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Recognising and preventing neo-racism

Report[1]
Committee on Equality and Non-Discrimination
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Summary

In Europe, we are witnessing a rising tide of racism, xenophobia and intolerance in various forms, which particularly affects immigrants, Muslims, Jews and Roma. At least two principal factors appear to have exacerbated this phenomenon: firstly, the economic crisis of recent years, and secondly, the geopolitical instability of certain countries in North Africa and the Middle East.

Racism currently manifests itself in new forms and does not necessarily adhere to the concept of a hierarchy of "races". What can be observed is often a "race-less racism" based on the premise that cultural differences are irreducible. Contemporary racism may be more subtle, but it is as pernicious as traditional racism, since its aim and effects are the same: it purports to explain and legitimise discriminatory types of behaviour or speech and helps to fuel them.

Hate speech, increasingly widespread, especially in the political sphere and on the Internet, is also a reason for concern. Politicians should be aware of the effect of their words on public opinion and should refrain from using any forms of discriminatory, insulting or aggressive language about groups or categories of people.

As racism is a complex phenomenon and entails multiple factors, the battle against it must be fought on multiple fronts. In addition to legal instruments designed to prohibit and punish all expressions of racism, including hate speech, we must fight intolerance using cultural and social instruments. Education and information must play a crucial part in training the public to respect ethnic, cultural and religious diversity. Solidarity with the groups which are victims of racism and targets of hate speech, and between these groups, contributes significantly to countering racism and discrimination in all their forms.

1. Reference to committee: Doc. 13440, Reference 4049 of 23 June 2014.

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A. Draft resolution[2]

1. An disturbing rise in racism, xenophobia and intolerance has been apparent for some years now in Europe. Those affected include migrants and asylum seekers, Jews, Muslims and Roma, Sinti and Travellers, and the reason is a supposed incompatibility between groups of different origins on cultural and religious grounds. Along with traditional racism, there is also a "race-less racism" which is equally damaging because it tends to justify discrimination against certain groups and individuals.

2. Europe must not underestimate the dangers of racism, nor must it forget the lessons of history. Historical memory must help us understand that stigmatising prejudice, social exclusion, deprivation of rights, humiliation and segregation are never harmless.

3. The Parliamentary Assembly therefore urges national authorities and civil society to be extremely vigilant. Preventing and combating racism, intolerance and xenophobia should be a priority for the member States of the Council of Europe.

4. The Assembly is also concerned about the growing dissemination of hate speech, especially in the political sphere and on the Internet, and at the emergence of overtly anti-migrant political parties and populist movements in a number of member States. Politicians should be aware of the effect of their words on public opinion and should refrain from using any forms of discriminatory, insulting or aggressive language about groups or categories of people. They should also base their statements about immigration and asylum, and about intercultural relations, on objective facts.

5. Racism is a complex phenomenon. It entails multiple factors and the battle against it must be fought on multiple fronts. In addition to legal instruments designed to prohibit and punish all expressions of racism, including hate speech, we must fight intolerance using cultural and social instruments. Education and information must play a crucial part in training the public to respect ethnic, cultural and religious diversity.

6. In the light of these considerations, the Assembly calls on the member States of the Council of Europe:

6.1. regarding civil society and dialogue between communities, to:

6.1.1. promote the role of civil society, in particular organisations representing the groups which are the victims of racism or the targets of hate speech, as counterparts of the public authorities to co-operate in the implementation of policies to counter discrimination, hostility and prejudice;

6.1.2. encourage exchanges between groups which are the victims of racism or the targets of hate speech, in particular in the form of joint projects developed with the aim of consolidating social ties and promoting inter-community solidarity and the fight against all forms of discrimination;

6.2. regarding the legal framework for combating racism and intolerance, and its implementation, to:

6.2.1. ensure that the legal framework on hate speech and hate crime includes the broadest possible range of grounds of discrimination, including "race", colour, ethnicity, language, religion, disability, migrant status, sex, sexual orientation and gender identity;

6.2.2. if they have not already done so, sign and/or ratify Protocol No. 12 to the European Convention on Human Rights (ETS No. 177) and the Additional Protocol to the Convention on Cybercrime concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (ETS No. 189);

6.3. regarding racist statements and hate speech, to:

6.3.1. introduce into the rules of procedure of national parliaments, of the organs of local and regional authorities and of political parties rules banning racist remarks and hate speech and providing for adequate penalties where those rules are breached;

6.3.2. encourage Internet service providers and social networks to follow up on complaints and to adopt guidelines to prevent the propagation of racist remarks and hate speech, containing clear criteria to determine which content should be deleted and to reinforce co-operation between these parties and the law enforcement authorities so that the authors of racist remarks and hate speech can be identified and prosecuted;

2. Draft resolution adopted by the committee on 1 June 2015.

6.3.3. encourage citizens to report racist statements and hate speech to public bodies and non-governmental organisations involved in the fight against racism and discrimination;

6.3.4. promote the activity of on-line moderators and mediators who endeavour to identify offensive content and engage in a dialogue with perpetrators for preventive purposes;

6.3.5. encourage the media to use wording that is factually correct, by providing them with appropriate data and statistics;

6.3.6. promote research into the prevalence of hate speech, its causes and the impact of campaigns against it;

6.4. regarding education and training, to:

6.4.1. train teachers in intercultural education, providing them with tools for understanding the current evolution of racism in its various forms, such as anti-Semitism, Islamophobia, xenophobia and anti-Gypsyism;

6.4.2. reform citizenship education curricula on the basis of an intercultural approach, in conformity with the guidelines contained in the Council of Europe White paper on intercultural dialogue “Living together as equals in dignity”;

6.4.3. encourage exchanges and periods of living and studying abroad;

6.4.4. promote the remembrance of historical instances of racism and intolerance, in particular through the teaching of history and the dynamics which make discrimination develop into institutionalised violence;

6.4.5. promote training and awareness-raising activities for adults in the fields of democratic citizenship and human rights, based on an intercultural approach, by means of campaigns and educational initiatives;

6.5. regarding political communication, to:

6.5.1. improve communication concerning migration and asylum issues so as to give citizens and non-citizens, including groups which victims of discrimination and hate speech, accurate and impartial information on migration and asylum flows and on the applicable legislation;

6.5.2. establish parliamentary networks against racism in national parliaments to ensure that politicians react to instances of racism and intolerance;

6.6. regarding criminal justice, to:

6.6.1. ensure that discriminatory acts and statements and hate crimes are more systematically reported, by devising incentives which will strengthen confidence in the authorities and especially the police;

6.6.2. promote restorative justice, in particular in the form of mediation between the perpetrators and the victims of hate speech and other racist acts, on the basis of free choice by the persons concerned;

6.6.3. promote the educational aspect of criminal penalties, ensuring that persons convicted of racist acts or statements are given access to awareness-raising and training activities and to appropriate information.

