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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

Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Githu Muigai

Summary

According to the Durban Declaration and Programme of Action, racism, racial discrimination, xenophobia and related intolerance “are an obstacle to friendly and peaceful relations among peoples and nations, and are among the root causes of many internal and international conflicts, including armed conflicts”. Against this background, the present report is aimed at providing an analysis of how racism, racial discrimination and conflict interrelate. Since the impact of racism, racial discrimination, xenophobia and related intolerance may vary depending on the stage of the conflict, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance examines three situations, namely, before, during and after a conflict.

In chapter II, the Special Rapporteur analyses how racism, racial discrimination, xenophobia and related intolerance may act as factors contributing to the triggering of tensions or acts of violence. In doing so, he focuses on issues relating to the debates surrounding the concept of so-called “national identity”, socio-economic discrimination affecting individuals along group lines and the political manipulation of racist or nationalist ideology. These issues, if unaddressed or dealt with in an inappropriate manner, might contribute to the triggering of tensions and eventually conflict.

In chapter III, the Special Rapporteur examines how hate speech based on racist ideology may exacerbate and aggravate violence perpetrated against certain individuals or groups of individuals in situations of conflict. In his view, racist ideology tends to create a culture of victimization and to dehumanize certain categories of persons believed to be less equal. In situations of conflict, victimization and dehumanization may then become effective tools to incite people to commit acts of violence against specific individuals and groups of individuals.

In chapter IV, taking the view that it is necessary to address adequately the root causes of a conflict in order to avoid the resurgence of tensions and violence, the Special

Rapporteur refers to the mandates of various missions by the United Nations and to peace agreements in order to examine some crucial requirements for a lasting peace. He believes that ensuring sustainable peace requires relevant stakeholders to, inter alia: (a) acknowledge the ethnic or racial dimension of a given conflict; (b) recognize and address human rights violations, including racial discrimination, committed during a conflict; (c) maintain vigilance vis-à-vis renewed incitement to hatred and violence; and (d) ensure participation of and genuine dialogue among all components of the society.

Chapter V briefly refers to the activities undertaken by the Special Rapporteur since June 2009. These include country missions, as well as participation in seminars and conferences.

Finally, in chapter VI the Special Rapporteur outlines his conclusions and recommendations. The recommendations are aimed at providing relevant stakeholders with a number of tools for detecting early warning signs of racism, racial discrimination, xenophobia and related intolerance and reacting accordingly, including by taking measures to prevent conflict, to remedy situations of conflict or to adequately address issues relating to racism, racial discrimination, xenophobia and related intolerance in post-conflict situations.

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I. Introduction

1. The present report is prepared pursuant to Human Rights Council resolution 7/34. It is the second report submitted to the Human Rights Council by the present mandate holder, appointed on 1 August 2008.

2. At the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, States affirmed that racism, racial discrimination, xenophobia and related intolerance “are an obstacle to friendly and peaceful relations among peoples and nations, and are among the root causes of many internal and international conflicts, including armed conflicts”¹ and that they were “very often one of its consequences”.² Furthermore, the Durban Declaration underscored “the need for all parties to armed conflicts to abide scrupulously by [the fundamental principle of non-discrimination] and for States and the international community to remain especially vigilant during periods of armed conflict and continue to combat all forms of racial discrimination”.³ Similarly, at the 2009 Durban Review Conference, States deplored “the occurrences of armed conflicts as well as ethnic or religious violence, and [noted] relevant provisions of the 2005 World Summit outcome, in particular paragraphs 138 and 139”,⁴ thereby referring to the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity.

3. Against this background, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance aims to analyse how racism, racial discrimination, xenophobia and related intolerance and conflict interrelate. For the purpose of the present report, the term “conflict” shall be understood in a broad sense, therefore including not only armed conflict but also political or social conflict, as well as acts of violence targeting specific groups of the population. Since the impact of racism, racial discrimination, xenophobia and related intolerance may vary depending on the stage of the conflict, the Special Rapporteur examines three situations in the report, namely, before, during and after a conflict. In chapter II he addresses racism, racial discrimination, xenophobia and related intolerance in pre-conflict situations and analyses issues relating to the debates surrounding the concept of so-called “national identity”, socio-economic discrimination against members of certain groups of the population and political manipulation of racist or nationalist ideology. In chapter III he examines how hate speech based on racist ideology may incite people to commit racist and violent acts and thereby intensify conflicts. Chapter IV is devoted to racism, racial discrimination, xenophobia and related intolerance in post-conflict situations. Chapter V contains a summary of the activities of the Special Rapporteur undertaken in the last year, such as country missions and participation in seminars and conferences. Finally, conclusions and recommendations are presented in chapter VI.

II. Racism, racial discrimination, xenophobia and related intolerance in pre-conflict situations

4. In this chapter, the Special Rapporteur analyses how racism, racial discrimination, xenophobia and related intolerance, due to the marginalization or discrimination they

¹ Durban Declaration, preamble.

² *Ibid.*, para. 20.

³ *Ibid.*

⁴ Outcome document of the Durban Review Conference, para. 14.

generate within society, may act as factors contributing to the triggering of tensions or acts of violence between certain groups of the population, both in the long- and short-term. In doing so, he focuses on the following issues: debates surrounding the concept of national identity, socio-economic discrimination affecting individuals along group lines, and the political manipulation of racist or nationalist ideology. This list of issues should not be considered as exhaustive; indeed, the Special Rapporteur is conscious that other issues may also contribute to the triggering of conflicts between groups. As such, he would like to refer to the list of key indicators developed by the Committee on the Elimination of Racial Discrimination (CERD/C/67/1) in order to assess the existence of factors known to be important components of situations leading to conflict and genocide. Likewise, he would like to refer to the Analysis Framework of the Special Adviser of the Secretary-General on the Prevention of Genocide (2009),⁵ which may be used as a guide to monitor and assess the risk of genocide in any given situation. The present report should therefore be seen as complementing these existing instruments.

A. Debates surrounding the concept of national identity

5. In recent years, there have been difficult debates in many countries surrounding the issue of so-called “national identity”. While the Special Rapporteur has no intention of taking a position on whether such debates should take place or not, or on which elements should be included in this concept, he nonetheless would like to warn against the potential negative consequences of these debates and highlight how, if not handled carefully, they could foster racism, racial discrimination, xenophobia and related intolerance, and thereby lead to conflict. While the present section focuses on the concept of national identity and therefore frames the discussion at the level of States, the Special Rapporteur nonetheless believes that the issues raised below may also be relevant when addressing the identity of groups of individuals at the local, regional or supranational levels.

