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### Elimination of racism, racial discrimination, xenophobia and related intolerance

## Contemporary forms of racism, racial discrimination, xenophobia and related intolerance

### Note by the Secretariat

The Secretariat has the honour to transmit to the General Assembly the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achiume, pursuant to Assembly resolution [74/136](#).

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\* [A/75/150](#).



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

### *Summary*

In the present report, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance addresses an increase in antisemitic incidents and conspiracy theories since the outbreak of coronavirus disease (COVID-19). She examines some of the ideology behind the manifestation of antisemitism, which overlaps with ideologies that have also resulted in an increase in anti-Asian and anti-black racism, Islamophobia, and attacks on non-nationals, in relation to the origin and propagation of COVID-19. The report also contains a summary of information received from 15 Member States on the implementation of the resolution, including the views of non-governmental and other organizations in regard to the resolution.

## I. Introduction

1. The present report is submitted to the General Assembly pursuant to its resolution 74/136 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 which the Assembly requested the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to prepare, for submission to the Assembly at its seventy-fifth session, a report on the implementation of that resolution.

2. In the present report, the Special Rapporteur summarizes information received from Member States with regard to the implementation of General Assembly resolution 74/136. Fifteen States made submissions, and the Special Rapporteur thanks these States for their engagement. The Special Rapporteur also received submissions from 13 non-governmental organizations and two United Nations agencies, and similarly extends her thanks to these organizations. The substance of the submissions from the non-governmental organizations is incorporated into the “issues in focus” section of the report.

3. In the second half of the report, the Special Rapporteur spotlights antisemitism and other forms of racism and xenophobia in the wake of the COVID-19 pandemic.

## II. Summary of Member State submissions

4. This section summarizes Member State submissions on laws and policies in place to combat glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance. However, the Special Rapporteur does not analyse or evaluate these laws and policies in the present report. Indeed, some of the laws and policies summarized below may have been reviewed and condemned for being in contravention of international human rights law, by other actors within the United Nations human rights system. The Special Rapporteur emphasizes that the provision of summaries of State submissions below does not constitute her endorsement of the content of the submissions.

### Argentina

5. The Government of Argentina stated that it supported equality and inclusion measures and promotion of the human rights of Afrodescendent peoples, African Americans, migrants, refugees, and other groups affected by racism.

6. In response to the COVID-19 pandemic, the Government stated that it had focused on assisting migrants and refugees, as well as people seeking refugee status. The Government acknowledged that some migrants faced additional barriers, such as poverty, and structural discrimination and racism. As a result, it had provided emergency support to non-citizens who had at least two years of legal residency, and continued to facilitate cooperation between different levels of government, international organizations and non-governmental organizations.

7. The Government stated that it had distributed aid to African and Afrodescendent migrants and asylum seekers, and that it continued to work with international bodies, the Argentine Red Cross and the Pan American Health Organization to develop more effective distribution strategies and communication channels.

## Armenia

8. The Government of Armenia reported that it endorsed solidarity among political leaders and the adoption of a global ceasefire. It supported the combating of ethnic profiling and of the glorification of hate crimes and hate speech by State leaders and public officials. According to the Government, border tensions continued to undermine regional peace and security, despite calls from the Secretary-General of the United Nations and the Organization for Security and Cooperation in Europe (OSCE) Minsk Group Co-Chairs<sup>1</sup> to refrain from provocative actions. The Government stated that it had taken measures to protect non-citizens from COVID-19 infection, such as organizing the repatriation of Georgian, Belarusian and Indian citizens to their home countries. Finally, the Government called for an increased effort to combat Armenophobia by recognizing hate crimes against Armenians and other violations of the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights).

## Azerbaijan

9. The Government of Azerbaijan reported that it had taken necessary steps to prevent Nazism, neo-Nazism, and other practices that contributed to furthering racism, racial discrimination, xenophobia and related intolerance. The Government cited its Constitution, which guaranteed equality of all people, regardless of race, ethnicity, religion, sex, origin, property status, social position and, among other things, belonging to political parties, trade unions and other civil associations. In accordance with its Constitution, the relevant governmental bodies took all necessary measures to prevent discrimination and stop violations of the rights of national minorities.

10. According to the Government, the Law of the Republic of Azerbaijan on Freedom of Religious Beliefs established that all religions were equal under Azerbaijani law and that propaganda that demeaned human dignity and contradicted the principles of humanity was forbidden. The Government noted that legal mechanisms may allow for the abolition of religious institutions that aimed to incite religious animosity and hostility. Moreover, religious hostility, radicalism and fanaticism were prohibited by article 1 of the Law on the Fight Against Religious Extremism, dated December 2015.

11. Since the COVID-19 pandemic began, the Government has reported no incidents of persecution or other wrongdoing by governmental agencies on a racially discriminatory, xenophobic or antisemitic basis.

12. The Government reported on awareness-raising campaigns and educational initiatives, such as adding courses on multiculturalism to high school curricula.

## Germany

13. The Government of Germany reported on the appearance of antisemitic conspiracy theories about COVID-19, which drew on historical discriminatory tropes and purported to blame Jewish individuals or Israel for the pandemic. The Police Reporting Service (KPMD) monitored politically motivated crime. So far in 2020, it had reported 13 antisemitic criminal offences and 127 criminal offences related to the

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<sup>1</sup> The Government of Armenia referred to the OSCE Minsk Group as the only internationally mandated format (co-chaired by France, the Russian Federation and the United States of America) on the settlement of the Nagorno-Karabakh conflict.

COVID-19 pandemic; of those, 45 were propaganda offences in violation of sections 86 and 86 (a) of the Criminal Code.

14. Additionally, the Government noted that the Federal Criminal Police Office, which monitored right-wing extremist politically motivated crime on the Internet, had been tracking conspiracy theories about COVID-19 that were spread primarily on social media platforms. Those theories accused Jewish individuals, asylum seekers and migrants of being responsible for the creation and spread of COVID-19, while claiming that the Government was using the pandemic to its advantage.

15. The Government reported that the Federal Agency for Civic Education worked to educate and to increase awareness of the threat posed by antisemitism by organizing expert conferences and providing online and printed materials. Following an attack on a synagogue in 2019, the Government had passed the Act to Combat Right-wing Extremism and Hate Crime, which required operators of social networks with at least 2 million users to delete criminal posts and report them to the Federal Criminal Police Office. The Government stated that it was working to expand the scope of current criminal offences, increase existing sentencing ranges for Internet-based crimes, and make it clear that antisemitic motives constituted an aggravating circumstance.

16. Finally, the Government provided examples of materials that, it reports, addressed and worked to eliminate antisemitism in the context of COVID-19.

### **Islamic Republic of Iran**

17. The Government of the Islamic Republic of Iran stated that equality and freedom from all forms of discrimination were among the pillars of its Constitution and were supported by its people's moral and religious values. Several articles from its Constitution protected the freedom and security of religious minorities. According to the Government, articles 19 and 20 emphasized religious equality, while article 13 guaranteed that religious minorities were free to follow the religious teachings of their choosing and practise their own rituals. The Government noted that article 23 clearly forbade the conducting of investigations on the basis of a person's opinion.

18. The Government reported on legal protections for religious minorities, such as Islamic criminal jurisprudence and the Iranian Charter of Citizens' Rights. According to the Government, those legal instruments criminalized hate speech and discrimination on the basis of ethnic, racial or religious identity. Finally, the Government reported that Iranian Jews enjoyed the full benefits of Iranian citizenship, including religious freedom. It noted that Iranian Jews had their own representative in Parliament, exclusive youth organizations, cultural centres, libraries, and more.

