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Agenda item 6

**REPLIES TO THE QUESTIONNAIRE BY STATES\***

**Note by the Secretariat**

In accordance with decision PC.1/10, adopted on 31 August 2007 by the Preparatory Committee of the Durban Review Conference at its organizational session, the Office of the United Nations High Commissioner for Human Rights (OHCHR) circulated a questionnaire to Member States in a note verbale dated 17 January 2008. The replies to the questionnaire will be

In compliance with a request of the Bureau of the Preparatory Committee of the Durban Review Conference, the Secretariat prepared the present document, containing summaries of the received replies.

Owing to the page limit, the summary of each reply to the questionnaire is approximately 400 words. The replies received took various forms: some answered only the core questions, others answered only the questions contained in the annex, others answered both the core questions and those in the annex, while others did not follow the structure of the questionnaire. Where the core questions were answered, the number of each question is included. In cases where the questions in the annex were answered, this is indicated in the summary. In cases where both the core questions and those in the annex were answered, this is referred to; however, owing to the page limit, the summary concentrated on the core questions. The summaries also attempt to focus on legislative and other initiatives taken since the World Conference against Racism and avoid relating constitutional protections alone. To the extent possible, the summaries reproduce the language used in the replies to the questionnaire.

## REPLIES TO THE QUESTIONNAIRE

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**REPLIES TO THE QUESTIONNAIRE****States Members of the United Nations****Algeria**

The Algerian Constitution contains provisions against all forms of discrimination and exploitation. Because of its history, Algeria has been at the forefront of the fight against all forms of racial discrimination and has supported nations that have been subjected to this form of discrimination. As a result, Algeria welcomed the Durban Declaration and Programme of Action and regrets the lack of commitment and mobilization by the international community to put into effect mechanisms to deal with new forms of racism, racial discrimination, xenophobia and related intolerance.

The Constitution also has provisions providing for the protection of Algerians and foreigners from all forms of racial discrimination. The Constitution also provides for freedom of religion and belief. The protection of rights extends to foreigners and their property; there is also the right of asylum as well as the protection of refugees. Article 140 of the Constitution provides for non-discrimination and equality before courts of law and tribunals.

Measures taken to end racism and discrimination include (a) the ratification of international treaties and regional mechanisms; Algeria has ratified all the conventions mentioned in article 77 of the Durban Declaration and Programme of Action and most of the conventions mentioned in article 78 related to discrimination (for example, in 2006, Algeria ratified the Convention on Migrant Workers and also ratified the Arab Charter); (b) combating human trafficking; (c) protection of refugees (here it should be noted that Algeria accepts refugees from different parts of the world and has done this in collaboration with the United Nations High Commissioner for Refugees; labour laws provide protection to workers regardless of their nationality and deal with foreigners on an equal basis when it comes to wages and provision of legal status); (d) combating extreme poverty through the development of programmes aimed at supporting the poor and vulnerable and through “solidarity grants”; and (e) national institutions: the National Advisory Commission for the Protection and Promotion of Human Rights, established by decree in 2001 and amended in 2002, gives the Commission

jurisdiction to conduct studies of all human rights violations and to take appropriate action, including mediation between citizens and different governmental bodies working on the issues, outreach programmes and sensitization on human rights.

Algeria is aware that there is a need to combat racism, racial discrimination, xenophobia and related intolerance with all means at the national, regional and international levels. Algeria considers the questionnaire a step forward in evaluating measures taken by States to coordinate efforts to combat these violations. It is important to enhance and support all Durban follow-up mechanisms at the level of the Office of the United Nations High Commissioner for Human Rights and to provide the means required by the Special Rapporteur on racism.

### **Armenia**

#### **Question 1**

The implementation of the provisions of the Durban Declaration constitutes a continuation of State policies aimed at the elimination of all forms of racism, racial discrimination, xenophobia and related intolerance.

In 1993, the Government ratified the International Convention on the Elimination of All Forms of Racial Discrimination. In recent years, great attention has been paid to prevention measures, focusing on education of tolerance. In universities and also in schools, human rights was included, as a compulsory subject of study, in specialized areas dealing with the fight against discrimination and the protection of rights of national minorities. In accordance with the spirit of the Durban Declaration, specific attention is paid to gender equality. Armenia has become a party to international conventions protecting the rights and freedom of women. Gender equality is guaranteed in the Constitution and in many legal measures. In 2004, in decision RA N645-N, the Government approved the national programme for the improvement of the situation of women and enhancing their roles in society in the Republic of Armenia for the period 2004-2010.

#### **Question 2**

Armenia actively fights contemporary forms of slavery of h TD-.0004 Tc.0004 Tw(peristuchlsor)-7.20 c0(of h

established on fighting trafficking in persons, with representatives of different ministries and other State bodies and civil society. In December 2007, the Government adopted the second national programme on fighting trafficking in persons for the period 2007-2009.

### **Question 3**

Initiatives include the translation of the manual “Compass” for the teaching of human rights. The federation of youth clubs organized a number of initiatives, in collaboration with Baltic and south Caucasian countries, to involve leaders of youth organizations in the elaboration of youth policies. The centre for organization of youth activities, with the support and financing of the Ministry of Culture, has implemented a long-term project, the “school for young leaders”.

In the context of the fight against racism, racial discrimination, xenophobia and related intolerance, during the period 2003-2007, there was one lawsuit on the ground of article 226.2.1. of the Penal Code for incitement of national, racial or religious hatred; one person was found guilty.

