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

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

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

Summary

The present report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achiume, is being submitted to the Human Rights Council pursuant to General Assembly resolution 73/157. In the report, the Special Rapporteur provides an update on trends in and manifestations of glorification of Nazism, neo-Nazism and related ideologies; and a human rights analysis of efforts by contemporary Nazi, neo-Nazi and other extremist groups to recruit and radicalize young people.



I. Introduction

1. The Special Rapporteur submits the present report to the Human Rights Council pursuant to General Assembly resolution 73/157 on combating glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance. In the resolution, the Assembly requested the Special Rapporteur to, inter alia, submit to the Human Rights Council a report on the implementation of that resolution. Pursuant to the resolution, the Special Rapporteur sent a call for submissions to all Member States, and solicited input from other relevant stakeholders, including civil society, through a call for submissions posted on her web page and transmitted in a newsletter. She thanks all interlocutors for their submissions.

2. In the present report, the Special Rapporteur provides: a general overview of recent trends in and manifestations of the glorification of Nazism, neo-Nazism and other related extremist ideology fuelling racism, racial discrimination, xenophobia and related intolerance, covering the period 1 January 2018 to 31 March 2019; a compilation of examples of measures that States, civil society and other actors have taken in response to neo-Nazi and other extremist recruitment strategies; and a human rights analysis of efforts by neo-Nazi and related extremist groups to recruit young people. She recalls the governing principles and obligations of racial equality and non-discrimination, emphasizing their application in addressing the recruitment of young people, and offers recommendations for State action to combat such recruitment.

3. In her treatment of neo-Nazism and related ideologies, the Special Rapporteur includes in the analysis various ideologies based on racial superiority or racial hatred, especially white supremacist and white nationalist ideologies and movements, whose contemporary resurgence has contributed to rising neo-Nazism in different parts of the world.¹

II. Overview of trends in and manifestations of the glorification of Nazism, neo-Nazism and related intolerant ideologies

4. The Special Rapporteur notes that, in keeping with the trends identified in her previous report on the issue,² neo-Nazi activity persists in mainstream discourses and forums, in part due to the persistence of ethno-nationalist and white supremacist ideologies, including at the highest levels of political office in countries in Europe and North America.

5. In the United States of America, reputable reports indicated a 30 per cent increase in the number of hate groups since 2014, including an increase of 7 per cent in 2018 alone. According to one count, there were 1,020 hate organizations identified in the United States.³ A monitoring group reported an increase of 182 per cent in incidents of white supremacist propaganda in the United States: 1,187 cases reported in 2018 as compared to 421 in 2017. White supremacist propaganda often contains a recruitment element and a reference to groups that have been historically discriminated against, featuring either veiled white supremacist language or explicitly racist images and expressions.⁴ Neo-Nazi and other white supremacist extremist groups were responsible for the deaths of at least 40 people in Canada and the United States in 2018.⁵

¹ A/HRC/38/53, paras. 16–21.

² A/HRC/38/53.

³ Southern Poverty Law Center, *Intelligence Report: The Year in Hate and Extremism – Rage against Change*, issue 166 (spring 2019), p. 36.

⁴ Anti-Defamation League, “White supremacists step up off-campus propaganda efforts in 2018”. Available at www.adl.org/resources/reports/white-supremacists-step-up-off-campus-propaganda-efforts-in-2018.

⁵ Southern Poverty Law Center, *The Year in Hate and Extremism*, p. 36.

6. The Special Rapporteur received alarming reports of xenophobic and anti-Semitic crimes perpetrated in Europe by groups promoting neo-Nazi and fascist ideologies. She also received reports of incidents glorifying past Nazi and fascist regimes in Austria, Belgium, Bulgaria, Croatia, Lithuania, Switzerland and Ukraine, including demonstrations, as well as the erection of monuments and renaming of streets glorifying former Nazi or fascist leaders.

7. The Special Rapporteur strongly condemns recent terrorist attacks and killings perpetrated against racial, ethnic and religious minorities around the world and in the name of “racial purity” and superiority, including the white supremacist, Islamophobic attack in Christchurch, New Zealand in 2019, and the anti-Semitic attack in Pittsburgh, United States in 2018.

