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**RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND
ALL FORMS OF DISCRIMINATION**

**Report submitted by Mr. Doudou Diène, Special Rapporteur
on contemporary forms of racism, racial discrimination,
xenophobia and related intolerance**

Addendum

**DEFAMATION OF RELIGIONS AND GLOBAL EFFORTS TO
COMBAT RACISM: ANTI-SEMITISM, CHRISTIANOPHOBIA
AND ISLAMOPHOBIA***

* The summary is being circulated in all languages. The report is being circulated in French and English only.

Summary

Pursuant to Commission on Human Rights resolution 2004/6 of 13 April 2004 on combating defamation of religions, in which the Commission requested the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to examine the situation of Muslim and Arab peoples in various parts of the world with special reference to physical assaults and attacks against their places of worship, cultural centres, businesses and properties in the aftermath of the events of 11 September 2001, to General Assembly resolution 58/160 of 22 December 2003, on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action, to the Secretary-General's opening remarks at the Department of Public Information seminar on anti-Semitism, in New York on 21 June 2004, and to the recommendations of the Special Rapporteur in his report to the Commission at its sixtieth session, in which he considered that "in view of the large number of confirmed incidents and of the representative and therefore influential nature of the personalities involved, the concern expressed by participant States at the Durban Conference is justified" (E/CN.4/2004/18, para. 15), the Special Rapporteur has decided to analyse further the question of defamation of religions and, in particular, anti-Semitism, Christianophobia and Islamophobia.

For the preparation of his report, the Special Rapporteur gathered information from various States, intergovernmental organizations, and non-governmental human rights organizations. He also organized a seminar attended by very high-level experts on this question. The seminar, held in Barcelona, Spain, from 11 to 14 September 2004, had the following objectives:

To clarify the concepts of anti-Semitism, Christianophobia and Islamophobia and identify the underlying causes of the growth in these three phobias;

To identify the nature of the manifestations and expressions of these various phobias at the individual, intellectual and political levels;

To analyse the dialectic between the specificities and singularities of these phobias and the universality of efforts to combat racism and discrimination;

To formulate recommendations on ways and means of combating these phobias.

The present report comprises five chapters. The first three are devoted to an analysis of each of the phobias in question: Islamophobia, anti-Semitism and Christianophobia. Chapter IV seeks to elucidate the dialectic between the specificity of each of these forms of discrimination and the universality of efforts to combat racism, racial discrimination and xenophobia. Chapter V contains the Special Rapporteur's recommendations.

At the end of each chapter the Special Rapporteur proposes recommendations relating to the phobia in question together with general recommendations based on the following points:

(a) The Special Rapporteur invites the Commission, in measures to combat racism and discrimination, to take greater account than in the past of two developments: the increasing interweaving of race, ethnicity, culture and religion and, in this context, the rise of anti-Semitism, Christianophobia and Islamophobia. He invites the Commission to draw the urgent attention of member States to the dynamic of the conflict of cultures, civilizations and religions generated by these developments, in particular in the current context of the predominance of efforts to combat terrorism;

(b) The Special Rapporteur recommends that the Commission and member States, in their strategies to combat anti-Semitism, Christianophobia and Islamophobia, promote the following principles:

The taking into account of the historical and cultural depth of these three phobias, and thus the need to complement legal strategies with an intellectual and ethical strategy relating to the processes, mechanisms and representations which constitute these phobias over time;

The fundamental link between the spiritual, historical and cultural singularity of each of these phobias and the universality of their underlying causes and of the efforts needed to combat them;

Equal treatment of these phobias and avoidance of any prioritization of efforts to combat all forms of discrimination;

Application of the principle of secularism must be subject to particular vigilance so as not to generate or legitimize new forms of discrimination and, above all, not to create an obstacle to full participation in public life by believers and practitioners of various religions;

Respect for and promotion of religious and spiritual pluralism;

(c) The Special Rapporteur recommends that the Commission invite the religious and cultural communities that are victims of these phobias not only to promote an in-depth intercultural and interreligious dialogue, including through the establishment of joint structures in each country in which they coexist, but also to explore the internal factors in their beliefs and practices which may have contributed to these phobias;

(d) The Special Rapporteur recommends that the Commission invite civil society to further mobilize against all these phobias, without prioritization and above all to actively promote dialogue and interaction between the communities concerned.

CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
Introduction	1 - 12	5
I. ISLAMOPHOBIA	13 - 34	7
A. Clarification of the concept	13 - 19	7
B. Manifestations of Islamophobia	20 - 30	8
C. Recommendations	31 - 34	11
II. ANTI-SEMITISM	35 - 51	12
A. Clarification of the concept	36 - 43	13
B. Manifestations of anti-Semitism	44 - 47	15
C. Conclusions and recommendations	48 - 51	16
III. CHRISTIANOPHOBIA	52 - 62	17
A. Clarification of the concept	52 - 54	17
B. Manifestations of Christianophobia	55 - 57	19
C. Recommendations	58 - 62	19
IV. DIALECTIC BETWEEN THE SPECIFICITIES AND SINGULARITIES OF EACH PHOBIA AND UNIVERSALITY OF EFFORTS TO COMBAT RACISM AND DISCRIMINATION	63 - 65	20
V. RECOMMENDATIONS	66 - 69	21

Introduction

1. In its resolution 2004/6 of 13 April 2004 on combating defamation of religions, the Commission on Human Rights requested the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to examine the situation of Muslim and Arab peoples in various parts of the world with special reference to physical assaults and attacks against their places of worship, cultural centres, businesses and properties in the aftermath of the events of 11 September 2001.
2. In addition, in its resolution 58/160 of 22 December 2003 on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action, the General Assembly recognized with deep concern the increase in anti-Semitism, Christianophobia and Islamophobia in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas directed against Arab, Christian, Jewish and Muslim communities.
3. In the Durban Declaration adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in September 2001, States recognized with deep concern “religious intolerance against certain religious communities, as well as the emergence of hostile acts and violence against such communities because of their religious beliefs and their racial or ethnic origin in various parts of the world” (A/CONF.189/12 and Corr.1, para. 59). They also recognized with deep concern “the increase in anti-Semitism and Islamophobia in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas against Jewish, Muslim and Arab communities” (ibid., para. 61).
4. In his opening remarks at the United Nations Department of Public Information seminar on anti-Semitism in New York on 21 June 2004, the Secretary-General encouraged Member States to take the necessary measures to combat anti-Semitism in all its forms and to take action comparable to Commission resolution 2004/6, which requests the Special Rapporteur to examine the situation of Muslim and Arab peoples in various parts of the world. The Special Rapporteur wishes to express his thanks to the Secretary-General for the message of support sent to the seminar on religious defamation held in Barcelona, Spain, from 11 to 14 November 2004, a message which bears witness to his commitment to efforts to combat all forms of discrimination.
5. In his report to the Commission at its sixtieth session, the Special Rapporteur considered that “in view of the large number of confirmed incidents and of the representative and therefore influential nature of the personalities involved, the concern expressed by participant States at the Durban Conference regarding the rise of anti-Semitism is justified”, and that it is “important to make the rise of anti-Semitism, like that of Islamophobia, the subject of an in-depth study, which will look into its underlying causes, its manifestations and the ways and means available to combat it” (E/CN.4/2004/18, para. 15).