### **Question 4**

There is a need for enhanced detailed monitoring of State measures, in accordance with the Durban Declaration and Programme of Action.

### **Question 5**

After the ratification of the International Convention on the Elimination of All Forms of Racial Discrimination, the Government took all necessary legal and institutional measures (reference to the annex).

### **Question 6**

Elaboration of a textbook *Human Rights* for students in the eighth grade of secondary school and training of teachers for teaching this subject. Armenia also provided replies to the question in the annex.

## **Austria**

### **Question 1**

In 2004 and 2006, a new legislative framework in the field of non-discrimination was introduced. The Act on the Equal Treatment Commission and the Ombudspersons' Office for Equal Treatment was passed; the Equal Treatment Act and the Federal Equal Treatment Act were amended. The Act on Equal Treatment for Persons with Disabilities was passed, and the Act on the Employment of Persons with Disabilities was amended. The protection hitherto afforded against gender discrimination is now also applied to discrimination on the grounds of ethnic origin, religion and ideology, sexual orientation, disability and age.

### **Question 2**

Austria regularly submits comprehensive information on all forms of discrimination, including racist, xenophobic and related intolerance to the European Union Fundamental Rights Agency as well as to its predecessor, the Monitoring Centre on Racism and Xenophobia.

With regard to human trafficking, a multidisciplinary committee, the Task Force against Trafficking, was set up by decision of the Council of Ministers in 2004. The Committee includes Government representatives, external experts and non-governmental organizations. In March 2007, the Council of Ministers adopted a national action plan against human trafficking, which contains specific measures regarding coordination, prevention, victim protection and compensation, prosecution, international cooperation, data collection, monitoring and evaluation.

### **Question 3**

The Advisory Board for Human Rights is an independent body that monitors, from a human rights perspective, the activities of security authorities, authorities otherwise subordinate to the Federal Minister for the Interior, as well as others.

The Federal Ministry of Education, Arts and Culture, in cooperation with non-governmental organizations and international partners, implements a wide range of initiatives aimed at combating manifestations of racism in education.



With regard to legal measures, any criminal offence is aggravated when committed with racist or xenophobic intent (s. 33 (5) Penal Code). Moreover, discrimination on the grounds of race constitutes an administrative offence under article IX of the Introductory Provisions to the Laws on Administrative Procedure.

#### **Question 4**

Austria suggests that emphasis be given to a focused and streamlined approach that operates on the principle of consensus in order to enhance effectiveness in combating racism and related forms of intolerance through the implementation of the Durban Declaration and Programme of Action.

#### **Question 5**

The Federal Constitutional Act of 3 July 1973, which implemented the International Convention on the Elimination of All Forms of Racial Discrimination, provides that any kind of discrimination on racial grounds is prohibited. Austria takes the recommendations of the Committee carefully into account.

#### **Question 6**

With regard to equal participation to cultural life, in accordance with the national law on culture in the Republic of Belarus, persons of any nationality living on the territory of the country have the right to preserve and enhance their national culture.

The State guarantees citizens the right to choose their language of education and upbringing and creates the conditions for the implementation of that right.

The Penal Code punishes cr

has been implemented by Belgium and what still remains to be done. This analysis has shown that the Durban outcome remains a pertinent and relevant basis for the fight against racism,



peoples in the educational system that are also directed at eliminating discrimination. All workers in Bosnia and Herzegovina are equally remunerated for work of equal value and there is no discrimination between men and women. Also, displaced persons and refugees are entitled to social protection under the same conditions as other citizens of Bosnia and Herzegovina.

#### **Question 4**

The establishment of international bodies for the protection of human rights, including the bodies of the Council of Europe (the European Commission against Racism and Intolerance) and the United Nations (the Committee on the Elimination of Racial Discrimination) for combating racism, intolerance and prevention of all forms of discrimination, as well as the adoption of the Durban Declaration and Programme of Action, contribute in a high-quality manner to strengthening mechanisms for the protection of human rights through awareness-raising of target groups aimed at strengthening tolerance, linking diversities, equality before the law, the realization of rights to equal access to courts, the rights to

## **Brazil**

### **Question 1**

In 2003, the Special Secretariat for the Promotion of Racial Equality Policies and the National Council for the Promotion of Racial Equality were created and the national policy for the promotion of racial equality was adopted. The Special Secretariat is a body that directly assists the Presidency of the Republic in the formulation, planning and coordination of policies and parameters related to the promotion and protection of the rights of racial and ethnic groups subject to discrimination, in particular the black population. The Special Secretariat is also in charge of the implementation and coordination of the national policy for the promotion of racial equality.

### **Question 2**

Among contemporary forms of racism, special attention must be paid to the diffusion of discriminatory messages through new media, particularly the Internet. Brazil goes on to cite several examples of racism on the Internet.

### **Question 3**

Brazil has several laws that include measures against racist acts. They include the Constitution, the Torture Law, the Law on Qualified Injury for Prejudice, the Anti-discrimination Law and the Law on Afro-Brazilian and Indigenous History Education. The Brazilian State was the flagship in the organization of the Regional Conference of the Americas on the Advances and

communities, such as the remaining quilombos and aborigines. Promotion strategies able to stimulate the integration and inclusion of socially vulnerable groups into society are essential.

**Question 5**





The National Police Department, as part of the

There are, for example, prohibitions of marriage between certain ethnic groups and castes, which have historical roots. The family code, however, prohibits discrimination based on customary considerations. The law prohibits forced marriages and does not allow prohibition of marriage on the basis of race, caste, religion or ethnicity.