III. Policies and initiatives recently adopted by Member States to combat neo-Nazi and related ideologies

8. States apply different restrictions to racist hate groups, such that the same conduct may be prohibited or permitted depending on the jurisdiction.⁶ These differences reflect a lack of uniformity of norms regarding protected speech and expression and prohibited hate speech and racial discrimination.⁷ The Special Rapporteur has previously recalled the approach required in international human rights law, which recognizes a symbiotic relationship between freedom of expression and equality.⁸

9. Some States have attempted to combat the rise and spread of neo-Nazi and related hate groups through legal measures targeting racist hate speech and propaganda that support supremacist ideology.⁹ Some have, commendably, adopted general legislation and national plans to combat racism and racial discrimination, which also apply to the glorification of neo-Nazism.¹⁰ Others have created governmental institutions to monitor racism and related intolerance, including hate speech online.¹¹

10. The Radicalisation Awareness Network Centre of Excellence has noted that States have often overlooked far-right extremism in national prevention and counter-extremism strategies.¹² However, in Europe, neo-Nazi and related extremist violent attacks and manifestations have been on the rise since 2011,¹³ and the number of people arrested for right-wing extremist offences in 2017 was nearly double that of 2016.¹⁴ In the United States, right-wing extremists perpetrated 71 per cent of the extremism-related fatalities between 2008 and 2017.¹⁵

11. Preventing neo-Nazi extremism remains complex and challenging because, unlike other forms of extremism, neo-Nazi and other white supremacist ideologies are politically and publicly tolerated in many regions. The Radicalisation Awareness Network Centre of Excellence has noted that in Europe, the main difference in status between neo-Nazi-inspired extremism and Islamist extremism is that the latter is “quite clearly and broadly

⁶ Erik Bleich and Francesca Lambert, “Why are racist associations free in some States and banned in others? Evidence from 10 liberal democracies”, *West European Politics*, vol. 36, No. 1 (2013), pp. 130–135.

⁷ *Ibid.*, pp. 123.

⁸ A/73/305 and Corr.1, para. 50.

⁹ Submissions received from Argentina, Portugal, the Russian Federation and Sweden.

¹⁰ Submissions received from Argentina, Italy, Portugal, and the Russian Federation.

¹¹ Submissions received from Argentina, Italy, Portugal and the Russian Federation.

¹² Nikki Sterkenburg, Yasmine Gssime and Marije Meines, “Local-level management of far-right extremism” (Radicalisation Awareness Network Centre of Excellence, January 2019), p. 2.

¹³ See European Parliament resolution of 25 October 2018 on the rise of neo-fascist violence in Europe (2018/2869(RSP)), sections L to AD.

¹⁴ European Union Agency for Law Enforcement Cooperation, *European Union Terrorism Situation and Trend Report 2018*, p. 51.

¹⁵ Anti-Defamation League, “Murder and extremism in the United States in 2017”, p. 7. Available at www.adl.org/resources/reports/murder-and-extremism-in-the-united-states-in-2017.

rejected within communities”.¹⁶ In Europe, neo-Nazi and related ideological messages too often form part of mainstream discourse, and this is related to the national and local political ascendance of parties embracing far-right views, which can include racist ideology rooted in theories of white supremacy and ethno-nationalism. The political endorsement of far-right views aids in the broader endorsement of such views, even as Islamist extremist discourse remains widely rejected in the region.¹⁷

12. The Special Rapporteur notes that information and data available about the implication of young people in violent extremism mainly focuses on Islamist extremism. Very little information is available about counter-extremism programmes focusing on far-right or neo-Nazi extremism.¹⁸ Despite the rise in neo-Nazi and white supremacist extremism, only a few States in the European region and North America have addressed radicalization and recruitment by hate groups in national strategies to counter terrorism,¹⁹ which are largely focused on Islamist extremism.

13. In this regard, the Special Rapporteur commends recent development in Europe. In response to the recent increase in neo-Nazi and related extremist violent attacks in Europe, the European Parliament adopted a resolution condemning the lack of serious and efficient action against the rise of neo-Nazi and fascist groups in Europe on 25 October 2018.²⁰ In the resolution, the European Parliament urges member States to “effectively ban neo-fascist and neo-Nazi groups and any other foundation or association that exalts and glorifies Nazism and fascism”.

14. As noted in the Special Rapporteur’s report to the General Assembly submitted pursuant to Assembly resolution 72/156, technology companies have an important role to play in combating glorification of Nazism and related ideologies online.²¹ Of note, following the Christchurch attack, Facebook and Instagram imposed a “ban on praise, support and representation of white nationalism and white separatism” on their platforms.²² The Special Rapporteur welcomes this stand against racism and intolerance.

IV. Issue in focus: recruitment of young people by Nazi, neo-Nazi and other extremist hate groups

A. Neo-Nazi and related recruitment

15. Right-wing populists’ political embrace of supremacist ideologies has aided neo-Nazi and related recruitment. Such recruitment occurs through popular culture, and new technologies have expanded the recruitment capacities of these groups. In her report submitted to the General Assembly pursuant to Assembly resolution 72/156, the Special Rapporteur describes the use of new information technologies for neo-Nazi and related recruitment, and refers Member States to that analysis.²³

16. Music plays an important role in the radicalization and recruitment strategies of neo-Nazi and related hate groups. In the 1980s, white-power music and concerts provided a

¹⁶ Sterkenburg, Gssime and Meines, “Local-level management of far-right extremism”, pp. 7–8.

