



**Testimony by Mr. Doudou Diène, United Nations Special Rapporteur  
on Contemporary Forms of Racism, Racial Discrimination,  
Xenophobia and Related Intolerance at the Commission on  
Security and Cooperation in Europe**

*Washington, D.C.*  
6 November 2007

Chairman Hastings, Members of the Commission, thank you for your interest on the issues pertaining to my mandate and for the opportunity to share with you my views regarding racism and xenophobia, particularly in OSCE countries.

**I. MAIN OBSERVATIONS CONCERNING RACISM AND XENOPHOBIA WORLDWIDE**

Over the past years, I have given a large amount of attention to the rise in racism and xenophobia in many European countries. In particular, I have expressed my concerns regarding three alarming trends that are clearly visible in the region as well as in the rest of the world.

*(i) Resurgence of Racist Violence*

There is an unmistakable resurgence of racist violence, conducted primarily but not exclusively by neo-Nazi groups. Physical violence represents a shift from words to action, seen in the growing number of attacks – including murders – that target members of ethnic, cultural or religious communities.

*(ii) Political Instrumentalization of Racism and Xenophobia*

A number of political parties have been trying to give political clout and legitimacy to openly racist and xenophobic ideas, thus embarking on populist and demagogic rhetoric that eventually wins votes. Alarming, these once extremist political parties are gradually becoming a conventional feature of politics in various countries, at times integrating government coalitions, occupying cabinet positions and being able to implement their platforms through concrete policies. Furthermore, their racist ideas gradually impregnate otherwise more moderate parties and society, helping discriminatory proposals become mainstream. This phenomenon amounts to a democratization of racism, representing one of the gravest threats faced by democratic societies.

*(iii) Intellectual Legitimization of Racism*

These two trends cannot be dissociated from a third development that ultimately reinforces racist discourse. In many circles, there are attempts by leading scholars and intellectuals to provide a justification, and ultimately a legitimization, of racist and xenophobic policies. These so-called academic statements can occur under the clout of legitimacy conferred by science, as the ideas put forward recently by the Nobel laureate James Watson make evident. His statements concerning people of African descent, in particular his wrongful claims to scientific status and his implicit attempt to establish hierarchies among races are a major drawback in the fight to promote the rights of Afro-descendants worldwide and to correct the historical legacy of racism and discrimination that they faced.

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The need to fight racism against Afro-descendants is nowhere more evident than in the American continent. The long-term impact of slavery and segregation are still seen in most of the region. As I noted in my official mission to Brazil in 2005, the founding of the system of slavery on racist intellectual and ideological pillars – describing the enslaved Africans as culturally and mentally inferior in order to legitimize their status as an economic good and the legal organization of slavery by the European powers – have profoundly impacted the mentalities and societal structures of all the countries in the hemisphere. Concrete action needs to be taken by Governments in the region, starting from a firm declaration of political willingness to address this legacy.

However, in recent years many countries in the region started to review, and sometimes eliminate, important policies such as affirmative action. In 1994, after visiting the United States, my predecessor as Special Rapporteur expressed the view that 30 years of intense struggle against racism and racial discrimination have not yet made it possible to eliminate the consequences of over 300 years of slavery and racial discrimination, calling for the revitalization of affirmative action programmes. The argument is still relevant today, as I defended following my mission to Brazil.

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In my recent reports, I have highlighted the threat posed by defamation of religions and religious intolerance. Bearing in mind the need not to establish hierarchies among different forms of discrimination, I would like to underline two particular forms of intolerance that require attention: (i) the resurgence of anti-Semitism and (ii) the intensification of Islamophobia in the aftermath of 9/11.

Anti-Semitism is historically the oldest form of discrimination, but unfortunately remains profoundly impregnated in many societies, particularly in the new Europe, and is advancing in the rest of the world. Hence, it requires constant vigilance and the strongest political will in order to be eradicated.

Islamophobia has also become an acute form of religious intolerance, being openly expressed by influential personalities in political and intellectual circles and promoted in electoral campaigns. Islamophobia displays a mix of ingredients that leads to a wrongful view of a conflict of religions and civilizations: the association of Islam to violence and terrorism, the suspicion concerning Islamic religious teachings, the prohibition to display visual signs like veils, headscarves and minarets. These contemporary developments imply that the fight against racism today also needs to take place in the context of the fight against religious intolerance.

