



General Assembly

Distr.: General
31 May 2024

Original: English

Human Rights Council

Fifty-sixth session

18 June–14 July 2024

Agenda item 9

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

Combating the 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 submitted to the Human Rights Council pursuant to General Assembly resolution 78/190. In the report, the Special Rapporteur summarizes the submissions of States regarding the actions that 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 other stakeholders. The Special Rapporteur provides information about the relevant international legal framework and makes recommendations to States Members of the United Nations and other stakeholders.

* Agreement was reached to publish the present document after the standard publication date owing to circumstances beyond the submitter's control.



I. Introduction

1. The present report is submitted to the Human Rights pursuant to General Assembly resolution 78/190, 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 the resolution to Human Rights Council.
2. In the present report, the Special Rapporteur has summarized information received from States Members of the United Nations regarding the implementation of the aforementioned resolution. She thanks the Member States for their contributions. She also expresses her gratitude for the submissions from other stakeholders.
3. 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 that the United Nations, mindful of the horrors of the Second World War, was created and designed to prevent future wars and save future generations from the scourge of war.¹ 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 from 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 fuel 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 such a 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 in contravention of international human rights law.

A. Albania

5. Information was submitted by the Office of the Commissioner for the Protection from Discrimination. The Office reported on the legal framework in place to provide protection from discrimination in Albania. For example, the Assembly of Albania approved Law No. 10,221, on protection from discrimination, in 2010, which was subsequently amended in 2020. The law establishes the Commissioner for the Protection from Discrimination as the responsible authority to ensure effective protection from discrimination and any form of conduct that incites discrimination. The law, as amended, establishes several protected grounds and defines and provides protection from hate speech, according to the information provided.
6. The Office of the Commissioner for the Protection from Discrimination described work that has been undertaken to address hate speech in Albania. For example, the Commissioner worked with the People's Advocate, the Audiovisual Media Authority and the Albanian Media Council, to create, in 2019, the Alliance Against Hate Speech, aimed at fighting the phenomenon of hate speech. The alliance has developed the Code of conduct of Albanian political parties during election campaigns, which defines rules of conduct for political parties, competing entities and their supporters. The Office has also developed awareness-raising activities in the fight against hate speech, including engagement within schools.

¹ General Assembly resolution 78/190.

7. The Office of the Commissioner for the Protection from Discrimination detailed recommendations that had been made on the integration of protection from racial discrimination into various national action plans. The Office provided information about being called as a party in four court proceedings relating to discrimination on the grounds of race and ethnicity, as well as about jurisprudence relating to racial discrimination of the European Court of Human Rights. In addition, the Office provided information about the complaints of discrimination that it had received.

B. Australia

8. Australia provided information on the legal framework in place to provide protection from discrimination. According to the information received, the Racial Discrimination Act of 1975 upholds the right to be free from discrimination on the grounds of race, colour, descent or national or ethnic origin. The Act reportedly prohibits unlawful discrimination or vilification on those grounds in line with the obligations of Australia under the International Convention on the Elimination of All Forms of Racial Discrimination. Australia also provided information about the Counter-Terrorism Legislation Amendment (Prohibited Hate Symbols and Other Measures) Act of 2023. The Act reportedly creates new criminal offences for publicly displaying symbols of prohibited Nazi or terrorist organizations or trading in items bearing those symbols. It also criminalizes the public performance of the Nazi salute. Australia provided information about counter-terrorism laws and relevant provisions within the Criminal Code.

9. Australia described how, as part of the federal budget for 2022/23, \$A 7.5 million was allocated, over four years, to the Australian Human Rights Commission to develop a national anti-racism strategy to tackle racism and promote racial equality. The strategy has two pillars. The first involves the development of a national anti-racism framework, which will support the commitment of the Government, civil society, businesses and the community to tackle racism and promote racial equality in Australia. The second is focused on updating the “Racism. It Stops with Me” campaign, which seeks to raise public awareness, deliver public education and build community capacity to combat racism and discriminatory attitudes, according to the information provided.

10. Australia described how the Hamas-Israel armed conflict continued to be a catalyst for hate speech and incitement to violence, in particular against Australian Jewish, Muslim and Arab communities. In response to this, the Government, led by the Department of Home Affairs, had taken several steps. For example, it had committed to funding, totalling \$A 87.8 million, for a package of social cohesion measures to support communities affected by the ongoing conflict. One such measure was the commitment to spend \$A 25 million to support communities who had been affected by the Hamas-Israel conflict, with some of the funding going directly to combating racism. In addition, steps had reportedly been taken to ensure fact-checked, balanced and impartial news in relation to the Hamas-Israel conflict to dispel misinformation and disinformation.