¹⁷ Ibid.

¹⁸ See, for example, submissions from Argentina, Italy, Sweden and Turkey.

¹⁹ See, for example, United Kingdom of Great Britain and Northern Ireland, Counter-Extremism Strategy (2015); National Strategy for Counterterrorism of the United States of America (October 2018); and the submission received from Serbia.

²⁰ European Parliament resolution of 25 October 2018 on the rise of neo-fascist violence in Europe (2018/2869(RSP)).

²¹ See A/73/312, in particular paragraphs 35–42.

²² Facebook, “Standing against hate” (27 March 2019). Available at <https://newsroom.fb.com/news/2019/03/standing-against-hate/>.

²³ A/73/312, paras. 13–17.

“fertile ground to bring in potential new recruits”.²⁴ White-power music continues to be an essential component of neo-Nazi propaganda, and often incites hatred and violence against specific racial, ethnic and religious groups.²⁵ For example, in July 2018, the “Rock gegen Überfremdung” (Rock against foreign domination) festival gathered more than 6,000 neo-Nazis,²⁶ one of the largest white power music concerts ever organized in Germany. In Germany, neo-Nazi music is very productive, with more than 150 concerts per year and about 15,000 people participating in the production and distribution of propaganda content through such music. According to monitoring groups, the white-power music industry in the United States has recently experienced the greatest spike since the early 1990s.²⁷

17. The military has historically been a recruiting ground for hate groups.²⁸ Media reports have documented the troubling connections between hate groups and military forces in some North American and European countries.²⁹ In North America, neo-Nazis and skinhead groups have encouraged their followers to enlist in the Armed Forces to get military training and acquire the skills to overthrow authorities sympathetic to groups targeted by supremacist ideology.³⁰ Sources in a report issued in 2006 by one organization that monitors hate groups stated that at that time “thousands” of individuals serving in the United States military were affiliated with extremist or gang activity.³¹

18. In the 1990s, recruitment into hate groups usually occurred through face-to-face interaction. Recruiters generally approached potential members in the street or distributed pamphlets.³² Today, hate groups continue to use such methods to attract new members, especially following the commission of serious crimes by an immigrant or a member of a racial, ethnic or religious minority.³³ However, online recruitment strategies have grown in popularity, especially targeting children and young people.³⁴

²⁴ Centre for Democratic Renewal, “Hate groups: mainstreaming of the far right”, response to the periodic report of the United States submitted to the Committee on the Elimination of Racial Discrimination (2008), fifteenth page.

²⁵ Rob May, “Hearing hate: white power music”, commentary, *EuropeNow* (2 October 2018). Available at www.europenowjournal.org/2018/10/01/hearing-hate-white-power-music/.

²⁶ Rob Waugh, “Huge German neo-Nazi rock festival sees fans wearing ‘I heart HTLR’ T-shirts”, *Metro*, 17 July 2018. Available at <https://metro.co.uk/2017/07/17/huge-german-neo-nazi-rock-festival-sees-fans-wearing-i-heart-htlr-t-shirts-6784842/>.

²⁷ May, “Hearing hate”.

²⁸ Center for Democratic Renewal, “Hate groups”, fifteenth page.

²⁹ Daniel Trotta, “U.S. Army battling racists within its own ranks”, Reuters, 21 August 2012, available at www.reuters.com/article/usa-wisconsin-shooting-army/u-s-army-battling-racists-within-its-own-ranks-idUSL2E8JHO6K20120821; David Sterman, “The greater danger: military-trained rights-wings extremists”, *Atlantic*, 24 April 2013, available at www.theatlantic.com/national/archive/2013/04/the-greater-danger-military-trained-right-wing-extremists/275277/; Bethany Allen-Ebrahimian, “The German military has a right-wing extremism problem”, *Foreign Policy*, 1 May 2017, available at <https://foreignpolicy.com/2017/05/01/the-german-military-has-a-neo-nazi-problem-extremism-right-wing-terrorism/>; Christopher Woody, “US and European militaries are trying to keep neo-Nazis out of their ranks”, *Business Insider*, 11 September 2017, available at www.businessinsider.com/us-and-european-militaries-trying-to-keep-neo-nazis-out-of-their-ranks-2017-9?r=US&IR=T.

³⁰ Trotta, “U.S. Army battling racists within its own ranks”.

³¹ Mark Potok, “Extremism and the military”, *Intelligence Report* (August 2006), Available at www.splcenter.org/fighting-hate/intelligence-report/2006/extremism-and-military.

³² Anya Kamenetz, “Right-wing hate Groups are recruiting video gamers”, *All Things Considered*, 5 November 2018. Available at www.npr.org/2018/11/05/660642531/right-wing-hate-groups-are-recruiting-video-gamers.

³³ Niklas Odén, “The way out: a handbook for understanding and responding to extreme movements” (EXIT Fryshuset, 2009), p. 8.

