is no comprehensive anti-discrimination law or national action plan for the elimination of racism, racial discrimination, xenophobia and related intolerance.

51. Racial discrimination against Roma, migrants, Jewish people and ethnic minorities has reportedly been a problem since the independence of Belarus, in 1991. Since August 2020, there has been a rise in State-led hate speech targeting political opponents of the Government. Legislation has also reportedly been introduced to suppress political pluralism. Since the Russian invasion of Ukraine, expressing opinions offline or online about the war has reportedly been subject to criminal liability.

52. In May 2021, two laws were introduced: one on preventing the rehabilitation of Nazism and one on amending laws on countering extremism. The laws reportedly contain broad definitions of extremism and other provisions introduced solely to combat dissent. Since July 2021, the Belarusian authorities have reportedly closed more than 800 non-governmental organizations, regardless of the nature of their activities. According to the information provided, as of 2022, the Investigative Committee has initiated 11,000 criminal cases since the 2020 presidential elections “on extremist grounds,” all of which can a priori be considered politically motivated.

Regional government of Catalonia

53. According to the information provided by the Department of Equality and Feminism of the regional government of Catalonia, there has been a rise in the extreme right in Catalonia. This includes political parties and organizations, including Vox, the National Identity Front-Spanish National Socialist Workers’ Party, Somatemp, Los de Artós, Timbaler de Bruc, Grupos de Defensa y Resistencia, Frente Nacional Catalán and Movimiento Identitario Catalán. The extreme right has reportedly gained institutional legitimacy and spreads a discourse of hatred towards people and groups that they consider different. This has a serious impact on the daily life of many people, including those facing discrimination on the basis of, inter alia, race, gender or migration status.

54. Far-right political parties are based on neoliberal positions on immigration, equality and feminism, the denial of racism and the glorification of colonialism or slave-owning. Such policy positions provoke social disharmony by fostering perceptions of threat and competition for finite resources within a hierarchical economic and social system. This reportedly allows for the proliferation of anti-feminist, anti-immigration, anti-Muslim and anti-lesbian, gay, bisexual, transgender and intersex ideas and positions and the use of the security discourse to target and criminalize certain groups, especially young migrants, according to the information received. The information provided also describes the glorification of Francisco Franco’s history among far-right groups.

55. The Department of Equality and Feminism endeavours to mainstream equality and anti-racist policies. The department created the “Defence Plan for Defenders”, designed to protect groups or associations that defend human rights and suffer attacks by neo-fascists and those who are against human rights. The support consists of personal security, the public denunciation of attacks, training and legal advice.

56. Law No. 19/2020 of Catalonia on equal treatment and non-discrimination reportedly mandates a discrimination observatory with the mandate to carry out analyses and studies of

events that may involve a form of discrimination, intolerance or hateful behaviour. Its composition includes experts in the field of hate crimes, discrimination and intolerance. The law also mandates the Office for Equal Treatment and Non-Discrimination to promote and strengthen community projects to prevent racist discourses and social disharmony.

57. A draft bill against racism in all its forms and expressions regulates the duty of public administration personnel to intervene as soon as they have a well-founded suspicion or knowledge of a situation of risk or the existence of racial discrimination. In such cases, public administration personnel must apply appropriate and timely measures to put an end to the situation of racial discrimination. In the event that the case could constitute a criminal offence, in accordance with current regulations, such personnel must inform the Office of the Public Prosecutor or the Office of the Prosecutor for Hate Crimes. The establishment of the Office of the Prosecutor for Hate Crimes has been a step forward in the recognition of hate crimes. However, according to the information provided, human rights organizations have denounced the use of the Office's mandate to prosecute social protest and to protect the right of freedom of expression of those espousing fascist ideologies, including political parties such as Vox. According to the information provided, this demonstrates that the current Spanish legal framework is insufficient when it comes to condemning the glorification of fascism. Despite the efforts of the Barcelona Hate Crimes Prosecutor to educate and to prepare guidance for civil society organizations, there is limited knowledge among the general population about the legal framework for hate crimes.