6. In the light of the above resolutions, the Secretary-General's remarks and the Durban Declaration, the Special Rapporteur decided to analyse further the question of the defamation of religions and, in particular, anti-Semitism, Christianophobia and Islamophobia, and to submit a report on this question to the Commission at its sixty-first session.

7. For the preparation of his report, the Special Rapporteur gathered information from various States, intergovernmental organizations and non-governmental human rights organizations. He also organized the expert seminar on this question held in Barcelona. The seminar, which brought together very high-level experts, had the following objectives:

To clarify the concepts of anti-Semitism, Christianophobia and Islamophobia and identify the underlying causes of the growth in these three phobias;

To identify the nature of the manifestations and expressions of these various phobias at the individual, intellectual and political levels;

To analyse the dialectic between the specificities and singularities of these phobias and the universality of efforts to combat racism and discrimination;

To formulate recommendations on ways and means of combating these phobias.

8. The Barcelona seminar was based on analysis of six studies (two for each of the phobias) previously entrusted to eminent experts:

Anti-Semitism: Esther Ben-Bassa (France), professor of modern Jewish history, School of Advanced Studies, Sorbonne (France), and visiting professor at the Netherlands Institute for Advanced Study (Netherlands); Graciela Ben-Dror, professor, Department of History at the University of Häifa (Israel);

Christianophobia: Rev. Drew Christiansen, S.J. (Ph.D.), (United States of America), United States Conference of Catholic Bishops (United States of America); Hanna Kildani, historian, Director-General of the Department of Education, Latin Patriarchate (Jordan);

Islamophobia: Amir Al-Islam, Secretary-General of the World Muslim Council for Interreligious Relations (United States of America); Ashgar Ali Engineer, Chairman of the Centre for the Study of Society and Secularism (India).

9. In particular the Special Rapporteur encouraged interdisciplinary discussions among these experts so as to open up the intellectual ghettos which have gradually formed around these three questions.

10. For Islamophobia, the Special Rapporteur has also relied heavily on the report drafted by Abduljalil Sajid, Chairman of the Muslim Council for Religious and Racial Harmony (United Kingdom) and a member of the United Kingdom Commission on British Muslims and Islamophobia, entitled "Islamophobia: A new word for an old fear".

11. The Special Rapporteur considers, in the light of the experience of his earlier reports, that he is not in a position to submit full numerical data on the three phobias in question in view of the difficulty of assessing the reliability of the methodologies and the rigour employed in data collection. In this connection he recalls his recommendation for the establishment, within the Office of the United Nations High Commissioner for Human Rights, of an observatory or structure responsible for collecting reliable data on manifestations of racism, racial discrimination and xenophobia to be submitted with his annual reports on these three phobias to the Commission.

12. The present report comprises five chapters. The first three are devoted to an analysis of each of the phobias in question: Islamophobia, anti-Semitism and Christianophobia. Chapter IV seeks to elucidate the dialectic between the specificity of each of these forms of discrimination and the universality of efforts to combat racism, racial discrimination and xenophobia. Chapter V contains the Special Rapporteur's recommendations.

I. ISLAMOPHOBIA

A. Clarification of the concept

13. Although the term "Islamophobia" is recent, the Special Rapporteur wishes to recall that this kind of discrimination is not new. It refers to a baseless hostility and fear vis-à-vis Islam, and as a result a fear of and aversion towards all Muslims or the majority of them. It also refers to the practical consequences of this hostility in terms of discrimination, prejudices and unequal treatment of which Muslims (individuals and communities) are victims and their exclusion from major political and social spheres. The term was invented in response to a new reality: the increasing discrimination against Muslims which has manifested itself in recent years.

14. Rather than use the term "Islamophobia", it would be more correct to use the term "Islamophobias", since the phenomenon has several facets. Each has its own characteristics as well as similarities with other kinds of Islamophobia.

15. It is well documented that such discrimination dates back to the first contacts between Islam and other religions, cultures and civilizations. It goes back at least as far as the crusades and has taken on different forms at different times in history. In recent history, the concept of Islamophobia has emerged in a more definite and more visible manner in time of crisis, in particular at the time of the oil crisis, critical moments in the Israeli-Palestinian conflict, and above all since the events of 11 September 2001.

16. Among the factors which have led to this increasing Islamophobia are: the presence since the 1960s of some 40 million Muslims in Europe; the increased economic weight of the oil-producing countries, which for the most part are Muslim in culture and tradition; human rights violations by repressive regimes perpetrated in the name of Islam; and the emergence of political movements which claim to base themselves on Islam and the use of terrorist acts to attain their objectives.

17. The Special Rapporteur has noted, with reference to Islamophobia, that the prevailing interpretation of Islam tends to view it as Arabism. This trend, which demonstrates the complexity of the phenomenon, reflects, in the view of the Special Rapporteur, an amalgam of

religion, culture and civilization. However, the Arabism-Islam link is not made on every continent. In India, for example, Islamophobia is linked to internal historical factors and, in particular, to the partition of the British Indian empire. Further, although the language of the Koran is Arabic, most Muslims today are not Arabs. Islamophobia thus manifests a lack of knowledge, a denial or a misunderstanding of the geographical and cultural diversity of Islam.

18. Islamophobia has a dual dimension: religious and political. It seems, however, that these two dimensions do not express themselves with equal force, depending on the era. At the time of the crusades the religious dimension was in the forefront, but today, in a period characterized by decolonization and societal changes linked with significant waves of immigration, and in the political aftermath of the attacks of 11 September 2001, it appears that the political dimension is in the ascendant.