³⁴ Séraphin Alava and others, *Youth and Violent Extremism on Social Media: Mapping the Research*, (Paris, United Nations Educational, Scientific and Cultural Organization, 2017), p. 19; Aristotle Kallis, Sara Zeiger and Bilgehan Öztürk, eds., *Violent Radicalisation & Far-Right Extremism in Europe* (Istanbul, Foundation for Political, Economic Social Research (SETA), 2018), p. 86.

B. Recruitment of young people

19. One recent report indicates that the demographic of supporters of neo-Nazi and related ideologies in at least one country is increasingly younger and more violent.³⁵ Seen as “impressionable, lonely, marginalized, and left wanting for a sense of identity and acceptance within a group”, children and young people often lack the capacity to distinguish between truthful and inaccurate or misleading information.³⁶

20. The involvement of young people in neo-Nazi or Nazi movements has historical precedents. Between 1933 and 1945, German young people experienced constant, widespread exposure to Nazi ideology through school programmes, newspapers and radio programmes and through formal participation in the Hitler Youth. Nazism also relied on indoctrination of young people as a strategy for ensuring its future survival. The Hitler Youth and the League of German Girls existed to ensure this indoctrination, and the former provided military training to boys who would later enter into the armed forces or the Schutzstaffel. In 1936, membership in Nazi youth groups become compulsory for all boys and girls between the ages of 10 and 17. Those groups transmitted values and beliefs to German young people, transforming their world views. Today, contemporary hate groups take a similar approach in their recruitment strategies.

21. The editor of the neo-Nazi website Daily Stormer stated that the website was “mainly designed to target children” for radicalization.³⁷ To attract children, such sites incorporate music, activities, games and cartoon characters.³⁸ Some hate sites present themselves as educational websites, and are filled with false information and intentionally distorted interpretations of credible academic works. Additionally, hate groups frequently employ memes as a means of steering children into sharing racist beliefs.³⁹

22. Hate-group leaders also focus their efforts on targeting college-bound teenagers on the basis that those groups include the future leaders of the movements.⁴⁰ In the United States, there were around 300 documented incidents of circulation of racist flyers across more than 200 campuses. After the most recent presidential election in the same country, white nationalist leaders increased their recruitment of college students.⁴¹

23. Hate groups have increasingly infiltrated the “gaming” world as a new way to target potential members, including children as young as 13. Video games and game-related forums, chat rooms and live streaming sites (YouTube or Twitch, for example) are among the most popular spaces for neo-Nazi recruitment and radicalization. One former neo-Nazi sympathizer described the process used by hate groups as starting with slurs about different races or religions, “dropped” to test the waters. He reported that “once they sense that they have got their hooks in them they ramp it up, and then they start sending propaganda, links to other sites, or they start talking about these old kind of racist anti-Semitic tropes”.⁴² A media manipulation researcher observed how those groups communicated and spread out to other spaces online with the intent of not telling people specifically that they were white

³⁵ Hope not Hate, *State of Hate 2019: People vs the Elite?*, p. 3.

³⁶ Julian Baumrin, “Internet hate speech and the First Amendment, revisited”, *Rutgers Computer & Technology Law Journal*, vol. 37, Nos. 1–2 (2011), p. 229.

³⁷ Michael Edison Hayden, “Neo-Nazi website Daily Stormer is ‘designed to target children’ as young as 11 for radicalization, editor claims”, *Newsweek*, 16 January 2018. Available at www.newsweek.com/website-daily-stormer-designed-target-children-editor-claims-782401.

³⁸ Baumrin, “Internet hate speech”, p. 230.

³⁹ Hayden, “Neo-Nazi website Daily Stormer”.

⁴⁰ Mark Potok, “Internet hate and the law”, *Intelligence Report* (March 2000). Available at www.splcenter.org/fighting-hate/intelligence-report/2000/internet-hate-and-law.

⁴¹ Southern Poverty Law Center, “The year in hate: Trump buoyed white supremacists in 2017, sparking backlash among black nationalist groups” (21 February 2018). Available from www.splcenter.org/news/2018/02/21/year-hate-trump-buoyed-white-supremacists-2017-sparking-backlash-among-black-nationalist.