C. Azerbaijan

11. Azerbaijan reported on the legal framework in place to provide protection from discrimination. The equal rights of everyone, irrespective of race, ethnicity, religion, language, sex, origin, property status, occupation, beliefs or affiliation with political parties, trade union organizations or other public associations was guaranteed under article 25 of the Constitution, according to the information provided. Azerbaijan reported that article 154 (1) of the Criminal Code established criminal liability for the infringement of equality of citizens that caused harm to their rights and legitimate interests and that article 10 of the Law on the Mass Media prohibited the dissemination of violent and cruel propaganda, the spreading of rumours based national, racial or social justice intolerance, false and biased writings, defamation, degrading the honour and dignity of citizens under the guise of an authoritative source and/or the use of mass media for the purpose of committing other illegal acts.

12. Azerbaijan reported that, despite ongoing international efforts, enormous challenges in the protection of human rights and human dignity persisted worldwide. The violation of norms and principles of international law by mass-scale violation of human rights and human losses continued to hamper peace, security and stability in different parts of the world, according to the information provided. Manifestations of violent racism, intolerance and discrimination, including senseless attacks against individuals and groups, due to their identity, reportedly continued to take place.

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

D. Brazil

14. The National Human Rights Council of Brazil provided information about how, in recent years, Brazil had witnessed a worrying increase in hate speech and neo-Nazi demonstrations, as evidenced by reports broadcast by the mass media. The National Human Rights Council was established by Law No. 12,986/2014 with a mandate to promote and defend human rights in Brazil. In response to growing hate speech and neo-Nazi demonstrations, the Council had established a Special Rapporteur for Combating the Growth of Neo-Nazi Cells in Brazil.

15. Part of the mandate of the Special Rapporteur is to collect data on the growth of neo-Nazi movements in Brazil, according to the information provided. In 2021, the National Cybercrime Centre in Brazil reportedly received and processed 14,476 anonymous complaints related to neo-Nazism, highlighting not only the seriousness of the situation, but also the urgency in addressing it. Furthermore, Brazil detailed that, according to a survey published on the website of Fiquem Sabendo, in the period between January 2019 and November 2020, 159 investigations had been opened by the Federal Police relating to neo-Nazism. This was compared with 143 investigations that had been opened between 2003 and 2018.

16. The National Human Rights Council also provided information about criminal cases within Brazil that further demonstrated how levels of neo-Nazism were rising. The cases included an episode of school violence in which the perpetrator wore a military uniform and a swastika on his clothes, Nazi graffiti in educational settings, threats within educational settings with Nazi references, an investigation of a factory making goods that glorified Nazism and the affiliation of individuals implicated in violent crimes with neo-Nazism and associated ideologies.

E. Chile

17. Chile reported on recent trends in discrimination and violence based on racial and/or ethnic affecting Indigenous peoples and migrants. Such trends were seen in the complaints received by the State, according to the information provided. In response to those developments, the State had taken a mix of legal and policy measures.

18. Chile provided information about various legal provisions in place to address discrimination. For example, Law No. 21.151, which was enacted in 2019, granted legal recognition to the Chilean Afrodescendant tribal people, including their cultural identity, language, historical tradition, culture and institutions. Law No. 20.609 established measures against discrimination, including through training aimed at civil servants of the State administration, according to the information provided.

19. Policy measures were also described by Chile. For example, the second national human rights plan (2022–2025) had been developed and implemented. The plan's goal was to guarantee access to civil, political, economic, social and cultural rights for persons and to promote equality and non-discrimination. In 2018, the Unit for Citizen Participation and Non-Discrimination Observatory had been created to coordinate the training on non-discrimination and citizen participation for civil servants. The observatory had undertaken several activities to strengthen cooperation with civil society, such as the

organization of a Justice and Human Rights Space on International Human Rights Day in 2022.

F. Cuba

20. According to the information provided by Cuba, there are concerning global increases in racism, racial discrimination and xenophobia. Trends and global events, such as increasing inequality, social media use, profound social and economic inequality and the coronavirus disease (COVID-19) pandemic were reputedly exacerbating increasing global racial discrimination. Cuba also reported that hate speech among political figures was a concerning trend. Cuba described its support for the implementation of the Durban Declaration and Programme of Action as a key step in addressing global racial discrimination.