6. The debates surrounding the concept of national identity may help define a common ground whereby individuals and groups of individuals build and advance a common political agenda. They can indeed provide a sense of belonging which helps to build a cohesive nation with shared objectives, values and ideals and to encourage individuals from a broad array of backgrounds to participate in public life so as to instil a sense of ownership regarding the destiny of their country. As such, the debates surrounding national identity may, if handled adequately, contribute to the creation of a framework of tolerance and solidarity between people who differ in terms of, inter alia, social class, political opinion and religion, given their common attachment to the shared ideals and values of their country.

7. While debating the definition of national identity may have a positive outcome for a given State, it may also have adverse effects and prove very divisive. The Special Rapporteur is of the view that the way in which national identity is apprehended, including the consequences on the potential discriminatory treatment that may ensue, is of particular significance when examining how racism, racial discrimination, xenophobia and related intolerance may act as long-term factors in triggering tensions or conflict. Using the concept of national identity in an inappropriate manner may result in determining which individuals are members of the group and which ones are the outsiders. This may lead to a strict, and sometimes irreversible, categorization of individuals into specific groups, therefore compelling them to choose sides. It could also lead to the social exclusion of

⁵ www.un.org/preventgenocide/adviser/pdf/OSAPG%20AnalysisFrameworkExternalVersion.pdf.

certain individuals and groups of individuals and to the creation of tensions or even conflict within a given society.

8. For instance, due to the fact that minorities are often perceived as a problem, rather than as an asset to a State, they are in numerous cases considered as a part of the population which cannot be associated with the “national identity” agreed to by the majority. As a consequence, members of minorities may suffer from a wide range of discriminatory practices, such as unequal access to public education, health services and employment, as well as arbitrary denial of citizenship. Denying citizenship to members of minorities or putting in place administrative procedures preventing them from gaining access to citizenship has indeed proven to be an effective tool to set minorities at the very margins of the State and to compound their vulnerability.⁶ These discriminatory practices create tensions between members of minorities and members of certain groups of the population which closely associate themselves with the national identity of the State.

9. The concept of *ivoirité*⁷ provides a salient picture of the adverse effects relating to an exclusive definition of national identity. The concept of *ivoirité* was originally used to meet the need for a cultural rallying cry in Côte d’Ivoire, where more than 25 per cent of the population originates from neighbouring countries. Two decades later, the concept of *ivoirité* was resorted to by some political actors during the campaign leading to the 1994 presidential elections. In that instance, it was used to praise the specificities of the Ivorian identity and, above all, to demonstrate the illegitimacy of the Ivorian citizenship — and thus the candidacy — of Alassane Dramane Ouattara, whose father was said to be from Burkina Faso. During the 2000 presidential campaign, the concept of *ivoirité* was again politically revived and eventually contributed to the triggering of long-lasting ethnic tensions within the country by creating a clear and artificial distinction between the so-called “real ethnic Ivorians” (those of Ivorian origin for at least two generations) and the others considered as second-class Ivorians. As a result, individuals were classified as being 100, 50 or 30 per cent Ivorian. Instead of favouring the transmission of shared ideals and values among the population, the concept of *ivoirité*, which was defined in an exclusive manner by the political elite in power, proved very divisive and fostered tensions and conflict within the country.

10. Pursuant to the work of his predecessor,⁸ the Special Rapporteur takes the view that in order to defuse tensions between members of certain groups of the population and ultimately to fight racism, racial discrimination, xenophobia and related intolerance, it is of utmost importance that the discussions surrounding national identity do not emphasize the concept of “otherness” as a tool to differentiate or create artificial differences between certain groups of the population. As such, these discussions should not result in the creation of categories of “others” or “outsiders” who may then be denigrated or rejected. Therefore, in cases where there is a debate on national identity, the following questions should be borne in mind at all times: how to define national identity in a way which encourages inclusion rather than exclusion; how to ensure that individuals who feel that they belong to the country may freely associate themselves with the national identity of that country; how to instil common values and principles which hold a nation together, but which are not exclusively based on ethnic or religious grounds; how to convince disparate population groups that, despite their differences, they can share an identity which constitutes the basis

⁶ For a thorough analysis by the independent expert on minority issues on the discriminatory denial or deprivation of citizenship, see A/HRC/7/23.

⁷ On this matter, the Special Rapporteur refers to the report of his predecessor on his mission to Côte d’Ivoire (E/CN.4/2005/18/Add.3).

⁸ Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/2005/18), paras. 9–12.

for a collective interest; and how to inculcate a feeling of national unity, while encouraging individuals to assume and celebrate their diversity.

11. The Special Rapporteur believes that in the current context of globalization, migration and multiculturalism, the concept of national identity should be handled in an inclusive way so as to allow individuals who do not identify with, for instance, cultural or historical elements of a given State to nonetheless establish a sense of belonging and avoid being treated as the “others” or the “outsiders”. Indeed, the attachment of such individuals to the ideals, values, objectives and principles shared and promoted in a given State, their participation or attachment to the national political institutions or their feeling of belonging to a given State should allow them to be considered as being part of it.

12. The Special Rapporteur also would like to warn against the inherent dangers of any debates on national identity which would be exclusively led by the State. He underlines the fact that such debates should always be as inclusive as possible and follow a participatory approach, so as to prevent any political manipulation which may entail the adverse effects described above, including the strict and sometimes irreversible categorization of individuals.

13. The identity of an individual is not solely related to the national identity of his or her country. The Special Rapporteur would like to stress that the identity of each individual is made up of a multitude of components, such as gender, age, nationality, profession, sexual orientation, political opinion, religious affiliation and social origin. These components may in turn be multiple since individuals may have several nationalities or several professions, for instance. It is therefore important not to fall into the trap of defining identity on the grounds of one element alone and putting individuals into a single category. The fact that an individual is identified as a national of one State should in no way prevent him or her from also identifying himself or herself with other ethnic or national origins. National identity should therefore not be defined in an absolute or reductive way that compels individuals to choose sides or to organize the different components of their identity into a hierarchy.