⁴² Kamenetz, “Right-wing hate groups are recruiting video gamers”.

supremacists, noting that the groups were trying to determine what young men were angry about and how they could leverage that to bring about a broad-based social movement.⁴³

24. Spaces in the gaming world are more popular for neo-Nazi recruitment than are platforms such as Facebook, possibly due to the latter's tracking mechanisms. That said, hate groups still use platforms such as Facebook to find like-minded individuals, show support for each other and disseminate their propaganda.⁴⁴ Micro-blogging sites like Twitter appear more convenient for right-wing extremist groups, as the identity of the source of the tweets is harder to trace, thus increasing the communication potential for recruiters.⁴⁵

25. Research shows that the typical neo-Nazi or hate group follower is generally young, white and male. Religion, economic class, education and social status are also salient factors.⁴⁶ It is important to note, however, that no meaningful psychological profile exists for predicting whether a person will have an inclination towards terrorism. Furthermore, research shows that no one is born with personality traits that define a person as inclined towards extremism or terrorism. Relevant socioenvironmental factors may include poverty; a lack of education and employment opportunities, technical skills and family support; alienation; and dysfunctional family relationships.⁴⁷

26. In the literature of psychology on extremism, a broad consensus has emerged that social situational factors – not personal traits – determine extremist behaviour. Factors such as social identity formation, acculturation, social influence and normative pressure from group membership strongly affect psychologically vulnerable individuals. Social networks can determine individual choices, including whether to engage in pro- or antisocial behaviour.⁴⁸ Studies show that young people's motives to join hate groups are not primarily ideological or political. They were linked rather to social and emotional reasons and the search for affiliation, protection, acknowledgement and adventure.⁴⁹

27. Some studies show that frustration of certain psychological needs often motivate young individuals to find comfort through membership in racist extremist groups.⁵⁰ The need to belong is one of the most basic psychological needs of human beings, and the search for belonging, community and meaning can lead young people to join violent extremist groups.⁵¹ Such groups may also afford those young people a sense of safety, including protection from being bullied or tormented by others.⁵²

28. Research also indicates that when the ability to fulfil the need for control, meaning and certainty is threatened, some individuals are more likely to endorse extreme views and behaviours, including violent attitudes. For instance, when people feel uncertain about their situation, life or identity, they tend to be more likely to be drawn to extreme protest groups,⁵³ support retaliatory, aggressive State policies against out-groups,⁵⁴ and are more

⁴³ Ibid.

⁴⁴ Alava and others, *Youth and Violent Extremism*, p. 15.

⁴⁵ Ibid., p. 16.

⁴⁶ Kallis, Zeiger and Öztürk, *Violent Radicalisation*, p. 15.

⁴⁷ Submission received from the American Psychological Association, pp. 6–7.

⁴⁸ Ibid.; submission received from Sweden.

⁴⁹ Odén, "The way out", p. 6.

⁵⁰ Pete Simi, Karyn Sporer and Bryan F. Bubolz, "Narratives of childhood adversity and adolescent misconduct as precursors to violent extremism: a life-course criminological approach" *Journal of Research in Crime and Delinquency* (2016).

⁵¹ See Terre des hommes and West Asia-North Africa (WANA) Institute, "Reconceptualizing the drivers of violent extremism: an agenda for child & youth resilience" (2018). Available at www.tdh.ch/sites/default/files/tdh_wana_pve_en_light.pdf.

⁵² Odén, "The way out", p. 6.

⁵³ Michael A. Hogg, Christie Meehan and Jayne Farquharson, "The solace of radicalism: self-uncertainty and group identification in the face of threat", *Journal of Experimental Social Psychology*, vol. 46, No. 6 (November 2010).

⁵⁴ Ifat Maoz and Clark McCauley, "Threat, dehumanization, and support for retaliatory aggressive policies in asymmetric conflict", *Journal of Conflict Resolution*, vol. 52, No. 1 (2008).

willing to engage in radical social behaviour.⁵⁵ Often, young people join out-groups, motivated by the search for adventure, where their first actions are in the form of antisocial ideas or provocative behaviour such as rioting, vandalism or street fights.⁵⁶

29. Furthermore, the need for personal significance makes the occurrence of both pro- and antisocial extreme behaviour more likely. As young individuals strive to find meaning in life and prove their worth to themselves and others, some will be more likely to engage in extreme, high-investment behaviours in service of idealistic values. High among such values are the preservation, promotion and defence of one's in-group and the ideals of justice and truth. Extremist conduct offers certain individuals a restoration of threatened self-significance.⁵⁷

30. In several studies examining non-ideological risk factors, former neo-Nazis or white supremacists who predominantly joined hate groups as children reported experiencing one or more of the following adverse environmental conditions: childhood physical abuse, childhood or adolescent sexual abuse, emotional and physical neglect, parental incarceration, parental abandonment, the witnessing of serious violence (domestic and/or neighbourhood) and/or family disruption (for example, divorced or deceased parents).⁵⁸ Several psychological studies have proven that events of this sort may contribute to an increased likelihood of neo-Nazi and related extremist radicalization.⁵⁹ One former neo-Nazi member explained that while the search for identity, and the need to belong to a community or a group and have a purpose to his life motivated his "descent into America's neo-Nazi movement", a sense of family abandonment was for him an important factor that convinced him to rally support for hate and racist movements.⁶⁰ Within the school context, poor performance in class, bullying, truancy and negative group influences, as well as a distancing from, rejection of or conflict with adults at school or other classmates, are factors that indicate that a young person may turn to hate groups.⁶¹ These socioenvironmental factors all represent triggers, usually combined with psychological features, that can potentially disrupt the normal development of a young person's life.