21. Cuba reported that no neo-Nazi organizations, or other extremist groups, existed in its jurisdiction. There were legal provisions in place to provide protection from racial discrimination. For example, the Constitution stated that all persons were equal before the law, received equal protection and treatment from the authorities and enjoyed the same rights, freedoms and opportunities, without discrimination on the grounds of sex, gender, sexual orientation, gender identity, age, ethnic origin, skin colour, religious belief, disability, national or territorial origin or any other personal condition or circumstance that implied a distinction detrimental to human dignity. All persons had the right to enjoy the same public spaces and service facilities and received equal pay for equal work, without discrimination. Violation of the principle of equality was prohibited and punishable by law.

22. In addition to such legal standards, Cuba reportedly had relevant policies in place. In November 2019, the Government established the National Programme against Racism and Racial Discrimination, as an expression of the country's political will to eradicate any vestiges of racial discrimination. The Government also established the National Commission for the Fight against Racism and Racial Discrimination, which had a mandate to eradicate all forms of racial discrimination. It had launched a social observatory in 2023 to research and collect data on racial discrimination.

G. Dominican Republic

23. According to the information provided, the Dominican Republic had, since its origin, been characterized as a "mestizo" country, due to its ethnic and cultural plurality, which was expressed in its culture and society. Accordingly, discrimination, intolerance and racist violence did not reportedly characterize the country. However, as in all countries, there were people or groups that espoused discriminatory or racist discourses, according to the information provided.

24. The Dominican Republic reported on the legal framework in place to provide protection from discrimination. For example, the Constitution of 2015 reportedly provided protection from discrimination on the basis of multiple grounds, including discrimination on the basis of race, gender, skin colour, age, disability status, nationality, family ties, language, religion, political or philosophical opinion or social or personal condition. In addition to prohibiting discrimination, the Constitution reportedly established equality as both a right and as one of the country's supreme values and fundamental principles. The Dominican Republic reported that it had a regulatory framework in place to protect the right to equality and punish discrimination, when appropriate, including provisions of the Criminal Code establishing crimes relating to discrimination, as well as sanctions. The National Congress had reportedly been working on a draft anti-discrimination law.

25. The Dominican Republic provided information about awareness-raising and sensitization activities relating to equality and discrimination. It reportedly implemented educational and preventive measures and provided specialized training for public officials and actors in the criminal justice system, regarding the obligation and guarantee of compliance with human rights and the use of force. It also had a national human rights plan for the period 2018 to 2024, which reportedly reflected the commitment of the Government to achieving substantial improvements in the observance of human rights. The Ombudsman,

as established under the Constitution, was also referred to as playing an essential role in safeguarding human rights, including to equality and non-discrimination.

H. Lebanon

26. Information provided by Lebanon was focused on the general legislative framework in the country to combat all forms of extremism, violence and discrimination against any groups in the country. Lebanon expressed its commitment to combating terrorist crimes, extremist ideology and all forms of violence, in line with the Charter of the League of Arab States, the Charter of the United Nations and the principles of international law, according to the information provided. It was also noted that Lebanon was a party to the Convention of the Organization of the Islamic Conference on Combating International Terrorism and to the Arab Convention to Combat Terrorism.

27. Lebanon reported that its Constitution provided for equal respect and guarantee of rights without any form of discrimination, including on the basis of race, ethnicity, religion and/or national origin, in line with the Universal Declaration of Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination. The Penal Code reportedly established penalties for crimes relating to incitement to sectarian or racial conflict. Law No. 62 of 2016 established the National Commission for Human Rights, which aimed to protect and promote human rights in accordance with the Constitution, the Universal Declaration of Human Rights and the international human rights treaties. In addition to such legal measures, Lebanon reported that it had adopted a national strategy for preventing violent extremism, setting out a long-term vision for preventing and addressing violent extremism with Lebanon and seeking to coordinate government action in that area.

I. Lithuania

28. Lithuania reported on several legal provisions in place to provide protection from discrimination. For example, article 29 of the Constitution of Lithuania reportedly established that all people were equal before the law, the courts and other State institutions. According to such constitutional provisions, a person cannot have their rights restricted in any way or be granted any privileges on the basis of his or her sex, race, nationality, language, origin, social status, religion, convictions or opinions. Article 170 of the Criminal Code reportedly provided protection from incitement against any national, racial, ethnic, religious or other group of persons. There were also provisions within the Criminal Code that criminalized the creation and activities of the groups and organizations aiming at discriminating or inciting hatred against groups protected under anti-discrimination provisions. The Criminal Code also criminalized the condoning of international crimes that took place during the Second World War.