19. In certain societies, in particular in Western Europe, Islam, in reaction to a certain view of this religion, has been donned by certain groups more as a means of asserting identity than a religious practice or belief. This phenomenon, linked also with the Israeli-Palestinian conflict, is emerging in the guise of a kind of nationalism on the part of Arab-Muslim communities. This nationalism divorced from territorial demands results in the coexistence of loyalty towards the country of residence with support for external causes, in particular the Palestinian cause. In a context of increased discrimination against Islam, the religion becomes the cement of a new defence identity.

B. Manifestations of Islamophobia

20. In his previous report (E/CN.4/2004/19), the Special Rapporteur noted a manifest increase in Islamophobia, with two fundamental characteristics: the intellectual legitimization of hostility towards Islam and its followers, and the political tolerance of such hostility in many countries.

21. Pursuant to Commission resolution 2004/6, the Office of the High Commissioner, as in previous years, wrote to States to ask them to transmit to the Special Rapporteur all relevant information on the situation of Arab and Muslim populations in various regions of the world.

22. Notwithstanding this request sent to States, including the countries responsible for the resolution, the Special Rapporteur has received little in the way of reliable data on manifestations of Islamophobia.

23. Nevertheless, the Special Rapporteur, through his own initiatives, has been able to gather information highlighting the depth of Islamophobia.

24. In particular, a survey conducted by Genesis Research Associates for the Council on American-Islamic Relations (CARE) revealed the extent of Islamophobia and found, for example, that in United States public opinion negative images of Muslims were 16 times more prevalent than positive images, that one American in four believed statements such as “the Muslim religion teaches violence and hatred” (26 per cent) or “Muslims value life less than other people” (27 per cent). It seems that uneducated White males with conservative Republican beliefs had the most negative attitudes towards Islam. Equally it should be noted, in a positive vein, that according to this survey, 44 per cent of those asked considered that those who used

Islam as a pretext for violence misinterpreted the teachings of the religion. In addition, it seemed that those individuals who considered that they had some knowledge of Islam had significantly more favourable attitudes.¹

25. Further, in the 1990s many sociologists noted a change in racist ideas, which changed from discrimination based on colour to the concept of cultural superiority and of otherness.

26. The inter-community incidents and acts of Islamophobic violence which followed the murder in broad daylight on 2 November 2004 in the Netherlands of the director Théo Van Gogh, and the violence in Thailand in November as a result of police repression of young Muslim demonstrators testify, in Islamophobia, to a logic based on a clash of cultures: the current rise in Islamophobia is characterized by the interpretation - in particular by politicians and the media - of individual acts as collective behaviour, an interpretation illustrated by such comments as “Van Gogh’s murder is a form of jihad”, or “Van Gogh’s murder is an attack on our values and our civilization”. The Special Rapporteur welcomes the reaction of some political leaders who severely criticized such reactions and notes, in particular, in this connection the symbolic visit made by Queen Beatrix to a Muslim cultural centre. In a similar vein the Special Rapporteur took note of the recent statement by the Leader of the Opposition in the United Kingdom, Michael Howard, acknowledging the reality of Islamophobia.

27. Accordingly the Special Rapporteur wishes, in the absence of reliable data, to draw the attention of the Commission to several significant trends regarding Islamophobia that seem particularly alarming:

The increase in individual acts of discrimination against Muslim populations, their places of worship and culture, including physical and verbal assault, profaning of cemeteries, attacks on imams and burning of mosques. There are also more difficulties and more resistance in some countries, in particular European countries, in connection with the building of mosques and places of worship. One typical case occurred in Santa Coloma de Gramanet, Spain, during Ramadan, when a group of residents in one district reportedly held demonstrations every day in front of a mosque to force its closure. Finally, the municipal council reportedly closed the place of worship and made available to worshippers, in recompense, a new building located in an industrial zone that was difficult to reach. In many other countries Muslim practitioners can only worship in cellars in buildings, old hangars, premises in derelict industrial zones or old supermarkets;

The alarming number of expulsions of imams from some European countries in the context of efforts to combat fundamentalism. Thus, in France, civil liberty advocates have claimed that the 1945 ordinance on the conditions of entry and stay of aliens, in its emergency expulsion procedure, gives the authorities too much discretion in decisions for the expulsion of imams, who thus do not enjoy adequate protection. In fact the 2003 reform of the ordinance was described by some human rights advocates as opportunistic legislation intended to broaden the grounds for expulsion and provide ex post facto justification for expulsions already carried out;

Less attention seems to be paid by the authorities in many countries to the discrimination suffered by Arab Muslim populations living in their territory. Thus, a number of countries have formulated regulations and legislation against racism and discrimination that grant explicit priority to anti-Semitism over Islamophobia. In this context the Special Rapporteur wishes to encourage the authorities in South Australia, which, acknowledging that Islam does not enjoy the same legal protection in their territory as Judaism, have undertaken a process of consultation with the community in question with a view to rectifying this anomaly;²

The development of a logic of suspicion with regard to Islam, increasingly presented as an “accused” compelled to mount a defence, give an account of its practices or prove its “moderation”. This is a general presumption of guilt levelled at Islam without taking account of its diversity and which, moreover, amounts to a reversal of the burden of proof. The Special Rapporteur considers that this attitude is one of the most pernicious and enduring expressions of Islamophobia since it results in reducing a religion to its basics and reflects a refusal to acknowledge the religious diversity of Islam. Thus it is enjoined to integrate without host societies feeling any need, in a spirit of dialogue, for interaction and adaptation towards Islam. One illustration of this logic of growing suspicion is an increase in campaigns systematically denigrating Muslim intellectuals, of all stripes. The Special Rapporteur wishes in particular to draw the attention of the Commission to the campaign launched against the Muslim intellectual Tariq Ramadan, a Swiss national. One sign is the recent publication of his photograph on the cover of *L'Express*, with the caption “The man who wants to bring Islam to France”.³ For François Burgat, a research worker at the National Centre for Scientific Research, France, the withdrawal of his entry authorization to United States territory is an indication that “we are at a crisis point for democracy”. The Special Rapporteur wishes in this regard to commend the courageous symbolic decision by the prestigious University of Notre Dame, in Indiana, United States, which, following critical review of his writings and statements, offered Tariq Ramadan a teaching position on a conflict prevention course. In the current context of the clash of civilizations and religions, the decision by this Catholic university sends a clear, strong and timely message to the Muslim world in favour of dialogue. The logic of suspicion is also apparent in the cause and effect linkage established by certain politicians and some of the media between the rise in anti-Semitism and the presence of a significant Muslim population in their territories. Thus, the Special Rapporteur noted with concern the statement made in November 2003 by the Israeli Prime Minister, Ariel Sharon, in which he referred to the significant presence of Muslims in Europe as “endangering Jewish lives”. On 18 July 2004 he reiterated the idea by establishing a link between the “unbridled anti-Semitism” supposedly prevalent in France and the fact that “10 per cent of the French population is Muslim”.⁴ In the view of the Special Rapporteur this amounts to stigmatization of an entire population;