B. Explanatory memorandum by Ms Santerini, rapporteur

1. Introduction

1. At the official launch of the No Hate Parliamentary Alliance in Strasbourg on 29 January 2015, Mr Maurice Sosnowski, Chairperson of the Coordinating Committee of Belgian Jewish Organisations, urged people to "call things by their name". He was sounding a warning against the risk of underestimating the growing number of instances of anti-Semitism in Europe. This report in fact stems from a commitment to making an appeal for vigilance regarding all manifestations of racism and intolerance, regardless of their target groups or the forms they take. Modern-day racism shows itself in a new and different light from "traditional" racism, but it is just as harmful.

2. As Zeid Ra'ad Al Hussein, United Nations High Commissioner for Human Rights, pointed out, "Discrimination, distinction, exclusion and marginalisation on several grounds threaten the peacefulness and stability of societies. They infringe the enjoyment of civil and political rights, and impede the realisation of economic, social and cultural rights. … The contemporary manifestations of racism undermine social cohesion and progress, sometimes to the extent that these are destroyed".[3]

3. In Europe, we are witnessing a rising tide of intolerance in various forms and increasing rejection of others at an ethnic and cultural level. At least two principal factors appear to have exacerbated this phenomenon, which especially concerns immigrants, Muslims, Jews and Roma: firstly the economic crisis of recent years and secondly the geopolitical instability of certain countries in North Africa and the Middle East. The crises in Libya and Syria have, in particular, helped to engender often irrational fears of an "invasion" of migrants and asylum seekers in Europe.

4. I wish to underline that defining the groups which are targeted by prejudice as separate communities aims in fact to create a fictitious "otherness" to a supposed majority population. In fact, within these groups each individual is different and is often defined by social and economic differences more significantly than by ethnic, religious or cultural ones. Therefore we shall use the terms anti-Semitism, Islamophobia or racism not as a confirmation of the existence of separate homogeneous groups or communities but only to relate more accurately the phenomena of intolerance and prejudice which they face.

5. Today we are also seeing a "freeing of speech". A simplistic, discriminatory, insulting and often aggressive form of language is being used in public debate on important themes such as migration policies and the situation of asylum seekers. The 2013 report by the French National Consultative Committee on Human Rights speaks of "shameless racism",[4] contradicting and nullifying the humanist message of human rights and equality.

6. The popularity of openly anti-migrant populist political parties in several Council of Europe member States demonstrates that their rhetoric is henceforth considered as acceptable, even desirable, by part of the population. The manipulation of fallacies about immigration and religious practices in the statements made by politicians is helping ensure their further dissemination and trivialisation. We should be watchful in order to recognise and condemn as far as possible racist and neo-racist utterances.

7. With this report, my aim is to study current forms of racism, in particular what could be termed "cultural racism", so as to see what action to prevent and combat them could be taken by our national parliaments, the Parliamentary Assembly and the Council of Europe in general. Given the prejudice and the growing hostility towards all those regarded as different from the majority, I also wish this report to be a means of celebrating cultural diversity and ways of living together within our continent.

8. Racism has been addressed on many occasions by the Parliamentary Assembly, most recently in the reports by Mr Jonas Gunnarsson (Sweden, SOC), "A strategy to prevent racism and intolerance in Europe",[5] Ms Marietta de Pourbaix-Lundin (Sweden, EPP/CD), "Counteraction to manifestations of neo-Nazism",[6] and Mr David Davies (United Kingdom, EC), "Tackling racism in the police".[7] My objective here is to continue the important work done by my predecessors, focusing in particular on the need to recognise racism in all its

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3. Statement by Mr Zeid Ra'ad Al Hussein, United Nations High Commissioner for Human Rights, 6th session of the Ad Hoc Committee on the Elaboration of Complementary Standards, Geneva, 7 October 2014.
4. National Consultative Commission on Human Rights (CNCDH), *La lutte contre le racisme, l'antisémitisme et la xénophobie – Année 2013*, La documentation française, Paris, 2014.
5. Doc. 13385.
6. Doc. 13593.
7. Doc. 13384.

forms. Even when it is hypocritically "disguised" as defence of cultural traditions, or when it abuses fundamental freedoms by misusing freedom of expression so as to proffer insults and propagate prejudice, racism can be acknowledged for what it is. Recognising it is indeed necessary if it is to be combated in an effective manner.

2. Recognising the various forms of racism

9. I first feel it essential to describe the current forms of racism. "Traditional racism", termed "biological racism" or "open racism", propounds the existence of a hierarchy of different races or the inferiority of certain groups to others. Nowadays, it is no longer a matter of asserting the superiority of one "race" over another. Since science has refuted the very concept of "race", very frequently what can be observed is a "race-less racism" based on the premise that cultural differences are irreducible.[8] This form of racism sets civilisations and cultures against each other and leads to an intensification of intolerance and to cultural isolationism. According to Pierre-André Taguieff, a French sociologist and political scientist, rejection may be typically founded on physical appearance, especially skin colour, but today tends to emphasise cultural features, first and foremost religion.

10. Racism seems to have acquired a cultural complexion: the idea of a "hierarchy of cultures" would seem to be replacing that of a "hierarchy of races". Today's racism may be a more subtle phenomenon than traditional racism, which claimed to be "scientific", but its aim and effects are the same: it purports to explain and legitimise discriminatory types of behaviour or speech and helps to fuel them. Countering these forms of discrimination may be difficult since the fact they are less ideologically defined makes them more difficult to identify.

11. At a hearing of the Committee on Equality and Non-Discrimination on 21 April 2015, Mr Jean-Paul Lehners, a member of the European Commission Against Racism and Intolerance, agreed that neo-racism or cultural racism was based on precepts that were often similar to those underlying biological racism, which had not disappeared, for example an insistence on differences, perfection through homogeneity, the superiority of the "white" civilisation, plus the creation of scapegoats, accusations of supposed parasitism and an exaggeration of the growth in the number of foreigners in the population. Mr Lehners added that globalisation, which brought everyone greater exposure to things and people that were "different", was often accompanied by a measure of withdrawal or even the building of a kind of "homeland" or "cradle" (the German idea of *Heimat*), from which people regarded as different are excluded.

12. The sociologist Michel Wieviorka, who uses the expression "neo-racism", associates the debate on neo-racism with the question of multiculturalism. "It was central to the racism known as 'differentialist' for blacks in the United States to be accused of cultural hostility to the American creed, or certain minorities of migrant origin in France of being irreconcilably different and utterly incapable of adapting to the host society, whereas their members, while being eager to integrate, were above all victims of exclusion and racist rejection".[9]

13. Some people perceive the diversity of cultures, lifestyles, customs and beliefs as insurmountable obstacles to the success of living together. Those concerned present the different cultures as being in opposition and regard "living together" as a utopian idea. Some people therefore consider it preferable to live in separate groups rather than reinforcing social cohesion through intercultural exchanges. This approach is propounded by many populist politicians, who help to make it popular with a growing number of people. It leads to the exclusion of all those perceived as different: if we are ready to "call things by their name" it must be acknowledged that this is a racist idea.

14. This concept can take the form of radical ethnocentrism, consisting in assessing or judging other groups by one's own, which is deemed perfect. It can entail the rejection of any culture different from one's own or the forced assimilation of its members. This phenomenon results in prejudice against others, particularly migrants, and can be seen to be on the rise in a number of Council of Europe member States.