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Ultimately, racist and xenophobic discourse is characterized by its affirmation of the immutable nature of cultural, ethnic or religious identities. It thus reflects a certain isolationism that stems from the conflict between old national identities and the profound multiculturalization of societies. This gives rise to identity crises that are key to the increasingly dominant idea of “integration by assimilation”, which denies the very existence of values and memories specific to national minorities and immigrants, and thus their contribution to the national identity of their host countries.

In this context, while anchoring efforts to combat racism and xenophobia in the legal framework of human rights is a fundamental way of achieving progress and expressing the universality of those rights, it is not sufficient on its own to eliminate the root causes of discriminatory culture and mentalities. The new battlegrounds in the struggle against discrimination — identity constructs, value systems, images and perceptions — require that legal strategies to combat racism be accompanied by an ethical and cultural strategy that promotes the link between efforts to combat racism and xenophobia and the construction over the long term of an egalitarian, democratic and interactive multiculturalism.

## **II. COUNTRY VISITS TO OSCE MEMBER STATES**

### **Canada<sup>1</sup>**

I visited Canada from 15 to 26 September 2003. The purpose of the visit, pursuant to the implementation of the Programme of Action of the Durban Conference, was to assess the present situation in Canada, with regard to the question of racism, racial discrimination and xenophobia, and hence the state of relations between the various communities, against the country's characteristically multi-ethnic and multicultural background.

In the course of the visit, I found that Canada as a country is proud of its ethnic, racial, cultural and religious diversity, which is supported by a multifaceted, multicultural policy, democratic institutions and protection of human rights, as well as by many programmes and projects run by a number of federal and provincial departments. I also found a readiness in the country to innovate, especially with regard to the implementation and elaboration of treaties with aboriginal communities. The Canadian Government considers that these innovations have achieved significant results.

Nevertheless, my contacts with representatives of the various ethnic, racial, cultural and religious groups, particularly the representatives of aboriginal communities, indicated that Canadian society is not free of racial discrimination. The members of these groups whom I interviewed consider that they suffer discrimination in the areas of education, health, employment and housing. As far as the representatives of these aboriginal communities are concerned, the historical disregard for their land rights, despite the many treaties signed with the Canadian Government, reflects persistent discrimination against them.

In my concluding recommendations, I noted the need for an intellectual and ethical strategy, which could both respond adequately to the deep emotional and psychological experience of discrimination and encourage attitudes to evolve towards a form of multiculturalism, which would not be limited to the mere equalitarian and democratic superimposition of communities, but which is likely to facilitate interactions, mutual, interpersonal and intercommunity awareness and respect for cultural differences. The Canadian Government has made it clear, however, that in recent years programmes and measures have been introduced by the federal Government and by the provincial authorities to facilitate civil participation and the exercise of sovereignty based on harmonious intercommunal relations respectful of cultural differences.

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<sup>1</sup> See UN Document E/CN.4/2004/18/Add.2 of 1 March 2004.

## **Switzerland<sup>2</sup>**

I visited Switzerland from 9 to 13 January 2006 with the principal objective of assessing the situation of racism, racial discrimination and xenophobia, as well as policies and measures adopted by the Government to combat these phenomena.

In my concluding observations, I emphasized the growing role in political platforms and in the media, of rhetoric based on the “defence of national identity” and “the threat of foreign presence”. This rhetoric reflects the existence in Swiss society of a current of political opinion which is favourable to a defence of identity against immigration and hence prone to xenophobic tendencies. In this regard, Switzerland illustrates one of the profound causes of the increase of racism and xenophobia in Europe: the important role of the political exploitation of racism in electoral debate.

In particular, while recognizing some positive steps taken by the country, I noted the weakness in the current political and legal strategy to combat racism and xenophobia, in particular in two marked tendencies: the tendency to approach immigration and asylum issues purely from a security point of view and to criminalize foreigners, immigrants and asylum-seekers, and the considerable number of acts of police violence with racist and xenophobic overtones against these groups, as well as the judicial and administrative impunity enjoyed, according to the victims, by the perpetrators.

In this visit, I also tried to analyze the central role played by the process of the multiculturalization of Swiss society in the increase of manifestations of racism and xenophobia. In this process, the challenge to national identity arising from the cultural, ethnic and religious diversity of society is the source of identity-related tensions, and the political, legal and cultural awareness, recognition and treatment of these tensions are the factors which will determine the construction of multicultural togetherness.