B. Socio-economic discrimination against members of specific groups of the population

14. At the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, States expressed “deep concern that socio-economic development is being hampered by widespread internal conflicts which are due, among other causes, to gross violations of human rights, including those arising from racism, racial discrimination, xenophobia and related intolerance, and from lack of democratic, inclusive and participatory governance”.⁹ While the links between racism, racial discrimination, xenophobia and related intolerance and socio-economic discrimination have yet to be fully elucidated, there is no doubt that they are closely interrelated and that they tend to mutually reinforce each other.¹⁰ Thus, racism, racial discrimination, xenophobia and related intolerance may also be manifested through the biased distribution of resources favouring certain groups of individuals over others. Racism, racial discrimination, xenophobia and related intolerance may therefore impoverish and socially deprive individuals who are believed to be less equal. As a result, these individuals might be prevented from taking part

⁹ Durban Declaration, para. 21.

¹⁰ The Special Rapporteur discussed the links between racism and poverty affecting ethnic minorities and the socio-economic vulnerability of these minorities in his 2009 report (A/HRC/11/36), paras. 16–39.

in public life, owning property or gaining equal access to adequate education, health, social services, employment or adequate housing. Poverty and social disadvantage suffered by these individuals are then cited as evidence to confirm and justify the prejudices and discriminatory practices targeting them.

15. The Special Rapporteur is of the view that socio-economic discriminatory practices targeting specific individuals and groups of individuals create the conditions for a highly polarized society and may therefore contribute, in the long run, to the triggering of tensions, acts of violence or conflict along group lines. In this regard, the recent clashes in Italy between migrant workers and the local population illustrate the links between conflict, socio-economic discrimination and racism, racial discrimination, xenophobia and related intolerance.

16. The issue of socio-economic discrimination suffered by migrant workers, in particular non-European Union citizens, in Italy has been raised by United Nations human rights mechanisms. The Committee on the Elimination of Racial Discrimination stated in its concluding observations on Italy (CERD/C/ITA/CO/15, para. 17) that it was concerned at reports regarding the situation of undocumented migrant workers from various parts of the world, in particular from Africa, Eastern Europe and Asia, drawing attention to violations of their human rights, in particular of their economic, social and cultural rights, including alleged ill-treatment, low wages received with considerable delay, long working hours and situations of bonded labour, whereby a part of wages are withheld by employers as payment for accommodation in overcrowded lodgings without electricity or running water. The Special Rapporteur's predecessor had also raised concerns about the access of migrants in Italy to employment, to health and housing (A/HRC/4/19/Add.4, paras. 49–53).

17. While isolated incidents triggered the violent clashes between migrant workers and the local population in the city of Rosarno in southern Italy, it is alleged that the root causes of the events were related to the long-standing socio-economic discrimination suffered by migrant workers and the growing xenophobic attitude by the local population against migrant workers. As declared in a joint statement by the Special Rapporteur and the Special Rapporteur on the human rights of migrants on 12 January 2010, "the violence which erupted in Rosarno is extremely worrying since it reveals serious and deep-rooted problems of racism against those migrant workers".¹¹ The Government of Italy has proposed to improve the socio-economic situation of migrant workers by improving housing conditions and launching projects for the establishment of vocational training centres for migrants, as well as other projects to improve the integration of immigrants in southern Italy.

18. Taking the view that in the long-term socio-economic discriminatory practices against certain individuals or groups of the population may contribute to tensions or conflict within society, the Special Rapporteur believes that it is of the utmost importance for States to take all appropriate measures to redress such socio-economic discrimination, including through affirmative action, in accordance with the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination. He emphasizes that ensuring the equality of all individuals and equal access to economic, social and cultural rights for the population residing on its territory is one effective way through which a State may prevent and address the eruption of tensions or conflict within a society.

¹¹ "UN experts urge Italian authorities to curb xenophobic attitude towards migrant workers", 12 January 2010. Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=9710&LangID=E.

C. Political manipulation of racist or nationalist ideology in ethnic conflicts

19. The claim that ethnic conflicts have deep roots in history has long been used as a standard argument to explain the origins of these conflicts. While it may be true that history has a role to play in fostering ethnic enmities and that unaddressed past grievances may lead to conflict, the Special Rapporteur takes the view that a large number of ethnic conflicts are products of political manipulation of racist or nationalist ideology. Provided certain structural conditions exist, the elite of a group which perceives a threat to its interests and values will find playing the racist or nationalist card extremely useful in mobilizing members of its group and reaffirming its authority, as well as its legitimacy, to protect the ethnic or national interests at stake. Old histories and myths may thus be revived from a specific perspective in order to clearly define insiders and outsiders and to remind members of the group about past grievances or humiliations which remain to be redressed. Consequently, racism and xenophobia may be deliberately stirred up for political gains.

20. Yet the “success” of such political manipulation and the risk of ethnic conflict very much depend on certain existing structural conditions in a given country, such as unmet human development needs, the socio-economic deprivation of some groups relative to others and the absence or weakness of the rule of law and democratic structures, as well as political institutions which are not representative of the population. On this last point, the Special Rapporteur believes that meaningful participation of minorities in political institutions is essential to prevent and defuse tensions which may lead to situations of conflict within a given society. However, participation should not be limited to governmental institutions. As stated by the independent expert on minority issues, “the full and effective participation of minorities in all areas of public life is a concept that encompasses not only participation in political decision-making at both local and national levels but also requires that persons belonging to minorities should be given the means to participate effectively in the social and economic spheres of their societies and the right to equal access to public services”¹²

21. The role of the media is also pivotal in preventing or fostering conflict. As stated by the Trial Chamber of the International Criminal Tribunal for Rwanda, “the power of the media to create and destroy fundamental human values comes with great responsibility. Those who control such media are accountable for its consequences”.¹³ As such, when racist or nationalist ideology is resorted to by members of the political elite in power, it is more likely for a conflict to erupt in cases where government institutions monopolize the means of provision of information and where few public forums allow for the free and constructive exchange of ideas. In those circumstances, government institutions may use the existing media to provide misinformation and incite antagonism and hatred between certain groups of the population. On the contrary, in cases where the media offer a great variety of views and opinions, it is more likely that racist or nationalist ideology will have a more limited impact on the population.