15. The discourse of cultural racism is tending to become commonplace and racist prejudices are becoming the norm. This trend is leading to acceptance of discrimination towards certain groups or minorities among large sections of the population. It influences attitudes, gradually renders these statements more acceptable, or at all events leads to less public condemnation. Moreover, very often, those who make racist

8. E. Balibar, *La construction du racisme, Presses Universitaires de France,* Actuel Marx, 2005/2, No. 38.
9. M. Wieviorka, Le multiculturalisme, un concept à reconstruire, Université Paris 1 Panthéon-Sorbonne, 26 February 2009.

statements do not consider themselves to be racist individuals and do not wish to be described as such. The notorious phrase "I'm not racist, but…" might indeed be regarded as a modern-day racist's slogan. The increasingly widespread acceptance of such discourse can also be reflected in a lack of sensitivity to discrimination against certain groups, and even to the belief that a particular group is favoured or privileged in relation to others.

16. The expression "cultural racism" is also questionable, since the inclusion of the term "race" is in contradiction with its definition. I have several times asked my contacts (members of the committee, guest experts attending our meetings, representatives of the authorities and of civil society during my visit to Germany) whether it is still appropriate to use the term "racist", and if not, by what should be it replaced? It turns out to be difficult to find a substitute term. On one hand, "race-less racism" is a contradiction in terms, and from a doctrinal standpoint is not entirely appropriate to describe what we are talking about. On the other hand, the word is widely used and, more than any other alternative, meets with immediate repugnance and condemnation. If our objective is to prevent and fight against intolerance and discrimination on grounds of geographical origin, ethnic background, membership of a national minority or migrant or asylum-seeker status, the term "racism" is probably, from a political point of view, the most comprehensible to describe these phenomena.

17. However, I will use the word "race" only between inverted commas. I welcome the Swedish government's initiative of announcing, in 2014, that it wished to obliterate the word from its legislation, so as not to support with its legal provisions what it regards as a social construct.[10] Far from being a question of pure form, this decision is dictated by reasons we cannot but subscribe to. The removal of the word "race" from the French Constitution was also discussed during the most recent presidential election campaign, but no follow-up has been given to this debate for the time being.

18. Present-day racism can therefore take a number of forms, all of which require an appropriate response. Rejection and ongoing prejudice are particularly marked with regard to Roma,[11] Jews and Muslims or persons perceived as such. I will focus more particularly on these groups in this report.

19. Over recent years we have indeed witnessed growth in anti-Semitism. Claims that persons of the Jewish faith control the media and finance nurture a climate of intolerance towards this community. The European Union Agency for Fundamental Rights carried out a survey of 5 847 persons of the Jewish faith in eight European Union member States (Belgium, France, Germany, Hungary, Italy, Latvia, Sweden and the United Kingdom) in 2012. Its results are worrying: 21% of those questioned replied that they had experienced an anti-Semitic incident (verbal insult, harassment or physical assault) over the 12 months preceding the survey[12] and 76% considered that anti-Semitism had increased in the last five years.

20. As regards Muslims, the Belgian philosopher Edouard Delruelle contends that it is possible to speak of an anti-Muslim racism, which "clouds the reality of Islam, … so that the Muslim is perceived as an invader, a threat to our 'civilisation' via the myth of an Islamic takeover of Europe".[13] These arguments are increasingly prevalent in the media and in political discourse. In France, a significant increase in acts which are hostile to Muslims was noted following the attacks perpetrated in Paris in January 2015. Between 7 January, the date of the attack on the satirical newspaper *Charlie Hebdo*, and 20 January, 128 anti-Muslim acts were recorded, that is virtually the same number over two weeks as occurred in the full twelve months of 2014. They mainly concerned making threats or proffering insults, but also attacks, against mosques in particular. The National Islamophobia Observatory, which is part of the French Council for Muslim Worship, pointed out that the 2014 figures showing a 41% decrease in anti-Muslim acts "failed to reflect reality, since many Muslims do not systematically complain of xenophobic acts perpetrated against them as they are convinced that there will be no follow-up, which is, alas, very often the case".[14]

21. Prejudice against Roma is also extremely widespread in most Council of Europe member States. Their lifestyle is contested, and some people regard the award of financial assistance to develop encampment areas for them as a waste of public funds, to the detriment of the local population's welfare. Racist,

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10. S. Rundquist, "Race to be scrapped from Swedish legislation", *The Local* (Sweden), 31 July 2014.
11. The term "Roma" used at the Council of Europe refers to Roma, Sinti, Kale and related groups in Europe, including Travellers and the eastern groups (Dom and Lom), and covers the wide diversity of the groups concerned, including persons who identify themselves as Gypsies.
12. European Union Agency for Fundamental Rights, Anti-Semitism – Summary overview of the situation in the EU 2003-2013, Vienna, 2014.
13. E. Delruelle, Racisme et anti-racisme chez Etienne Balibar, Université de Liège, http://edouard-delruelle.be/racisme-antiracisme-chez-etienne-balibar/.
14. "Presque autant d'actes antimusulmans recensés en 2015 que sur toute l'année 2014", *Le Monde*, 23 January 2015.

discriminatory talk about Roma may lead to acts of violence. Waiting to react until it is too late is not the solution, instead we should summon up our energy to wage an effective fight against this long-standing discrimination. Priority should be given to proactive measures to promote social inclusion and respect of the cultural identity.

22. Since cultural racism portrays lifestyles or traditions as incompatible, a possible outcome may be advocacy of forced assimilation. As cultures are made out to be incompatible, the only way to ensure their peaceful coexistence would be the assimilation of any different culture into the dominant culture. I wish to condemn this phenomenon and to assert that we must continue relentlessly to promote cohesion and respect for human rights. Europe's future lies in the diversity of its faces, languages and cultures. This requires respect for the rights and the identities of everyone.

3. Preventing and combating cultural racism

23. The spread of cultural racism is not inevitable. We have relevant national and international legal instruments to guard against and combat this phenomenon. I also consider that politicians and those active in the educational sphere have a very important role to play here.

3.1. International legal instruments

24. The International Convention on the Elimination of All Forms of Racial Discrimination (1965) emphasises the concept of "race" and calls upon States to condemn racial discrimination which "shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life." (Article 1).

25. At regional level, Article 14 of the European Convention on Human Rights (ETS No. 5, "the Convention") (Prohibition of discrimination) seems of particular relevance to the fight against cultural racism: "The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status." This article of the Convention gives us a firm basis for combating racism, including in its most recent forms. In addition, the Convention was supplemented, in 2000, by Protocol No.12 (ETS No.177) establishing a general ban on discrimination. While the Convention has been ratified by all member States, only 18 have become Parties to Protocol No. 12. I call on all the member States to ratify it without delay.

26. According to the report "Digital Terrorism and Hate Crime" by the Simon Wiesenthal Centre in Los Angeles, in 2013 there were some 20 000 racist sites in cyberspace, an increase of 30% over 2012. The use of computer resources gives racism a semblance of modernity and aids its propagation by making it socially acceptable. Certain social networks are liable to break down the defences created by society against traditional "scientific" racism, and weaken resistance to it.