### **Question 3**

Article 1 of the Constitution prohibits discrimination of all forms. Article 19 states that the right to work is applicable to all and that there can be no discrimination on this basis; article 5 of the family code states that foreigners in Burkina Faso enjoy the same rights as nationals; article 112 of the information code prohibits defamation against groups or persons on the basis of belonging to a race, religion or region, and is punishable by law, with heavy fines for the incitement of hatred between citizens and residents.

### **Question 4**

No response.

### **Question 5**

Burkina Faso acceded to the International Convention on the Elimination of All Forms of Racial Discrimination and has made legislative measures to be in conformity with the norm. It has produced an initial report and periodic reports in conformity with article 9 of the Convention.

### **Question 6**

The periodic organization of events, such as the Panafrican Festival of Cinema and Television and the international festival of books, provides an opportunity for better acceptance of people by others. The Government also organizes special days aimed at foreigners, during which cultural activities are organized.

## Cyprus

Cyprus ratified the International Convention on the Elimination of All Forms of Racial Discrimination in 1967. It has also ratified most European and United Nations instruments relating to discrimination. The Government has enacted important primary anti-discrimination legislations in order to harmonize with European Union Council Directives 2000/43 and 2000/78.

There have also been important developments in case law. In 2001, by the judgement of the Supreme Court of Cyprus on the case of *Yiallourou v. Evgenios Nicolaou*, it was established that the violation of human rights is an actionable right which can be pursued in civil courts against those perpetrating the violation; victims are entitled, inter alia, to just and reasonable compensation for pecuniary and non-pecuniary damages.

Moreover, the Combating of Racism and Other Discrimination Law of 2004 vests the Commissioner for Administration, who is an independent officer, with special competences, duties and powers for combating and eliminating discrimination in both public and private sectors. Under this law, any person or group may file a complaint to the Commissioner for being subject to discrimination prohibited by any law. The Commissioner can carry out investigations ex proprio motu of incidents of discrimination.

Findings and reports made by the Commissioner, when involving discriminatory provisions, terms, criteria or practices found in legislation, must be communicated to the Attorney-General of the Republic. The Commissioner also has the power to prepare and publish codes of practice with regard to any activity of a public authority or person in the private sector, obliging them to take the practical measures specified in the code. The Commissioner has a duty to carry out surveys, prepare statistics and organize consultations and meeting of persons and groups of different or conflicting interests.

Cyprus has ratified Protocol No. 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms, in force since April 2005. In 2005, it ratified the Additional Protocol to the Convention on Cybercrime.

Specific laws set up an institutional framework for the examination of international protections needs, namely asylum applications.

Moreover, Cyprus law criminalizes, inter alia, a number of acts/conduct, including incitement to acts or activities likely to cause racial discrimination, violence or hatred; public expression of ideas which are racially insulting; publication of material that promotes ill-will or hostility between different communities; and the establishment of or participation in organizations that promote racial discrimination.

## **Denmark**

### **Question 1**

The Government has taken several initiatives of a political and legal nature in the area of combating discrimination and promoting equal treatment. The initiatives, which are described in more detail under question 3, include a Government action plan, project funding, funding of research on the scale and origins of discrimination, establishment of a board on equal treatment and implementation of legislation against discrimination.

### **Question 2**

The Danish police has developed reporting schemes and mechanisms to monitor cases involving possible discrimination and to ensure uniform practice in these cases. All cases in which preliminary charges have been raised for violation of section 266 b of the Penal Code must be submitted to the Director of Public Prosecutions for determination of the final charges. Moreover, the final decisions of the courts are accessible on the website of the Director of Public Prosecutions. In addition, the Danish Security

Discrimination on the Labour Market, the employment aspects of the European Union Racial Equality Directive were introduced into Danish law. The Penal Code was amended by Act No. 218 of 31 March 2004, which entered into force on 2 April 2004. In November 2003, the Government launched an action plan to promote equal treatment and diversity and to combat racism as a direct offshoot of the Durban Conference. According to the Government platform 2007 “Society of Opportunities”, an update of the action plan is foreseen.

The Ministry of Social Welfare and Gender Equality implemented a four-year attitude readjustment campaign on gender-related prejudices and gender roles.

#### **Question 4**

Overlaps, multiplication and duplication of measures should be avoided. If necessary, mechanisms may need to be streamlined and rationalized. At the upcoming Review Conference, the work of the various mechanisms set up in the aftermath of the Durban Conference should thus be evaluated.

#### **Question 5**

Denmark ratified the International Convention on the Elimination of All Forms of Racial Discrimination in 1971. Denmark attaches great importance to the cooperation of all countries with the Committee.

#### **Question 6**

Reference is made to the answer to core question 3, where several initiatives and good practices in Denmark are described.

### **Egypt**

#### **Questions 1, 3 and 5**

Egypt is committed to the full implementation of the Durban Declaration and Programme of Action and will exhaust all efforts to support the international initiatives aimed at eliminating racism, racial discrimination, xenophobia and related intolerance. Egypt supports all the activities of the follow-up mechanisms to the

Egypt acknowledges that combating racism should remain at the top of the international agenda, especially given the forms of intolerance towards religious groups and minorities in different parts of the world.

The legal protection framework in Egypt includes (a) the Constitution, which spells out basic freedoms; (b) the ratification of international treaties and their domestic application; and (c) the criminalization of hatred, incitement and defamation of religion by the Penal Code.

Other measures have been taken in the field of education, culture and media to promote tolerance and combat opinions calling for racial discrimination. These include the integration of human rights in the academic curriculum for schools and universities, promoting human rights through non-governmental organizations and providing training for the criminal justice sector.

