

**NATIONS UNIES**  
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**AUX DROITS DE L'HOMME**

**PROCEDURES SPECIALES DU**  
**CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS**  
**OFFICE OF THE UNITED NATIONS**  
**HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

**Mandates of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Special Rapporteur on the human rights of migrants.**

Téléfax: (41-22) 917 9006  
Télégrammes: UNATIONS, GENEVE  
Téléc: 41 29 62  
Téléphone: (41-22) 917 9359  
Internet [www.ohchr.org](http://www.ohchr.org)  
E-mail: [urgent-action@ohchr.org](mailto:urgent-action@ohchr.org)

Address:  
Palais des Nations  
CH-1211 GENEVE 10

REFERENCE: AL G/SO 214 (106-10) G/SO 214 (78-15)  
ISR 8/2012

22 June 2012

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and Special Rapporteur on the human rights of migrants pursuant to Human Rights Council resolution 16/33 and 17/12.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received regarding the recent **incidents of racially motivated violence and attacks against migrants of African origin, and the inflammatory and xenophobic statements made in this context against migrants by senior Israeli State officials, including Ministers and Members of Knesset.**

According to the information received:

Several demonstrations against African migrants, including Sudanese, were held across Israel, including in Southern Tel Aviv, Eilat, Bnei Brak, Sderot, Ashdod and Ashkelon. In Tel Aviv it was reported that a thousand people attended a demonstration to protest against an alleged growing influx of "African infiltrators" while calling for the deportation of migrants. It was reported that during the demonstrations several migrants of African origin were attacked and abused. A car containing three African migrants was allegedly set upon by a group of demonstrators who smashed its windows and headlights. It was also reported that unidentified assailants have committed serious assaults against sub-Saharan Africans, including firebombs thrown into residences and a nursery, and the beating of a hotel employee.

In Jerusalem unknown assailants reportedly set fire to an apartment where seven Eritrean and Ethiopian migrants were living. It was also alleged that shops run by or serving migrants were smashed up and plundered. According to the information received the Ministry of Foreign Affairs condemned the violence, and the police carried out some arrests in this context, including the arrest of a group of youths from southern Tel Aviv suspected to have assaulted migrants and used clubs and pepper spray in some of the attacks.

Information received also indicates that high ranking Israeli State officials made statements against African migrants. According to information received the concerned officials, including the Prime Minister, the Minister of Interior and Members of Knesset portrayed African migrants as “cancer”, “garbage”, “plague”, “rapists”, and “illegal infiltrators” who represent a threat to Israel’s national identity and are responsible for rising crime rates. These officials allegedly further suggested that African migrants are infected with HIV/AIDS and called for their expulsion and the eviction of asylum seekers from southern Tel Aviv, and for more detention centers and “camps” in which to hold these migrants. It was reported that following these statements by Israeli State officials, some demonstrators attacked African migrants and their property.

In this connection we would like to refer to the allegation letter sent to your Excellency’s Government on 9 March 2012 by the Special Rapporteur on the human rights of migrants (AL G/SO 214 (106-10) ISR 2/2012) regarding the amendments to the 1954 Law on Infiltration, to which your Excellency’s Government has not yet replied. In this respect we would like to recall how legislation which does not comply with international human rights standards may reinforce and further legitimize discriminatory public discourses and attitudes concerning migrants, contributing to a vicious cycle of anti-migrant sentiment.

While we do not wish to prejudge the accuracy of these allegations and while noting information received about the arrests by police of some of the individuals involved in attacks against the migrants, as well as the condemnation by the Minister of Foreign Affairs of such violence, we would like to express our concerns at the xenophobic attacks and acts of violence targeting migrants of African origin and the inflammatory and xenophobic public discourse used by Israeli State officials against African migrants, which appears to have contributed to some extent to encouraging such violence and increasing tensions among migrants, asylum seekers, refugees and the local population.