## **Russian Federation<sup>3</sup>**

I visited the Russian Federation from 11-17 June 2006, with the principal objective of analyzing the situation of racism, racial discrimination and xenophobia in the country, in particular in light of the multiple incidents of racial and xenophobic violence reported by human rights organizations and by the national and international press. Another objective of this visit was to monitor and analyze one of the deep-rooted causes of the renewed upsurge in racism and xenophobia in many countries: the change from the multiculturalism of Soviet society, marked by the ideological multiculturalism of the “friendship amongst peoples”, and current society.

In my general conclusions, I pointed out that there was no official racist policy in the Russian Federation, but underlined the existence of a marked tendency of racism and xenophobia in Russian society, which centers around the following factors: the upsurge in racist incidents, in which the degree of violence leads to murder in some cases; the activism of neo-Nazi groups; the extension of this violence to members of human rights organizations; the inaction of certain police services and legal agencies and, as a result, the existence of a certain measure of impunity enjoyed by the perpetrators of these acts; and the existence of racist, xenophobic and anti-Semitic political platforms.

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<sup>2</sup> See UN Document A/HRC/4/19/Add.2 of 30 January 2007.

<sup>3</sup> See UN Document A/HRC/4/19/Add.3 of 30 May 2007.

I also noted that, among the deep-rooted causes of this rise in racist and xenophobic ideology and violence, lies the ideological context of a political nationalism that is the subject of an ethnic interpretation by extreme right groups and trends.

As main conclusions, I highlighted the importance of the official recognition of the increase of racism and xenophobia and of the expression of a strong political will on the part of the Government to combat it; the implementation of a national programme of action against racism and xenophobia, with the democratic participation of all national communities and human rights organizations; the strengthening of the legal and judiciary systems for punishing the perpetrators of the manifestations and acts of racist violence; and the link between efforts to combat racism and xenophobia and the building of an interactive egalitarian and democratic multiculturalism. In that regard, a cultural and intellectual strategy is needed in order to eradicate the profound roots of racism.

#### **Italy<sup>4</sup>**

I conducted an official visit to Italy from 9 to 13 October 2006 in order to assess the situation of racism, racial discrimination and xenophobia, particularly in the light of the current strong migratory pressure and the legislative and political legacy of xenophobia inherited from the racist and xenophobic political platforms that marked the previous Government coalition.

In my report to the Human Rights Council on this visit, I noted the Italian Government's firm commitment to combating racism and xenophobia, as illustrated by the implemented or planned legislative reforms on immigration and citizenship, the efforts to improve the situation of Roma and Sinti communities and for the recognition of those communities, and, finally, a greater sensitivity to multiculturalism.

Although racism is not a deeply rooted feature of Italian society, there is a disturbing trend towards xenophobia and an increase in manifestations of racism. These in part stem from the legacy and impact of the policies and programmes of the previous Government coalition, which contained parties that promoted overtly racist and xenophobic platforms. This dynamic is currently being fostered by the persistence of these platforms in certain extreme right-wing parties, particularly at regional and local levels, and it is being strengthened by certain media and political parties that exploit the fears that have arisen both from the current migratory pressure and from the identity crisis facing Italian society as a result of the process of ethnic and religious multiculturalization. These racist manifestations and processes mainly affect the Sinti and Roma communities, immigrants and asylum-seekers — primarily those of African origin but also those from Eastern Europe — and the Muslim community.

In my recommendations, I underlined the need to address the socio-economic inequalities faced by communities discriminated against vis-à-vis the rest of Italian society, and the importance of continuing to express, at the highest national level, a firm political will to combat racial discrimination. I also emphasized the importance of adopting a legal strategy for the implementation of existing legislation to combat discrimination; redefining the National Plan of Action put in place following the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban in 2001; reforming the law governing immigration; adopting comprehensive legislation and an overall policy on asylum; and recognizing the Roma and Sinti communities as national

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<sup>4</sup> See UN Document A/HRC/4/19/Add.4 of 15 February 2007.

minorities. Finally, he recommends the elaboration of a cultural strategy which links the combat against racism with the long-term construction of a democratic, egalitarian and interactive multiculturalism through the promotion of mutual knowledge and interaction between the different communities.

In elaborating a cultural and ethical strategy not only against the pervasiveness of racist and xenophobic platforms but also for the comprehensive eradication of one of the sources of these platforms, particularly in European countries — the identity crisis arising from the contradiction between old national identities and the multiculturalism of societies — the authorities should, in my view, invite the Italian people to recall their history of immigration as well as their geographical and cultural proximity to and long history of interaction with the peoples, cultures and religions of the Mediterranean.