In some countries there seems to be a greater priority on controlling Islam through the training of imams, keeping an eye on mosques, and establishing an obligation to give sermons in the national language than on integrating Muslim populations and developing a genuine dialogue with Islam, which, however, is an urgent priority, both in countries with large Muslim minorities and at the international level.

28. The Special Rapporteur wishes to draw the attention of the Commission to the risks and perverse effects stemming from the adoption of certain legislation. Thus, the adoption in France of the Act on the display of emblems or dress in public schools, middle schools and high schools indicating religious belief, unaccompanied, as wished for by the Special Rapporteur in his previous report, by an anti-discrimination programme, seems literally to give free reign to latent Islamophobic sentiments. Adoption of this Act seems to have been interpreted by certain political and other groups as a legitimization of Islamophobia. The following perverse effects have been brought to the attention of the Special Rapporteur:

The unofficial extension of the scope of the Act, which nominally covers public schools, to other social agencies such as administrative services or the university, in which context veiled women are discriminated against on a daily basis. Similarly, the press reports instances of refusals by mayors to conduct marriages where the bride wore a veil;

The unofficial extension of the prohibition to signs that are cultural rather than religious, for example, the expulsion of Sikh pupils wearing a turban;

The rigid application of this measure, in an affront to the dignity of the pupils in question, in some public educational institutions has frequently involved the separation out of various pupils, a prohibition on mixing with the rest of the class at break or even on speaking to classmates.

29. The Special Rapporteur considers that the question of the place of Islam lies increasingly at the centre of the building of the new European identity. In this context the rise in Islamophobia reveals the existence of a European identity crisis. The crisis in the Netherlands, the debate over the entry of Turkey into the European Union, the demands for explicit reference to the Christian heritage of Europe in its Constitution, all reveal the depth and urgency of the question of identity. In the view of the Special Rapporteur the building of the European Union, with its focus on the economic and political dimensions, has obfuscated the question of the building of the identity of the new Europe, which has been overlooked in this process.

30. Furthermore, Islamophobia increases the likelihood of social disorder and has repercussions in terms of the economy and legal system. Thus, persistent Islamophobia in the media creates a sense of cultural inferiority among young Muslims, who then lose confidence in themselves and in their family. They are then likely to become marginalized and be more open to influence by extremist groups which seem to offer them a reaffirmed identity. More broadly held and more moderate ideas thus have more difficulty in finding expression in Muslim communities. A further consequence is the increasing difficulty for Muslims and non-Muslims to work together in identifying and resolving the significant problems they share, such as urban poverty and deprivation. Such discrimination also prevents non-Muslims from benefiting from the achievements of the Muslim world.

C. Recommendations

31. Acknowledgement of the reality and depth of Islamophobia represents, in the spirit of the Durban Declaration, an essential precondition for combating it. Further, in view of the dual cultural and religious dimension of Islam, its geographical extent, its high profile following the

events of 11 September 2001, Islamophobia bears with it a dynamic of a clash of cultures, civilizations and religions. Accordingly, the Special Rapporteur recommends, in particular in the light of the seriousness of repeated incidents involving Muslim minorities in several countries, that the reality of Islamophobia should be publicly acknowledged by the authorities in the countries concerned. Such acknowledgement would, in the current context, send a message of dialogue to both Muslim minorities in those countries and to Muslim countries.

32. The Governments of the countries concerned are invited, in this spirit, in full awareness of the historical depth of Islamophobia, and of its political dimension, including its use by political parties that put forward xenophobic political platforms, not only to punish Islamophobic acts, writings and statements, in respect for the principles of their domestic legislation and their international commitments, but also to take the necessary measures to avoid, through legislative measures, in particular on secularism, and through their statements, prioritizing forms of discrimination or strengthening Islamophobia.

33. The Special Rapporteur recommends that all countries with a Muslim minority should accord particular and urgent attention to the link between national identity and discrimination, in the present instance Islamophobia, and promote, through education and information, a national identity that reflects their historical, demographic, cultural and spiritual, and hence multicultural, transformation. These countries must also, in promoting the diversity of Islam and in respect for freedom of belief, take appropriate measures to allow Muslim communities to practise their religion in the necessary conditions of freedom and in proper places of worship and culture that meet the demands of their faith, through the building of mosques and the protection of and respect for burial places.

34. Islamophobia, like any phobia, has an internal source, stemming from Islam's relationship with other religions, its historical reality, its link with the political domain, and the cultural diversity of its expression. Accordingly, the Special Rapporteur recommends that the Muslim minorities concerned and the Muslim countries promote dialogue with other religious and spiritual traditions, combat not only all forms, expressions and practices of discrimination, hostility or denigration of other religions, cultures and communities, including anti-Semitism and Christianophobia, but also, in the context of efforts to combat terrorism and to counter strategies associating Islam with violence, oppose any use of Islam to legitimize or justify political violence. They must, in this spirit, promote internal debate within Islam, so that, in its theological, cultural and geographical diversity, Islam can affirm itself as the principal agent of its internal development and accept, in a spirit of dialogue, critical external commentary, not reducible to Islamophobia, which alone can respond to legitimate questions and to prejudices and stereotypes vis-à-vis Islam.

II. ANTI-SEMITISM

35. The Special Rapporteur wishes to reiterate the fundamental elements emphasized in his earlier reports, namely: the undeniable fact of the resurgence of anti-Semitism, the need to take account of both its historical depth as well as of its contemporary manifestations and the need to accord equal treatment to all forms of discrimination, including in the work of the Commission.