27. The States of Europe have gradually equipped themselves with legal instruments for fighting cybercrime and hate speech. Several member States, however, have yet to ratify the Additional Protocol to the Council of Europe Convention on Cybercrime concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (ETS No. 189). I urge them to do so.

3.2. Freedom of expression and hate speech

28. Cultural racism helps to generate a climate of hostility towards a section of the population. It cannot always be qualified as a criminal offence and is not necessarily punishable by law. A clear distinction needs to be drawn between the affirmation of legitimate freedom of expression and discriminatory speech. Freedom of expression should be limited by personal responsibility and cannot be used to offend, especially when the balance of power is unequal. As Christian Salmon writes, "cultures and languages do not compete on an equal footing … The war of narratives is asymmetrical".[15]

15. "L'affaire Charlie, déconstruire 'l'esprit du 11 janvier'!", 10 May 2015, le blog de C. Salmon, *Mediapart*.

29. For many years the Council of Europe has been engaged in combating hate speech, which it defines as follows: "all forms of expression which spread, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance, including: intolerance expressed by aggressive nationalism and ethnocentrism, discrimination and hostility against minorities, migrants and people of immigrant origin".[16]

30. Hate speech is particularly widespread on social media in the form of words, comments or images which tend to become commonplace and take advantage of anonymity and of a presumed complicity of the web. Many users believe that these networks are the expression of the majority of people and feel that they are authorised to attack minorities. Internet service providers as well as bloggers should not simply use automatic systems to suppress hate content coming from "trolls" (those who participate in Internet discussion fora with the sole aim of creating controversy). They should also create techniques that may distinguish emotional content within discourse and identify those which should be challenged, and possibly deleted.

31. Recently, in Italy, a large number of comments welcoming the suicide of an imprisoned Romanian citizen were posted on the Facebook page of one of the police trade unions. The Justice Minister opened an investigation, and several members of parliament denounced the serious nature of these acts. However, an Italian MEP in turn made xenophobic statements asserting that the death of a Romanian prisoner was not a problem and expressing the hope that Romanians would return home en masse. This episode brings together all the elements of the vicious cycle of hate speech: intolerance towards migrants and foreigners, use of social media to propagate and multiply the message of hate, repetition of the same message by a political figure who exploits the basest sentiments of a section of the population so as to gain more exposure.

32. A large number of Council of Europe member States criminalise hate speech. The sentences imposed under national law vary, but the definition of the offence is relatively uniform: in the majority of cases it concerns public statements which threaten, hold up to ridicule, deride or incite hatred against a group on grounds of "race", skin colour, ethnic or national origin, religion or sexual orientation.

33. These legal standards testify to European lawmakers' desire to combat hate speech and undoubtedly serve a useful role. However, they have certain drawbacks, chiefly the difficulty in applying them in practice. The legal definition of the facts often poses problems: the court must determine whether the impugned comments fall within or exceed the acceptable limits of freedom of expression. This assessment is frequently not at all easy, and no objective, unambiguous criteria have been identified. This difficulty was highlighted recently in Germany, after the Central Council of German Sinti and Roma objected to an NPD election slogan which read ("Money for Granny, not for Sinti and Roma"). The Council lost because the court ruled that these words did not constitute incitement to hatred.[17]

34. The meeting of the No Hate Parliamentary Alliance on 19 March 2015 offered us an opportunity for further discussion of this important theme. Nicolas Hervieu, a researcher invited to participate in a hearing by the Alliance, described the "dilemma" which hate speech often poses for democracies: on the one hand, they must defend the values on which their very existence is founded, such as fundamental freedoms, while on the other, they must defend themselves against enemies that threaten their survival. As a result they are constantly treading a fine line between openness (freedom, particularly freedom of speech) and closure, that is to say restrictions of freedom for reasons of self-defence, to enable democracy to stand up to its enemies. This tension is justified by what is at stake: freedom of expression is a pillar of democracy, but its abuse – its use to disseminate hatred – undermines peaceful coexistence among citizens and ultimately democracy itself.

35. The case law of the European Court of Human Rights offers two possible approaches. In some cases, the Court has adopted a more liberal approach, tolerating all kinds of rhetoric in the name of democratic openness. The purpose of this approach is to allow any theme, even one that is potentially shocking or offensive, to be debated in the public arena on condition that it is not a call or incitement to violence. In other cases it took a restrictive approach, outlawing remarks that offended against the sentiments of a segment of the population or undermined the founding principles of democracy and human rights. This is the case with Holocaust denial or Islamophobic or anti-Semitic discourse.

16. Committee of Ministers Recommendation No. (97) 20 on "hate speech".

17. Kassel Administrative Court, decision of 9 September 2013 – 4 L 1117/13.KS – "Der Wahlwerbeslogan 'Geld für die Oma statt für Sinti und Roma' unterfällt der Meinungsfreiheit".

36. The difference in approach between judgments is clear and the judges acknowledge that it is difficult to identify a single solution. The Court will have the opportunity to clarify its case law when giving its decision, due in 2015, in the case of *Perinçek v. Switzerland*, which is currently pending before the Grand Chamber. This case concerns the criminal conviction of a Turkish politician for publicly denying, in Switzerland, the existence of the Armenian genocide.

37. In view of the importance of the values at stake, it is easy to understand the difficulty in identifying a single criterion applicable in all cases. Allowing judges a degree of discretion is probably the only viable way of dealing with these matters. It should nonetheless be noted that, from the standpoint of protection of human rights, guaranteeing freedom of expression should be the rule, and restricting it the exception. As Mr Hervieu pointed out, an interesting criterion is to analyse the true intent of the author of the remarks. Apart from the form – political speech, comedy show, press article – when there are several indications that the aim is to insult, humiliate or discredit a category of persons, or an individual on the basis of his/her membership of this category, it can be concluded that the remarks are likely to encourage discrimination and exclusion. In that case, freedom of expression can scarcely be relied on to justify the remarks, which are quite simply hate speech.

38. A more general disadvantage of criminalising hate speech is that such measures can do little to prevent it. Although all criminal law provisions are aimed at both preventing and punishing, there is a need to identify other means, in addition to criminal law, which act at a different, more appropriate level, that of people's attitudes. Since the problem of racism and hate speech is highly cultural in nature, as I have attempted to explain in this report, activities aimed at preventing and combating it should firstly make use of cultural instruments.

39. In the case of hate speech, even more than in other contexts, restorative justice can constitute a very promising alternative or supplementary measure to traditional criminal law measures based on sanctions.[18] This type of justice proposes new practices, in particular mediation, involving the offenders, the victims and other members of the group or category targeted by the acts of hatred. They are asked to determine the consequences of the act and to come up with a form of reparation.

40. The Council of Europe has long recognised the usefulness of restorative justice, particularly in the form of mediation. Recommendation No. R (99) 19 of the Committee of Ministers concerning mediation in penal matters, which applies to "any process whereby the victim and the offender are enabled, if they freely consent, to participate actively in the resolution of matters arising from the crime through the help of an impartial third party (mediator)", states, amongst other things, that mediation in criminal matters should be a generally available service and that it should be available at all stages of the criminal justice process.