### **Lithuania, Latvia and Estonia<sup>5</sup>**

I have recently concluded an official mission to the three Baltic countries from 16 to 28 September 2007. My visit to the Baltic region was motivated by two main factors. First, I wanted to assess how these countries are dealing with their complex historical heritage, which placed different communities and ethnic groups in close contact with each other under difficult and sometimes violent circumstances, particularly in the twentieth century. Second, I tried to examine how the three countries, which have been so far isolated from large-scale migratory pressures, are preparing their societies for the likely arrival of a larger number of non-European migrants, refugees and asylum-seekers following their accession to the European Union and ever-increasing integration in the world economy.

In Lithuania, I highlighted the existence of a comprehensive and progressive legal framework that addresses racism and discrimination, calling for further vigilance to combat racism and full implementation of the existing legal instruments. A number of State institutions are developing actions to promote a multicultural integration of minority groups. However, there are important problems faced by the Roma community and even though the Government has taken steps to solve them, further progress is still needed. Multiculturalism should be a permanent response to racism and discrimination that complements the existing legal strategy, in particular through the promotion of interaction among communities, which creates mutual understanding and tolerance.

In Latvia, I highlighted the historical multicultural tradition of the Latvian society, which provides an important societal basis for efforts to eradicate racism and discrimination. Important laws and mechanisms addressing discrimination are in place, but a more holistic and comprehensive national legislation to combat all forms of racism and discrimination would be another step forward in the fight against racism. I also recommended that Latvia establish an independent institution to investigate allegations of racism and discrimination, whilst reinforcing the office of the Ombudsman. One of the issues of concern I examined was the question of citizenship, which is seen as problematic and discriminatory by some communities, and illustrated by the high number of stateless persons in the country. Latvia's legal strategy in the fight against discrimination should be complemented with a cultural strategy that promotes interaction among communities, tolerance and a view of multicultural integration.

In Estonia, I praised the political will demonstrated by the Government to tackle racism and discrimination, highlighting the existence of legal mechanisms that address racism and

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<sup>5</sup> Forthcoming reports to the Human Rights Council.

discrimination. As in Latvia, I also called for the adoption of comprehensive and holistic legislation focusing on all forms of discrimination, and for the establishment of an independent institution empowered to investigate allegations of racism and discrimination. In particular, I highlighted the importance of community initiatives such as that developed in the city of Jõhvi, which fosters interactions between different minorities supporting the concept of multiculturalism. However, the issue of citizenship and language still represents the most important obstacle faced by the Estonian society. The high number of Russian-speaking stateless people is sizeable and seen by some communities as evidence of discrimination. Furthermore, linguistic requirements for the acquisition of citizenship have also been seen as problematic by minorities. I recommended to the Latvian Government that it should consider moving towards a multilingual policy, where the role of minority languages is recognized and preserved.

### III. CONCLUSIONS

In view of the information I collected throughout the exercise of my mandate, including fact-finding missions, allegations of human rights violations that I systematically receive, conferences and seminars that I attend and discussions within the United Nations system, I have recently put forward a number of concrete recommendations for the international community:

- (i) Strong political will is needed to fight racism, in particular to fight the political and electoral instrumentalization of racist and xenophobic discourse and the trivialization of racist ideas;
- (ii) Countries should engage in the implementation of the Durban Declaration and Programme of Action;
- (iii) The treatment of issues relating to migration, asylum and the situation of foreigners and national minorities should give priority to the respect of their rights, in accordance with international law, in particular instruments like the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Durban Declaration;
- (iv) To fight racism and xenophobia, countries should promote the construction of plural identities, pointing towards a “democratic multiculturalism” centered around two key concepts: the promotion of reciprocal knowledge between communities and of interaction among them;
- (v) To eradicate racism, the fight against religious intolerance, including anti-Semitism, Christianophobia and Islamophobia is essential;
- (vi) The international community should systematically oppose incitement to racial and religious hatred, aiming to strike a thin but vigilant balance between freedom of expression and freedom of religion, thus recognizing the holistic character of all rights enunciated in the International Covenant on Civil and Political Rights;
- (vii) Finally, the international community needs to be vigilant concerning manifestations of racism in sports, supporting measures taking locally and internationally, through international sporting bodies like the International Olympic Committee and FIFA.

Thank you, Mr. Chairman and distinguished members of the Commission.