58. According to the information provided, the response of Spain has focused on awareness campaigns and programmes combating hate speech through the Spanish Observatory on Racism and Xenophobia. However, its effectiveness is reportedly limited because of a lack of effective coordination with regional governments, civil society organizations and universities. In addition, Spain has reportedly tended to leave the care of victims of discrimination and related crimes in the hands of a few civil society organizations, which lack sufficient funding. The information provided describes a case in which two users of the social media platform Twitter, who had auctioned off the Afro-descendent journalist Mohamed Gerehou on the Internet, were convicted. In that case, the Madrid High Court recognized the moral and psychological damage inflicted on the victim.

Center for International Law

59. According to the information provided by the Center for International Law (CenterLaw) in the Philippines, individuals, organizations and human rights defenders have been subject to "red-tagging" by the armed forces, a term defined as to label, brand or stigmatize as or accuse of being left-leaning or a subversive, communist or terrorist. CenterLaw defines red-tagging as a form of incitement to violence and threatening rhetoric against human rights defenders and other critics of the Government. It is reportedly a tactic that puts the life, liberty and security of human rights defenders at risk, hampers legitimate human rights activities and erodes trust between the Government and civil society actors. As observed by the Special Rapporteur on extrajudicial summary or arbitrary executions on his visit to the Philippines in 2007, the vilification, labelling or assumption of guilt by association of human rights advocates and religious groups is among the most important underlying causes of extrajudicial killings in the Philippines. Multiple human rights mechanisms have reportedly expressed their concern about reports of the red-tagging of human rights defenders, activists and other members of civil society, further exposing them to death threats, intimidation, attacks, arbitrary arrest and detention, enforced disappearance and extrajudicial killing.

60. Despite the prevalence of red-tagging in the Philippines, there are reportedly no specific legal provisions that punish the practice. Two bills pending before Congress are aimed at defining and penalizing the crime of red-tagging.

International Council on Archives

61. According to the information provided by the International Council on Archives, archives are guarantors of authentic and reliable documents, which are necessary for the preservation of historical memory. Such documents include testimonies that are important to the effective application of the principles of truth, justice and reparation and for guarantees of non-repetition. There is also a need to preserve documents that are largely being generated in an electronic environment.

62. The Council expresses the conviction that archives are at the heart of States' obligations to fulfil the rights of victims because they serve as proof of a crime and provide information that should inform the formulation of policies for educating citizens and preventing future atrocities. To enable archives to contribute their testimonial and informative value in the context of the defence of human rights and the fight against totalitarian ideologies, attention should be paid to the process of collecting and preserving documents.

63. The Council also refers to the work of the pedagogical team of the Directorate of Human Rights Archives at the National Center for Historical Memory of Colombia. This work includes a toolbox for human rights, international humanitarian law and historical memory archive managers, which offers a set of instruments, activities and recommendations aimed at helping communities, civil society organizations and victims to recognize the different means by which their experiences during the armed conflict in that country were recorded and can be used according to their needs. The work of the Directorate also includes a series of publications and documentaries entitled the "Travelling box of historical memory", which refers to events related to the armed conflict.

NGO Monitor

64. According to the information received from NGO Monitor, antisemitism is an ongoing and pervasive problem that must be considered a human rights issue alongside other forms of discrimination. The International Holocaust Remembrance Alliance states that antisemitism is a certain perception of Jews, which may be expressed as hatred towards Jews. Rhetorical and physical manifestations of antisemitism are directed towards Jewish or non-Jewish individuals or their property and towards Jewish community institutions and religious facilities. According to NGO Monitor, singling out and blaming the Jewish State, denying Jews a nation State, delegitimizing the existence of Israel as the Jewish State and disguising antisemitism as the fight against the State of Israel are new examples of antisemitism, which are included in the Alliance's working definition of antisemitism.