22. The conflict in the Balkans in the 1990s illustrates how political manipulation of racist or nationalist ideology may act as an immediate factor triggering conflict. In the years preceding the war, historical events were very much used in a biased manner by some members of the political elite to incite antagonism and hatred between the Serbian and Albanian communities. For instance, the 1389 Kosovo Polje battle and the concept of

¹² Forum on Minority Issues, second session (12–13 November 2009), summary by the Chairperson of the Forum, p. 4. Available from www2.ohchr.org/english/bodies/hrcouncil/minority/docs/SummaryChairperson2ndForum.pdf.

¹³ *Prosecutor v. Ferdinand Nahimana, Jean-Bosco Barayagwiza, Hassan Ngeze*, case No. ICTR-99-52-T, Summary, para. 8. Available from www.ictr.org/ENGLISH/cases/Barayagwiza/.

“Greater Albania” were used by both sides to manipulate national consciousness and to incite the two communities to hatred and violence. Such political manipulation played a key role in the tragic events that affected the region.

23. The Special Rapporteur would like to underline that members of the political elite on both sides were able to engage in such manipulation due to the existing structural conditions, which facilitated an effective impact of the nationalist ideology that was propagated before and during the conflict. The Special Rapporteur thereby emphasizes that an effective response to political manipulation of racist or national ideology which may lead to conflict must encompass a broad range of issues. Indeed, such a response should include the means for members of minorities to ensure their political participation in governmental institutions. It should provide for the respect of the rule of law, equality before the law and equal access to economic, social and cultural rights for everyone, and should guarantee a great variety of media, indicating that freedom of expression is respected.

III. Racism, racial discrimination, xenophobia and related intolerance in situations of conflict

24. In the Durban Declaration, States had urged “people, particularly in conflict situations, to desist from racist incitement, derogatory language and negative stereotyping”.¹⁴ Taking the Durban Declaration and Programme of Action as the point of departure for this chapter, the Special Rapporteur examines how hate speech may exacerbate and aggravate violence perpetrated against certain individuals or groups of individuals in situations of conflict. For the purpose of the present report, hate speech shall be understood as public and direct incitement to violence targeting certain persons or groups of persons on the grounds of their so-called race, colour, descent, ethnicity or nationality.

25. Racist ideology tends to refer to history from a specific perspective, so as to define insiders and outsiders and to remind people about past grievances or humiliations that remain to be redressed. Thus, racist ideology tends to create a culture of victimization and to help mobilize members of a group, who perceive themselves as victims, around a common cause. As such, in situations of conflict, victimization becomes a useful tool to incite people to commit acts of violence against the outsiders. Once a person feels like a victim, it may indeed be easier for him or her to become a perpetrator of human rights violations, including killings. In addition to instilling a feeling of victimhood, racist ideology may also be resorted to in order to dehumanize those who are believed to be less equal. As such, once a person can be treated as being inferior, violence and killing may be perceived as justified, necessary or even noble in some cases.

26. As it relies on victimization and dehumanization, hate speech may, in its most extreme form, be used to incite people to commit genocide. In the view of the Special Rapporteur, examples of this can be found in the Rwandan genocide, where hate speech was used to incite people to commit acts of violence targeting members of certain groups of the population, significantly contributing to the mass killings perpetrated from April to July 1994. During the genocide, hate speech was used effectively by the Hutus to play upon memories of real and perceived past domination by the Tutsis in order to create enemies to be annihilated.

¹⁴ Durban Declaration, para. 62.

27. For instance, travelling between two Rwandan cities in a vehicle outfitted with a public address system broadcasting songs, Simon Bikindi — a well-known composer and singer, as well as an influential member of the National Republican Movement for Development and Democracy — used the public address system to state that the majority population, the Hutus, should rise up to exterminate the minority, the Tutsis. On his way back, Bikindi used the same system to ask if people had been killing Tutsis. The Trial Chamber of the International Criminal Tribunal for Rwanda found that Bikindi’s public call on “the majority” to “rise up and look everywhere possible” and not to “spare anybody”, thus referring to the Tutsis as the minority, unequivocally constituted a direct call to destroy the Tutsi ethnic group.¹⁵

28. In the *Ferdinand Nahimana, Jean-Bosco Barayagwiza, Hasssan Ngeze* case, the Appeals Chamber of the International Criminal Tribunal for Rwanda confirmed the Trial Chamber judgement by concluding that many of the Radio Télévision Libre des Mille Collines broadcasts made after 6 April 1994 (thus after the beginning of a systematic and widespread attack against the Tutsis) explicitly called for the extermination of the Tutsis.¹⁶ For instance, in one broadcast on 13 May 1994, a journalist spoke of exterminating the Tutsis “so as to wipe them from human memory” and exterminating the Tutsis “from the surface of the earth ... to make them disappear for good”. The Appeals Chamber also confirmed the findings of the Trial Chamber which establishes a causal connection between the broadcasts of Radio Télévision Libre des Mille Collines after 6 April 1994 and the killings of certain persons of Tutsi origin, whose names had been publicly mentioned by the broadcaster.¹⁷

29. Concerning the case of *Kangura* — probably the most well-known Rwandan newspaper at that time — the Appeals Chamber of the International Criminal Tribunal for Rwanda found that certain *Kangura* articles published in 1994 directly and publicly incited the commission of genocide.¹⁸ For instance, an article headed the “Last lie” stated that “let’s hope the [Tutsis] will have the courage to understand what is going to happen and realize that if they make a small mistake they will be exterminated; if they make the mistake of attacking again, there will be none of them left in Rwanda, not even a single accomplice. All the Hutus are united”.¹⁹

30. In the view of the Special Rapporteur, the cases mentioned above demonstrate how hate speech based on racist ideology may contribute to the commission of acts of violence or killings, including genocide, against members of certain groups of the population. While hate speech, which was omnipresent in Rwanda at the time of the genocide, cannot be pinpointed as the only cause of the genocide, there remains little doubt today that hate speech which was publicly and widely propagated by the media, such as *Kangura* or Radio Télévision Libre des Mille Collines, significantly contributed to the tragic and massive killings perpetrated in the country between April and July 1994.

¹⁵ *The Prosecutor v. Simon Bikindi*, case No. ICTR-01-72-T (Trial Chamber), judgement of 2 December 2008, para. 423. The judgement has been confirmed by the Appeals Chamber. *Simon Bikindi v. The Prosecutor*, case No. ICTR-01-72-A (Appeals Chamber), judgement of 18 March 2010.

¹⁶ *Ferdinand Nahimana, Jean-Bosco Barayagwiza and Hassan Ngeze v. The Prosecutor*, case No. ICTR-99-52-A (Appeals Chamber), 28 November 2007, paras. 755–758.