31. The above-mentioned factors help explain the circumstances of youth recruitment, but should by no means be understood to excuse or exonerate extremism and those who participate in neo-Nazi and related supremacist activities. Today, sociologists generally approach neo-Nazi and related movements as social movements that bring together those sharing a common ideology. Movements committed to racist and xenophobic ideology exploit the psychological and socioenvironmental factors described above to successfully target youth.⁶²

V. Applicable racial equality framework

32. In international human rights law, the International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenant on Civil and Political Rights impose strong limitations on the propagation of racist and xenophobic ideas, and outlaw the advocacy of national, racial or religious prejudices that amount to incitement to discrimination, hostility or violence. The Committee on the Elimination of Racial Discrimination, in its general recommendation No. 35 (2013) on combating racist hate

⁵⁵ Michael A. Hogg and Janice Adelman, "Uncertainty – identity theory: extreme groups, radical behavior, and authoritarian leadership", *Journal of Social Issues*, vol. 69, No. 3 (September 2013).

⁵⁶ Sterkenburg, Gssime and Meines, "Local-level management of far-right extremism", p. 4.

⁵⁷ Katarzyna Jasko, Gary LaFree and Arie Kruglanski, "Quest for significance and violent extremism: the case of domestic radicalization", vol. 38, No. 5 (November 2016).

⁵⁸ Simi, Sporer and Bubolz, "Narratives of childhood adversity", p. 9.

⁵⁹ Studies cited in Simi, Sporer and Bubolz, "Narratives of childhood adversity", p. 9.

⁶⁰ Christian Picciolini, "My descent into America's neo-Nazi movement – and how I got out", TEDxMileHigh talk, November 2017, available at www.ted.com/talks/christian_picciolini_my_descent_into_america_s_neo_nazi_movement_and_how_i_got_out/transcript.

⁶¹ Odén, "The way out", p. 7.

⁶² Ibid.

speech, provided a useful explanation of how States parties should approach the regulation of racist speech under the Convention. The Committee highlights a number of factors that should inform the practice of Member States. Significantly, the Committee recalls that the proscription of racist hate speech and the flourishing of freedom of expression are complementary and not the expression of a zero-sum game. In paragraph 45 of the general recommendation it states that, instead, the rights to equality and freedom from discrimination, and the right to freedom of expression, should be fully reflected in law, policy and practice as mutually supportive human rights.

33. Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination requires States parties to condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form. It also requires States parties to undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination, and to make punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin. The Committee on the Elimination of Racial Discrimination has recommended concrete guidance for States parties on the adoption of legislation combating racist speech falling under article 4, and the Special Rapporteur encourages States to review general recommendation No. 35 in order to benefit from that guidance.

34. Article 19 of the International Covenant on Civil and Political Rights protects freedom of opinion and of expression, which may be restricted only as provided by law and when such restrictions are necessary for respect of the rights or reputations of others or for the protection of national security or of public order, or of public health or morals. Any restriction on freedom of speech must not only be a matter of necessity, but must be proportionately tailored to achieve the legitimate end that warrants the restriction.⁶³ Article 20 of the Covenant states specifically that States parties must prohibit, by law, any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. The Human Rights Committee and a number of other human rights mechanisms have interpreted this provision as creating a high threshold because limitations on speech must remain exceptional.

35. Freedom of expression is also enshrined in the International Convention on the Elimination of All Forms of Racial Discrimination. The Committee on the Elimination of Racial Discrimination has reiterated that freedom of expression is integrated into the Convention, and that the Convention contributes to a fuller understanding of the parameters of freedom of expression under international human rights law. For determining what racist expression should be punishable by law, the Committee stresses the importance of context, which includes: (a) the content and form of the speech; (b) the economic, social and political climate; (c) the speaker's position or status; (d) the reach of the speech; and (e) the objectives of the speech.⁶⁴ Member States, and even private actors such as the technology companies that often directly deal with racist and xenophobic content online, must remain vigilant in their identification of racist expression in national climates in which certain groups are openly committed to spreading and enforcing intolerance. The Committee warns that racist speech may sometimes rely on indirect language to disguise its targets or objectives, and may rely on coded symbolic communication to achieve its ends. Even incitement may be express or implied, through actions such as displays of racist symbols or distribution of materials as well as words.⁶⁵

36. Member States must take urgent action to ensure that racist expression violating the standards set out in the International Convention on the Elimination of All Forms of Racial

⁶³ Human Rights Committee, general comment No. 34 (2011) on the freedoms of opinion and expression, paras. 33–35. See also, for example, *Velichkin v. Belarus* (CCPR/C/85/D/1022/2001).