29. Lithuania also provided information about trends in increasing online hate speech. According to the information provided, most crimes reported under article 170 of the Penal Code occurred online. Attacks on the basis of lesbian, gay, bisexual, transgender and intersex status and race have been reportedly the most common. Particular attention had been given to strengthening law enforcement authorities' capacities to recognize and effectively investigate, prosecute and adequately sentence hate crime and hate speech cases. For example, in 2020, a working group to promote an effective response to hate crimes and hate speech in Lithuania had reportedly been established by the Minister of the Interior. In 2021, a Virtual Patrol Unit tasked with preventing online crimes had been established in the Lithuanian Police. In addition, the website nepyka.lt had been launched by the Office of the Equal Opportunities Ombudsperson in 2021 to provide information for hate crime victims on accessible support and their rights in the criminal justice system, according to the information provided. The website reportedly included links for reporting hate crime and hate speech to the police or non-governmental organizations involved in the monitoring of such phenomena. The Government was also reportedly finalizing an interinstitutional memorandum on strengthening the response to hate speech and hate crimes.

J. Maldives

30. Information submitted by Maldives described an increase in reports to the authorities of incidences involving intolerance towards others. According to the information received, it was difficult to determine the exact cause of such increases.

31. Maldives provided information about the legal framework in place to provide protection from discrimination and ensure conformity with international human rights obligations, in particular article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination. Article 17 of the Constitution reportedly stipulates that everyone is entitled to the rights and freedoms included in the Constitution without discrimination of any kind, including race, national origin, colour, sex, age, mental or physical disability, political or other opinion, property, birth or other status or native island. There are also reportedly dedicated legislative provisions in place to prohibit specific manifestations of discrimination. For example, discrimination in relation to employment is prohibited in the Employment Act of 2008. The Penal Code also reportedly establishes penalties for acts that cause or incite injury to another person based on race, country of origin, colour or political view.

32. To complement such legal provisions, the Human Rights Commission of Maldives has undertaken awareness-raising and information-sharing activities with youth and public officials. The sessions have addressed human rights awareness, peace and tolerance. The Commission has also undertaken media campaigns on those topics. The Maldives Police Service has undertaken work to address hate crimes and hate speech. Police officers receive training on human rights principles.

K. Montenegro

33. Montenegro reported on the legal framework in place to provide protection from discrimination. Article 42 (a) of the Criminal Code had reportedly been amended to establish hatred on the basis of race, religion, national or ethnic affiliation, gender, sexual orientation and/or gender identity as an aggravating factor in all criminal acts. That reportedly harmonized provisions of the Criminal Code with the recommendation of the European Commission for Combating Racism and Intolerance. Article 370 of the Criminal Code, which criminalized incitement to violence, hatred and discrimination, was also amended on the basis of recommendations made by the Commission. According to the amendments, language was added as a ground for discrimination.

34. Montenegro also provided information about amendments to article 443 of the Criminal Code, which criminalized public expression with a racist aim or that perpetuated an ideology that claimed the superiority of one group. The amendments involved adding language and nationality to the protected grounds listed and were reportedly made following the recommendation of the European Commission for Combating Racism and Intolerance. Montenegro had also reportedly amended the Criminal Code to include designated provisions to prohibit the public dissemination, distribution, production and storage of racist materials, following recommendations of the Commission.

L. Russian Federation

35. The Russian Federation provided information about how, in 2023, law enforcement agencies recorded 101 offences under article 282.4 of the Criminal Code, which criminalized repeated propaganda or public display of Nazi attributes or symbols, or attributes or symbols of extremist organizations, or other attributes or symbols the propaganda or public display of which was prohibited by federal laws. Reportedly, 38 offences related to the rehabilitation of Nazism, criminalized according to article 354.1 of the Criminal Code, were reported. A total of 4,378 administrative offences were reported under article 20.3 of the Code of Administrative Offences, which made it an offence to disseminate propaganda or publicly display the attributes or symbols of Nazism and other extremist organizations. The Russian

Federation also provided information about court decisions that had banned 107 extremist organizations.

36. The Russian Federation provided information about how the Internet has been used to disseminate right-wing nationalist ideas. According to the information provided, there were groups on social media whose pages contained photos and video and audio materials in the spirit of aggressive neo-Nazi subculture and similar movements. Some materials contained direct calls for violence and/or disseminated nationalist views. In response to those trends, prosecutors had carried out targeted work to detect and prevent the dissemination of such information.

37. The Russian Federation highlighted that activities to preserve historical memory and counter the falsification of history has been playing a significant role in preventing the spread of contemporary manifestations of Nazi ideology. Accordingly, the Office of the Procurator-General, together with the Investigative Committee, the Federal Security Service, the Ministry of Internal Affairs, the Ministry of Foreign Affairs and the Ministry of Justice, had implemented the project Without Statute of Limitations, dedicated to preserving the historical memory of victims of war crimes committed by the Nazis and their accomplices between 1941 and 1945. Under the project, the Office of the Procurator-General, together with other Russian law enforcement agencies, has been taking measures to establish the circumstances of newly discovered Nazi crimes against civilians and the persons involved in committing them. On the basis of that work, the Office of the Procurator-General had pursued extensive civil proceedings, which had been decided on by courts in 17 regions between 2020 to 2023.