¹⁷ *Ibid.*, paras. 503–505.

¹⁸ *Ibid.*, para. 776.

¹⁹ *Ibid.*, para. 771.

IV. Racism, racial discrimination, xenophobia and related intolerance in post-conflict situations

31. Post-conflict situations often breed fragility, fear and mistrust. In order to ensure lasting and sustainable peace and reconciliation, the Special Rapporteur believes that it is essential to ensure that the root causes of a conflict are appropriately addressed. This is of particular importance when ethnic tensions, racism, racial discrimination, xenophobia and related intolerance have been at the heart of an internal conflict. Internal conflicts are fought among people who live intermingled with each other, forced to share the same territory or resources. It is therefore essential to find the means that enable these people to live together again. In this regard, peacekeeping missions, special political missions and peace agreements play a key role.

32. In recent years, human rights have been more systematically integrated in the mandates of United Nations peacekeeping or special political missions, as well as in peace agreements. With regard to the latter, the Special Rapporteur emphasizes that addressing racism, racial discrimination, xenophobia and related intolerance in an adequate manner contributes to the success of the peace process following a conflict.

A. Acknowledging the ethnic or racial dimension of a conflict

33. A conflict may be efficiently resolved only if its causes are adequately identified and addressed. Accordingly, the resolution of an ethnic conflict needs to acknowledge and address the ethnic or racial dimension of the conflict. Including those aspects will help to frame appropriate solutions and establish a clear mandate for those in charge of monitoring or contributing to the implementation of related peace agreements. In this regard, the peace agreements concluded in Burundi and in Nepal, described briefly below, are instructive.

34. The Arusha Peace and Reconciliation Agreement for Burundi (2000) contains many references to the ethnic dimension of the conflict it was drafted to end and refers to measures to address it. As such, the Arusha Agreement not only recognizes the ethnic origin of the conflict but also integrates it in the solutions proposed. To this end, in protocol I, chapter I, article 4, of the Agreement the Parties recognize that “(a) the conflict is fundamentally political, with extremely important ethnic dimensions; (b) it stems from a struggle by the political class to accede to and/or remain in power” and state that “in the light of the foregoing, the Parties undertake to abide by the principles and implement the measures set forth in Chapter II of the present Protocol”.

35. The solutions proposed in protocol I, chapter II of the Agreement include, inter alia, the “institution of a new political, economic, social and judicial order in Burundi, in the context of a new constitution inspired by Burundian realities and founded on the values of justice, the rule of law, democracy, good governance, pluralism, respect for the fundamental rights and freedoms of the individual, unity, solidarity, equality between women and men, mutual understanding and tolerance among the various political and ethnic components of the Burundian people” (art. 5, para. 1), and “a reorganization of the State institutions to make them capable of integrating and reassuring all the ethnic components of Burundian society” (art. 5, para. 2), as well as the “banning of all political or other associations advocating ethnic, regional, religious or gender discrimination or ideas contrary to national unity” (art. 7, para. 3).

36. Moreover, the following fundamental values, among others, are identified in protocol II, chapter I of the Agreement:

“1. All Burundians are equal in value and dignity. All citizens are entitled to equal rights and to equal protection of the law. No Burundian shall be excluded from

the social, economic or political life of the nation on account of her/his race, language, religion, gender, or ethnic origin.

“2. All Burundians are entitled to live in Burundi in security and peace, and must live in harmony with one another while respecting one another’s dignity and tolerating one another’s differences.”

37. The Comprehensive Peace Agreement concluded between the Government of Nepal and the Communist Party of Nepal (Maoist) is another example of an agreement in which the ethnic dimension of a conflict was recognized and addressed. The Parties agreed that the State would be restructured in an inclusive, democratic and forward-looking manner “in order to end discriminations based on class, ethnicity, language, gender, culture, religion and region and to address the problems of women, Dalit, indigenous people, ethnic minorities (Janajatis), Terai communities (Madheshis), oppressed, neglected and minority communities and the backward areas” (para. 3.5) and they reaffirmed that “no individual shall be discriminated on the basis of colour, gender, language, religion, age, race, nationality or social origin, property, disability, birth and other status and thought or belief” (para. 7.1.1).²⁰

B. Recognizing and addressing human rights violations, including racial discrimination, committed during a conflict

38. Recognizing and adequately addressing human rights violations, including racial discrimination, committed during a conflict are essential to ensure a sustainable peace. In this regard, in its resolution 1894 (2009) on the protection of civilians in armed conflict, the Security Council:

Affirms its strong opposition to impunity for serious violations of international humanitarian law and human rights law and emphasizes in this context the responsibility of States to comply with their relevant obligations to end impunity and to thoroughly investigate and prosecute persons responsible for war crimes, genocide, crimes against humanity or other serious violations of international humanitarian law in order to prevent violations, avoid their recurrence and seek sustainable peace, justice, truth and reconciliation.

In paragraph 11 of the same resolution, the Security Council “recalls that accountability for such serious crimes must be ensured by taking measures at the national level, and by enhancing international cooperation in support of national mechanisms, draws attention to the full range of justice and reconciliation mechanisms to be considered, including national, international and ‘mixed’ criminal courts and tribunals, and truth and reconciliation commissions, as well as national reparation programs for victims and institutional reforms”.

39. In recent years, mechanisms of transitional justice have been developed to ensure justice and reconciliation in post-conflict situations, in particular to deal with legacies of grave human rights violations. Transitional justice entails various complementary initiatives encompassing truth, justice and reconciliation. They include criminal prosecutions, truth commissions, reparations programmes, security system reforms and duty of memory. Problems arising during a conflict are indeed often too complex to be solved in isolation.

40. All the above-mentioned elements are constitutive of transitional justice and should be used in combination. Yet the Special Rapporteur would like to emphasize the

²⁰ Unofficial translation, available from www.unmin.org.np/downloads/keydocs/2006-11-29-peace_accord-MOFA.pdf.

importance of the “justice” dimension in a post-conflict situation. History shows that there cannot be a lasting peace if justice is neglected. The suffering of victims should be recognized and adequately addressed to allow for genuine reconciliation. In recent years, the perceived tension between justice and reconciliation has gradually dissolved. Indeed, when adequately pursued, justice and reconciliation reinforce each other. In this regard, the sequencing and timing of different initiatives undertaken in the framework of transitional justice can help establish the right balance between all elements of transitional justice, as long as no amnesty is granted for the most serious crimes.