65. NGO Monitor recommends that, in response to the increase in antisemitism and Holocaust denial and distortion worldwide, all States and international institutions adopt the Alliance's working definitions of antisemitism and Holocaust denial and distortion and enforce them. NGO Monitor calls upon the United Nations to appoint a coordinator on combating antisemitism to encourage the adoption of the Alliance's working definitions and their implementation. NGO Monitor suggests that non-governmental organizations that incite hatred or violence or that promote racism and xenophobia, including inciting hatred or violence against the State of Israel, its citizens or Jews, should not be eligible for United Nations or government support.

Protection of Rights without Borders, Democracy Development Foundation and Transparency International Anti-Corruption Center

66. According to the information provided jointly by Protection of Rights without Borders, the Democracy Development Foundation and the Transparency International Anti-Corruption Center, the Committee on the Elimination of Racial Discrimination, the European Commission against Racism and Intolerance, the European Court of Human Rights and the International Court of Justice have found that there is a State-sponsored policy of racial discrimination towards Armenians in Azerbaijan. In its order on provisional measures in the

context of the application of Armenia against Azerbaijan under the International Convention on the Elimination of All Forms of Racial Discrimination, the International Court of Justice reportedly unanimously indicated that Azerbaijan should take all necessary measures to prevent the incitement and promotion of racial hatred and discrimination, including by its officials and public institutions, targeted at persons of Armenian national or ethnic origin.

67. According to the information provided, in its recent concluding observations on Azerbaijan,⁴ the Committee on the Elimination of Racial Discrimination expressed deep concerns about: (a) allegations of severe and grave human rights violations committed during the 2020 hostilities and beyond by Azerbaijani military forces against prisoners of war and other protected persons of Armenian ethnic or national origin – including extrajudicial killings, torture and other ill-treatment and arbitrary detention, as well as the destruction of houses, schools and other civilian facilities; (b) reports on the destruction of and damage to Armenian cultural heritage, including to churches and other places of worship, monuments, landmarks, cemeteries and artefacts, and the lack of information on investigations carried out into such allegations; (c) incitement to racial hatred and the propagation of racist stereotypes against persons of Armenian national or ethnic origin, including on the Internet and social media, as well as by public figures and government officials, and the lack of detailed information on investigations, prosecutions, convictions and sanctions for such acts; and (d) the lack of an independent and comprehensive mechanism to investigate such reports of violations and to provide victims with redress and support.

68. According to the information provided, the Committee recommended, inter alia, that Azerbaijan adopt measures to monitor and combat hate speech, incitement and the promotion of racial hatred and discrimination, including on the Internet and social media and by its officials and public institutions, targeted at persons of Armenian national or ethnic origin, and ensure that such incidents were effectively, thoroughly and impartially investigated and, where appropriate, prosecuted and punished with penalties commensurate to the offences.

69. The Committee also expressed concerns about reports that school textbooks in Azerbaijan promoted prejudice and incited racial hatred, particularly against ethnic Armenians, and that ethnic minorities were marginalized in history education in the State party. According to the information provided, the Committee recommended that the State party adopt measures to ensure that history was taught in such a way as to prevent a dominant historical narrative and ethnic hierarchizing, while ensuring the effective and meaningful participation of ethnic minorities.

70. According to the information provided, hatred against Armenians is also manifested through sport and the destruction and elimination of the cultural and religious heritage in the territories under the control of Azerbaijan. In its most recent report on Azerbaijan, in 2016, the European Commission against Racism and Intolerance reportedly highlighted that political leaders, educational institutions and the media had continued to use hate speech against Armenians and that an entire generation of Azerbaijanis had grown up listening to that hateful rhetoric. The Commission reportedly issued a clear recommendation to the authorities of Azerbaijan to ensure that public officials at all levels refrain from hate speech towards Armenians.

Human Rights Program, University of Minnesota, United States of America

71. The Human Rights Program of the University of Minnesota, United States of America, reported the infiltration of law enforcement agencies of the United States by persons who espoused extremist ideologies. White supremacist and neo-Nazi organizations in the United States have reportedly long attempted to insert their members into law enforcement agencies or to recruit current and retired law enforcement personnel into their ranks. The Federal Bureau of Investigation of the Government of the United States has stated that the leading American neo-Nazi organization, the National Alliance, began targeting members of law enforcement communities in its recruitment efforts at least as early as March

⁴ CERD/C/AZE/CO/10-12.