⁶⁴ Committee on the Elimination of Racial Discrimination, general recommendation No. 35, paras. 4 and 15.

⁶⁵ *Ibid.*, paras. 7 and 16.

Discrimination are made punishable by law. The Committee on the Elimination of Racial Discrimination has recommended that the criminalization of forms of racist expression be reserved for serious cases, to be proven beyond reasonable doubt, that the application of criminal sanctions be governed by the principles of legality, proportionality and necessity, and that less serious cases should be dealt with using non-criminal sanctions.⁶⁶

37. The International Convention on the Elimination of All Forms of Racial Discrimination requires States parties to declare illegal and prohibit, *inter alia*, organizations that promote and incite racial discrimination (art. 4 (b)). This includes taking action to prohibit such organizations from using nationalist populist fervour to attempt to mainstream their extreme ideologies or racial, ethnic or religious hatred and intolerance. Legislation alone is not sufficient. Article 6 of the Convention makes clear that effective protection from and remedies for racial discrimination are just as important as formal provisions.

38. The obligations under article 4 (b) of the Convention have a direct bearing on the recruitment practices addressed in the present report, because neo-Nazi recruitment *per se* promotes and incites racial discrimination. In light of the firm recognition in international human rights law and principles of the need to ensure the best interests of the child, and to extend to children the special protections necessary to ensure their full enjoyment of human rights,⁶⁷ States must be especially vigilant in the prevention of child recruitment by neo-Nazi and related groups.

39. Unfortunately, sometimes Member States use concerns about racist or intolerant speech as a pretext for illegitimately quashing expression that is compliant with human rights. The Committee on the Elimination of Racial Discrimination has observed with concern that broad or vague restrictions on freedom of speech have been used to the detriment of groups protected by the Convention. The Special Rapporteur endorses the Committee's strong position that measures to monitor and combat racist speech should not be used as a pretext to curtail expressions of protest at injustice, social discontent or opposition.⁶⁸ Overly broad defamation and slander laws that target minority religious groups, political opponents, academics, human rights defenders or others appropriately exercising their freedom of expression should not be tolerated. The Special Rapporteur also strongly condemns attempts by public and private actors to co-opt the language of equality and non-discrimination as a means of stifling legitimate expression. Similarly, she further condemns attempts by public and private actors to use the language of freedom of expression or association as a means of, or cover for, violating the rights of others to equality and non-discrimination.

40. The Committee on the Elimination of Racial Discrimination has highlighted that, although article 4 has operated as the principle vehicle for the prohibition of racist speech, the Convention contains other provisions essential for fulfilling the objectives articulated in that article. Article 4 expressly invokes article 5, which guarantees the right to equality before the law and the right to be free from racial discrimination in the enjoyment of rights, including freedom of expression. Article 6 requires the provision of effective remedies for violations of rights enshrined in the Convention, as indicated above, and article 7 underscores the importance of education in promoting equality and tolerance.

41. In the Durban Declaration, the participants at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance condemned the persistence and resurgence of neo-Nazism, neo-Fascism and violent nationalist ideologies based on racial or national prejudice (para. 84). They also condemned political platforms and organizations based on, among other things, doctrines of racial superiority and related discrimination, as well as legislation and practices based on racism, racial discrimination, xenophobia and related intolerance, highlighting that they were incompatible with democracy and

⁶⁶ General recommendation No. 35, para. 12. See also Human Rights Committee, general comment No. 34, paras. 22–25 and 33–35.

⁶⁷ See, for example, Universal Declaration of Human Rights (art. 25 (2)) and the Convention on the Rights of the Child.

⁶⁸ General recommendation No. 35, para. 20.

transparent and accountable governance (para. 85). Furthermore, they reaffirmed, in paragraph 94 of the Declaration, that the stigmatization of people of different origins by acts or omissions of public authorities, institutions, the media, political parties or national or local organizations was not only an act of racial discrimination but could also incite the recurrence of such acts, thereby resulting in the creation of a vicious circle which reinforced racist attitudes and prejudices, which must also be condemned.

42. The Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence also contains a high threshold for restrictions on freedom of expression.⁶⁹ It outlines a six-part threshold test in keeping with the approach of the Committee on the Elimination of Racial Discrimination, taking into account the following factors: context; speaker; intent; content and form; extent of the speech act; and likelihood, including imminence. The consultative process undertaken in the context of creating the Plan of Action was aimed at enhancing understanding of the relationship between freedom of expression and incitement to hatred. In the Plan of Action (para. 11), concern was expressed that perpetrators of incidents that were in violation of article 20 of the International Covenant on Civil and Political Rights were often not punished and, at the same time, that de facto persecution persisted, through the abuse of vague domestic legislation, jurisprudence and policies. It was also found that anti-incitement laws in countries worldwide were at times excessively narrow or vague. It was recommended in the Plan of Action (para. 21) that domestic legal frameworks on incitement to hatred expressly refer to article 20 (2) of the Covenant and include robust definitions of key terms such as “hatred”, “discrimination”, “violence” and “hostility” as defined in the Camden principles on freedom of expression and equality.⁷⁰