41. Moreover, providing an appropriate response to the wrongs of the past will help build a society in which human rights and the rule of law are respected. In this regard, an important element of transitional justice processes is the reform of the public institutions that helped perpetuate conflict. It is essential that they are transformed into accountable and efficient institutions promoting and protecting human rights, thereby preventing the recurrence of human rights violations.

C. Maintaining vigilance vis-à-vis renewed incitement to hatred and violence

42. Taking into account the adverse consequences of hate speech and given the volatility of a post-conflict situation, the Special Rapporteur stresses that it is necessary to remain vigilant vis-à-vis incitement to violence or hatred. In this regard, in paragraph 12 of its resolution 1727 (2006) on the situation in Côte d’Ivoire, the Security Council underlined once again²¹ that “it is fully prepared to impose targeted measures against persons to be designated by the Committee who are determined to be, among other things ... (d) responsible for serious violations of human rights and international humanitarian law committed in Côte d’Ivoire; [and] (e) inciting publicly hatred and violence”.

43. By referring specifically to the issue of public incitement to hatred and violence and attaching explicit sanctions thereto, the Special Rapporteur believes that this resolution broadened the scope of action that could be taken by the United Nations and increased the deterrent effect.

D. Ensuring participation of and genuine dialogue among all components of the society

44. Ensuring genuine dialogue among all components of the society is another crucial condition for the consolidation of peace in a post-conflict situation. The work done by the United Nations Mission in the Central African Republic and Chad (MINURCAT) provides a good example in this regard. According to paragraph 6 (e) in Security Council resolution 1861 (2009), MINURCAT should, among other things, “support the initiatives of national and local authorities in Chad to resolve local tensions and promote local reconciliation efforts, in order to enhance the environment for the return of internally displaced persons”.

45. As illustrated in the report of the Secretary-General on the United Nations Mission in the Central African Republic and Chad (S/2009/535, paras. 38–40), MINURCAT made continuous efforts to support local reconciliation and intercommunity dialogue in eastern Chad. In the Ouaddaï region, composed of many diverse communities, MINURCAT and local community leaders endeavoured to build confidence through the organization of public forums of community representatives and establishing reconciliation commissions

²¹ These sanctions had been first elaborated in Security Council resolution 1572 (2004).

chaired by traditional and administrative authorities. MINURCAT also supported initiatives aiming at facilitating an intercommunity dialogue between chiefs of certain communities who pledged to end their dispute.

46. In line with the approach adopted by MINURCAT, the Special Rapporteur is of the view that following a conflict situation dialogue involving local actors should be strongly encouraged and supported. In order to be meaningful, such dialogue should involve all relevant stakeholders of a given society. These include, inter alia, community leaders, religious leaders, civil society representatives, women and the media.

47. It is also of utmost importance to persuade the “winner” of the conflict, if any, about the necessity for the peace process to be as inclusive and open as possible in order to enable all components of the society to participate. Should the peace process be exclusive, it could in turn lead to racism, racial discrimination, xenophobia and related intolerance. Indeed, the reconstitution of the fabric of a society needs to be undertaken through a variety of inclusive processes aimed at consolidating democracy, the rule of law and democratic governance. If not, it may give rise to tensions which may lay the ground for racism, racial discrimination, xenophobia and related intolerance to become deeply entrenched within society.

V. Activities of the Special Rapporteur

A. Country visits

48. In 2009, the Special Rapporteur sent formal requests to visit Croatia, Serbia and Singapore. In planning country visits, the Special Rapporteur takes into account the underlying principle that racism is a universal problem and therefore considers the importance of achieving geographical balance and addressing a wide range of situations of concern to his mandate.

49. The Special Rapporteur would like to acknowledge the letters of invitations extended by Belarus, Bosnia and Herzegovina and Croatia. While he has not been able to honour these invitations yet, the Special Rapporteur hopes that he will be able to do so in the near future. The very act of inviting a mandate holder for a country visit is an expression of the State’s willingness and commitment to fight racism and to engage in a constructive dialogue with the mandate holder.

50. The Special Rapporteur would like to thank the Government of Singapore for inviting him to conduct a mission from 21 to 28 April 2010. He looks forward to engaging in a constructive dialogue with the authorities.

51. The Special Rapporteur also would like to thank the Government of the Plurinational State of Bolivia, which has accepted his request to visit the country. He plans to undertake the mission before the end of 2010.

1. Mission to Germany

52. The Special Rapporteur visited Germany from 22 June to 1 July 2009. He wishes to express his sincere gratitude to the Government of Germany for its full cooperation and openness throughout the visit and its preparatory stages.

53. In his report (A/HRC/14/43/Add.2), the Special Rapporteur observed some very positive trends within German society and political institutions regarding issues of racism. In particular, he referred to three key areas of progress in the fight against racism: (a) the reform of the legal and institutional framework to prevent discrimination, which includes

the enactment of the General Equal Treatment Act and the establishment of the Federal Anti-Discrimination Agency; (b) the shift in Germany's approach towards recognizing the contribution of migrant communities in the country, which reflects a commitment from the authorities to devise a new approach for the integration of migrants in German society; and (c) the wide array of grass-roots projects to fight racism and promote integration, which are generally implemented in partnership with active civil society organizations and often supported by the federal or local governments.

54. Despite the important progress achieved since the visit of his predecessor in 1997, the Special Rapporteur pointed to a number of challenges that need to be met in order to further improve the framework to fight racism, racial discrimination, xenophobia and related intolerance in Germany. He is convinced that one of the central problems in furthering the fight against racism is the narrow understanding of racism in practice that for many years prevailed within German society, as well as the difficult implementation of anti-discrimination provisions at the local level due to the country's strong federal structure. In this regard, he recommended that the concept of racism, both in the legislative framework and in practice, be expanded beyond a focus on right-wing extremism and that the federal Government work alongside the governments at the *Länder* and municipal levels to ensure that Germany's international obligations to fight racism are implemented at lower levels of government.