A. Clarification of the concept

36. The Stephen Roth Institute at the University of Tel Aviv considers that there is still no common definition on the part of the various monitoring bodies throughout the world as to what constitutes a violent act or an anti-Semitic act.⁵ Nevertheless certain experts favour a strict interpretation of anti-Semitism which would cover only manifestations of rejection of the Jewish religion. But most of the comments submitted to the Special Rapporteur suggest that anti-Semitism should also include the rejection of Jewishness in general, that it is not only a religion but also a people and culture. In fact, today many Jews represent themselves as agnostic in religious terms.

37. So as to assist the Commission in discussing the question of anti-Semitism in depth, the Special Rapporteur considers that, on the basis of the various interpretations of this question, the following critical elements should be particularly scrutinized: anti-Semitism and anti-Zionism; anti-Semitism and criticism of the policies of the State of Israel.

Anti-Semitism and anti-Zionism

38. In the view of various analysts there is today a critical need to identify when anti-Zionism is tainted by anti-Semitism. In their view such a superimposition occurs in the following cases:

When the language, images and character traits attributed to Israel are imbued with recognizable anti-Semitic stereotypes;

When Israelis and Jews are represented as cosmic devils, blamed for global disasters and compared with Nazis, diabolical figures par excellence;

When Israelis and Jews who support the State of Israel are singled out and attacked and are treated in a manner that is out of proportion to the issue at hand and in comparison with the actions of other countries;

When the legitimate right of Israel as a Jewish State to exist is questioned;

When the Holocaust is misrepresented and used as a weapon, as allegedly improperly used by Jews to extort financial support and build political capital.

39. Other experts emphasize the fact that anti-Zionism is the expression of opposition to a political project motivated either by anti-colonialism or by faith (prohibition of establishing Jewish sovereignty before the advent of the Messiah), or because of its consequences for a possible resurgence in anti-Semitism, or because of its implications for the rights of the indigenous Arab and Palestinian populations, or because of opposition to the idea of an ethnic/religious State. These are legitimate criticisms that have nothing to do with anti-Semitism which, as a form of racism, denies the principle of equal rights for a community (Jews as Jews). These experts recall that anti-Zionism is as old as Zionism itself, and that it was a majority view in Jewish communities until the genocide of the Jews in Europe, either in a religious manifestation, or as a left-wing view (Bund, communists), or in its bourgeois-assimilationist form. These experts consider that any attempt to conflate these two concepts, which in their view are incompatible, is not acceptable intellectually and morally, and is likely to trivialize the concept of anti-Semitism by identifying it, if only partially, with a legitimate political stance.

Anti-Semitism and criticism of the policies of the State of Israel

40. Most of the information gathered by the Special Rapporteur, indicates that, for some analysts, political criticism of the Israeli Government does not in itself constitute anti-Semitism. For some a distinction must be drawn between objective criticism, which is legitimate, and “disproportionate” and “ongoing” criticism, and which in reality concerns defamation, demonization and questioning of the legitimacy of the State of Israel, thus denying its right to exist. In this view such criticism is not legitimate and is seen as a covert form of anti-Zionism and, thus, of anti-Semitism.

41. According to the same analysts, over the past three years the link between anti-Israeli pronouncements and actions against Jews (individuals and communities) constitutes a clear trend which is apparent in two ways. Firstly, Jews are blamed for the actions of Israel, overlooking the polarization within the Jewish world with regard to Israeli policy. Jews and Israel are perceived as a single demonic entity, so that any Jew, even the most anti-Zionist, can thus become a potential target. In a similar vein, Israel and Jews are seen as a world Power, an international lobby, which supposedly secretly manipulates and directs policy and global events.

42. In addition, experts note that the record level of anti-Semitic violence in 2003 reflects a correlation between the escalation in the Israeli-Palestinian conflict and the increase in anti-Semitic incidents in Western Europe. However, these experts note that the concept of “the Jew must pay” is not linked solely to the Israeli-Palestinian conflict: the war in Iraq clearly resulted in an increase in anti-Semitic incidents in Western Europe. The increase in incidents during the Iraq war supposedly provides evidence that Jews are perceived as the demonic force behind United States troops, who supposedly are defending Israeli interests. These experts consider that there is a clear conceptual relationship between the idea of the existence of a malevolent Israeli-Jewish plot held by Islamists, and the extreme hostility towards Zionism and Israel prevailing in Western Europe, not only by representatives of the extreme left and extreme right, but often by recognized writers and public figures. Two principal anti-Semitic strands, dating from the time of medieval Christianity, are apparent in anti-Israeli sentiment: dehumanization and demonization. It also appears that an anti-Semitic line of reasoning prevalent in Europe in 2003, both before and after the war in Iraq, is that Jews have a dual loyalty, or the allegation that, irrespective of nationality, Jews are first and foremost loyal to Jewish interests dictated today by the Sharon Government. One of the direct results of the demonization of Israel is supposedly the efforts made to isolate the Israeli academic community. Campaigns for the boycotting of Israel take different forms, in particular Internet petitions signed electronically.

43. For other experts political statements against Israeli policies should not be characterized as anti-Semitism. It is neither justifiable nor appropriate to exploit a real problem (anti-Semitism in the narrow sense) to seek to strip a political adversary of legitimacy by levelling accusations of racism. They maintain that this is true of propaganda by the State of Israel, which seeks to reinforce the idea of the “clash of civilizations” and to link Palestine with global efforts to combat Islam. This coalescing of anti-Semitism and criticisms of the State of Israel places the Jewish people on the front line of the conflict and hinders efforts to combat anti-Semitism in its narrower sense. In this same context some intellectuals recall that Jews have long since developed, centred on Israel, a diaspora-based nationalism that has been strengthened by the

conflict in the Middle East. They also warn against the danger of using anti-Semitism as a tool, in particular the use made of it to prevent any criticism of Israeli government policy. To associate all the Jews of the world with the policies of a Government would be to do exactly what anti-Semites do: “All those who are against Sharon are against all Jews” comes down to saying that “all Jews are responsible for the Sharon policy” and that, as a consequence, those against that policy have the right to be against all Jews.

B. Manifestations of anti-Semitism

44. Hostility towards Jews in certain Arab-Muslim circles, directly linked to the Israeli-Palestinian conflict, is a reality recognized by most experts, including Arabs, consulted by the Special Rapporteur. In some countries this hostility is reinforced by the absence of an effective integration policy and of social and professional mobility. The fear engendered by anti-Semitic acts, duly recorded, notwithstanding certain recent cases which have proved to be false or deliberately staged, has had two consequences which confirm the link with the Middle East conflict: the call for Jews to “leave anti-Semitic France” and to go to Israel, and the explicit link made between the rise in anti-Semitism and the presence of a significant Arab-Muslim community.