VI. Recommendations

43. **With regard to recruitment and radicalization efforts by neo-Nazi and hate groups, the Special Rapporteur urges Member States to adopt legal and policy measures, as well as programmes, designed and implemented with civil society actors, to target and combat all forms of violent extremism glorifying expressions of Nazism, neo-Nazism and related racial supremacist ideologies. Such action should be taken in accordance with the international human rights obligations and principles recalled above.**

44. **With respect to racist hate speech, including from neo-Nazi or other hate groups, the Special Rapporteur reiterates that Member States should implement the concrete recommendations that other United Nations bodies, especially the Committee on the Elimination of Racial Discrimination, have made pertaining to combating racist and xenophobic expression. In this regard, she would like to reiterate the recommendations made in her reports on nationalist populism and on glorification of Nazism online,⁷¹ especially those recommendations addressed to Member States and technology companies.**

45. **With respect to the practices of neo-Nazi and related recruitment – especially of young people – for the purposes of promoting and inciting racial discrimination, States should declare such practices unlawful and punishable by law.**

46. **With regard to increasing the resilience of children and young people against recruitment and radicalization efforts by neo-Nazi and hate groups, the Special Rapporteur calls on Member States to ensure the engagement of young people and empowerment in all aspects of their lives. Participation in public forums and activities promoting human rights, democracy and dialogue, as well as access to social services,**

⁶⁹ For details of and documentation on the consultation process regarding the Plan of Action, see www.ohchr.org/EN/Issues/FreedomOpinion/Articles19-20/Pages/Index.aspx.

⁷⁰ Article 19, “The Camden principles on freedom of expression and equality” (2009). Available at www.article19.org/resources/camden-principles-freedom-expression-equality/. See also E/CN.4/1996/39, annex, and A/67/357, paras. 39–45.

⁷¹ A/73/305 and Corr.1 and A/73/312.

education and employment, will increase this resilience. The Special Rapporteur strongly recommends that such programmes be pursued in partnership with civil society organizations dealing with violent extremism.

47. Given the importance of psychological and social factors and underlying the motivation of individuals to join hate groups, and the consequences they face when leaving such groups, the Special Rapporteur recommends that Member States allocate resources in deradicalization programmes for the provision of psychosocial support for former members of neo-Nazi and hate groups to prevent relapse.

48. The Special Rapporteur urges States to partner with civil society in combating neo-Nazism. One of the most effective projects aimed at the disengagement and deradicalization of hate groups is Project EXIT, in which civil society plays an important role. Established in 1997 in Norway, this model originated as a three-year development project involving the ministries responsible for justice and for children and the family, and the directorate of immigration. A non-governmental organization hosted the project, which had three primary goals: to establish local networks to support the parents of children embedded in racist or violent groups; to enable young people to disengage from those groups; and to develop and disseminate methodological knowledge to professionals working with young people associated with violent groups.⁷² Based on the Project EXIT model, several organizations, often created by former neo-Nazis or other former members of hate groups, have developed deradicalization programmes for members of hate groups in other European countries and in North America.⁷³ Organizations implementing the EXIT model help former extremists to reintegrate into society as fully functioning individuals capable of obtaining employment and building healthy relationships within their communities.

49. The EXIT model relies mainly on education, vocational training and mentors, and encourages former extremists to form new social networks.⁷⁴ Programmes following that model use those means to interrupt violence committed in the name of ideological or religious beliefs.⁷⁵ The model covers the five stages that individuals typically go through when leaving a movement: motivation; disengagement; establishment; reflection; and stabilization.⁷⁶ Based on its many years of experience, EXIT Fryshuset developed handbooks to provide guidance for relevant stakeholders, such as municipalities, schools and others engaged with young people, to combat neo-Nazi and related violent extremism.⁷⁷

⁷² Institute for Strategic Dialogue, “Project Exit – leaving violent groups” (2014). Available at www.counterextremism.org/resources/details/id/665/project-exit-leaving-violent-groups.

⁷³ See, for example, Tore Bjørgo, “Exit neo-Nazism: reducing recruitment and promoting disengagement from racist groups”, Norwegian Institute of International Affairs, paper, p. 25, and Life After Hate (www.lifeafterhate.org/about-us-page).

⁷⁴ Submission from the American Psychological Association, p. 27.

⁷⁵ See, for example, the website of Life after Hate (www.lifeafterhate.org/about-us-page).

⁷⁶ Bjørgo, “Exit neo-Nazism”, pp. 23–24.

⁷⁷ Odén, “The way out”, p. 3.