### **Italy**

19. The Government of Italy reported that the Observatory for Security against Acts of Discrimination, a multi-agency body fighting discriminatory crimes, was monitoring cases of antisemitism. During the month of February 2020, it had registered about 30 episodes of intolerance and violence against minorities in connection with the COVID-19 pandemic. Most victims were foreign nationals from China; some were Filipino, Japanese or Dominican.

20. The Government stated that it had taken several steps to combat antisemitism and related propaganda. In 2019, the Observatory for Security against Acts of Discrimination had contributed to a European project aimed at educating law

enforcement authorities about hate crimes, including against Jewish individuals. The project had culminated in a unique report that highlighted the strengths and gaps in the Italian data collection system.

21. Additionally, the Government reported that the National Office against Racial Discrimination continued to promote awareness and communication by supporting educational projects and cultural initiatives aimed at combating antisemitism.

22. The Government reported that law enforcement authorities took extreme care to monitor neo-Nazi individuals and groups, both in the real and the digital worlds. In response to the COVID-19 pandemic, the National Office against Racial Discrimination had taken steps to prevent discrimination.

23. Finally, the Government noted that the National Police Specialized Unit on Web Crimes (Communications Police) monitored digital spaces for hate speech related to the COVID-19 pandemic.

## **Lebanon**

24. The Government of Lebanon reported that its laws and Constitution guaranteed freedom of religion, as well as respect for all religions and sects. It noted that it had been a party to the International Convention on the Elimination of All Forms of Racial Discrimination since 1971, that it recognized 18 religious sects, including Judaism, and that it forbade discrimination based on religion, race or nationality. The Government reported that no incidents of discrimination against Jewish individuals had occurred in response to the COVID-19 pandemic.

25. The Government reported on its legal instruments and oversight agencies. It noted that article 317 of its Penal Code criminalized acts, writing or speech that was meant to cause or resulted in “sectarian or racist strife”, with prison terms of one to three years. In addition, the Government highlighted the National Human Rights Committee, an oversight body, created in 2016, that received complaints on human rights violations and promoted a human rights culture across Lebanon. The Government had recently organized the National Strategy for Preventing Violent Extremism, which aimed to draft a long-term framework to combat violent extremism, prevent profiling on the basis of religion or belief, formulate policies to counteract causes of violent extremism, and coordinate the governmental response against violent extremism.

## **Mauritius**

26. The Government of Mauritius referenced the definition of antisemitism as established by the International Holocaust Remembrance Alliance in 2016, and reported no criminal acts against any member of the Jewish community in Mauritius. It noted that chapter 2 of the country’s Constitution guaranteed fundamental human rights and freedoms, including protection from inhuman treatment and from discrimination, in sections 7 and 16 respectively.

27. The Government reported on several legal instruments aimed at curbing racial discrimination. The Government had created the Equal Opportunities Commission through the Equal Opportunities Act, which prohibited workplace discrimination. In addition, through the Protection of Human Rights Act, the National Human Rights Commission had been created, which reviewed human rights safeguards and submitted recommendations to the minister concerned on how to better promote and protect human rights while integrating international instruments. Regarding digital spaces, in 2018 the Government had amended the Information and Communication

Technologies Act of 2001 to incorporate offences where an individual utilized telecommunications equipment to spread neo-Nazi or other hateful or antisemitic ideologies.

## **Mexico**

28. The Government of Mexico stated that it had prioritized respect for human rights and attention to vulnerable groups throughout its COVID-19 response. It noted that despite legislative progress, and constitutional reform in 2011, structural discrimination persisted, contributing to some denials of rights and unequal access to opportunities. The Government acknowledged the Department of Economic and Social Affairs document entitled “Indigenous peoples and COVID-19: considerations”, which declared that national governments must facilitate the medical and social well-being of disproportionately affected indigenous communities. The Government also cited article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination and the 2019 report of the Expert Mechanism on the Rights of Indigenous Peoples<sup>2</sup> as bases for prohibiting discrimination in the context of the COVID-19 pandemic.

29. The Government highlighted domestic legislation intended to counter discrimination. The Government reported that those legal foundations helped to fight all related forms of xenophobia and hatred linked to COVID-19.

30. In response to the COVID-19 pandemic, the Government had issued guidelines for authorities and government agencies on how to address the pandemic from a human rights perspective. For example, the human rights guide for COVID-19 measures, published by the Ministry of the Interior, prohibited denial of health care on the basis of discriminatory factors such as financial resources, immigration status, sexual orientation, nationality, and more. Additionally, the Ministry of Health had published guidelines to ensure respect for human rights, to combat discrimination and to make visible the impact of the pandemic on vulnerable groups.

## **Norway**

31. The Government of Norway reported that an assessment by the Norwegian Police Security Service had shown that an increased number of Norwegians were vulnerable to radicalization in the wake of the COVID-19 pandemic. The Government planned to respond by extending its 2016 Action Plan against Antisemitism, which was originally scheduled to expire in 2020.

32. The Government stated that it had taken steps to prevent radicalization and violent extremism on the Internet. It cited measure 27 of its revised Action Plan against Radicalization and Violent Extremism, which was aimed at strengthening preventative measures in digital contexts and developing methods of actively patrolling the Internet. As part of the European No Hate Speech Movement, the Government aimed to give young people and youth organizations the tools, knowledge and skills necessary to recognize and combat hate speech and human rights violations online. In May 2020, the Government had passed the Media Liability Act, establishing a duty of care for editors and supporting press ethics rules.

33. In February 2020, the Government had created the Freedom of Expression Commission to review the social, technological, legal and economic frameworks for freedom of expression in today’s society and consider measures to promote an open,

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<sup>2</sup> [A/HRC/EMRIP/2019/3](#).

informed public discourse. To supplement those initiatives, the Government maintained multiple legal tools to combat and criminalize all forms of discrimination, such as the Equality and Anti-Discrimination Act, and section 77 (on aggravating circumstances), section 185 (on hate speech) and section 186 (on discrimination) of the Penal Code.

34. Finally, the Government expressed concern that rising unemployment and other social challenges caused by the COVID-19 pandemic may spark increased radicalization and discrimination, and it committed to paying close attention to those threats.

## **Portugal**

35. The Government of Portugal reported a slight increase in incidents of discrimination, incitement to hatred and violence, and offences against a person's honour, during the COVID-19 pandemic. Since 1999, a specialized body called the Commission for Equality and against Racial Discrimination had been fighting against racial discrimination. In 2017, the Government had passed Law No. 93/2017, which established a legal basis for the prevention and prohibition of all forms of discrimination and allowed the Commission to receive a larger volume of complaints.

36. In the context of extremist content and hate speech online, the Government stated that it recognized digital spaces as an area of particular concern. It had adopted the National Cyberspace Security Strategy in 2019 to promote the free, safe and efficient use of cyberspace by all users. In addition, the Government reported on the National Cybercrime Investigation Unit, an investigative body that focused on cybercrime and coordinated with judicial and prosecutorial agencies. The Government had also issued recommendations to the media, and coordinated efforts with the country's High Commission for Migration and with Facebook.

37. The Government had continued to combat antisemitism and related xenophobia during the COVID-19 pandemic. The Constitution and laws established a framework that forbade fascist ideologies and racist political parties, ensured freedom of religion, prohibited discrimination based on religious belief or practice, and more. Finally, the Government reported on several initiatives by the High Commission for Migration to promote deeper interreligious dialogues, acknowledge religious diversity, and facilitate tolerance, cooperation and mutual understanding among citizens. In response to the pandemic, the Government had regularized foreigners with pending requests at the Foreigners and Borders Service, thus guaranteeing them the same rights as afforded to citizens.