45. In the opinion of several experts, the history of Europe, of which anti-Jewish hatred and the extermination to which it led form an integral part, attests to the depth of classic anti-Semitism. A persistent revisionism manifests itself in the traditional platforms of extreme right-wing parties, going so far as to deny the Holocaust, and the significance of this anti-Semitism regularly manifests itself in the statements and writings of political, intellectual and artistic figures. Moreover, the authors of anti-Semitic acts linked to the Middle East conflict take their language and stereotypes from this classic anti-Semitism. The increase in the number of attacks on places of worship and culture, the profaning of burial places and the daubing of swastikas on Jewish and Muslim tombs confirm the sentiment expressed by the German playwright Bertold Brecht, immediately after the Second World War, that: “The belly is still fertile that gave birth to this foul beast.”

46. Further, the lack of caution by politicians and the media in their reactions to anti-Semitic or apparently anti-Semitic incidents and the pathos in which they indulge through fear of they themselves being accused of anti-Semitism reveal the existence of political exploitation which trivializes anti-Semitism and avoids analysis of its underlying causes, both ancient and modern. The complex nature of anti-Semitism is also confirmed by the fact that the “biblical” support for the State of Israel by various evangelical Christian groups, especially in the United States, may be considered as a subtle form of anti-Semitism, inasmuch as it implies the belief that Jews should live only in Israel.

47. In addition, some intellectuals, while acknowledging the specificities of each kind of racism, warn against prioritizing different kinds of racism and different victims. To insist on the “irreducible singularity” of anti-Semitism would, in their view, come down to a “Jewish specificity”, from which Jews have so suffered.

C. Conclusions and recommendations

48. Anti-Semitism, one of the oldest and most enduring forms of discrimination, is undergoing a major resurgence, as the result of its historical depth, the continued existence of its origins and traditional manifestations, particularly in Europe, and manifestations linked to the Middle East conflict. Accordingly, the Special Rapporteur recommends that anti-Semitism, like Islamophobia, should be regularly reviewed by the Commission on the basis of a report and that reliable, firm data should be collected to assess its scope and manifestations.

49. In this regard the Special Rapporteur reiterates his recommendation for the establishment, within the Office of the High Commissioner, of a unit responsible for gathering, analysing and assessing data on acts and manifestations of all kinds of racism and discrimination, including anti-Semitism, along the lines of the European Observatory for Racist and Xenophobic Phenomena.

50. This is necessary not only out of respect for the principle of equal treatment of all forms of discrimination but also, with regard to anti-Semitism, the need for an exact measurement, its link with anti-Zionism and political criticism of the State of Israel. The Special Rapporteur considers, on the basis of information and analyses received, that formulation by the Commission and by the General Assembly of a global strategy against anti-Semitism, in the context of efforts to combat all forms of racism and discrimination, must take into account the need to clarify these two parameters which, through their special political significance, render the universal dimension of efforts to combat anti-Semitism more problematic. The Special Rapporteur recommends that the Commission, to this end, acknowledge the historical depth and current significance of anti-Semitism, by considering that while anti-Zionism and criticism of the Israeli Government's policy may, in certain circles, have an anti-Semitic connotation, reducing these two elements to anti-Semitism could result in a questioning of the legitimacy of democratic political debate. Recognition of Israel's right to exist by the United Nations, its Member States, in particular Arab States, in addition to recognition by the leaders of the Palestinian people, narrows the scope of the central argument of a link between anti-Zionism and anti-Semitism which reduces anti-Zionism to a refusal to recognize the right of the Jewish people to a State. In this context the Special Rapporteur expresses very grave concern at the suggestion made by the writer Jean-Christophe Rufin in a report to the French Ministry of the Interior that anti-Zionism should be criminalized.

51. Anti-Semitism, like any phobia, comprises a source immanent in the religion or cultural or spiritual tradition in question, stemming from its relationship with other religions, its historical reality, its link with the political domain, and its cultural expression. Accordingly, the Special Rapporteur recommends that the Jewish communities of the diaspora promote dialogue with other cultures and religious and spiritual traditions, acknowledge and respect religious and cultural pluralism, and not only combat all forms, expressions and practices of discrimination, hostility or denigration of other religions, cultures and communities, including Islamophobia and Christianophobia, but also, in the context of efforts to combat terrorism and to counter the strategies of reducing and confining Judaism to the State of Israel, oppose any use of Judaism to legitimize or justify political violence. They must, in this spirit, promote internal debate within Judaism, so that, in its political, cultural and geographical diversity, it can accept, in a spirit of dialogue, critical external commentary, not reducible to anti-Semitism, which alone can respond to legitimate questions and to prejudices and stereotypes vis-à-vis Judaism.

III. CHRISTIANOPHOBIA

A. Clarification of the concept

52. The term “Christianophobia” is the most recent of similar locutions (anti-Semitism, Islamophobia) used to define discrimination based on religious identification. But the phenomenon it describes is not new. While new sources of Christianophobia have appeared or have reappeared, others have long been apparent, including government repression and historical religious antagonisms.

53. Such religious intolerance, in its traditional form, springs from various sources. Firstly, it is based in part on the way in which religions are taught and on historical prejudices. In addition, in the 1990s, some experts noted increased political manipulation of religions and an increase in fundamentalism of all kinds, the effect of which was to exacerbate historical grievances and induce confrontation between religions. In some countries, such as India, Sudan or Nigeria, the increase in religious intolerance is also due to expansion and the imposition of a culture based on religion as well as efforts made by some groups to force the minority to conform to the norms of the majority. In other instances religious discrimination is intertwined with other problems, such as expansionism in Timor Leste, for example, or in Israel, where most Christians are of Palestinian origin.

54. In its contemporary form, discrimination against Christians, which has recently undergone a significant increase, can be explained by the phenomena indicated below.