2001. A classified Federal Bureau of Investigation counter-terrorism policy guide, dated April 2015, indicates that domestic terrorism investigations focused on militia extremists, white supremacist extremists and sovereign citizen extremists often have identified active links to law enforcement officers. In February 2023, the Minnesota Board of Peace Officer Standards and Training adopted a policy prohibiting persons who associate with racist or violent extremist groups or who espouse racist or violent extremist ideologies from serving as law enforcement officers in Minnesota. However, the Minnesota Police and Peace Officers Association, which is the largest association for law enforcement officers in Minnesota, and the Law Enforcement Labor Services, which is the largest union representing Minnesota law enforcement officers, reportedly oppose the policy and argue that it is unnecessary and excessively broad.

72. According to the information provided, there are many cases of expression of hateful sentiments by law enforcement officers in Minnesota and in the United States more broadly. Multiple investigations of United States law enforcement officers' online and in-person behaviour have reportedly revealed the widespread use of racist language and the promotion of far-right and racist ideologies. Data collected from the public Facebook posts of current and former law enforcement officers across eight United States cities revealed that about one in five of the current officers and two in five of the retired officers had made public posts or comments containing racist or extremist content, typically by displaying bias, applauding violence, scoffing at due process or using dehumanizing language.

73. Following the murder of George Floyd in Minneapolis, in May 2020, the Minnesota Department of Human Rights reportedly opened an investigation to determine whether the City of Minneapolis and the Minneapolis Police Department were engaged in a pattern of racial discrimination in violation of the Minnesota Human Rights Act. According to body camera footage, disciplinary records, statements from community members and interviews with police officers, the Department of Human Rights discovered the use of racial slurs and misogynistic language among some law officers and supervisors. Racist and extremist behaviour is reportedly sometimes modelled by high-ranking police officials. For example, a former Police Department lieutenant, who also served as the president of the Police Department's union, has repeatedly referred to Black Lives Matter as a terrorist movement and a terrorist organization and called George Floyd a violent criminal. The Department of Human Rights concluded in its investigation that Minneapolis police officers engaged in the use of force, traffic stops, searches, citations and arrests with significant racial disparities against people of colour, constituting a pattern or practice of racial discrimination, in violation of the Minnesota Human Rights Act. Law enforcement officers in the United States have also failed to protect lawful racial justice demonstrators from violent attacks by far-right extremists. The Department of Human Rights also reportedly discovered that Minneapolis police officers consistently used racist, misogynistic and disrespectful language while on or off duty and that they were rarely held accountable.

IV. Applicable international legal framework

74. The Special Rapporteur recalls that the prohibition on racial discrimination is a peremptory norm of public international law.⁵ The most comprehensive prohibition of racial discrimination can be found in the International Convention on the Elimination of All Forms of Racial Discrimination. Other international human rights treaties, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities, also broadly enshrine the principle that all persons, by virtue of their humanity, should enjoy all human rights without

⁵ See [A/77/10](#) and [A/CN.4/727](#).

discrimination on any grounds.⁶ By ratifying international human rights treaties, States undertake to respect, protect and fulfil the rights provided therein.⁷

75. The obligation to respect requires that States refrain from discrimination in law, policy or practice.⁸ Under article 2 (1) of the International Convention on the Elimination of All Forms of Racial Discrimination, States undertake to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation.⁹ That article also 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.

76. The State's obligation to protect persons under their jurisdiction against discrimination by all other entities necessitates that the States adopt comprehensive legislation that prohibits any discrimination and guarantees to all persons equal and effective protection against discrimination¹⁰ or adopt other measures as may be necessary to give effect¹¹ to the rights established under international human rights mechanisms.¹² The Office of the United Nations High Commissioner for Human Rights (OHCHR) has developed a guide for States on developing comprehensive anti-discrimination legislation. The guide contains the recommendation that, to be comprehensive, anti-discriminatory legislation should define and prohibit all forms of discrimination, arising on the basis of all grounds recognized under international law and in all areas of life regulated by law. The guide also contains the recommendation that anti-discrimination legislation prohibit discrimination on the basis of an extensive and open-ended list of characteristics. According to the guide, legislation should prohibit both direct and indirect discrimination, segregation, victimization and retaliation.¹³

77. The International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenant on Civil and Political Rights both impose prohibitions 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. Article 4 of the Convention requires States parties to adopt immediate and positive measures designed to eradicate all incitement to or acts of 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 provided specific guidance for States parties on

⁶ See also Discrimination (Employment and Occupation) Convention, 1958 (No. 111), para. 1 (a).