M. Saudi Arabia

38. Saudi Arabia reported on Islamophobia being a trend, which often led to hate speech and hate crimes targeting the Qur'an, Muslims, Islamic figures and mosques. Saudi Arabia also provided information about the legal framework in place to provide protection from discrimination, which included provisions in the Basic Law of Governance that prohibited any discrimination, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin. According to the information provided, provisions related to anti-discrimination were also included in several other laws, including the Civil Service Law, the Labour Law and the Health Law. There were also reportedly provisions in place to protect against incitement to discrimination in the media.

39. Saudi Arabia provided information about State entities that worked on addressing racism, racial discrimination, xenophobia and related intolerance. The Human Rights Commission monitored the compliance of government agencies with obligations under international human rights treaties, including the International Convention on the Elimination of All Forms of Racial Discrimination. The Commission also handled complaints, including those relating to discrimination, and engaged in monitoring and awareness-raising activities, including training and workshops aimed at judges and prosecutors. Saudi Arabia also provided information about the Intellectual Warfare Center, which had been established in 2017 to combat the root causes of extremism and terrorism, and the King Abdulaziz Center for National Dialogue, which had been established to promote the values of social peace and coexistence within society. Saudi Arabia also provided information about the National Society for Human Rights, which coordinated engagement with regional and international human rights bodies.

40. Saudi Arabia described initiatives that have been undertaken to uphold equality and non-discrimination. For example, the Salam Project for Cultural Communication included various activities to promote mutual respect, tolerance and coexistence. The activities included events, the production of films and other media materials in multiple languages and the creation of an electronic platform for the sharing experiences and publications. Saudi Arabia also mentioned initiatives to ensure that school curricula were aligned with the aim of eliminating racial discrimination and provisions in international human rights treaties, including the International Convention on the Elimination of All Forms of Racial Discrimination.

N. Ukraine

41. Ukraine provided information about the legal framework in place to provide protection from discrimination and access to justice for victims of discrimination. Ukraine reported that article 24 of the national Constitution provided that citizens had equal constitutional rights and freedoms and were equal before the law and that there could be no privileges or restrictions based on race, skin colour, political, religious or other beliefs, gender, ethnic origin, property status, place of residence, language or other characteristics. The Law on the Principles of Prevention and Combating of Discrimination in Ukraine was mentioned as providing further protections from discrimination. There was also specific legislation on preventing and combating antisemitism, according to the information provided. Ukraine also provided information about legislative efforts to harmonize legislation, including anti-discrimination legislation, with European Union standards. Legal provisions to ensure equality and non-discrimination in the justice system, including the Law on the Judiciary and the Status of Judges and the Law on Free Legal Aid, were also described.

42. In relation to trends in discrimination, Ukraine reported that the full-scale invasion by the Russian Federation had challenged the values on which Ukrainian identity was built, namely, respect for diversity, freedom of conscience and ethnic tolerance. In response to such challenges, special attention had reportedly been paid to preventing hatred or incitement to violence against persons belonging to national, ethnic, religious or linguistic minority groups, including in the political or public discourse. According to the information provided, all sections of the population, regardless of ethnic and religious orientation, have been interacting harmoniously to defend their country.

43. Ukraine reported on initiatives that had been undertaken to uphold equality and non-discrimination, including engagement with the European Commission for Democracy through Law on the protection of the rights of persons belonging to national minority groups, participation in a range of regional and national forums on minority rights and discrimination, the Unity in Diversity national cultural programme, nationwide information campaigns to prevent hate speech, meetings, round tables and conferences with representatives of various ethnic groups and religious denominations to promote dialogue and measures to guarantee freedom of conscience.

O. Bolivarian Republic of Venezuela

44. The Bolivarian Republic of Venezuela reported on manifestations of racial discrimination experienced by vulnerable populations, including Afrodescendant people, Indigenous Peoples, the LGBTIQ+ populations and persons with disabilities. Those manifestations were particularly prevalent on social media and other online platforms. There were reportedly no known neo-Nazi groups in the Bolivarian Republic of Venezuela, but there were private and political organizations with links to such organizations.

45. There were a number of laws in place to provide protection from racial discrimination. For example, the Organic Law Against Racial Discrimination enacted a range of measures to respond to all manifestations of ethnic-racial hatred, xenophobia and other related forms of intolerance. In 2017, the Constitutional Law against Hate, Peaceful Coexistence and Tolerance had been proposed to promote and guarantee the recognition of diversity, tolerance and mutual respect.