War against terrorism

The events of 11 September 2001 led to a marked increase in anti-Christian activities in the Islamic world, since Christianity is frequently associated with the West. Tensions with the West, in particular with the United States, are thus perceived as tensions with Christianity. This facet of Christianophobia has three principal components: firstly, global terrorism and the war against terrorism have helped produce an increase in Christianophobic acts. The attacks of 11 September and the spread of groups perceived as being associated with those events have given rise to a response whose intensity, in particular the invasion of Iraq, resulted in Christianophobic acts from South Asia to the Middle East, such as, for example, the murders of Protestant and Catholic members of the Commission on Justice and Peace, or the bombing of Christian churches in Iraq. The Special Rapporteur nevertheless has noted with interest that senior Muslim religious officials explained, in a meeting with the Council of Catholic Patriarchs of the Orient, that the opposition, of the Pope and of several elements in the Catholic church to the war in Iraq had allowed them to understand that the war was not a war of Christianity against Islam. Secondly, the war in Iraq has led to an ongoing insurrection and to an increase in terrorist acts, as well as to an increase in Christianophobic activities. In addition, while all Iraqis, both Muslims and Christians suffer as a result of the war, insurrection, terrorism and actions against United States policy in Iraq, it seems that certain acts have deliberately targeted Christians. The increase in Islamic militancy has also resulted in an increase in harassment of the Christian community owing to certain aspects of their lifestyle. Thus Christian women have been attacked

for having gone out in public without covering their heads. It has been noted that many Christians have fled Iraq owing to the many attacks on their communities. In parallel it has been noted that the concept of the “clash of civilizations” has also spread and that, for many analysts, the fight against Al-Qaida has led to a potential increase in conflict rather than tending towards the peaceful settlement of disputes.

Secularism

Christianity is also under pressure from a form of secularism, particularly in Europe. In part feelings of suspicion towards Christianity and limitations on its expression stem from the difficulty encountered, in particular in Europe, in managing the increasing presence of Muslims in the region. Thus the tendency to favour similar restrictions on all forms of religion results in the denial of the visible expression of any religion. It also seems that there is a fear of allowing religion to play a role in public life. This is apparently explained by a “rationalist” aversion towards religion, which is seen as representing the irrational, as well as by a tradition of secularism that denies religions the possibility, if not the right, to play a role in public life. This form of prejudice against Christians or ideas based on religion, which exists both in Europe and in the United States, mainly concerns questions relating to sex, marriage and the family, on which the Catholic, Muslim and Orthodox churches have taken stands.

Religious nationalism

Since the end of European colonialism, in particular since the end of the cold war, certain forms of religious nationalism have emerged. The international order established by the Peace of Westphalia in 1648 brought about a division of States along religious lines, based on the principle that the beliefs of the sovereign determined the beliefs of the nation. In parallel, the existence of multi-ethnic empires (Ottoman, Mongol and Austro-Hungarian) permitted various religious communities to enjoy relative autonomy. The development of religious nationalism in such places as the empires in the Balkans and the Indian subcontinent, which have had a tradition of religious tolerance, initiated a new form of relationship between religion and the nation State. The new States were tempted to establish “religious conformity” so as to maintain the illusion of social peace. But this enforced conformity degenerated into conflict, persecution and religious discrimination against minorities. Whereas previously the religion of the holder of power was the religion of the State, in the new States majorities were tempted to make their religion the religion of the State through social and political coercion.

Defence of human rights

One of the teachings of Catholicism is the promotion, defence and protection of human rights and encouragement of Catholics to act in that sphere. Thus many priests have been victims of violations of their rights because of their activities in defence of human rights. The murder in Guatemala of Bishop Juan Gerardi, who had published a report on human rights violations during the civil war in that country, offers a sad example of such persecution.

B. Manifestations of Christianophobia

55. The Special Rapporteur considers that recently there has been an undeniable increase in acts of Christianophobia. This increase has been apparent in particular in terms of the difficulties existing in the complex relations between Christians and Muslims. Some tensions are linked to class differences, but also to the cycle of interreligious violence. In many countries Christians are victims of discrimination: their houses and places of worship in particular are attacked.

56. The Special Rapporteur is particularly concerned by the case of Saudi Arabia, where Christians cannot openly practise their religion. In Pakistan the Special Rapporteur has received reports of persecution of and discrimination against Christians by certain groups. In Iraq the situation has significantly deteriorated since the fall of the regime of Saddam Hussein. In Israel/Palestine, it would appear that pressure on Christian families and on church institutions is on the increase. It also seems that religious workers still face many obstacles in working in the region.

57. To end on a more positive note, it would appear that after 15 years of civil war relations between Muslims and Christians have improved in Lebanon and that in Jordan Christians do not suffer from any particular discrimination in connection with observance of their religion.

C. Recommendations

58. The Commission, having recognized the rise in Christianophobia, should now, on the basis of the principle of equal treatment of all forms of discrimination, consider its manifestations in a report on the defamation of religions.

59. The Commission is invited to make an urgent appeal to Member States to take the necessary measures to ensure that the promotion and development of secularism do not lead to a questioning or denial of the right of everyone, irrespective of religion, to participate in public life. In this context respect for religious and cultural pluralism implies acknowledgment, not only of the right but also of the vocation of religions and spiritual traditions to deliver opinions on the fundamental issues in society, in particular those relating to ethics, the family, marriage and life.

60. The Governments of countries with a Christian minority are invited, in accordance with their international commitments, not only to take the necessary measures to guarantee religious freedom and protect Christian places of worship and culture, but also to promote dialogue and interaction among all religions and spiritual traditions. In this context a deliberate effort must be made to combat stereotypes that reduce religions to political causes or confine them to countries or regions, such as the association of Christianity with the West, and to combat the confusing religions, cultures and ethnicities.

61. Christianophobia, like any phobia, has an internal source, stemming from Christianity's relationship with other religions, its historical reality, its link with the political domain, and the cultural diversity of its expression. Accordingly, the Special Rapporteur recommends that the Christian minorities concerned and the countries with a Christian minority promote dialogue with other religious and spiritual traditions, both internal and external, acknowledge and respect

religious and cultural pluralism, combat not only all forms, expressions and practices of discrimination, hostility or denigration of other religions, cultures and communities, including anti-Semitism and Islamophobia, but also, in the context of efforts to combat terrorism and to counter the strategies of associating Christianity with the West or confining it to one country, oppose any use of Christianity to legitimize or justify discrimination and political violence. They must, in this spirit, promote internal debate within Christianity, so that, in its theological, cultural and geographical diversity, Christianity can affirm itself as the principal agent of its internal development and accept, in a spirit of dialogue, critical external commentary, not reducible to Christianophobia, which alone can respond to legitimate questions and to prejudices and stereotypes vis-à-vis Christianity.