⁷ Committee on Economic, Social and Cultural Rights, general comment No. 24 (2017), para. 10; Committee on the Elimination of Discrimination against Women, general recommendation No. 28 (2010), para. 9; Committee on the Elimination of Racial Discrimination, "Statement on the coronavirus (COVID-19) pandemic and its implications under the International Convention on the Elimination of All Forms of Racial Discrimination" (2020), p. 2; and Committee on the Rights of Persons with Disabilities, general comment No. 6 (2018), para. 30. The Human Rights Committee has articulated the obligations of States under article 2 (1) of the International Covenant on Civil and Political Rights in terms of the negative obligation to refrain from discrimination and the positive obligation to adopt protective measures. In its general comment No. 18 (1989), the Human Rights Committee makes clear that fulfilment of the rights to equality and non-discrimination requires positive action. See, respectively, Human Rights Committee, general comment No. 31 (2004), paras. 6 and 8; and general comment No. 18 (1989), para. 10.

⁸ Committee on the Elimination of Discrimination against Women, general recommendation No. 28 (2010), para. 9. See also Human Rights Committee, general comment No. 31 (2004), paras. 6 and 8.

⁹ Convention on the Elimination of All Forms of Discrimination against Women, art. 2 (d), and Convention on the Rights of Persons with Disabilities, art. 4 (1) (b).

¹⁰ International Covenant on Civil and Political Rights, art. 26.

¹¹ *Ibid.*, art. 2 (2).

¹² International Convention on the Elimination of All Forms of Racial Discrimination, art. 2 (1) (d); Convention on the Elimination of All Forms of Discrimination against Women, art. 2 (a); and Convention on the Rights of Persons with Disabilities, art. 4 (1).

¹³ *Protecting Minority Rights: A Practical Guide to Developing Comprehensive Anti-Discrimination Legislation* (United Nations publication, 2023).

the adoption of legislation combating racist speech.¹⁴ 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.¹⁵ In line with the approach of the Committee on the Elimination of Racial Discrimination, the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence outlines a six-part threshold test for restrictions on freedom of expression, taking into account the following factors: context; speaker; intent; content and form; extent of the speech act; and likelihood, including imminence.

78. Racist incitement may be expressed not only explicitly but also implicitly, relying on indirect language to disguise its targets or objectives and on coded symbolic communication to achieve its ends.¹⁶ In its general recommendation No. 35 (2013), the Committee on the Elimination of Racial Discrimination recommends that the criminalization of forms of racist expression be reserved for serious cases, to be proven beyond a 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.¹⁷ Racist or intolerant speech should not be used as a pretext for illegitimately quashing the right to freedom of expression to the detriment of groups protected by the International Convention on the Elimination of All Forms of Racial Discrimination, such as expressions of protest at injustice, social discontent or opposition.¹⁸ Likewise, the language of freedom of expression or association should not be used as a means of or cover for violating the right of others to equality and non-discrimination. The Committee on the Elimination of Racial Discrimination has highlighted that, although article 4 has operated as the principal vehicle for the prohibition of racist speech, the Convention contains other provisions essential for fulfilling the objectives articulated in that article. Article 4 expressly refers to article 5, which guarantees the right to equality before the law and the right to be free from racial discrimination in the enjoyment of rights, including freedom of expression.