41. In the case of hate speech, where the offence is committed through words, the reparation should, in my opinion, ideally take place through words. Mediation is particularly relevant, as hate speech within the social media often occurs without any direct personal contact between the offender and the victim. A meeting between these two parties, facilitated by a mediator, gives the offender an opportunity to become aware of his/her actions and their impact. But the mechanism is limited by the fact that people often post anonymously on social networks, which can make it hard to identify those engaging in hate speech.

42. In February 2015, the French National Consultative Committee on Human Rights (CNCDH) published an opinion on "combating hate speech on the Internet". When she presented the opinion, the Chair of the CNCDH, Christine Lazerges, rightly regretted the fact that "the worrying proliferation of hate speech on the Internet contrasts with the ineffectiveness of the policies and resources implemented in this field". Among the principal recommendations made in this opinion, I would mention here the adoption of a "national action plan on digital education and citizenship, including the development and dissemination of counter-speech". I consider the latter concept, entailing communication aimed at countering the stereotypes and untruths propagated by the authors of hate speech, to be of key importance. It requires close co-operation between the public authorities and cultural players, the press and social networks. Careful consideration should be given to its content, so as to guarantee maximum effectiveness. A positive example of awareness-raising activity is the campaign "Even words can kill", launched by several newspapers and supported by both chambers of the Italian Parliament. The campaign, based on images showing offensive words as bullets perforating the head of their targets, aims to show how hate speech may have severe, even deadly consequences.

18. C. Mazzucato, *Offese alla libertà religiosa e scelte di criminalizzazione, in Religione e religioni: prospettive di tutela, tutela della libertà*, Giappichelli, Turin, 2007.

43. The Council of Europe's commitment to combating hate speech has, in recent years, led to a campaign, the "No Hate Speech Movement". This campaign is targeted specifically at hate speech on the Internet and focuses in particular on young people, who make considerable use of social networks and are often the victims of hate speech. While being direct victims when they are targeted in person, young people can also be indirect victims of hate speech, since they grow up and forge their personalities in a cultural environment polluted by untrue, discriminatory and aggressive postings.

44. The campaign's national co-ordinators in Norway, Poland and Spain, who spoke at the meeting of the No Hate Parliamentary Alliance held on 19 March 2015, showed that the activities implemented in Council of Europe member States can involve large numbers of citizens and catalyse the public authorities' efforts, giving them a significant impact. The Alliance, which was set up, among other reasons, to ensure parliamentary support for this campaign, should resolutely pursue this co-operation.

45. I wish to point out that, among the tools and materials developed as part of this campaign, the Council of Europe has published "Bookmarks", a manual designed for use by educators which sets out educational activities devised for groups of young people aged between 13 and 18. I regard this as a particularly effective initiative, which should become more widespread, especially through the translation of this manual into a greater number of languages. I propose that the members of the No Hate Parliamentary Alliance encourage their national authorities to do this. I myself requested the support of my national delegation to the Parliamentary Assembly, and the manual was recently translated and published in Italian.

46. I would also mention, as one of the measures to be taken, the need for self-regulation on the part of Internet service providers so that they not only ban and punish discriminatory postings on social networks, but also proactively remove them. I am convinced that while the general public and institutions need to be actively vigilant, it is essential to have the co-operation and involvement of the Internet operators.

3.3. Responsibility of the political community

47. Politicians should take the lead in preventing and combating racism, including cultural racism. I consequently welcome the launch of the No Hate Parliamentary Alliance, a new body within the Parliamentary Assembly which is a discussion forum on racism and intolerance, able to pass on its recommendations to the parliaments of the 47 Council of Europe member States. Similar groupings should be formed within the national parliaments. Politicians' engagement against racism, which we all too often take for granted, needs to be more forceful and more visible.

48. I also welcome the adoption by 17 European Union ministers of the Rome Declaration for a Europe of diversity and anti-racism, which states that "[p]olitical leaders must be models of unity, acceptance of diversity and tolerance and not actors of division and intolerance".[19] This initiative was launched by the Deputy Prime Minister and Minister of the Interior and Equal Opportunities of Belgium, Joëlle Milquet, in response to the insults directed by several political representatives at the Italian Minister for Integration, Cécile Kyenge, who was called an "orang-utan" by one MP and has been a victim of other clearly racist acts when participating in public events.

49. These appalling events show that hate speech of a racist nature sometimes infiltrates the discourse of political representatives, who should be the first to oppose it. I consider that the solidarity shown by many European countries' senior institutional representatives is the most appropriate reaction in the face of such manifestations of intolerance, which must be firmly rejected. I am convinced that political parties too must react to this kind of thing by imposing penalties when the offenders are their own members.

3.4. Intercultural competences and history teaching

50. It is essential to combat racism at all levels, and I wish to underline the importance of action in terms of education. In its General Policy Recommendation No. 10, the European Commission against Racism and Intolerance recommends that the governments of the member States satisfy themselves that school education plays a key role in combating racism and racial discrimination in society, train all teaching staff to work in a multicultural environment, and provide the necessary financial resources for the implementation of recommendations.[20]

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19. 23 September 2013, www.acidi.gov.pt/_cfn/5241a6c15a424/live/Rome+Declaration.
20. ECRI, General Policy Recommendation No. 10 on Combating racism and racial discrimination in and through school education, adopted 15 December 2006.

51. It remains a challenge to combat racism and racial discrimination in and through school education. The United Nations Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance has stressed the crucial importance of education in preventing the spread of racist ideas and fostering the values of equality, non-discrimination and respect.[21]

52. I attach particular importance to education, whether in school or in other contexts, such as the training of adults. Nonetheless, this aspect does not need to be addressed in full in this report, since it is also dealt with in other areas of the Parliamentary Assembly's work, such as Resolution 2005 (2014) and Recommendation 2049 (2014) on identities and diversity within intercultural societies, based on a report by Mr Costa Neves (Portugal, EPP/CD) for the Committee on Culture, Science, Education and Media, and the report currently being drawn up by Mr Jacques Legendre (France, EPP/CD) for the same committee under the title "Towards a European framework of competences for democratic citizenship, human rights and intercultural dialogue". I therefore refer the reader to these documents, whose guiding principles I share.

53. Educational work on neo-racism must create new ways of transmitting the memory of the past, starting with that lesson of history – the negation of human rights – which led to the Holocaust. The genocide of the Jews during the Second World War is a specific and unique event in European history, but at the same time it demonstrates systematic and institutional mechanisms which can recur later (and in fact have done). Remembrance of events past must serve not only to keep the memory of the victims alive, but also to prevent such mechanisms from happening again today in different circumstances.

54. Remembrance must help us to understand that prejudice and stigmatisation, social exclusion, deprivation of rights, humiliation and segregation, even in a milder form, are never harmless and must be resisted. So memories must be passed on, firstly through an account of historical events, and secondly through critical education which enables people to recognise these same mechanisms today in the social practices of democratic countries.