62. Particular attention should be accorded by Governments, human rights non-governmental organizations, international organizations and the Secretary-General's Special Representative on the situation of human rights defenders to the violations suffered by priests in the context of their activities to promote and defend human rights.

IV. DIALECTIC BETWEEN THE SPECIFICITIES AND SINGULARITIES OF EACH PHOBIA AND UNIVERSALITY OF EFFORTS TO COMBAT RACISM AND DISCRIMINATION

63. The Special Rapporteur considers that efforts to combat anti-Semitism, Christianophobia, and Islamophobia must be based on the link between acknowledgment of the singularity and theological, cultural, historical and geographical specificity and of the forms of expression and manifestation of each, and acknowledgement of the universality of their underlying causes and promotion of efforts to combat these phobias and all forms of discrimination. Two outgrowths require attention and vigilance in this regard: self-identification as a victim and prioritization of various phobias, and thus of efforts to combat them. Although withdrawal into a victim identity is a protective defence reflex by any ethnic, cultural or religious group or community which is a victim of discrimination, experience shows that only broadly-based efforts can ensure eradication of the underlying causes. A discriminatory and racist culture and views are, in essence, based on an irreducible singularization and stigmatization of the victim. In the same pernicious dynamic self-identification as a victim, by becoming a withdrawal into core identity, may transform, lead to or legitimize new forms of discrimination. The prioritization of forms of discrimination may, in this context, be one expression and the logical outcome of self-identification as a victim or the result of its political exploitation. Two major difficulties must be surmounted if efforts to combat these three phobias are to prove effective. For the victim, the challenge lies in being able to refuse the temptation to withdraw, and in being able to transform the historical singularity of his or her experience of discrimination and racism into sensitivity to all forms of discrimination in closeness to and in solidarity with all its victims. This movement of self towards the other, which is visible in the history of each of the three phobias, constitutes in the final analysis the most profound and enduring recovery by the victim of the humanity that was denied by the oppressor in stigmatizing him or her. In recent history this has been shown in the case of Judaism by the solidarity, often at the cost of their lives, of Jewish activists on the east coast of the United States with efforts by African-Americans in the south to gain civil rights, and, in the case of Islam, by the solidarity of Muslims with anti-colonialist fighters in Africa and Asia, by the commitment in the field of Christian activists in the name of humanitarian and poverty-alleviation causes, etc. The challenge for the political authorities in each country sheltering a community which is a victim of historical or present-day

discrimination is, in national anti-discrimination policy, to resist the temptation to hijack the community in political and electoral terms, to take account both of the sensitivity of the national situation and the current situation in terms of this or that kind of discrimination, and to reconcile this with the ethical and pedagogical need to place efforts by its people to combat discrimination in a universal context in the longer term.

64. In this connection it is paradoxical that an ideology such as secularism that proclaim its universality should nourish and unify, under some circumstances, these three phobias in their religious dimension. In fact a dominant outgrowth of secularism, in the form of militant secularism, tends, in its radical opposition to religious adherence, to provide further justification for the three phobias. The view that religion must be restricted to the private sphere and the religious neutrality of the State are in several countries, in particular Western countries, interpreted as legitimizing opposition to the right of citizens, believers or practitioners to participate in public life, or to adopt stances in accordance with their spiritual values on the major ethical questions in society: family, marriage, scientific and technical progress, etc.

65. The increase in religious nationalism, particularly since the end of European colonialism and the end of the cold war, which has left something of an ideological vacuum, has also had an impact on the growth in discrimination linked to these three religions. It has been noted, in certain religious traditions, that universalism has been restricted to a nationality, an ethnicity or a culture. Globalization strengthens this tendency, since it engenders a feeling of loss or erosion of identity and disregard for the identity of others.

V. RECOMMENDATIONS

66. **The Special Rapporteur invites the Commission, in measures to combat racism and discrimination, to take greater account than in the past of two developments: the increasing intertwining of race, ethnicity, culture and religion and, in this context, the rise of anti-Semitism, Christianophobia and Islamophobia. The Commission is thus invited to draw the urgent attention of member States to the dynamic of the clash of cultures, civilizations and religions generated by these developments, in particular in the current context of the predominance of efforts to combat terrorism.**

67. **The Special Rapporteur recommends that the Commission and member States, in their strategies to combat anti-Semitism, Christianophobia and Islamophobia, promote the following principles:**

The taking into account of the historical and cultural depth of these three phobias, and thus the need to complement legal strategies with an intellectual and ethical strategy relating to the processes, mechanisms and representations which constitute these phobias over time;

A close and fundamental link between the spiritual, historical and cultural singularity of each of these phobias and the universality of their underlying causes and of the efforts needed to combat them;

Equal treatment of these phobias and avoidance of any prioritization of efforts to combat all forms of discrimination;

Application of the principle of secularism must be subject to particular vigilance so as not to generate or legitimize new forms of discrimination and, above all, not to constitute an obstacle to full participation in public life by believers and practitioners of various religions;

Respect for and promotion of religious and spiritual pluralism.

68. **The Special Rapporteur recommends that the Commission invite the religious and cultural communities that are victims of these phobias not only to promote in-depth intercultural and interreligious dialogue, including through the establishment of joint structures in each country in which they coexist, but also to explore the internal factors in their beliefs and practices which may have contributed to these phobias.**

69. **The Special Rapporteur recommends that the Commission invite civil society to further mobilize against all these phobias, without prioritization, and above all to actively promote dialogue and interaction between the communities concerned.**

Notes

¹ *Islam and Muslims: A poll of American Public Opinion*, présentation d'un sondage réalisé par Genesis Research Associates pour le CAIR, projet n° 04014, août 2004.

² Voir les propos de Williams Jonas, Commissaire en exercice contre la discrimination raciale, Equal Opportunity Commission of South Australia, <http://www.eoc.sa.gov.au/public/islam.html>.

³ Voir *L'Express* du 18 octobre 2004.

⁴ Voir «Ils ont dit ...», *Le Monde Dossier* du samedi 11 septembre 2004, p. 2.

⁵ "... although the various countries and Jewish agencies paid closer attention, there is still no common definition, shared by monitoring bodies worldwide, of a violent act, or even of an anti-Semitic act.", *Antisemitism Worldwide 2003/4*, The Stephen Roth Institute for the Study of Contemporary Antisemitism and Racism, Université de Tel-Aviv en collaboration avec l'Anti-Defamation League et le Congrès juif mondial, p. 2.