## **Russian Federation**

38. The Government of the Russian Federation stated that it condemned any attempt to justify or promote discrimination. Citing articles 2 and 55 of its Constitution, the Government reported that it deeply valued the protection of human rights and that such rights may only be restricted in proportion to constitutionally significant goals. The Government noted that it protected freedoms of speech and information-sharing, but prohibited hate speech, inciting violence, and any discrimination based on social, racial, ethnic, linguistic or religious affiliation.

39. The Government reported on its legislative framework to combat extremism. Highlighting Federal Law No. 149-FZ, the Government stated that it also sought to counter the spread of extremist materials in digital spaces. Specifically, article 15.1 allowed for monitoring of the mass media and telecommunication networks to expose

the spread of extremist materials and take appropriate action, including restricting access to unlawful information disseminated within the Russian Federation. In addition, the Federal Service for Supervision of Communications, Information Technology and Mass Media (Roskomnadzor) worked to ensure compliance with law of the Russian Federation by monitoring the media, including electronic media, mass media communications, information technology, and telecommunications. In the first three months of 2020, the Government had reported 210 extremist crimes, of which 132 involved the Internet. The Government reported achieving a positive trend in reducing the number of extremist crimes.

40. Also, it noted that article 243.4 of the Criminal Code and additional amendments criminalized damage to or destruction of military cemeteries, cultural heritage sites and other memorial structures commemorating the fight against Nazism and fascism during the Second World War.

## **Saudi Arabia**

41. The Government of Saudi Arabia stated that it was a party to the International Convention on the Elimination of All Forms of Racial Discrimination, and had incorporated its principles into its laws. The Government cited Basic Law articles 8 and 39, which it stated prohibited racial discrimination and acts or behaviour that promoted such discrimination, respectively.

42. The Government noted that it had taken steps to regulate digital spaces. Additionally, it stated that its school curriculum was based on the principle of equality and aimed to educate children on human rights and fundamental freedoms. The Government noted that it regularly reviewed school curricula according to international human rights instruments. It also reported that principles of the International Convention on the Elimination of All Forms of Racial Discrimination were promoted in workshops and training for members of the judiciary, prosecutors and law enforcement officials. As part of the memorandum of understanding signed in 2012, the Government had organized over 50 events to address international human rights standards and implementation policies. The King Abdulaziz Centre for National Dialogue regularly organized events regarding the need to end extremism, hatred and all forms of discrimination, as well as to improve interactions between nationals and residents, and increase discussion around tolerance and coexistence.

43. Finally, the Government reported that, as part of its Vision 2030, it continued to systematically review laws and regulations in order to prevent all forms of racial discrimination.

## **Serbia**

44. The Government of Serbia reported that it had established strategic, legislative and institutional frameworks for the protection of human and minority rights and combating discrimination.

45. Regarding the COVID-19 pandemic, the Government had considered recommendations from the human rights treaty bodies and special procedures, as well as suggestions from the OSCE High Commissioner on National Minorities.

46. The Government reported that, aside from an isolated incident, it had found no incidents of hate speech based on race, religion or nationality during the pandemic. It had taken steps to prevent the spread of COVID-19 among migrants and refugees, distribute aid to vulnerable groups and facilitate communication with minority communities. It reported on efforts to translate information materials into several

minority languages, and a campaign to draw attention to human rights obligations during crises. The Government stated that its pandemic response measures did not permit distinguishing on the basis of race, sex, language, religion, nationality or social origin, and nor did they waive rights guaranteed by the country's Constitution.

## Switzerland

47. The Government of Switzerland reported that it considered racial discrimination to be a serious violation of human rights, and respected all international commitments to fight racism through the justice system. In addition, the Government highlighted the importance of combating racism in the digital world, noting that the digital world and the real world were interdependent, and that racism must be fought in both dimensions. For that reason, the country's Service for Combating Racism was making racism on the Internet its main focus.

48. The Government reported that as it rolled out its COVID-19 response, the Federal Council took great care to preserve and respect fundamental human rights. On 16 March 2020, the Federal Council had declared an "extraordinary situation" within the meaning of article 7 of the Epidemics Act. However, it had not been necessary to issue any declarations of derogation of human rights.

49. The Government continued to assess the severity of the COVID-19 pandemic, and had reclassified it from an "extraordinary" situation under the Epidemics Act to a "special" situation. All COVID-19 response measures and ordinances were available to the public on the website of the Federal Office of Public Health.

50. Finally, the Government reported that conspiracy theories (particularly antisemitic) had circulated on the Internet, but on a lesser scale than in neighbouring countries. The Service for Combating Racism would continue to monitor the situation through its new strategy against racism on the Internet.

### **III. Issue in focus: rise of antisemitism and other forms of racism, racial discrimination, xenophobia and related intolerance in the times of COVID-19**

#### **A. Human rights crises engendered by the pandemic: ethnicization of the pandemic/racialization of disease**

51. The coronavirus pandemic has exposed interlinking crises that have been hiding in plain sight: a public health disaster, and ethnonationalist rhetoric and politics – the latter driving impacts of and responses to the former. It is laying bare how dangerous climates of intolerance, racialized and religious suspicion and fear can be to the social fabric that sustains prosperous and safe communities. As populist regimes and extremists exploit and fuel anxieties about the pandemic, it has become increasingly clear how and why ethnonationalism is not just a fringe problem; it affects the very structures that are supposed to undergird liberal institutions.<sup>3</sup>

52. The Equal Rights Trust stated in its submission that "discrimination, both direct and indirect, sits at the heart of the human rights crisis engendered by State responses to the pandemic".<sup>4</sup> COVID-19 has exacerbated pre-existing racism, xenophobia,

<sup>3</sup> A/73/305, para. 31.

<sup>4</sup> Equal Rights Trust, "Response to the joint questionnaire by the special procedure mandate holders on the impact of the COVID-19 pandemic on the enjoyment of human rights", June 2020, para. 12.

antisemitism and other forms of discrimination. In September 2019, the Special Rapporteur on freedom of religion or belief, Ahmed Shaheed, identified rising global antisemitism as a threat to the human rights of Jews and non-Jews and as a phenomenon that, when left unaddressed, was “toxic to democracy”.<sup>5</sup> Just months later, global antisemitic rhetoric online and offline identified Jews and/or Israel as having manufactured or spread the coronavirus to advance global control. Stigmatization and conspiracy theories exploit historical tropes of racialized fears of disease.<sup>6</sup> For example, as far back as the fourteenth century, Jews were accused of poisoning wells to spread bubonic plague. In much the same way, the Community Security Trust, in the United Kingdom of Great Britain and Northern Ireland, reports an “explosion of antisemitic conspiracy theories that began to populate social media as soon as news emerged of a dangerous new virus spreading across the world”.<sup>7</sup> In a submission to the Special Rapporteur, for the present report, the Jacob Blaustein Institute for the Advancement of Human Rights pointed to the geographic breadth, similarity and mode of transmission of the incidents, as evidence of the significant transnational effect of antisemitic rhetoric online.

53. The Jacob Blaustein Institute reported an 18 per cent increase in antisemitism globally in 2019 alone, noting that antisemitic expression and violence had persisted – and even increased – in over 20 countries around the world between October and April 2020.<sup>8</sup> There has been a possibly coordinated campaign of antisemitic “zoombombing”, whereby racists and trolls invade virtual synagogue services and other meetings that are held on Zoom and other videoconferencing sites to spread antisemitic abuse.<sup>9</sup> A prayer service at a synagogue in Toronto, Canada, was “zoombombed” by individuals yelling antisemitic insults at participants. A meeting hosted by the Embassy of Israel in Germany on the eve of Holocaust Memorial Day was “zoombombed” by persons who posted pictures of Hitler and made antisemitic comments.<sup>10</sup>

54. As highlighted in the Jacob Blaustein Institute submission, news outlets and social media platforms worldwide reported variations of antisemitic conspiracy theories, for example, that the COVID-19 virus had been manufactured and spread by Jews and/or Israel as a form of biological warfare; that Jews were financially benefiting from the pandemic and using it to weaken other nations; or that the COVID-19 virus had been developed by drug companies of the United States of America and of Israel to increase their profits.