4. Case study – Populist movements in Europe: Pegida-Legida

55. In a large number of European countries, we are witnessing the rise of political parties that openly adopt xenophobic stances, with a rhetoric which often includes typical elements of cultural racism. These parties and movements have performed well in elections, and several of them are currently represented in government, especially at local and regional level. In virtually all cases, these parties are not racist in the traditional sense. They do not use pseudo-scientific or biological arguments based on "race", and the concept of racial hierarchies, once used in certain formerly popular ideologies to rationalise the domination of one ethnic group over another, is no longer mentioned. Instead, explicit or implicit reference is often made to a "hierarchy of cultures", an idea which is no less pernicious since it has the same aim of explaining and justifying discriminatory behaviour or remarks.

56. A new phenomenon has emerged in recent months in Germany, in particular in the Free State of Saxony, consisting in a series of seemingly spontaneous movements, which originated outside institutional politics and which have prompted a growing number of ordinary people to take to the streets to march against "Islamisation". "Pegida", the "Patriotic Europeans against the Islamisation of the West" movement, which began in Dresden, first demonstrated in the streets of the Saxon capital in October 2014. The weekly rallies doubled in size from week to week, while groups with similar-sounding names began to appear in other cities, such as "Legida" in Leipzig. In parallel, civil society organisations responded by staging counter-demonstrations, held either at the same time as the Pegida protests or separately, with a view to reiterating the values of openness and tolerance, in particular towards refugees. The Pegida-inspired movements that have sprung up in the more western German *Länder*, such as "Bogida" in Bonn and "Kögida" in Cologne, have attracted a lower turnout and produced a stronger backlash than in Saxony.

57. The "Dresden Theses" are Pegida's political manifesto, which is distributed at all demonstrations. Beginning with the slogan "United for Germany!", it defines the movement as political rather than ideological and aimed at addressing current social problems and devising and implementing solutions. It cites some commonly held fears: "the working class and the middle class are gradually sliding into poverty", "wages and pensions are stagnating while the cost of living is rising."

21. United Nations Human Rights Council, report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mutuma Ruteere, April 2013 (A/HRC/23/56).

58. The introduction to the "Theses" also states that "the increase in crime rates, the risks of severe social unrest and ever-growing parallel ethnic communities are causing public alarm". The association of crime with "parallel" foreigners, that is foreigners not integrated into the society of the host country (what such integration would entail remains to be explained) is one of the cornerstones of the movement.

59. I felt that these developments should be observed at first hand, so I visited Dresden, Leipzig and Berlin on 2 and 3 March 2015. My local contacts, including Markus Ulbig, the Interior Minister of the Free State of Saxony, and Matthias Rößler, President of the Parliament of Saxony, members of the parliament representing several political parties (CDU, SPD, Die Linke and AfD) and Thomas Feist, a member of the national parliament and of the Parliamentary Assembly, described the situation to me and explained the nature of the "Pegida-Legida" movements. In this *Land,* foreign-born residents represent a very small minority, especially when compared with other German regions: they account for just 2% of the total population. The proportion of foreigners who are Muslims is even smaller, approximately 0.4%. The number of asylum seekers has, however, increased significantly in recent years, following the major international crises that have occurred since 2011 (the "Arab Spring" and the explosive situations in Syria, Egypt, Libya and other countries in the region, and more recently in Ukraine).

60. Although this represents a problem for the local authorities, which have to cope with the growing cost of taking in and assisting the asylum seekers, the "mass influx" of foreigners and the risks of "Islamisation" referred to by the protest movements clearly do not exist.

61. On 2 March 2015, in Leipzig, I observed a "Legida" demonstration. I was able to see for myself a number of features of the movement and its participants. The movement is clearly a disparate one, encompassing a wide array of people and ideas. Alongside a large number of German flags, for example, a few Russian tricolours were also visible. Almost all the participants were more than 30 years old and probably the largest age group was the over 40s.

62. On Augustusplatz, the starting point for the march, I was able to speak to Silvio Rößler, the leader of the movement. He explained to me that tackling social injustice was the first priority for "Pegida-Legida" and that bona fide asylum seekers were welcome. Given the various points made in the "Theses", I found Mr Rößler's earnest attempts at "political correctness" rather unconvincing. The movement is indeed clearly Islamophobic and regards Islam as a threat and a religion incompatible with Western culture. This Islamophobia resembles traditional anti-Semitism, with its mix of prejudice, intolerance and scapegoating.

63. This shows that the various forms of neo-racism may have different specific features but are to some degree "interchangeable". The mechanisms that spawn them, such as prejudice, social separation and hostility, are similar. Even though Islamophobia and anti-Semitism may seem to be two opposite phenomena, the two tend to coexist in our society. So all forms of discrimination must be combated at the same time and the different groups which suffer from it should understand that it is in the interest of all of them to unite against it.

64. "Pegida" and "Legida" express discontent with political representatives, but are proving incapable of translating it into constructive proposals. On the one hand, they are calling for more direct democracy, while on the other, they criticise political representation. They have taken up the habit of holding their demonstrations on a Monday and adopted the slogan "We are the people", both typical of the peaceful revolution of 1989, but this slogan seems to have a discriminatory undertone for immigrants, implying that they are not part of the people. These movements stand against the system and the media; they talk of the "liar press" and of plots and conspiracies, because they are incapable of grasping the complexity of global issues.

65. Despite a few original features, Pegida, Legida and similar movements resemble many other populist forces that have long been active elsewhere in Europe. They merely confirm my belief that information and education have a key role to play in preventing xenophobia and intolerance. The leaders of these protests are taking advantage of the population's lack of information and amnesia regarding recent history. Young people in Saxony did not experience the peaceful revolution; those who are older, of whom there are many among the demonstrators, have perhaps forgotten it. It would be worthwhile explaining to the former and reminding the latter that the 1989 protests helped to restore democracy in Saxony. Propagating the idea that order and social justice in the region are under threat from foreigners is a dishonest, insidious way of engaging in politics.

5. Case study – The situation of Roma, Sinti and Travellers in Italy

66. Roma, Sinti and Travellers have been in Italy since the early 1400s. They can currently be found in all the country's regions and, according to the Italian Senate's Human Rights Committee, number between 130 000 and 170 000, or 0.2% of the population, one of the lowest percentages in Europe. Almost half are of Italian nationality; the remainder are foreigners, with about 50% originating from European Union countries. They are a young population group: over 50% are under the age of 20, and scarcely more than 2% over 60, compared with the national average of 20%. Since the 1960s, the historically present population has been joined by groups from Yugoslavia, and since the 1990s from Romania and Bulgaria.

67. The term "nomads", used by the media and by many administrative bodies, does not correspond to reality. Most of the families concerned are settled and live in normal housing. As confirmed by the Ministry of the Interior, only 2% to 3% of these groups are itinerant. The use of this term, having its basis in stereotypes, has influenced integration strategies at both local and national level. The institutional response has been to propose solutions for the itinerant population: the "nomad plans". A number of regions have passed legislation providing for the creation of authorised temporary stopping places, often devoid of the minimum facilities required by law (running water and sewerage, electricity). Whole generations were born and have lived on sites not dissimilar to waste dumps, on the margins of far wealthier urban areas, and without having the cultural tools to deal with the judgment and rejection of surrounding society. An increase in the level of juvenile delinquency has undoubtedly been one of the consequences of this situation.