46. In addition to legal measures to address racial discrimination, there were a number of relevant policies and programmes in place in the Bolivarian Republic of Venezuela. The programmatic agenda for people of African descent, 2019–2025, which was based on the principles of the International Decade for People of African Descent, was composed of more than 300 policies designed to prevent and combat all forms of racial discrimination. The Bolivarian Republic of Venezuela also reportedly prioritized the collection of disaggregated data and had recently re-established the Subcommittee on Statistics on the Afrodescendant population.

P. Zambia

47. Zambia reported on the legal framework in place to provide protection from discrimination. For example, article 23 of the Constitution provided for protection from discrimination on the grounds of race, tribe, sex, place of origin, marital status, political opinions, colour or creed. The Constitution also protected the right to seek remedies for discrimination, according to the information received. There were also reportedly provisions within employment legislation to provide protection from discrimination within the workplace. The Immigration and Deportation Act of 2010 provided for protection from acts of xenophobia by immigration officials.

48. Zambia reported that hate speech and the spread of false information could be linked to the increasing use of social media. Hate speech was reportedly defined and criminalized under the Cybersecurity and Cybercrimes Act of 2021. The legislation prescribed criminal and civil penalties for acts of hate speech. Chapter 87 of the Penal Code Act criminalizes the expression or showing of hatred, ridicule or contempt, whether spoken or written, for persons based on their race, place of origin, according to the information provided. Zambia had established a Cybercrime Section under the Zambia Police Service with a specialized mandate to handle cybercrimes, including hate speech. Individuals had reportedly been convicted under the Cybersecurity and Cybercrimes Act, which had acted as a deterrent against hate speech.

III. Submissions from other stakeholders

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

A. Association of Reintegration of Crimea

50. The Association of Reintegration of Crimea reported that, since its invasion of Ukraine on 24 February 2022, the Russian Federation had targeted the civilian population and infrastructure on a wide scale. The Association reported that such aggression continued to be connected to discriminatory sentiments, including against Ukrainians and Crimean Tatars, linguistic and ethnic groups, members of religious minority groups and lesbian, gay, bisexual, transgender and intersex persons. Hate speech against such groups, including online, was reported by the Association.

51. The Association of Reintegration of Crimea referred to the findings of regional and international bodies concerning the invasion by the Russian Federation, including resolutions of the Human Rights Council and the General Assembly, findings of the special procedures mechanisms of the Council and statements of the Organisation for Economic Co-operation and Development. The Association reported that the International Court of Justice had ruled on 31 January 2024 that the management by the Russian Federation of the education system in Crimea since 2014 had violated the International Convention on the Elimination of All Forms of Racial Discrimination. The Association also reported that the International Criminal Court, on 17 March 2023, had issued an arrest warrant for the President of the Russian Federation for the war crime of the unlawful deportation of children and the unlawful transfer of children from occupied areas of Ukraine to the Russian Federation.

52. The Association of Reintegration of Crimea reported that there had been recent spikes in hate speech, xenophobia and racially discriminatory statements in the Russian Federation. It reported that the terror attack at the Crocus City Hall in March 2024 was a catalyst for discriminatory sentiments, including by public officials.

B. Brazilian Campaign for the Right to Education

53. The Brazilian Campaign for the Right to Education reported about rising levels of ultraconservatism in the education system in Brazil. It provided information about recent violent attacks in schools, which were described as being related to societal trends relating to intolerance and the glorification of Nazism. The Campaign reported that attacks against schools in Brazil, including those involving firearms, knives and other weapons, had been on the rise since 2017, resulting in 49 fatalities and 115 persons being injured. Perpetrators of those attacks reportedly embody perspectives and values of oppression, encompassing manifestations of racism, misogyny and authoritarian tendencies often associated with fascist and Nazi ideologies. Moreover, they were often recruited and radicalized online, frequently consuming and promoting neo-Nazi content and symbols, according to the information provided.

54. The Brazilian Campaign for the Right to Education described the root causes of violence and extremism within schools in Brazil as including the proliferation of hate speech in Brazil, including online hate speech, the growth of extremism within society, gun culture and the glorification of violence in society, cyberbullying through the misuse of new information and communications technologies, social inequalities and inadequate educational policies, factors, prejudice and discrimination within individual educational institutions and weaknesses in the critical reasoning and civic competence of students.