There are national mechanisms to promote human rights in conjunction with international efforts, such as the establishment of the national human rights institution, which works on legal and constitutional reform. In Egypt, international treaties form part of the national legislation and the judiciary plays a role in the promotion of human rights.

#### **Questions 2 and 4**

The international community has agreed that international frameworks should be created in accordance with the Durban Declaration and Programme of Action which recommended that complementary standards be created to enhance and complement the International Convention on the Elimination of All Forms of Racial Discrimination. Countries should close existing legal gaps. The Council should (a) follow up on all the mechanisms and working groups; (b) be involved in the preparation for the Durban review; (c) enhance national and international efforts to combat racism; (d) play an active role in filling the gaps and prepare recommendations on how best to do this; and (e) play a critical role in the implementation of the Durban Declaration and Programme of Action. There are legal and procedural gaps that should be addressed to give protection to vulnerable groups. Other issues to be addressed include defamation of religion and foreign occupation.

## **Question 6**

Egypt has established measures to protect women and provide equal opportunities, and has tried to mainstream religious tolerance in the school system. Egypt has contributed to the national dialogue of religions to improve social relations between different groups. There have been court rulings in 2008 that confer Muslims converting to other religions the right to have passports without specifically stating their religion; Bahai's no longer have to carry documents indicating that they are Muslims.

### **Estonia**

With regard to the core questions, Estonia replied that, in 2006, article 151 of the Penal Code was amended penalizing incitement to discriminate and provides for liability for legal persons. The extrajudicial institutions whose task is to guarantee the protection of constitutional rights and freedoms include the Chancellor of Justice and the Commissioner for Gender Equality. Estonia has been a party to the International Convention on the Elimination of All Forms of Racial Discrimination since 1991. The next periodic report to the Committee on the Elimination of Racial Discrimination will be submitted in 2008; the points raised in the concluding observations for 2006 will be addressed in that report. The Draft Equality Act, in accordance with the European Union Council Directives 2000/43 and 2000/78, foresees detailed anti-discrimination provisions, inter alia, in the areas of education, social protections, health care and access to publicly available goods and services. In 2005, the rules to obtain Estonian citizenship were simplified.

With regard to the questions in the annex, Estonia replied that the Constitution guarantees equal treatment in courts, freedom of religion, equality in employment relations, the inviolability of the home, protection of property and choice of residence, the right to health, the right to education, the protection of cultural life and language and freedom of movement.

The Penal Code provides for punishment for incitement to hatred, violation of equality and discrimination based on genetic risks. Measures have been enforced to restrain hate speech on the Internet, including statements expressing discriminatory intolerance.

No anti-Semitic, Islamophobic or anti-Roma incidents or crimes have been reported.

By its order of 26 January 2006, the Government approved the Development Plan for Combating Trafficking in Human Beings.

In schools, discrimination is generally discussed within the framework of human and social studies. In 2006 and 2007, no specific teacher training was conducted in the areas of multicultural and anti-racist education.

## **Finland**

### **Question 1**

Finland has focused its efforts on the full implementation of the agreed principles and operational recommendations of the Durban Declaration and Programme of Action. Finland is fully determined to tackle racism, racial discrimination, xenophobia and related intolerance.

### **Question 2**

Manifestations of anti-Semitism have included threats, signs and graffiti. The persons responsible have been or are being prosecuted under the provisions against ethnic agitation. Members of the Roma communities face discrimination in different areas, including education, employment, housing and access to services. At the initiative of the Ombudsman for Minorities, the employment authorities started in 2002 a project to make their services more effective with regard to the situation of Roma people. European Union-funded projects on employment have been also implemented.

Members of Somali communities are also vulnerable to racism and racial discrimination. The Ombudsman for Minorities has promoted the creation of a co-coordinating body that brings together representatives of different Muslim organizations and groups. An Islamic council was established in November 2006.

Members of Russian-speaking communities face intolerance. An ad hoc working group of the Advisory Board for Ethnic Relations has prepared a report on the situation of this group. In December 2007, a seminar was organized on xenophobia against Russian-speakers.



**Question 3**

In 2003, the Penal Code was amended to include a provision on racist motives as grounds for increasing the severity of punishment. Several legal measures came into force in 2004, including the Non-Discrimination Act 21/2004 implementing Council Directives 2000/43 and 2000/78; a new Aliens Act; an Act on the Exercise

## Georgia

Georgia replied to the questions in the annex.

The prohibition of physical or mental coercion of persons otherwise restricted in his/her liberty is guaranteed by paragraph 3 of article 17 of the Constitution. With the amendment of 2006 to the Constitution, the prohibition acquired an absolute character. The Criminal Code of Georgia was amended on 6 June 2003, allowing any act committed with a racial motive to be addressed by a separate article. On 14 August 2003, article 408 of the Code was amended by the inclusion in the list of criminal offences of apartheid and persecution of an identifiable group for reasons including race, national or ethnic origin and religion. In June 2006, the Criminal Code was amended, increasing sanctions for the crime of trafficking in persons, introducing criminal liability and protecting the interests of victims.

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With regard to the Sinti and Roma, Germany has been involved, within the framework of the Organization for Security and Cooperation in Europe (OSCE), in developing a plan of action for enhancing the situation of the Sinti and Roma. In the area of racially motivated crime, the Federal Government attaches particular importance to preventive work, an approach which led to the establishment in June 2001, of the German Forum for Crime Prevention, a foundation which aims at preventing right-wing extremism, xenophobia, anti-Semitism and violence.