68. On 21 May 2008, following some serious incidents, the Italian Government decreed a state of emergency concerning the "nomadic communities on the territory of the regions of Campania, Lazio and Lombardy" and extraordinary commissioners were set up in Rome, Milan and Naples. The Roma, Sinti and Traveller populations undergo ethnic cataloguing, including those of Italian nationality, because they live in settlements. During the special commissioners' mandate most of the emergency funds were used to demolish illegal settlements, without any real integration strategy.

69. In February 2012, acting on a proposal from Mr Riccardi, the Minister for International Co-operation and Integration, the Italian Government adopted a national integration strategy for Roma, Sinti and Travellers, implementing the European Commission's Communication No. 173/2011. Italy therefore wishes to pursue an integration objective in the medium and long term, as part of a broader cultural maturational change involving society as a whole.

70. In February 2015, the European Commission against Racism and Intolerance (ECRI), while noting the progress made over the last three years, called on Italy to take measures to guarantee Roma, Sinti and Travellers concerned by eviction orders the same rights as other citizens, namely the possibility of challenging the order before a court, and the possibility of being rehoused.[22]

71. Despite the efforts made, a Eurobarometer survey on discrimination in the European Union shows that 47% of Italians say they would feel "uncomfortable" about having a Roma neighbour, compared with a European average of 24%. According to research conducted among young people (18-29 years old) in 2010, on a sympathy scale from 1 to 10, Roma scored lowest (4.1) followed by Romanians (5.0) and Albanians (5.2). A survey carried out by the Institute for International Policy Studies (IIPS) in 2008 revealed that 35% of the sample of respondents overestimated the number of members of these groups in Italy, giving a figure of between 1 and 2 million people; 84% were convinced that "Gypsies" are principally nomadic, 92% that they exploit children and make their living from petty crime, 87% that they are close-minded and 83% that they choose to live in isolated settlements.

72. Anti-Gypsyism is an ancient phenomenon, which has its origins in distrust and atavistic prejudice, for example the incorrect perception of the numbers who are nomadic/sedentary. Emergency policies implemented for years by the authorities and the prejudice stoked by media coverage have led to feelings of insecurity and fear in the rest of the population. Nowadays, this bias is fed by the marginal situation of the Roma, Sinti and Travellers and constitutes an obstacle to initiatives aimed at improving their condition. Local initiatives are often hampered by public opinion, with an outcry when measures are taken to assist the "Gypsies", perceived as a danger for one's own well-being. The economic crisis has exacerbated this attitude and reinforced hostility.

22. CRI(2015)4, ECRI Conclusions on the implementation of the recommendations in respect of Italy subject to interim follow-up, 24 February 2015.

73. Prejudice makes access to employment difficult for Roma, Sinti and Travellers, pushing a number of them to adopt behaviour that disturbs others or to engage in criminal conduct of varying degrees of seriousness. This is clearly a vicious circle, since conditions of poverty and exclusion are a fertile breeding ground for anti-social behaviour. It is of vital importance to break this cycle in the interests of all concerned.

74. Good practices have been put in place in recent years, such as anti-discrimination projects in schools, support for Roma students and the training of Roma cultural mediators (including the project "Right to an education, right to a future" run by the Community of Sant'Egidio in Rome and Naples). Placements and training sessions have been organised in different regions of Italy. There are also initiatives to facilitate access to housing, such as the allocation of small plots of land to families, self-build projects and accommodation in temporary or social housing.

75. The initiatives taken by the public authorities alone are not enough. A major contribution to integration comes from civil society, whose involvement is a criterion for the success of integration policies. Mention may be made here of the example of the Via Rubattino school in Milan. A group of teachers and pupils' mothers came together to defend the right to schooling of all of the school's pupils. Relations were established between Roma families and other families in the neighbourhood. This group has helped to solve the employment and housing problems of several hundreds of families.

76. In addition to the solidarity of the majority, it is important to encourage solidarity between groups which are the victims of discrimination. This can be a means of developing synergies so as to bring pressure to bear on public opinion and defend the most vulnerable minorities. In 2008 in Rome, the Jewish community and some Catholic movements challenged the practice of fingerprinting Roma children when carrying out field censuses. In this case, the memory of the persecution shared by the Jews and the Roma served to connect the two groups and brought to light the risks of ethnic discrimination that still exist within our society. This is a fine example of an approach which I have always advocated and which was well illustrated by Mr Erik Rise, Norwegian national co-ordinator of the No Hate Speech Movement, when he said: "The opposite of hatred is not love, the opposite of hatred is solidarity."

77. Preserving remembrance among the Roma, Sinti and Travellers is another issue that I regard as particularly important, especially in an under-educated population (over 40% do not attend school according to the Italian Red Cross) which is not recognised as a cultural minority in Italy. Sociologists point to the risks of a "cultural genocide". An example of a project to pass on remembrance is the Internet site www.romsintimemory.it, resulting from a joint initiative of the Catholic University of Milan and the Institute for Visual History and Education. This site includes video recordings of the testimonies of survivors of the persecutions perpetrated by the regimes of Nazi Germany and Fascist Italy, which have been translated into English and placed on the Internet for the first time. This project combines remembrance of the past and of the Porrajmos (a Roma word for the Holocaust), knowledge of Roma culture and awareness of the rights being denied today, with very impressive results.

6. Case study – Anti-Semitism in France and Belgium

78. In Europe prejudice against Jews is becoming commonplace, and we are seeing an upsurge of violence against individuals and increasing acts of vandalism against synagogues and other places frequented by the Jewish community. According to a report by the University of Tel Aviv, the number of patently anti-Semitic acts in Europe during 2014 was 38% higher than in the previous year. Most member States of the Council of Europe are affected and the seriousness of the phenomenon is out of all proportion to the size of the Jewish community. An alarming situation is reported in Malmö (Sweden), for example, where the Jewish presence is very small.

79. I have opted to deal first with the case of France because this country's Jewish community is one of the largest in the world and by far the largest in Europe. There are about 470 000 Jews in France. In recent decades, the community which historically has always been there has seen the addition of many new members, from North Africa and the Middle East.

80. For about the last ten years, France's Jewish community has been reporting a rise in anti-Semitic incidents in the country, some 400 a year. In addition to the most high-profile cases, such as the killings at the Ozar Hatorah school in Toulouse in 2012 and the Hypercacher store in Paris in January 2015 – to name two of the most recent – there have been a number of less visible incidents that do not hit the headlines. The Report on Anti-Semitism in France compiled by the Jewish Community Protection Service (SPCJ) in conjunction with the Ministry of the Interior states that the number of anti-Semitic acts recorded in France doubled in 2014, from 423 to 851.