We further remind your Excellency’s Government of its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), which it ratified on 3 January 1979, in particular articles 2 and 7. We would also

like to refer to article 5 (b) of the Convention, by which “States parties have the obligation to guarantee the right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution without distinction as to race, colour, or national or ethnic origin”.

Furthermore, as stated in article 4 (c) of the CERD Convention, States parties “shall not permit public authorities [...] to promote or incite racial discrimination”. We further draw the attention of your Excellency’s Government to General Recommendation No. 30 on Discrimination Against Non-Citizens of the Committee on the Elimination of Racial Discrimination, which recommends that States parties “take steps to address xenophobic attitudes and behavior towards non-citizens, in particular hate speech and racial violence, and to promote a better understanding of the principle of non-discrimination in respect of the situation of non-citizens” (para. 11).

In this regard we would also like to refer to the recommendation made by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance regarding the responsibility that political leaders and political parties have in refraining from disseminating discourses that scapegoat vulnerable groups, condemning political messages that disseminate hatred and incite racial discrimination or xenophobia, and promoting multiculturalism, tolerance, mutual understanding and respect within their societies (A/HRC/20/38, para. 18).

Indeed promoting social integration and ensuring the full respect of the human rights of migrants, including irregular migrants is fundamental to fulfilling the international human rights obligations and commitments accepted by your Excellency’s Government. It involves measures aimed at changing prevailing negative societal attitudes towards migrants and it is a long term objective that requires political leadership at the highest level. It includes changing the public discourse on migration; avoiding derogative language portraying irregular migrants as criminals; embracing multiculturalism and diversity; insisting on the positive contributions of migrants; effectively fighting manifestations of xenophobia and racism; empowering independent institutions to investigate and reporting on issues or acts of xenophobia, racism and anti-migrant violence; and conducting sensitization campaigns in partnership with migrants or their representatives or associations in decision-making processes.

In this context, we draw the attention of your Excellency’s Government to paragraph 30 of the Durban Programme of Action which “urges States to develop and implement policies and action plans and to [...] implement preventive measures in order to foster greater harmony and tolerance between migrants and host societies, with the aim of eliminating manifestations of racism, racial discrimination, xenophobia and related intolerance, including acts of violence, perpetrated [...] by individuals or groups [...]; (c) implement specific measures involving the host community and migrants in order to

encourage respect for cultural diversity, to promote the fair treatment of migrants and to develop programmes, where appropriate, that facilitate their integration into social, cultural, political and economic life”.

As it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your cooperation and observations on the following matters:

1. Are the facts alleged in the summary of the case accurate?
2. Have complaints been lodged by or on behalf of the alleged victims?
3. Please provide the details, and where available the results, of any investigation and judicial or other inquiries carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Please provide the full details of any prosecution which has been undertaken against individuals responsible for the alleged xenophobic and racist attacks against migrants, including the firebombing attacks, and specify whether in this context racial motivation was retained. If not, please explain why and indicate whether under the law racial motivation is an aggravating circumstances allowing for enhanced penalties?
5. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators? Please also indicate whether compensation has been provided to the victims or the families of the victims.
6. Please provide information on the measures taken to prevent the recurrence of racist and xenophobic acts against African migrants, to guarantee their rights and freedoms without discrimination, and to foster tolerance, mutual understanding and social harmony between citizens and non-citizens, and promote respect for cultural diversity.
7. Please provide information on the measures taken to prevent the propagation of racist and xenophobic statements, including against migrants by State officials and held accountable those responsible of such discourse.
8. Please indicate any developments in relation to the amendments to the 1954 Law on Infiltration, and kindly provide a response to the questions

raised by the Special Rapporteur on the human rights of migrants in the allegation letter of 9 March 2012.

We would appreciate a response within sixty days. Your Excellency's Government's response will be made available in a report to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

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Mutuma Ruteere  
Special Rapporteur on contemporary forms of racism, racial discrimination,  
xenophobia and related intolerance

François Crépeau  
Special Rapporteur on the human rights situation of migrants