55. In addition, the Special Rapporteur recommended the strengthening of the Federal Anti-Discrimination Agency and the undertaking of awareness-raising campaigns in order to inform the public about the anti-discrimination legislative and institutional framework. He raised concerns vis-à-vis the existence of radical right-wing groups; the situation of refugees and asylum-seekers; and the education, housing, employment and political participation of persons with a migrant background or coming from minority ethnic or religious backgrounds. In particular, he strongly recommended that asylum-seekers' applications be processed in a short period of time and that the Government ensure that the economic, social and cultural rights of asylum-seekers are respected. The Special Rapporteur also strongly recommended that special measures be taken to ensure an adequate representation of persons with a migrant background or coming from minority, ethnic or religious backgrounds in State institutions.

2. Mission to the United Arab Emirates

56. The Special Rapporteur visited the United Arab Emirates from 4 to 8 October 2009. He wishes to express his sincere gratitude to the Government of the United Arab Emirates for its cooperation and openness throughout the visit.

57. In his report (A/HRC/14/43/Add.3), the Special Rapporteur emphasized that the United Arab Emirates is today one of the largest recipient countries of foreign workers and has as such become one of the most multicultural countries on earth. It is therefore a unique country where nationals are a numerical minority in their own country. The Special Rapporteur recalled that the influx of foreign workers has significantly contributed to the building of a prosperous country. Yet, it has also created tremendous challenges for the Emirati society in terms of national identity, social integration and capacity for absorption. In particular, the Special Rapporteur raised issues related to the definition of the Emirati national identity and the granting of citizenship; the living and working conditions of unskilled foreign workers, in particular construction and domestic workers; the vulnerable situation of stateless persons; human trafficking; the educational policy; and the legal and institutional human rights framework to fight racism, racial discrimination, xenophobia and related intolerance.

58. The Government has taken commendable initiatives in recent years to address some of the numerous challenges. These include initiatives taken to address the human rights

violations suffered by foreign construction and domestic workers; to regularize the situation of stateless individuals; and to combat human trafficking. Nonetheless, much remains to be done in terms of legislation, policies and their effective implementation, as well as regarding human rights education and awareness-raising.

59. The Special Rapporteur recommended, *inter alia*: (a) that a public debate be held on the question of the definition of national identity in order to ensure the peaceful coexistence of the great variety of ethnic and national groups residing in the country; (b) that valid applications for citizenship by individuals who have lawfully lived in the country for a certain period of time be reviewed and processed by the authorities in a non-discriminatory manner; (c) that the Government take necessary steps to address issues relating to, *inter alia*, the severe risk of exploitation of unskilled foreign workers under the sponsorship system, the confiscation of their passports, the prohibition to constitute trade unions, and their contracted debts with labour recruitment agencies; (d) that priority be given to finding a definitive and equitable solution to the situation of stateless individuals in order to ensure that they have adequate access to health, education, social services and employment, and that they receive non-discriminatory treatment with regard to administrative procedures and the administration of justice; (e) that the actual educational policy be reconsidered in order to ensure that public educational institutions are, *de facto*, open to all children, including non-nationals; and (f) that the constitutional provisions restricting certain human rights to Emirati nationals be revised so as to extend human rights protection to all individuals residing in the country, including non-nationals.

B. Other activities

60. The Special Rapporteur participated in several seminars and conferences since June 2009. On 19 March 2010 he contributed to a side event organized by the Office of the United Nations High Commissioner for Human Rights (OHCHR) on the occasion of the International Day for the Elimination of Racial Discrimination. He was also invited to the Wilton Park conference on “Reviewing the work and functioning of the Human Rights Council: What are the priority issues?” which was organized by the Governments of Switzerland and Norway and held from 14 to 16 January 2010. The Special Rapporteur participated in a seminar on the strengthening of cooperation between the European Union and the United Nations in the struggle against all forms of discrimination, organized by OHCHR and held on 14 October 2009 in Brussels.

VI. Conclusions and recommendations

61. **Racism, racial discrimination, xenophobia and related intolerance are often elements of conflict, be it before, during or after. Due to the marginalization, discrimination and sometimes dehumanization they foster within societies, racism, racial discrimination, xenophobia and related intolerance are often among the root causes of conflict among certain individuals and groups of the population. In addition to potentially triggering a conflict, these scourges may exacerbate violence perpetrated against members of certain groups in a situation of conflict and may also reignite a conflict if not adequately addressed during the peace process.**

62. **The recommendations made by the Special Rapporteur are aimed at providing relevant stakeholders with a number of tools for detecting early warning signs of racism, racial discrimination, xenophobia and related intolerance and for reacting accordingly by taking measures to prevent conflict, to remedy situations of conflict or to address adequately issues relating to racism, racial discrimination, xenophobia and related intolerance in post-conflict situations. These relevant stakeholders include**

State actors, non-State actors and the international community, including the United Nations.

63. Since racism, racial discrimination, xenophobia and related intolerance may lead to genocide, war crimes, ethnic cleansing and crimes against humanity, in particular in the context of conflicts, these recommendations should also be seen as a contribution to the implementation of the responsibility to protect populations from these crimes, which requires the combination of preventive, reactive and supportive measures by a broad range of actors.

64. Each individual State has the responsibility to protect its populations from the four aforementioned crimes; this entails prevention measures, including the prevention of incitement to such crimes. The responsibility to protect, as an obligation of the international community, including the United Nations, should also be stressed. The international community has the duty to provide assistance to the State when requested, but it also has the obligation to do so in cases where the State fails or refuses to protect its population. Measures to be taken by the international community may include public statements expressing concern at the deteriorating situation and reminding the State about its responsibility to protect; the participation in, or conduct of, mediation efforts to reach a political settlement ensuring power sharing; the establishment of international fact-finding missions and accountability mechanisms; the promotion of the reconciliation process; analyses about the root causes of the conflict, as well as the formulation of concrete recommendations aimed at preventing the resurgence of violence among certain groups of the population.

Before conflict

65. In order to prevent the eruption of a conflict, it is of utmost importance to identify early warning signs to help recognize and acknowledge situations which might lead to conflict. In this regard, the Special Rapporteur recommends that all relevant stakeholders give due attention to and closely monitor the issues discussed in chapter II, such as the way in which the concept of national identity is debated within a given country, the presence of socio-economic discrimination against members of specific groups of the population, as well as political manipulation of racist or nationalist ideology. All of these issues, if unaddressed or dealt with in an inappropriate manner, might contribute to tensions and eventually to conflict.