55. For example, in France, a Jewish former Minister of Health was accused on social media of withholding an effective treatment for the virus from the French public for financial gain; her face was superimposed over the antisemitic “happy merchant” meme, depicting her poisoning a well. A Swiss Holocaust denier claimed that the coronavirus had originated in a Chinese laboratory financed by Jewish financier and philanthropist George Soros. In the Bolivarian Republic of Venezuela, Aporeea, a left-leaning news website, published articles claiming that coronavirus was a method of biological warfare created by the United States and Israel. Similar

<sup>5</sup> See [A/74/358](#).

<sup>6</sup> See, for example, Brian A. O’Shea et al., “Infectious disease prevalence, not race exposure, predicts both implicit and explicit racial prejudice across the United States”, *Social Psychological and Personality Science*, vol. 11, issue 3 (April 2020), pp. 345–355.

<sup>7</sup> Community Security Trust, “Coronavirus and the plague of antisemitism”, Research Briefing (2020), p. 3.

<sup>8</sup> Submission from the Jacob Blaustein Institute for the Advancement of Human Rights, “COVID-19-related antisemitic incidents”.

<sup>9</sup> Community Security Trust, “Coronavirus and the plague of antisemitism”, p. 3.

<sup>10</sup> Submission from the Jacob Blaustein Institute for the Advancement of Human Rights, “COVID-19-related antisemitic incidents”, p. 2.

conspiracy theories have been propagated in many countries, including, for example, Bulgaria, Iran (Islamic Republic of) and Iraq.<sup>11</sup>

56. A Jewish cemetery in Finland and Jewish religious sites across the United States were defaced with antisemitic graffiti; a Russian synagogue in the north-western city of Arkhangelsk was subjected to an arson attack in mid-April 2020; and violent threats against Jews on social media platforms in various states of the United States were consistent with a Federal Bureau of Investigation warning sent to local law enforcement authorities in March 2020 that online extremist groups were encouraging members who became infected with COVID-19 to spread the virus to police and Jews.<sup>12</sup>

57. The Kantor Center for the Study of Contemporary European Jewry, at Tel Aviv University, reported Holocaust-associated terminology: for example, comparing lockdown to the ghettos and using the German slogan “Arbeit macht frei” (“work liberates” – which was on the gate to Auschwitz) to refer to release from it. Anti-vaccine protesters wore the Nazi yellow star, replacing “Jew” with “unvaccinated”, suggesting that they were persecuted and seen as disease spreaders – as Jews were in Nazi Germany. This became so widespread that officials in Munich prohibited wearing of the yellow star at demonstrations.<sup>13</sup>

58. The rise in antisemitism must be understood in the context of broad and rampant racism and other forms of hatred and intolerance affecting other groups as well. Extremists are ready and able to exploit the fear and confusion that accompanies the pandemic. As indicated in submissions received by the Special Rapporteur for the present report, multiple incidents of racist and xenophobic violence continue to be perpetrated by ethnonationalists, including neo-Nazis, skinheads and members of other right-wing movements, against Asians, Muslims, Jews, Roma, LGBTQ persons, migrants, refugees, foreign students, people of colour, indigenous and Afrodescendent peoples, and other minority groups.

59. Submissions for the present report, and countless news and human rights reports, are rife with examples of the widespread discrimination, harassment and assault – online and physical – against persons of Chinese or Asian descent. In what can be seen as an all-too-familiar attempt to normalize xenophobia and racism as reasonable reactions to COVID-19, the President of the United States of America, Donald Trump, dubbed it the “Wuhan flu” or the “China flu”. Online antisemites perverted this to “Jew flu”, implying either that Jews were behind it or that it was most closely associated with Jewish victims and spreaders.<sup>14</sup> On 14 March 2020, three Burmese family members, including a 2-year-old and 6-year-old, were stabbed in a grocery store in Texas by a man who said they were spreading the coronavirus. Many other incidents have been recorded on video and published online, which involve not only overt racism and physical attacks, but also attacks on public health. The US Human Rights Network reported videos of people ripping face coverings and masks off people of Asian descent, and spitting and coughing on their faces.<sup>15</sup> Jews have been similarly assaulted; for example, a couple attacked a group of Hasidic Jews in Brooklyn, New York, pulling masks from their faces and accusing them of spreading COVID-19.<sup>16</sup> The Community Security Trust, in the United Kingdom, reported far-

<sup>11</sup> Ibid., pp. 2–3.

<sup>12</sup> Submission from the Jacob Blaustein Institute for the Advancement of Human Rights, “COVID-19-related antisemitic incidents”, p. 4.

<sup>13</sup> Kantor Center for the Study of Contemporary European Jewry, “The COVID-19 pandemic has unleashed a unique worldwide wave of antisemitism”, press release, 23 June 2020, p. 10.

<sup>14</sup> Community Security Trust, “Coronavirus and the plague of antisemitism”, p. 7.

<sup>15</sup> US Human Rights Network submission.

<sup>16</sup> Submission from the Jacob Blaustein Institute for the Advancement of Human Rights, “COVID-19-related antisemitic incidents”.

right activists discussing online getting infected, either deliberately or accidentally, and going to synagogues and other Jewish buildings to try to infect as many Jewish people as possible.<sup>17</sup>

60. A study in the United Kingdom found that conspiracy theories constituted a sizeable part of the discourse on the COVID-19 virus.<sup>18</sup> To different degrees, 45.4 per cent believed that China was responsible for the virus, while 19.1 per cent believed that Jews were behind it, and 19.9 per cent believed that Muslims were spreading it. The study also shows that such theories are voiced not only on the fringes of society, and that social media serves as a platform to disseminate such opinions.<sup>19</sup> In the United States, the Center for Public Integrity found that one third of survey respondents reported having witnessed someone blaming Asian people for the COVID-19 epidemic. Compared to white respondents (27 per cent), significantly more Asians (60 per cent), Hispanics (48 per cent) and African Americans (43 per cent) had witnessed someone blaming Asian people. While the majority of Americans say the COVID-19 pandemic is a natural disaster, the Center for Public Integrity found that about 3 in 10 Americans blamed China or Chinese people for it.<sup>20</sup>

61. Like antisemitism, anti-Asian racism, particularly anti-Chinese racism, associated with fear of disease has a long history in Canada and the United States. Both countries have a legacy of institutionalized racism (e.g. the “yellow peril” label), and politicians and the general public continue to perpetuate the connection of race and disease. In a joint submission for the present report, the Chinese and Southeast Asian Legal Clinic and the Chinese Canadian National Council for Social Justice noted that an April 2020 poll in three major cities confirmed the prevailing perception that Chinese and/or Asian Canadians were the carriers of COVID-19. Fourteen per cent of respondents either believed that all Chinese or Asian people carried the coronavirus (4 per cent) or were uncertain whether that was true (10 per cent). Fifteen percent were aware of racist incidents in their neighbourhood since the pandemic began.<sup>21</sup>

62. Human Rights Watch reported that a nationwide survey in Australia focusing on COVID-19-related racism against Asians and Asian Australians had documented 178 incidents during the first two weeks of April 2020. The survey, by the community group Asian Australian Alliance, received about 12 reports a day between the beginning of April and at least mid-May (the date of the Human Rights Watch report) on incidents ranging from racial slurs to physical assault. The majority of racist incidents reported – 62 per cent – were against women.<sup>22</sup>

63. The Chinese and Southeast Asian Legal Clinic and the Chinese Canadian National Council for Social Justice reported a number of disturbing examples. In January 2020, a video of a woman eating a bat with chopsticks in a restaurant in Micronesia, shot in 2016 as part of a travel segment, went viral in Canada. The racist rhetoric attributed COVID-19 to “dirty” eating habits, vilifying Chinese people for the transfer of the virus from animals to humans. In addition, three Buddhist temples

<sup>17</sup> Community Security Trust, “Coronavirus and the plague of antisemitism”, p. 9.