55. The Brazilian Campaign for the Right to Education noted the need for a multifaceted approach to those phenomena and measures to address and prevent violence in schools, including investing in research and monitoring, providing protection, assistance and psychosocial support, strengthening the democratic management of the education system and promoting human rights education.

C. Maat for Peace, Development and Human Rights Association

56. Maat for Peace, Development and Human Rights Association reported that ethnic nationalist and racist movements were on the rise globally, in particular in European countries, and that those movements included far-right political parties and neo-Nazi groups. Some groups openly espoused the principle of violent white supremacy, while other groups propagated their extreme ideologies under the banner of populism, according to the information provided. Europe had reportedly seen the rise of numerous far-right political parties with anti-migrant, anti-Muslim and xenophobic stances in their party agendas. It also reported growing Islamophobia and provided information about hate speech as a common manifestation of racism, religious intolerance and xenophobia.

57. Maat for Peace, Development and Human Rights Association provided information about actions and initiatives at the national, regional and international levels, including a General Assembly resolution on measures to combat Islamophobia of 15 March 2024, the United Nations Strategy and Plan of Action on Hate Speech, a statement made in December 2023 by the European Commission against Racism and Intolerance about the increase in antisemitic incidents and a European Union action plan for 2020–2025 to combat racism, including anti-Muslim hate.

58. Maat for Peace, Development and Human Rights Association reported that, despite such initiatives, political discourses promoting intolerance continued to be perpetuated, including through the media. The Association provided recommendations on how to address racism, religious intolerance and xenophobia, including media campaigns and educational policies that drew attention to the harms caused by racist hate speech, training for members of the police force and judiciary on international standards that protected freedom of opinion and expression and standards that protected against racist hate speech, measures to combat crimes and threats of violence motivated by religious hatred and the hatred of Muslims and action plans to address emerging forms of discrimination and xenophobia.

D. NGO Monitor

59. NGO Monitor reported that, despite the important role that civil society should play in combating Nazism, neo-Nazism and antisemitism, there have been incidents of antisemitism within civil society organizations working on human rights. Such incidents have reportedly been on the rise since the 7 October attacks by Hamas and have allegedly taken place within organizations receiving funding from regional and international organizations.

60. NGO Monitor reported on one of the most important ways that organizations could prevent Nazism and neo-Nazism, namely, to utilize tools by which it could be identified. NGO Monitor referred to the working definition of antisemitism adopted under the auspices of the International Holocaust Remembrance Alliance, noting the examples of the “new” antisemitism set out in the definition, which NGO Monitor described as 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. NGO Monitor noted that the Alliance’s working definition had been adopted by a number of Governments, as well as intergovernmental and local organizations. NGO Monitor provided information about efforts to advocate for the adoption by the United Nations of the Alliance’s definition and for its use by United Nations bodies and mechanisms.

61. NGO Monitor reported about governmental practices that it welcomed in relation to addressing antisemitism, including in Denmark, Germany, the Netherlands and Switzerland. It provided a series of recommendations, including that all States and the United Nations adopt and enforce the working definitions of the International Holocaust Remembrance Alliance of antisemitism and Holocaust denial and distortion, the appointment of a coordinator on antisemitism within the United Nations, the engagement of United Nations human rights mechanisms with mainstream Jewish community officials and organizations, revoking the funding for civil society organizations that incited antisemitism and the enactment of a complaint mechanism within the United Nations where victims of antisemitism could report incidents and obtain appropriate remedies.

E. World Jewish Congress

62. The World Jewish Congress provided information about recent trends in extremism, neo-Nazism and antisemitism. It referred to data indicating that antisemitism was rising globally and within several countries. It outlined trends in regional and transnational cooperation between extremist groups and how those phenomena created new challenges in addressing racism, xenophobia and antisemitism. It reported that those transnational networks acted as means of collaboration and of unifying far-right extremist narratives and activities. The formation of Alliance Fortress Europe in 2020, as a response to the social upheaval of the COVID-19 pandemic, was cited as an example. It noted that the role of those networks was multifaceted, encompassing coordination on major events, the organization of joint demonstrations, the sharing of propagandist materials and financial support systems and the exchange of tactics to promote a unified racist, xenophobic and antisemitic manifesto.

63. The World Jewish Congress reported on how the 7 October attacks by Hamas and the subsequent Hamas-Israel armed conflict have been contributing to antisemitism, including the emergence of an “accelerationist” Neo-Nazi movement, which viewed the Israel-Hamas armed conflict as an opportunity to radicalize, recruit and incite violence against the Jewish community. It also noted the spread of misinformation and hate speech online, as well as a resurgence of the use of Nazi symbols, specifically at protests and rallies concerning the situation in the Middle East.