66. While the debates surrounding the concept of so-called “national identity” may focus on how to provide individuals and groups of individuals with a sense of belonging, which helps to build a cohesive nation with shared values and ideals, it should not be used as a tool to create artificial differences among some groups of the population. In the current context of globalization, migration and multiculturalism, the Special Rapporteur recommends that the concept of national identity be handled in an inclusive manner so as to allow individuals who do not identify with, for instance, cultural or historical elements of a given country, to nonetheless get a sense of belonging and avoid being treated as the outsiders. Moreover, the Special Rapporteur recommends that State actors and non-State actors ensure that any debate on national identity follows a participatory approach in order to enable meaningful participation of civil society. Such debate should also take into account the multiplicity of identities of each individual and therefore avoid the trap of defining identity by relying on the grounds of one sole element, such as ethnicity or nationality.

67. Discriminatory socio-economic practices targeting members of specific groups of the population may, in the long term, contribute to the triggering of conflict along group lines. The Special Rapporteur believes that one effective way to prevent and address the eruption of a conflict is to ensure the equality of all individuals and equal

access to economic, social and cultural rights for all individuals within the State's territory and subject to its jurisdiction. In this regard, he recommends that State actors take all necessary measures to prevent, prohibit, sanction and offer compensation for socio-economic discriminatory practices targeting certain groups of individuals. While legislative measures are indispensable to counter socio-economic discrimination, affirmative action, education, effective administration of justice and the existence of accessible and effective remedies are also needed to complement legislative measures.

68. Political manipulation of racist or nationalist ideology fosters ethnic enmity and is therefore a significant factor contributing to the triggering of conflict. The effectiveness of such political manipulation depends however on a number of structural conditions, such as unmet human development needs, the socio-economic deprivation of some groups relative to others and the absence or weakness of the rule of law and democratic structures. The degree of representativeness of all groups of the population in political institutions and the role of the media are also essential in this regard. Therefore the Special Rapporteur recommends that State actors ensure that minorities are adequately represented in all areas of public life, including in State institutions. He also cautions against the concentration of media ownership by the State and recommends that the media, when reporting on different groups, do so in a way that fosters a better understanding of the groups. He strongly calls upon the media to disengage from negative stereotypes of individuals and groups and incitement to hatred.

69. The Special Rapporteur is conscious that other issues may also contribute to the triggering of conflict. As such, he refers to the list of key indicators developed by the Committee on the Elimination of Racial Discrimination (CERD/C/67/1) in order to assess the existence of factors known to be important components of situations leading to conflict and genocide. Such indicators have to a certain extent been addressed in this report and include, *inter alia*, the systematic exclusion — in law or in fact — of groups from positions of power, employment in State institutions and key professions such as teaching, the judiciary and the police; grossly biased versions of historical events in school textbooks and other educational materials as well as the celebration of historical events that exacerbate tensions between groups and peoples; systematic and widespread use and acceptance of speech or propaganda promoting hatred and/or inciting violence against minority groups, particularly in the media; and significant disparities in socio-economic indicators evidencing a pattern of serious racial discrimination.

70. In addition, the Special Rapporteur also refers to the Analysis Framework of the Special Adviser of the Secretary-General on the Prevention of Genocide.²² The Framework may be used as a guide to monitor and assess the risk of genocide in any given situation. Issues to be analysed in order to determine such a risk include, *inter alia*, inter-group relations, including records of discrimination and/or other human rights violations committed against a group; circumstances that affect the capacity to prevent genocide, such as the absence of an independent judiciary or an independent media; acts which serve to encourage divisions between national, racial, ethnic and religious groups; circumstances that facilitate the perpetration of genocide, such as the sudden increase in inflammatory rhetoric or hate propaganda, especially by leaders, that sets a tone of impunity; and triggering factors such as a change of

²² See footnote 5 above.

Government outside of an electoral or constitutionally sanctioned process or instances where the military is deployed internally to act against civilians.

During a conflict

71. Hate speech based on racist ideology tends to create a culture of victimization and to dehumanize certain categories of persons believed to be less equal. In situations of conflict, victimization and dehumanization may become effective tools to incite people to commit acts of violence, including killings, against specific individuals and groups of individuals. The Special Rapporteur therefore calls upon States parties to the International Convention on the Elimination of All Forms of Racial Discrimination and to the International Covenant on Civil and Political Rights to fully comply with their international obligations, in particular with article 4 of the former and article 20 of the latter, and recalls that such obligations remain applicable in times of conflict.

After a conflict

72. Post-conflict situations often breed fragility, fear and mistrust. In order to ensure lasting and sustainable peace and reconciliation, it is essential to ensure that the root causes of a conflict be appropriately addressed to avoid the resurgence of tensions and violence. The Special Rapporteur therefore recommends that human rights, including issues related to racism, racial discrimination, xenophobia and related intolerance, be systematically and fully integrated in all peace processes, in particular in peace agreements and mandates establishing United Nations missions. In addition, he recommends that the impact on human rights of all measures taken in the framework of peace processes be thoroughly assessed.

73. Addressing racism, racial discrimination, xenophobia and related intolerance in an adequate manner contributes to the success of the peace process following a conflict. Thus, the Special Rapporteur recommends that relevant stakeholders, in particular States and the international community, acknowledge and address the ethnic or racial dimensions of ethnic conflicts. Doing so will help to frame appropriate solutions to the conflict and establish a clear mandate for those in charge of monitoring or contributing to the implementation of related peace agreements.

74. The Special Rapporteur recommends that human rights violations committed during a conflict, including racial discrimination, be recognized and addressed adequately in order to ensure sustainable peace. In particular, it is of utmost importance to give prominent attention to the suffering of victims to allow for genuine reconciliation.

75. Given the volatility of a post-conflict situation, the Special Rapporteur recommends that relevant stakeholders remain vigilant vis-à-vis renewed incitement to violence or hatred, in particular with regard to the adverse consequences of hate speech based on racist ideology.

76. In order to avoid the resurgence of tensions, the Special Rapporteur recommends that, following a conflict, the participation of all stakeholders, including in any dialogue, be strongly encouraged and supported in order to consolidate the often fragile peace existing in a post-conflict situation. In this regard, it is of utmost importance to persuade the “winner” of the conflict, if any, about the necessity for the peace process to be as participatory and open as possible. Consolidating democracy, the rule of law and democratic governance are essential in order to reconstitute the fabric of society on solid grounds. Should that not be the case, tensions may arise and lay the ground for racism, racial discrimination, xenophobia and related intolerance to become deeply entrenched within society.