#### **Question 4**

Germany especially welcomes the work of the Anti-Discrimination unit of the Office of the High Commissioner for Human Rights, to which it has dedicated financial and personnel resources. Germany actively cooperates with all existing instruments; it participates in all open sessions of the different working groups. The Durban Review Conference provides a good opportunity to evaluate the work done so far and to decide on possible rationalization with a view to enhancing the effectiveness of the system established to fight racism.

#### **Question 5**

Germany ratified the International Convention on the Elimination of All Forms of Racial Discrimination in 1969. In response to the concluding observations of the Committee on the Elimination of Racial Discrimination, Germany has also conformed to the complaints procedure for individuals pursuant to article 14 of the Convention.

#### **Question 6**

At the regional level, Germany supported the establishment of a tolerance and non-discrimination unit within the OSCE Office for Democratic Institutions and Human Rights.

Germany also replied to several questions from the annex.

## **Hungary**

Hungary replied to the questions in the annex.

With regard to the right to equal treatment in court, in addition to the constitutional provisions, Act CXL of 2004 on the general rules of official administrative procedures and services declares among its basic principles that, in the course of official administrative procedure, all exclusion, discrimination or restriction is forbidden.

Act CXIV of 2005 concerns the alteration of certain laws related to national and ethnic minorities and the election of representatives of minority governments.

Law CXXV of 2003 concerning equal treatment and the promotion of equal opportunity came into force in January 2004. The aim is to proceed against all forms of discrimination, the right to dignified human respect, the protection of human and fundamental civil rights and the provision of efficient legal defence for those suffering from discrimination.

In March 2004, the Government adopted its decree No. 1021/2004 (III. 18) on the governmental programme and measures for the promotion of Roma people's social integration, which defined governmental actions for the period 2004-2006. In June 2006, the Hungarian Parliament adopted a resolution on the Decade of Roma Inclusion Programme Strategic Plan - 68/2007 (VI.28). For the implementation of the Parliamentary resolution in December 2007, the Government approved a governmental plan of action for the period 2008-2009 in decision 1105/2007 (XII.27).

Act I of 2004 concerning sports prescribes for organizers of any event the obligation to order any participants inciting to hatred or racism to discontinue these activities. In the field of anti-discrimination, the tasks and objectives determined in governmental verdict 68/2007 (VI. 28) concerning the Decade of Roma Inclusion Programme Strategic Plan refer to the most important complex measures that may for a significant period of time assure the real social and economic integration of the poor, including, in great proportion, the Roma.

The period 2005-2015 has been designated the Decade of Roma Inclusion. The governmental plan of action for the period 2008-2009 related to the Decade of Roma Inclusion Programme Strategic Plan envisages measures related to the promotion of the mainstreaming of equal treatment and anti-discrimination.

In September 2003, Law/LXXIX of 1993 on education was modified. Many alterations were introduced for the integration of children and pupils with disadvantages.

The Hungarian asylum law was recodified in 2007 to comply with relevant European Union legislation and to introduce the concept of subsidiary protection to Hungarian domestic law.

### **Iran (Islamic Republic of)**

#### **Question 1**

In its response, the Islamic Republic of Iran states that, as a matter of policy and practice, it is opposed to any form of discrimination. It makes reference to guidelines produced by the Head of the national judiciary regarding procedures to be followed to ensure non-

**Question 3**





### **Question 5**

Ireland signed the International Convention on the Elimination of All Forms of Racial Discrimination in 1968 and ratified it in 2000. Ireland has also agreed to individual petitions under article 14. The Government of Ireland points out that it has engaged in very successful dialogue with the Committee of the Convention concerning its recommendations.

### **Question 6**

The National Consultative Committee on Racism and Interculturalism has published a major research project on good practices in Ireland, Northern Ireland and Scotland.

## **Italy**

### **Question 1**

Italy is in a position to assess the implementation of the Durban Declaration and Programme of Action in order to fully implement agreed principles and operational recommendations included therein, in line with the commitments of European Union member States within the regional seminar for the preparation of the Durban World Conference promoted and organized by Italy.

### **Question 2**

According to the substantial contents of the Durban Declaration and Programme of Action, with specific regard to contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance, measures and instruments to assess and combat these phenomena in Italy apply to all potential victims in all the fields in which discriminatory conduct and acts are carried out.

### **Question 3**

The fight against all manifestations of racism, racial discrimination, xenophobia and related intolerance is at the core of the Italian Constitution and its judicial code, which are both focused on the principle of non-discrimination and, more widely, on the protection of the individual. The Government of Italy acted promptly to transpose European Union Directive 2000/43/EC by adopting Legislative

to many and varied rights. The National Office for the Elimination of Racial Discrimination has been established in the Prime Minister's Office. The Office has opened 351 discrimination files,

prejudice. Elementary schools, junior high schools and senior high schools provide guidance on matters regarding respect for human rights through general education activities. These schools also provide education that will lead to a deeper understanding and respect for the way of life and cultures of peoples of foreign countries.

The Constitution of Japan stipulates that all people are equal under the law. The dissemination and expression of racially discriminatory thought damaging the honour or integrity of a certain individual or group can be penalized under the crime of defamation. In addition, intimidatory content aimed at specific individuals can be penalized under the crime of intimidation in the Penal Code. Regarding discrimination by private individuals, if an illegal act has been committed,

**Question 3**

**Lebanon**

In its response to the core questions and those in the annex, Lebanon states that it is party to the International Convention on the Elimination of All Forms of Racial Discrimination and that the Lebanese enjoy civil and political rights on an equal basis; there is equal treatment

## **Liechtenstein**

### **Question 1**

Liechtenstein has implemented several measures and programmes in the framework of a national plan of action against racism. Improvements have been achieved with regard to legislation, awareness-raising and the dissemination of relevant information.