64. The World Jewish Congress provided information about the measures taken by States, as well as regional organizations, to address racism, xenophobia and antisemitism. It referred to the working definition of antisemitism adopted by the International Holocaust Remembrance Alliance as a useful tool to demonstrate the different ways that antisemitism continued to manifest and damage Jewish individuals and communities, through its list of 11 examples of antisemitism. It noted that the Alliance’s definition had been adopted by 43 States since 2017 and different measures taken at the national level, such as strategies

against antisemitism adopted by Austria, Romania, the United States of America and the European Union, the establishment of a nationwide network of antisemitism commissioners in public prosecutors' offices in Germany and steps to ban the use of the Nazi salute and symbols in various countries, including Australia and Switzerland.

IV. Applicable international legal framework

65. The Special Rapporteur recalls that the prohibition on racial discrimination is a peremptory norm of public international law. 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 discrimination on any grounds. By ratifying international human rights treaties, States undertake to respect, protect and fulfil the rights provided therein.

66. The obligation to respect requires that States refrain from discrimination in law, policy or practice. Under article 2 (1) of the International Convention on the Elimination of All Forms of Racial Discrimination, States parties 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, act in conformity with this obligation. 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.

67. The State's obligation to protect persons under their jurisdiction against discrimination by all other entities necessitates that States adopt comprehensive legislation that prohibits any discrimination and guarantees to all persons equal and effective protection against discrimination or adopt other measures as may be necessary to give effect to the rights established under international human rights mechanisms. The Office of the United Nations High Commissioner for Human Rights 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.

68. 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 and 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 the adoption of legislation combating racist speech. 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.² In line with the approach of the Committee on the Elimination of

² Committee on the Elimination of Racial Discrimination, general recommendation No. 35 (2013) on combating racist hate speech, para. 15.

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 violence³ 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) on non-discrimination, the Human Rights Committee made clear that fulfilment of the rights to equality and non-discrimination required positive action.⁴

69. 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. In its general recommendation No. 35 (2013) on combating racist hate speech, the Committee on the Elimination of Racial Discrimination recommended 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 addressed using non-criminal sanctions.⁵

70. 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. 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.

71. 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 *Protecting Minority Rights: A Practical Guide to Developing Comprehensive Anti-Discrimination Legislation*⁶ 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, in particular in the fields of teaching, education, culture and information, with a view to combating prejudices that lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnic groups.

72. 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

³ Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.

⁴ Human Rights Committee, general comment No. 18 (1989) on non-discrimination, para. 5.

⁵ Committee on the Elimination of Racial Discrimination, general recommendation No. 35 (2013), para. 12.

⁶ Office of the United Nations High Commissioner for Human Rights, "Protecting Minority Rights: A Practical Guide to Developing Comprehensive Anti-Discrimination Legislation", 2022.

friendship among all nations and racial or religious groups. Paragraph 97 of the Durban Declaration 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

73. **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 general recommendation No. 35 (2013) of the Committee on the Elimination of Racial Discrimination, relevant provisions of the International Covenant on Civil and Political Rights, the Rabat Plan of Action and the United Nations Strategy and Plan of Action on Hate Speech;**

(b) **Include targeted steps to prevent and address the proliferation of online hate speech in such measures, in line with the recommendations made in the report of the Special Rapporteur submitted to the seventy-eighth session of the General Assembly;⁷**

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

(d) **Take all steps necessary 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, including the use of the Nazi salute and symbols, are prohibited and, where appropriate, 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) **Invest more resources in building and sharing knowledge on successful positive measures to prevent and counter racism, racial discrimination, xenophobia and related intolerance;**

(h) **Raise public awareness about national, regional and international remedies available to those who are victims of racism, racial discrimination, xenophobia and related intolerance;**

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

(j) **Take targeted action, based upon research, best practices and relevant recommendations of United Nations human rights mechanisms, including reports of the Special Rapporteur,⁸ to address the recruitment and radicalization of young people, including through online channels;**

(k) **Ratify the International Convention on the Elimination of All Forms of Racial Discrimination, if they have not done so already;**

⁷ [A/78/538](#).

⁸ See [A/HRC/41/55](#).

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

(m) **Consider, if they have not already done so, making the declaration under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, thereby providing the Committee on the Elimination of Racial Discrimination with the competence to receive and consider communications from individuals or groups of individuals within their jurisdiction claiming to be victims of a violation by a State party of any of the rights set forth in the Convention;**

(n) **Redouble efforts to ensure the effective implementation of all provisions of the International Convention on the Elimination of All Forms of Racial Discrimination;**

(o) **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;**

(p) **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;**

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

74. 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 racist and xenophobic hate speech;**

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