<sup>18</sup> University of Oxford news and events, “Conspiracy beliefs reduce the following of government coronavirus guidance”, 22 May 2020.

<sup>19</sup> Kantor Center for the Study of Contemporary European Jewry, “Coronavirus antisemitism briefing No. 5”, 28 May 2020, executive summary, citing University of Oxford news and events, “Conspiracy beliefs reduce the following of government coronavirus guidance”, 22 May 2020.

<sup>20</sup> “New Center for Public Integrity/Ipsos poll finds most Americans say the coronavirus pandemic is a natural disaster,” 28 April 2020.

<sup>21</sup> Joint submission by the Chinese and Southeast Asian Legal Clinic and the Chinese Canadian National Council for Social Justice.

<sup>22</sup> Human Rights Watch, “COVID-19 fueling anti-Asian racism and xenophobia worldwide”, 12 May 2020.

in Montreal were vandalized in February. Also in Montreal, a worker from the Republic of Korea was stabbed on the street in mid-March; the consulate of the Republic of Korea issued a warning to nationals of the Republic of Korea in the city. According to the Chinese and Southeast Asian Legal Clinic and the Chinese Canadian National Council for Social Justice, “Montreal residents of Asian descent reported that, while microaggressions and racist remarks were commonplace, this incident marked the first time that they felt unsafe, fearful or unwelcomed.” On 26 April, on the Vancouver rapid transit system, a man punched a woman, grabbed her hair and slammed her face repeatedly into the seats. He pushed her out of the train at the next station, yelling, “you people are why my daughter is sick!”.<sup>23</sup>

64. The Anti-Discrimination Centre Memorial Brussels submitted a report documenting that during the first phase of the epidemic in the Russian Federation, people of Chinese descent, or associated with China, were the primary target of discrimination.<sup>24</sup> Moscow officials ordered police raids of hotels, dormitories, apartment buildings and businesses to track down the shrinking number of Chinese people remaining in the city. In some cases, the police forced Chinese people into quarantine regardless of when they had arrived in the Russian Federation. Moscow officials authorized the use of facial recognition technology to find those suspected of evading a 14-day self-quarantine period upon their arrival in the Russian Federation. Raids on markets in Chinese neighbourhoods were organized by Cossack patrols. The State-owned public transport company Mosgortrans instructed employees to call the police if any Chinese person tried to board. Attention eventually expanded to migrants, especially from Central Asia (e.g. Kyrgyzstan, Tajikistan and Uzbekistan). While xenophobia towards these groups has long been a problem in the Russian Federation, the pandemic made it even more widespread.

65. In its submission for the present report, the Hungarian Helsinki Committee described a Chinese student in Pécs, Hungary, assaulted by several people who hit her and shouted insults at her. Concerning the decision to close university campuses and transfer courses online, the Prime Minister explained on State media that this was reasonable, as foreigners had brought the epidemic into Hungary and it was impossible to separate foreign from Hungarian students. Iranian medical students, in particular, were targeted for collective expulsion.<sup>25</sup> A group of Iranian students released from hospital quarantine (where they had been detained regardless of whether they had symptoms or had tested positive) were immediately required to report to the police. According to the submission, a total of 27 Iranian students were deported in April 2020; all the charging documents were identical. None of the accused students was sentenced by a court, and all criminal investigations are still pending.<sup>26</sup>

66. As already noted, such racist tropes and disinformation feed into pre-existing and underlying biases or prejudices, and has not been limited to East Asians and Jews. In Sri Lanka, the International Movement Against All Forms of Discrimination and Racism noted that widespread hostility towards Tamil Muslims had been further exploited with COVID-19. The derogatory term “Beruwala people” has been used for anyone suspected of having COVID-19 or having been quarantined (Beruwala is a predominantly Muslim area).<sup>27</sup> The International Movement Against All Forms of Discrimination and Racism reported that the Government of Sri Lanka had issued a rule on 27 March 2020 requiring the cremation of all persons who had died from

<sup>23</sup> Joint submission by the Chinese and Southeast Asian Legal Clinic and the Chinese Canadian National Council for Social Justice.

<sup>24</sup> Submission from the Anti-Discrimination Centre Memorial Brussels.

<sup>25</sup> Hungarian Helsinki Committee submission.

<sup>26</sup> Ibid.

<sup>27</sup> Submission from the International Movement Against All Forms of Discrimination and Racism.

complications of COVID-19. This conflicts with Islamic religious practice, and was widely seen as a manifestation of the institutionalized discrimination against the minority Muslims rather than as a public health measure.<sup>28</sup> Four special rapporteurs of the Human Rights Council issued a joint communication to the Government of Sri Lanka on 8 April 2020, raising the concern that the rule was a violation of freedom of religion, and drawing attention to anti-Muslim hate speech and the stigmatization of Muslims who had tested positive for COVID-19.<sup>29</sup>

67. The European Roma Rights Centre reported that, without evidence, a Bulgarian far-right politician had singled out Roma neighbourhoods as “nests of contagion” to be quarantined.<sup>30</sup> Some mayors had responded by imposing restrictions on Roma settlements with no recorded cases of COVID-19.<sup>31</sup> While general restrictions on movement were introduced and widely perceived as a necessary response to contain the spread of the virus, the quarantine, curfew and blockading of Roma neighbourhoods marked an “ethnicization of the pandemic”. The European Roma Rights Centre noted that “the measures were deemed to be disproportionate, unrelated to actual infection rates, and later acknowledged to have been largely ineffective”.

68. While antisemitism, Islamophobia, xenophobia and racism are indeed central, neo-Nazism and ethnonationalism also embrace homophobia and discrimination against persons with disabilities. In Uganda, for example, LGBTQ persons have been blamed for the COVID-19 virus, with some saying that it is divine punishment for homosexuality and abortion.<sup>32</sup> The Fund for Global Human Rights reports that emergency measures have been exploited by authorities to target marginalized LGBTQ youth, who are particularly vulnerable to prejudice and rely on homeless shelters for safety – especially during periods of crisis, such as in a pandemic.<sup>33</sup>

69. There has been a racially disparate impact from the COVID-19 virus within the labour force sector. As the Chinese and Southeast Asian Legal Clinic and the Chinese Canadian National Council for Social Justice reported in their submission for the present report, a survey conducted in mid-April in Manitoba, Canada, found that one in five front-line health-care support workers of Asian heritage reported having experienced racism in the workplace in recent months. During the same period, only 1 per cent of non-Asian respondents reported being the target of racism in the workplace.<sup>34</sup>

70. According to Adalah, the Legal Center for Arab Minority Rights in Israel, economic measures taken by the Government have had a disproportionate impact on Palestinian citizens of Israel due to existing structural discrimination and socioeconomic gaps.<sup>35</sup> Significant numbers of Palestinian citizens are not employed as permanent employees, and are therefore more vulnerable to lay-offs during the pandemic. At this time, such short-term employment effects the eligibility of many

<sup>28</sup> Ibid., p. 4.

<sup>29</sup> See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25175>.

<sup>30</sup> European Roma Rights Centre submission.

<sup>31</sup> See <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25254>. For the response from the Government of Bulgaria, see <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=35362>.

<sup>32</sup> Equal Rights Trust submission, para. 20 (citing the Office of the United Nations High Commissioner for Human Rights, “COVID-19 and the human rights of LGBTI people”, 17 April 2020) and para. 22.