### **Question 2**

Manifestations of racism, racial discrimination, xenophobia and related intolerance have been decreasing in recent years and are very rare in general. The Government has mandated the Violence Protection Commission to develop a strategy against right-wing extremism in Liechtenstein.

### **Question 3**

Following the Durban Co5c/aenece,the Dove

**Question 5**

Liechtenstein ratified the Convention in 2000 and promptly submitted three country reports to the Committee on the Elimination of Racial Discrimination. The recommendations of the Committee are being implemented in the framework of the national action plan against racism.

**Question 6**

Liechtenstein holds as a good practice the centralizing of questions relating to the fight against racial discrimination and related intolerance within a single central standing body in the public administration which also serves as a contact point for interested persons and victims. In this way, the implementation of measures and the reporting obligations under different

## **Question 2**

Subtle forms of discrimination, especially in the labour and housing markets, reportedly continue to exist in Norwegian society. The Anti-Discrimination Ombudsman receives most complaints of discrimination based on ethnicity in employment. Unemployment among immigrants is considerably higher than in the general population. Vulnerable groups, such as the vocationally disabled, youth and the long-term unemployed, are therefore considered target groups in market policy, and are given priority when it comes to labour market measures. It has been observed that immigrants from certain places, such as the Islamic Republic of Iran and Somalia, experience most discrimination, while men experience more discrimination than women. The Ombudsman has proposed new measures to tackle the problem that the Government is now considering to combat discrimination exercised by public sector authorities.

## **Question 3**

The Plan of Action to Combat Racism and Discrimination includes 48 measures covering the labour market, education, law and order sectors, the Internet, local communities, racist expressions and others. The Equality and Anti-Discrimination Act on prohibition against discrimination based on ethnicity, religion and so on applies to all relevant areas of society. The Ombudsman has the task of monitoring the implementation of the provisions contained in the Act. A Commission to propose a comprehensive anti-discrimination law was appointed by the Government in 2007 and will submit its recommendations in 2009.

## **Question 4**

Norway considers it important to combat multiple discrimination and to incorporate a gender perspective in all efforts against raci





foreigners in national territory, including the cr





### **Question 5**

In 2002, Romania submitted a declaration in accordance with article 14 of the International Convention on the Elimination of All forms of Racial Discrimination recognizing the competence of the Committee on the Elimination of Racial Discrimination.

### **Question 6**

Anti-discrimination messages were broadcast by television and radio stations, with the participation of relevant ministries and agencies. Successful projects have been undertaken with civil society, such as the Roma Health Mediator, which addresses complex health issues faced by the Roma community.

### **Russian Federation**

In the Russian Federation, there are no political parties with platforms based on ideas of racial superiority. The political process in the country is in accordance with the respect of the principle of non-discrimination and the fight against racism in the political, socio-economic and cultural spheres. The Constitution of the Russian Federation of 1993 forbids any kind of discrimination. Legal provisions forbidding discrimination in the area of employment were included in the Labour Law. In particular, article 3 of the Labour Code (No. 197-FZ of 30 December 2006) forbids the limitation of labour rights and freedoms of anyone on the grounds of race, skin colour, nationality, language, origin, place of residence, religion and political beliefs. In July 2002, the Government adopted Federal Law No. 114-FZ against extremists acts (amended in July 2006 and May 2007), which defined legal and organizational grounds for fighting extremism. The law contains a definition of “extremist acts”.

In order to fight all forms of nationalism and intolerance, in 2006, the Public Chamber of the Russian Federation was established, within which the Commission of Public Chamber on issues of tolerance and freedom of conscience operates.

In 2001, the Government adopted the draft federal targeted programme entitled “Formation of basis of tolerant consciousness and prevention of extremism in Russian society (2001-2005)”.

In May 2006, in Moscow, the leaders of 12 political parties signed a pact to counteract nationalism, xenophobia and religious hatred.



Catholic, and presided over the country for over 20 years, which demonstrates that the society in Senegal is open and based on individual merit. Marriages between people of different ethnic groups are commonplace and considered natural.

### **Question 3**

Before the adoption of the Durban Declaration and Programme of Action, the State adopted a number of legislative measures aimed at addressing the issue of racial discrimination. This has ensured the enactment of laws with relation to article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination. These laws include those on illegal associations, seditious associations, political parties, and racial and religious discrimination. The Penal Code also contains provisions focusing on non-discrimination and providing for severe sanctions against discrimination. This applies also in other domains, such as nationality, employment, social security and family. In 2006, by a decision of the Government, a reform was made providing for medical cover of a husband and children by the wife, which was originally only applicable to the husband. Senegal also created the High Commission for Human Rights and the Promotion of Peace, which works on human rights issues.

### **Question 4**

The different follow-up mechanisms of Durban have held regular sessions and dealt with racism issues. However, it is important to explore the following issues in their mandates: human rights education; plans to articulate problems related to racism in the periodic reviews of the Human Rights Council; aspects linked with the fight against poverty; and better coordination before the different mechanisms.

### **Question 5**

Senegal has complied with the International Convention on the Elimination of All Forms

## **Question 6**

The Senegalese Constitution provides for equal access to land for men and women. In that regard, there is no law prohibiting the acquisition of land in Senegal by foreigners.