81. The tragedy of Ilan Halimi, a young man of 23 who was kidnapped, tortured and brutally killed in 2006, marked a turning point, raising awareness among both the public and the authorities. The case clearly shows the link between anti-Semitic prejudice and acts of violence. The "Gang of Barbarians" responsible for this crime was convinced that the Jewish community, to which the victim belonged and which the criminals regarded as having a large amount of financial resources readily available, would intervene and pay the ransom. This means that the victim, robbed of all dignity as a human being, was seen simply as a way to make money; at the same time, however, the perpetrators, in striking Ilan Halimi, were also hitting out at the Jewish community as a whole.

82. The Dieudonné affair is an example of how anti-Semitic prejudice can be spread in the world of artistic performance and culture. Dieudonné, a former actor and television personality, gradually introduced typically anti-Semitic arguments into his shows, ranging from clandestine economic, political, media and financial networks controlled by Jews to criticism of Zionism as a plan for world domination, and a playing down and denial of the Holocaust and even of current anti-Semitic incidents. Given the unacceptable tone of his words, which were likely to stir up hatred of the Jews, Dieudonné's shows were banned in many towns and cities. The texts of this pseudo-humorist are an example of hate speech which preaches harmful messages in the guise of satire and invoking freedom of expression. However, we should wisely decipher whether a sanction is necessary, taking into account the need to protect all human rights which are at stake, without exception, by distinguishing between simple provocation and incitement to racial hatred.

83. The French are aware of anti-Semitic feeling in their society. In 2014, the Foundation for Political Innovation (Fondapol) published a study on "Anti-Semitic Attitudes in France – New Insights", based on two surveys. This publication shows, amongst other things, that 25% of respondents believe that the Jews have too much power in the economy and in finance and, more alarmingly, that 14% consider the attacks on synagogues and Jewish-owned shops, and the shouting of vile anti-Semitic slogans during anti-Israel demonstrations in 2014, "understandable".

84. The Fondapol study also sought to test the assumption that anti-Semitic prejudice was more widespread amongst the Muslim population, by means of a second survey focusing exclusively on a sample of that population. The answers to the same questions did indeed obtain higher figures from respondents describing themselves as Muslims. Because of a number of factors, including the repercussions of recurrent crises in the Middle East, the risk of mutual hostility between Jews and Muslims is a very real one. I would stress once again, as an essential point of my analysis of the present-day situation, that the manifestations of racism and intolerance vis-à-vis their various targets are very similar. Further proof of that is to be found in another conclusion of the 2014 Fondapol study: the correlation between several answers to the questionnaire clearly shows that respondents exhibiting anti-Semitic prejudice are also those who are most hostile towards other categories of persons living in France – Muslims, Asians or foreigners in general.

85. In view of these findings, I think that it is necessary to reiterate that in order to combat this scourge solidarity is vital not only within society as a whole, but also between those groups that face the greatest intolerance.

86. Anti-Semitic incidents are also on the rise in Belgium. There too there have been not only tragic events such as the killings at the Jewish museum in Brussels in May 2014, but also highly disturbing events such as the case of the last Jewish student at a high school in Laeken, Brussels, who was forced to leave because of the harassment she suffered for being Jewish. One Belgian magazine carried a bitter report entitled "The Emile Bockstael High School now '*judenfrei*'". In the latest publication of the Simon Wiesenthal Centre on the ten most serious episodes of anti-Semitism in the world in 2014, the case which tops the list is that of Hershy Taffel from Antwerp, who called an out-of-hours doctor to attend his 90 year-old grandmother who had fractured a rib. Realising that the family was Jewish, the doctor replied: "Send her to Gaza for a few hours, then she'll get rid of the pain". This incident, which happened during the Israeli attack on the Gaza Strip in July 2014, shows how far the situation in the Middle East impinges on European Jews and is used to justify hostility that in reality is unjustifiable.

87. The Belgian authorities appreciate the seriousness of the situation: in January 2015, during commemorations of the 70th anniversary of the liberation of the concentration camps, Prime Minister Charles Michel admitted "[t]he fight against anti-Semitism has failed". He added that the government had raised the alert level, but action against anti-Semitism should be tougher and this fight should become a national cause.

88. There is an obvious desire to combat anti-Semitism, but the question is what exactly should be done. There is no easy answer, but education and awareness-raising must play a vital part. Let me quote an initiative of limited scope, but one which is going in the right direction: "I say no to hatred" is a programme aimed at primary-school children, launched by the Jewish Secular Community Centre. This seeks to raise

awareness of “living together along with our differences”, teaching children to respect their neighbours by nurturing a better understanding of cultural and religious diversity. The programme is ongoing but reaches only 5% to 10% of primary-school children. This initiative should be extended more widely in order to maximise its positive effect.

89. Celebrities from the world of entertainment and culture should also be prepared to work to foster greater togetherness among communities. I would point to the laudable efforts of Sam Touzani, a Belgian actor, director, author and television presenter of Moroccan descent who has long been working to bring communities together. “The attacks on *Charlie Hebdo* prompted words of hatred but also words of beauty. People realised that it is time to do things differently”, Mr Touzani explained recently. Drawing positive motivation from the tragic events in Paris to act against hatred, in Europe and elsewhere: that is a tough challenge which I can only support with conviction.

7. Conclusions

90. The upsurge of neo-racism or cultural racism does not mean that other forms of racism have vanished; quite the contrary, the former may help strengthen the latter. With this report, I seek to call on the Council of Europe member States to combat all forms of racism and discourse on the so-called incompatibility of cultures.

91. Preventing and combating racism, intolerance and xenophobia should be a priority of the social and cultural policies of member States, since the current situation is a cause for great concern. It is true that people no longer necessarily talk about differences in skin colour, but an attempt is being made to justify discrimination against certain individuals on grounds of an alleged cultural incompatibility, or they are expected to conform to a certain cultural identity.

92. Racism is a complex phenomenon, linked to a number of factors, and the battle against it must be waged on several fronts: legal, social and cultural. Action against racism must take account of certain attitudes which are unacknowledged or unconscious. Although open racism is rather uncommon, unconscious racism is widespread. It generates hostile attitudes and tendencies of which the individuals concerned are oblivious and which are therefore more difficult to identify and counter. Often, our view of others is influenced by psychological stereotypes (“others” are seen as culturally inferior, or there is the idea that certain behaviours are “primitive”).

93. Likewise, the emotional dimension of neo-racism must be emphasised in order to identify ways of preventing and combating it which are not just cognitive or rational but based also on people’s experience and feelings. Consequently, civic and political education cannot just inform or pass on cultural ideas; it must develop a moral awareness and an empathy which will lead to everyone’s rights being recognised.

94. The battle against neo-racism must, moreover, prioritise contact between groups so that they can hear each other’s “stories”; we must accept, for example, that even those expressing xenophobic ideas often want to be seen as victims (because of real or imagined disadvantages caused by immigration). These people must be able to listen to those who are truly victims of discrimination so that they can view them from a different perspective. At the same time, it is vital to promote mutual familiarity and solidarity between different communities which are victims of racism and intolerance, because whenever one individual or group is targeted there is a threat to all the others.