<sup>33</sup> Fund for Global Human Rights, “Update: Ugandan activists rally to defend arrested LGBTQ youth”, 9 June 2020.

<sup>34</sup> Joint submission by the Chinese and Southeast Asian Legal Clinic and the Chinese Canadian National Council for Social Justice.

<sup>35</sup> Submission from Adalah, the Legal Center for Arab Minority Rights in Israel.

Palestinian citizens to receive unemployment benefits, which are contingent on the worker having been employed for a minimum period prior to receiving them.<sup>36</sup> On 7 April 2020, the Knesset approved an emergency budget allocation, which provided aid to local councils for loss of commercial municipal taxes without considering the loss of residential taxes, resulting in discrimination against Arab municipalities. Accordingly, these municipalities were slated to receive just 1.7 per cent of the aid provided to municipalities nationwide, although Arab citizens comprise 20 per cent of the population.

71. The Bedouin township of Hura in the Negev is one of the top COVID-19 “hotspots” in Israel, yet Adalah reports that data are completely absent for the town. The denial of basic services severely limits the ability of the Bedouin population to protect their health from the spread of COVID-19, for example the lack of clean running water, electricity, sewage disposal, paved roads, emergency health services, medical clinics, and more. Overcrowded living conditions in these villages make it very difficult for people to isolate themselves.<sup>37</sup> All of the seven Bedouin government-planned townships are characterized by poverty, deprivation, high unemployment, crime and social tension, as well as inadequate provision of State services. Since the end of May 2020, Adalah reports, these towns have topped the list of the worst-affected towns in Israel, with an average of 6.5 per cent confirmed positive cases out of the total number of tests conducted.

72. The Equal Rights Trust notes that, before the pandemic, many labour markets were effectively segregated by race, gender and other characteristics. For example, women disproportionately dominated social care, and ethnic minorities were overrepresented in service-sector jobs. Thus, there are serious discriminatory consequences related to whether and how to close certain sectors of the economy, designate essential roles, enforce work-from-home requirements, and provide financial support to people who cannot work.<sup>38</sup>

73. As the pandemic has moved many dimensions of life onto the Internet, the anonymity of this medium emboldens many. Neo-Nazis and other hate groups use digital platforms not only to incite hatred and violence, but also to recruit. The US Human Rights Network reports a 900 per cent increase in hate speech directed towards Chinese people in the United States, and a 200 per cent increase in traffic to hate sites and specific posts against Asians. A white supremacist channel specifically focusing on COVID-19 saw an 800 per cent increase in its number of users.<sup>39</sup> As the Chinese and Southeast Asian Legal Clinic and the Chinese Canadian National Council for Social Justice pointed out, right-wing extremists in Canada are also using the pandemic as an opportunity to stir up racist ideologies. The “collision of conspiracy theories, anti-China [and anti-other] sentiment and white supremacy is rendering dangerous results; it is moving racist theories and messaging from the fringe to the mainstream”.<sup>40</sup> Though the Chinese and Southeast Asian Legal Clinic and the Chinese Canadian National Council for Social Justice were referring to Canada, this observation applies ubiquitously.

<sup>36</sup> Furthermore, unemployment benefits are only available to adults over the age of 20. Jewish Israelis perform military service and enter the workforce at the age of 20. Since Palestinian Arab citizens are exempt from army service, they are disproportionately impacted by this on the basis of age as well as nationality. See the submission from Adalah, p. 13.

<sup>37</sup> Submission from Adalah.

<sup>38</sup> Equal Rights Trust submission, para. 29.

<sup>39</sup> US Human Rights Network submission, p. 2 (citing *Time*, “White supremacist groups are recruiting with help from coronavirus – and a popular messaging app”, 8 April 2020).

<sup>40</sup> Joint submission by the Chinese and Southeast Asian Legal Clinic and the Chinese Canadian National Council for Social Justice.

74. Far-right and radical Islamist groups are also using social media to exploit the pandemic, “calling the virus an act of God against the enemies of Islam. They are also trying to stoke violent opposition to leaders in the Middle East, describing those who have discouraged religious and other large gatherings as defilers of the faith.”<sup>41</sup> Some have discussed sites for spreading infection, such as supermarkets, hospitals and power stations; or visiting synagogues and coughing in the face of rabbis.

75. The Anti-Discrimination Centre Memorial Brussels submitted the following information: With the lockdown in the Russian Federation, a majority of xenophobic activities went online. Focusing largely on anti-migrant sentiment, and in some cases using State television, Russian nationalists spread false rumours of robberies carried out by “hungry migrants” from Central Asia. This prompted groups, including Conservative Yekaterinburg and the Nation and Freedom Committee, to call for Russians to arm themselves. Nationalist sites published anti-migrant invectives about robberies and murders, for example about “guest worker gangs” operating in various parts of Moscow. Far-right platforms posted petitions demanding that the migration be tightened, with such headlines as “Question of the day: how dangerous are unemployed migrants?” and “Famine, theft and suicide: what coronavirus has brought migrants to”. The National Democratic Party published a statement that it would “protect the labour market and security for Russian citizens”, and proposed that migrants who lost their jobs be deported.

## B. State policy responses

### Public health responses

76. The ubiquitous antisemitic conspiracy theories and neo-Nazi and other ethnonationalist fear-mongering and hatred have a grave impact on the ability to mitigate the spread of the COVID-19 virus. A recent study has shown that people who hold COVID-19 conspiracy beliefs are less likely to comply with social distancing guidelines or take up future vaccines.<sup>42</sup> As politicians and other persons of influence perpetuate these conspiracy theories and prejudices, people become apprehensive as to the veracity and sources of public health measures.

77. Stigmatization by public officials contributes to fear and leads people to avoid testing for the virus. If people do not trust authorities and do not feel safe enough to report their symptoms or contact history, the virus will spread more easily through their community and the country as a whole.<sup>43</sup> This further aggravates marginalization of these communities, and makes them distrustful about the motives of health-care professionals and less likely to comply with medical advice.<sup>44</sup> The World Health Organization deliberately assigns medical nomenclature to a virus (e.g. COVID-19 or H1N1), rather than an ethnic or national origin moniker (e.g. “the Wuhan flu”), in order to “avoid causing offence to any cultural, social, national, regional, professional or ethnic groups”<sup>45</sup> and to avoid undercutting public health responses to disease. It is

<sup>41</sup> Souad Mehkennet, “Far right-wing and radical Islamist groups are exploiting coronavirus turmoil”, *Washington Post*, 10 April 2020.

<sup>42</sup> University of Oxford news and events, “Conspiracy beliefs reduce the following of government coronavirus guidance”, 22 May 2020.

<sup>43</sup> Meenakshi Ganguly, “India’s steps to contain COVID-19 have failed to curb anti-Muslim rhetoric”, Human Rights Watch, 18 April 2020.

<sup>44</sup> Sandeep Kumar and Sumit Ray, “How bigotry, like COVID-19, can go viral: the ABC of a modern pandemic”, *The Times of India*, 14 April 2020.

<sup>45</sup> World Health Organization, “World Health Organization best practices for the naming of new human infectious diseases”, May 2015.

stated in the guidelines that disease names should not include geographic locations nor cultural, population, industry or occupational references.