## **Slovak Republic**

### **Question 1**

In its manifesto of 2002, the Government of the Slovak Republic made a commitment to guarantee civil freedoms and human rights and to combat all forms of intolerance. Also, since its entry into the European Union in 2004, the Government has pursued the relevant European Union human rights policies and directives on racial equality and employment equality that are applicable to the jurisdiction of European Union member States.

### **Question 2**

The rise of discrimination is a cause for concern and, in the context of the Durban Declaration and Programme of Action, has enabled the international community to have a consensual strategy to combat racism, racial discrimination, xenophobia and related intolerance.

### **Question 3**

The Anti-Discrimination Act, in force since July 2004, regulates the application of the principle of equal treatment. It contains provisions on equality that are embedded in the Constitution, national laws and international treaties. The Anti-Discrimination Act transposed several European Union directives into Slovak legislation, introducing new legal concepts that had not been addressed by Slovak laws on discrimination and extending the grounds on which discrimination is prohibited. The plan of action for the prevention of all forms of discrimination, racism, xenophobia and intolerance has been updated several times since it was first prepared in 2000. The 2006-2008 plan of action lists the priorities to be pursued, which include training, investigation and legislation. Intensified monitoring, the implementation of activities aimed at disadvantaged members of the population, the promotion of cultural activities and other promotional work are pursued by the inter-ministerial group charged with the implementation of the plan. In 2004, the competence of the Slovak National Centre for Human Rights was extended to the Government's work in combating racism and has improved the rights of discriminated Roma.



**Question 4**

The Durban Declaration and Programme of Action created the basis for the international community to tackle racism and the review conference should serve as an evaluation mechanism. The multiplication of follow-up mechanisms could, however, create overlaps that undermine the process.

**Question 5**

In August 2004, the Committee on the Elimination of Racial Disc

**Question 2**

Racist abuses occur in Sweden on a regular basis in spite of the efforts made. Hate crimes including Islamophobia, anti-Semitism and xenophobi

**Question 6**

The preparation of a white paper on intercultural dialogue and the reports on hate speech and the wearing of religious symbols in public areas by the Committee of Experts for the Development of Human Rights (within the framework of the Council of Europe) constitute a good practice. Work in other areas, such as democracy, improving accountability and increased use of information, communication and media, are also good practices.

**Switzerland**

**Question 1**

at a cost of 50 million francs. Measures include the improvement of migrant health care, the professional integration of women, training, tracking racism on the Internet and the elaboration of codes of conduct in the media.

#### **Question 4**

Switzerland is of the view that in spite of the many mechanisms, States are not sufficiently sensitized to make reports on the implementation of the Durban Declaration and Programme of Action at the national level, and considers the questionnaire an important development in this regard.

#### **Question 5**

Switzerland has ratified many conventions including the International Convention on the Elimination of All Forms of Racial Discrimination. The Constitution provides the procedure to follow in the event of violations of an international treaty. The military penal code makes it a crime to incite hatred or racist ideology; the civil code also protects workers, and the law on foreigners provides further protection.

#### **Question 6**

Since 2004, Switzerland has participated in the Task Force for International Cooperation on Holocaust Education, Remembrance and Research, which allows an exchange with specialists on the best measures on the ground. Switzerland has also taken other measures in the public domain to eradicate racism.

### **Syrian Arab Republic**

In its answers to the questions in the annex to the questionnaire, the Syrian Arab Republic states that it does not suffer from the problem of racial discrimination. Measures have been taken to prevent discrimination. Citizens and residents enjoy human rights equally. There are no hate crimes. The Constitution guarantees all rights, such as equal treatment before the courts and tribunals, the rule of law and access to justice. Legal remedies are guaranteed by law; everybody has a right to participate in political and cultural life, a right to religious belief, adequate housing, equal pay for equal work, access to public places, and others.

Legislative measures include the Penal Code, which criminalizes any act that affects the belief of others. All treaties to which the Syrian Arab Republic is a party are integrated into

## **Togo**

### **Question 1**

The Constitution of Togo provides for the protection of all and prohibits all forms of discrimination. It provides that all manifestations of a racist or regional or xenophobic character are prohibited and are punishable by the law. The law on political parties also prohibits such conduct. All legal, consti

of Togo believes that close collaboration between these mechanisms and the Committee on the Elimination of Racial Discrimination is important in order to ensure harmony between them. The Durban mechanism should also have autonomy of action and the experts should serve in a personal capacity.

#### **Question 5**

Togo has ratified the International Convention on the Elimination of All Forms of Racial Discrimination and integrated it into its judicial system through article 50 of the Constitution. Concrete measures are in the process of being taken in the legal modernization process under way. Sensitization on the content of the Convention is planned in the national promotion programme undertaken by the Ministry of Human Rights with the support of the United Nations Development Programme since May 2007.

#### **Question 6**

Togo cites the respect of foreigners as a good practice, as is hospitality, which is inspired by African traditions that consider foreigners a harbinger of happiness.

### **Turkey**

#### **Question 1**

There have been far-reaching changes in the country's criminal code to reflect the commitment to fighting racism and discrimination. A new governmental body, the Minority Issues Assessment Board, has been in operation since 2004 to address problems encountered by non-Muslim minorities. The Human Rights Presidency of the Office of the Prime Minister organized a number of round-table meetings and initiated projects which touched on the issue of combating racial discrimination and related subjects. Turkey has taken part in the elaboration of policies aimed at the elimination and prevention of contemporary forms of racial discrimination in the Council of Europe. Human rights boards conduct information activities, such as preparing training sessions, seminars, television programmes and publications for relevant purposes, including the fight against racism and xenophobia.