79. Finally, the obligation to fulfil means that States undertake to eliminate discrimination in practice and to guarantee the effective enjoyment of the right to equality and non-discrimination. States must take action to combat intentional or purposeful racial discrimination in addition to de facto or unintentional racial discrimination. Article 6 of the International Convention on the Elimination of All Forms of Racial Discrimination and article 2 of the International Covenant on Civil and Political Rights make clear that effective protection from and remedies for racial discrimination are just as important as formal provisions. In the *Practical Guide to Developing Comprehensive Anti-Discrimination Legislation* it is reaffirmed that States do not meet their international legal obligations simply by defining and prohibiting discrimination; they must also, among other things, adopt positive measures designed to accelerate progress towards equality for those subjected to historic disadvantage or otherwise unable to participate on an equal basis. Promoting tolerance requires education and awareness. Article 26 (2) of the Universal Declaration of Human Rights stipulates that education is to promote understanding, tolerance and friendship among all nations, racial or religious groups. Article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination requires States parties to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnic groups. The Durban Declaration and Programme of Action highlight education as key to changing attitudes and behaviour based on racism, racial discrimination, xenophobia and related intolerance and to promoting tolerance and respect for diversity in societies and friendship among all nations and racial or religious groups. Paragraph 97 of the Durban Declaration

¹⁴ General recommendation No. 35 (2013).

¹⁵ *Ibid.*, paras. 4 and 15.

¹⁶ *Ibid.*, paras. 7 and 16.

¹⁷ *Ibid.*, para. 12.

¹⁸ *Ibid.*, para. 20.

elucidates the importance of human rights education, especially among children and young people, in the prevention and eradication of all forms of intolerance and discrimination.

V. Conclusions and recommendations

80. The Special Rapporteur recommends that Member States:

(a) Adopt comprehensive measures to combat racist hate speech and xenophobic political discourse, while upholding freedom of expression, in line with the recommendations of the United Nations human rights mechanisms, in particular the Committee on the Elimination of Racial Discrimination general recommendation No. 35 (2013) on combating racist hate speech, relevant provisions of the Covenant on Civil and Political Rights and the Rabat Plan of Action;

(b) Include targeted steps to prevent and address the proliferation of online hate speech in such measures;

(c) Ensure that comprehensive anti-discrimination legislation, covering all grounds for discrimination, is in place, in line with the Convention on the Elimination of All Forms of Racial Discrimination and *Protecting Minority Rights: A Practical Guide to Developing Comprehensive Anti-Discrimination Legislation*;

(d) Take all necessary steps to ensure the effective implementation and monitoring of anti-discrimination legislation;

(e) Take steps to ensure that all relevant acts relating to racism, racial discrimination, xenophobia and related intolerance and all acts relating to the glorification of Nazism are appropriately criminalized in national law, with sanctions proportionate to the severity of the offences;

(f) Ensure effective access to remedy, including the guarantee of non-repetition of violation, to all victims of racism, racial discrimination, xenophobia and related intolerance;

(g) Adopt national action plans against racism and the resurgence of neo-Nazism and take all necessary steps to ensure their effective implementation;

(h) Withdraw any applicable reservations to article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination;

(i) Strengthen and expand efforts to employ education and public awareness campaigns to combat racist stereotypes and promote diversity in order to prevent hate crimes and hate speech, including by ensuring that such topics are included within curricula at all stages of education;

(j) Invest in strengthened capacity to collect and disseminate disaggregated data on all forms of hate crime and hate speech that promote racist and neo-Nazi ideologies to develop a full understanding of the scope of the problem and to enable the design and implementation of effective laws and policies;

(k) Take all necessary and appropriate measures to implement the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference.

81. The Special Rapporteur recommends that other stakeholders, including civil society organizations:

(a) Continue to facilitate enhanced collaboration among representatives of different racial, ethnic and religious communities to combat all forms of intolerance and discrimination;

(b) Contribute to the collection and dissemination of disaggregated data on hate crime and hate speech that promote racist and neo-Nazi ideologies to develop a full understanding of the scope of the problem and to enable the design and implementation of relevant laws and policies;

(c) Continue and strengthen work to provide support to victims of hate crimes and hate speech;

(d) Continue and enhance work to promote public awareness of multiculturalism and tolerance.