78. Systemic racism and inequality permeate public health responses to the pandemic. Discrimination in access to medical services is pervasive. Disparities in access to testing, to emergency medical services and to isolation centres, and in the ability to practise appropriate social distancing, are reported in nearly every submission that the Special Rapporteur has received. Pre-existing inequalities result in discrimination in access to health care and differential susceptibility to COVID-19 transmission. According to the Equal Rights Trust, a June 2020 review by Public Health England (an executive agency of the Department of Health and Social Care in the United Kingdom) found a likely correlation between the risk of transmission of the virus responsible for COVID-19 for black, Asian and minority ethnic communities in England, and prevailing health disparities, such as overcrowded housing, reliance on public transport, and living in densely populated areas. Similarly, the death rate for these communities is associated with a high underlying risk of co-morbidities, for example cardiovascular disease, diabetes and obesity.<sup>46</sup> The review further noted that “the measures to control the spread of COVID-19 across the country may have led to further economic or housing instability”.<sup>47</sup>

79. Furthermore, the Equal Rights Trust reported that a June 2020 study by the APM Research Lab in the United States had found that a quarter of COVID-19 deaths in the United States had been of black people (almost 22,000), although they constituted only about 13 per cent of the population. A Brazilian study of health service data on 30,000 COVID-19 patients who had either recovered or died as at 18 May 2020 found that proportionately more black and mixed-race Brazilians (55 per cent) had died than whites (38 per cent), exposing similar underlying inequalities.<sup>48</sup> The Equal Rights Trust also reported on another study that found that the COVID-19-related death rate for indigenous peoples in Brazil was over 9 per cent, nearly double the 5.2 per cent rate among the general Brazilian population.<sup>49</sup>

80. As compared with Jewish Israelis, Adalah reported major gaps in access to emergency medical services, COVID-19 testing, and isolation facilities for Palestinian citizens of Israel, including Palestinian Bedouin in the Negev, as well as Palestinian residents of Occupied East Jerusalem. Adalah stated that litigation and substantial pressure by civil society and political actors had prompted the Government to provide a minimum of health-related services. However, these gaps were still significant during the first wave of the pandemic, and Adalah noted an apparent lack of preparedness for these groups in the second wave.<sup>50</sup> While the Israeli Ministry of Health publishes a daily update on COVID-19, Adalah reports that it does not include accurate data on the considerable population of Palestinian citizens who live in mixed Jewish-Arab cities (e.g. Acre, Haifa and Ramla). They often live in segregated, overcrowded and poorer neighbourhoods that lack adequate health and social services, which puts them at higher risk for COVID-19. Adalah noted that “the lack of specific information on these towns was especially damaging during that crucial period for mapping the pandemic’s spread in order to formulate specific interventions in communities under heightened risk”.<sup>51</sup>

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<sup>46</sup> Equal Rights Trust submission, para. 15.

<sup>47</sup> *Ibid.*, para. 15.

<sup>48</sup> *Ibid.*, para. 16.

<sup>49</sup> *Ibid.*, para. 17.

<sup>50</sup> Submission from Adalah, p. 3.

<sup>51</sup> *Ibid.*, pp. 10–11.

### **Lack of disaggregated data**

81. The Jacob Blaustein Institute noted that many States made no attempt to monitor antisemitic incidents, and non-governmental sources were unable to do so comprehensively, if at all. Furthermore, in all countries, underreporting of antisemitic incidents is a very serious problem. Reporting is critical for accountability, to create a record that attests to how pervasive the problem is.

82. Without data disaggregated by race, ethnicity, nationality, religion, gender, age and socioeconomic status, from all parts of a country, it is difficult to understand the specific situation of various groups. Adalah expressed concern that the data regarding Palestinian citizens of Israel remained unclear because the Ministry of Health was not publishing data about mixed cities according to nationality, and did not publish specific data on towns with fewer than 2,000 residents. The contagious nature of the virus requires detailed, complete data regarding specific cases, their location, and numbers broken down to the level of village/town and nationality, in order to make the public aware and to most effectively contain its spread. As Adalah noted, the lack of published data concerning Arab towns and villages in Israel is not only an example of structural discrimination against the Palestinian Arab minority in Israel, but also a major public health hazard for the population in Israel and the Occupied Palestinian Territory as a whole.

## **IV. Applicable racial equality framework**

83. In this time of the COVID-19 pandemic, the Special Rapporteur wishes to remind States of their positive obligations to speedily eliminate<sup>52</sup> the glorification of Nazism, neo-Nazism and other similar practices fuelling antisemitism, racial discrimination, xenophobia and intolerance. She recalls States' obligations to combat racism, racial discrimination, xenophobia and related intolerance, and to provide effective remedies when such human rights violations occur, which she has highlighted in her previous reports.<sup>53</sup> Due to space constraints, that guidance is incorporated here by reference.

84. The COVID-19 pandemic has made clear the indivisibility and interdependence of all human rights. It has exposed the disproportionate impacts that surface when inequalities overlap, and demonstrated that legal equality cannot be achieved without first ensuring substantive equality in the economic, social and cultural spheres. In a COVID-19-related statement, the Committee on Economic, Social and Cultural Rights called upon States, in responding to the pandemic, to respect and protect the inherent dignity of all people, and prioritize minimum core obligations imposed by the Covenant. "In this difficult context, access to justice and to effective legal remedies is not a luxury, but an essential element to protect economic, social and cultural rights, especially those of the most vulnerable and marginalized groups."<sup>54</sup>

85. In particular, the pandemic has highlighted the fact that the rights of the most marginalized groups are often disproportionately affected by the adverse impacts of the disease. In its general comment No. 14 (2000) on the right to the highest attainable standard of health, the Committee on Economic, Social and Cultural Rights asserted that "health is a fundamental human right indispensable for the exercise of other human rights. Every human being is entitled to the enjoyment of the highest attainable standard of health conducive to living a life in dignity."<sup>55</sup> Indeed, the rights to food,

<sup>52</sup> International Convention on the Elimination of All Forms of Racial Discrimination, preamble.

<sup>53</sup> [A/HRC/44/58](#), [A/74/253](#) and [A/HRC/41/55](#).

<sup>54</sup> [E/C.12/2020/1](#), para. 12.

<sup>55</sup> See para. 1.

water, housing, work, education, human dignity, life, non-discrimination, equality, privacy, and access to information, and the freedoms of association, assembly and movement, and the prohibition against torture, all address integral components of the right to health.<sup>56</sup>

86. Along with formal discrimination, the International Covenant on Economic, Social and Cultural Rights requires States to eliminate substantive discrimination. As the Committee on Economic, Social and Cultural Rights explains, “eliminating discrimination in practice requires paying sufficient attention to groups of individuals which suffer historical or persistent prejudice instead of merely comparing the formal treatment of individuals in similar situations. States parties must therefore immediately adopt the necessary measures to prevent, diminish and eliminate the conditions and attitudes which cause or perpetuate substantive or de facto discrimination.”<sup>57</sup>

87. In their measures to protect the life and health of all individuals within their territory and subject to their jurisdiction, States may use exceptional emergency powers that result in restricting the enjoyment of individual rights. International human rights law allows States to derogate from their treaty obligations under certain limited circumstances. However, as the Human Rights Committee has stressed, while States may temporarily invoke emergency powers to contain the spread of COVID-19, they must ensure that all measures are strictly necessary and proportional in nature, and consistent with other international obligations.<sup>58</sup> Above all, under the International Covenant on Civil and Political Rights, “States may not resort to emergency powers or implement derogating measures in a manner that is discriminatory, or that violates other obligations ... including under other international human rights treaties from which no derogation is allowed.”<sup>59</sup> “Nor can States parties tolerate, even in situations of emergency, the advocacy of national, racial or religious hatred that would constitute incitement to discrimination, hostility or violence, and they must take steps to ensure that public discourse in connection with the COVID-19 pandemic does not constitute advocacy or incitement against specific marginalized or vulnerable groups, including minorities and foreign nationals.”<sup>60</sup>

88. Similarly, the Committee on Economic, Social and Cultural Rights has emphasized that where COVID-19-related emergency measures limit rights under the International Covenant on Economic, Social and Cultural Rights, such measures should comply with the conditions set out in article 4 of the Covenant on derogations. Such measures also must be necessary to combat the public health crisis posed by COVID-19, and be reasonable and proportionate. Emergency measures and powers adopted by States parties to deal with the pandemic should not be abused, and should be lifted as soon as they are no longer necessary for protecting public health.<sup>61</sup>

## V. Recommendations

**89. The Special Rapporteur recommends that States condemn acts of antisemitism and other forms of racism and xenophobia in their responses to COVID-19. Political leaders and parties should be proactive in shifting**

<sup>56</sup> Ibid., para. 3.