## **Question 2**

The international community still experiences racism and intolerance in spite of tangible progress achieved in the elimination of institutionalized forms of racial discrimination. Turkey believes that a successful strategy has to include international and national levels. In this regard, Turkey works closely with the Council of Europe and the Organization for Security and Cooperation in Europe.

## **Question 3**

The Criminal Code that entered into force in 2005 defines discrimination as an offence and penalizes acts of discrimination, including on the basis of race. It also defines genocide and crimes against humanity, including acts against members of a racial group. The Law on Associations which entered into force in 2004, prohibits the establishment of associations advocating the supremacy of a certain race. A by-law was adopted in 2004 stipulating that textbooks should not contain language against rights, such as race-based discrimination. The legislation regulating broadcasting includes provisions on non-discrimination.

## **Question 4**

Turkey has played a role in the intergovernmental working group on the effective implementation of the Durban Declaration and Programme of Action, the Working Group on People of African Descent and, more recently, the Ad Hoc Committee on the Elaboration of Complementary International Standards. It will be making contributions to the Open-ended Inter-Governmental Working Group. Turkey is of the view that the review conference should not be overloaded with new issues.

## **Question 5**

Turkey ratified the International Convention on the Elimination of All Forms of Racial Discrimination in May 2002; the Convention entered into force for Turkey in October of the same year. In 2007, Turkey submitted its initial, second and third periodic reports in a single consolidated document, outlining the legislative, judicial, administrative and other measures which give effect to the provisions of the Convention.



**Question 6**

Turkey is involved in the work of the Orga

There are two independent national human rights commissions in the United Kingdom that promote human rights, including non-discrimination: the Commission for Equality and Human Rights and the Northern Ireland Human Rights Commission. A third, the Scottish Commission for Human Rights, is in the course of being established.

In January 2005, the Government launched a national strategy to increase race equality and community cohesion, called “improving opportunity, strengthening society”. It focuses on such areas as education, the labour market, health, housing and the criminal justice system, and also tackles racism and extremism.

The United Kingdom is a party to the International Convention on the Elimination of All Forms of Racial Discrimination but it remains to be convinced of the practical value to British citizens of the right of individual petition to the United Nations.

The response by the United Kingdom indicated that it complies with the provisions of several international legal instruments that protect international human rights, refugees and humanitarian law relating to refugee, asylum-seekers and displaced persons.

## **Uruguay**

### **Question 1**

In its response to this question, the Government of Uruguay points to the creation of the Human Rights Directorate within the Ministry of Education and Culture, the mission of which is to promote compliance with and respect for human rights. Within the Directorate, there is a body that coordinates and promotes public policies for affirmative action with regard to people of African descent at the national, departmental and regional levels. In 2004, Uruguay approved a law against racism, xenophobia and all forms of intolerance and created the Honorary Commission Against Racism, Xenophobia and All Forms of Discrimination, comprising representatives of the State and civil society. The Commission proposes national policies and concrete measures to prevent and combat racism, xenophobia and discrimination.

## **Question 2**

Discrimination in Uruguay is manifested in lower incomes and levels of education. Statistical evidence shows that education levels of Afro-descendants are lower than those of the white population. The Equity Plan will attempt to address this imbalance. As regards employment, Afro-descendants are more commonly found performing unskilled work.

## **Question 3**

The response indicates that Uruguay has created several mechanisms and policies designed to address discrimination against vulnerable sectors of society, particularly Afro-descendants. These include specific initiatives to address the situation of Afro-descendent women and young people.

## **Question 4**

The Government of Uruguay considers the current Durban follow-up mechanisms insufficient and that there is a need for affirmative action, particularly in the realms of education and employment. Scholarships should be created at all levels of education for the economically disadvantaged. Also, education should promote human rights and include in the curriculum the history of slavery of the forebears of Afro-descendants.

## **Question 5**

The Government of Uruguay ratified the International Convention on the Elimination of All Forms of Racial Discrimination in 1968 and states that discrimination is criminalized in the Criminal Code. In compliance with recommendations made by the Committee on the Elimination of Racial Discrimination in 1999, the Government sorts disaggregated information on Afro-descendants in its household survey.

## **Question 6**

Mention is made of several initiatives to combat racial discrimination, such as programmes to gain access to education in disadvantaged sectors of society, official recognition of Afro-descendent women achievers and the participation of Montevideo in the Coalition of Cities against Racism.

**Venezuela (Bolivarian Republic of)**

In answer to the questions contained in the annex to the questionnaire, the Government of Venezuela made reference to internal legislation that protects human rights, particularly the Constitution, which gives pre-eminence within the national legal framework to international human rights treaties ratified by Venezuela. It also pointed out that the Constitution, in its article 19, guarantees the respect of human rights of all persons. The



has been evidence of persistent and contemporary forms of racism and the Church has followed this closely, especially with regard to indigenous people, migrants, refugees and people of African descent.

The education of mentalities and consciences is necessary in the effort to combat discrimination. The equal dignity of all by virtue of their existence is the ultimate foundation of the radical equality sought by the Church. People must be helped in the quest for human fulfilment, and this is particularly true with respect to the education of young persons.

As a good practice, the Church has focused on educating people of every race, language and way of life and on teaching them how to live in harmony and solidarity while respecting different cultures and religions.

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