<sup>57</sup> See the Committee’s general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights, para. 8 (b).

<sup>58</sup> [CCPR/C/128/2](#), para. 2.

<sup>59</sup> Ibid., para. 2 (d).

<sup>60</sup> Ibid., para. 2 (e).

<sup>61</sup> [E/C.12/2020/1](#), para. 11.

narratives away from linking COVID-19 to nationality, ethnicity or location. They must reject manifestations of racism that threaten to undermine global pandemic responses and instead promote tolerance and respect. The Special Rapporteur calls upon States to counter conspiracy theories and contain their spread. All responses to the pandemic should be evidence-based, legal and non-discriminatory, in order to protect public health.

90. The Special Rapporteur urges States to adopt robust, multi-level, human rights-centred approaches in their COVID-19 responses, and to address intersecting inequalities in the context of COVID-19.

91. The Special Rapporteur reiterates that States have the obligation to prosecute hate crimes committed with racist, xenophobic, antisemitic or homophobic motivations and to fight against impunity. In order to effectively prevent racially motivated crime linked to the pandemic, States should take urgent steps to ensure prompt and impartial investigation of hate crimes, and sanction those responsible. The Special Rapporteur also underscores the importance of access to legal remedies for victims of crime that has been motivated by racism or xenophobia. States should consult vulnerable groups and minorities who are affected by COVID-19-related racist, antisemitic or xenophobic crimes, and reinforce law enforcement and the criminal justice system to respond to the increasing incidence of such crimes.

92. The Special Rapporteur recalls paragraph 59 of her earlier report to the General Assembly (A/74/253), in which she called upon States to elaborate legal provisions to prohibit organizations and associations that incite racial, religious and national hatred and propagate extreme ideologies, and to do so in a manner that respects the human rights to freedom of expression and speech. To this end, the Special Rapporteur reiterates her encouragement to those States that have made reservations to article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination to withdraw these reservations and commit to their obligation to tackle hate speech and incitement to violence.

93. As emphasized by her predecessor in his thematic report (A/HRC/29/47), the Special Rapporteur concurs that public officials, including law enforcement officials, should receive comprehensive and mandatory human rights training with a specific focus on antisemitic, racist and xenophobic crimes perpetrated by individuals linked to extremist political parties, groups and movements. These officials and law enforcement agents should engage with vulnerable groups to reduce their legitimate fears and concerns and restore confidence in the application of the rule of law, and ensure they can report such crimes effectively.<sup>62</sup>

94. Furthermore, the Special Rapporteur urges States to provide dedicated funding for independent bodies that monitor hate crimes. These bodies play an essential role in documenting racist crimes and other incidents by providing hotlines to victims without them having to report to the police, and through which vulnerable members of ethnic minorities or migrants can seek support without fear of discrimination or risk of being detected.

95. The Special Rapporteur highlights the critical need for disaggregated data collection by race, age, income, nationality, ethnicity, gender, religion, language and sexual orientation. Reliable disaggregated data is critical to implement adequate policy and practices, to analyse the impact of COVID-19 on racially motivated crimes and other incidents, and for timely and publicly accessible release of this information. The Special Rapporteur stresses the obligation of

<sup>62</sup> A/HRC/29/47, para. 52.

States to allocate adequate financial, human and technical resources to improve the quality of data collection systems, while guaranteeing the protection of privacy and consultation with civil society in the process.

96. The Special Rapporteur urges States to ensure that COVID-19 emergency response policies and practices are consistent with human rights standards. Using multi-level, complementary and diverse methods, COVID-19 responses should be crafted to address structural discrimination. In consultation with affected individuals and communities, States should dedicate resources to bridge digital divides and address structural discrimination and racial inequalities. The Special Rapporteur reiterates the recommendation of the Durban Declaration and Programme of Action that States develop and implement action plans to combat racism, racial discrimination, xenophobia and related intolerance which should include affirmative action in the areas of health, social services, housing and employment.<sup>63</sup>

97. As stated by the Committee on Economic, Social and Cultural Rights, the pandemic and the measures taken to combat it have had a disproportionate negative impact on the most marginalized groups. The Special Rapporteur reaffirms the Committee's recommendation to Member States that they must "mobilize the necessary resources to combat COVID-19 in the most equitable manner, in order to avoid imposing a further economic burden on these marginalized groups".<sup>64</sup>

98. The Special Rapporteur notes with concern that the pandemic exacerbates existing socioeconomic inequalities and discrimination, marginalizing those in a precarious economic situation who are disproportionately exposed to financial shocks. States should ensure that the right to non-discrimination and the rights to an adequate standard of living and the highest attainable standard of health, among other human rights standards, are at the centre of COVID-19 response policies. In particular, the Special Rapporteur underlines the need for affordable care and equal access to health facilities to prevent, treat and control epidemic diseases, with a view to realizing the right to the highest attainable standard of health for all, without discrimination.

99. The Special Rapporteur recommends that States incorporate equality impact assessments into their ongoing public health, economic, and social policy responses to the crisis, in order to ensure that such responses are inclusive and proportionate. Impact assessment with a focus on vulnerable groups should be an essential component of intervention measures to guarantee the enjoyment of human rights for all, without discrimination.

100. The Special Rapporteur calls upon States to engage with victimized communities and curb racist incidents where some public officials have failed to do so. States should take stock of the normalization of emergency measures that employ discriminatory strategies or manifest any form of discrimination. The Special Rapporteur encourages national and local authorities to devise post-pandemic recovery plans that are fully inclusive, and are implemented in compliance with international human rights standards.

101. Recalling her thematic report of 2018 that noted the growing support for racist and related ideology through the use of digital technologies, the Special Rapporteur reiterates that the current international and regional human rights framework offers principles that should be implemented effectively in law and in practice by States in order to tackle racism and intolerance through the use of

<sup>63</sup> Durban Declaration and Programme of Action, paras. 66, 99, 167 and 191.

<sup>64</sup> See [E/C.12/2020/1](#).

new digital technologies.<sup>65</sup> The Special Rapporteur urges States to implement the concrete proposals made by the Committee on the Elimination of Racial Discrimination in its general recommendation No. 35 (2013) on combating racist hate speech, to counter persistent racist hate speech on social media and the Internet.<sup>66</sup>

102. Media organizations and social media platforms must recognize their responsibility to mitigate the spread of hateful, xenophobic, racist and discriminatory messaging, and invest resources to protect users against such content. Consistent with the recommendations of the Committee on the Elimination of Racial Discrimination,<sup>67</sup> the Special Rapporteur highlights the need for media to adopt codes of professional ethics or press codes that promote responsibility in dissemination of opinions and ideas.

103. The Special Rapporteur recommends that physical and social media platforms implement regulatory policies and adopt terms of service that respect the freedoms of expression and the press, while eliminating antisemitic, racist, discriminatory and otherwise hateful content. The media must commit to combating antisemitic, racist and xenophobic content and conspiracy theories by taking appropriate actions against misinformation on the public health crisis and against the dissemination of hate messages that incite racial hatred, violence and discrimination.

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<sup>65</sup> A/73/312, para. 43.

<sup>66</sup> See particularly paras. 39–42.

<sup>67</sup> See para. 39.