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DURBAN REVIEW CONFERENCE

Preparatory Committee

Intersessional open-ended intergovernmental working group
to follow up the work of the Preparatory Committee

Second session

Agenda item 5

**IMPLEMENTATION OF THE MANDATE OF THE WORKING GROUP
AS CONTAINED IN PREPARATORY COMMITTEE DECISION PC.2/4 OF
22 APRIL 2008 ENTITLED “ESTABLISHMENT AND DATES OF THE
INTERSESSIONAL OPEN-ENDED INTERGOVERNMENTAL WORKING
GROUP”**

**Additional contributions from States received by the Office of the United Nations
High Commissioner for Human Rights**

Note by the Secretariat

1. Pursuant to decision PC.1/10 adopted by the Preparatory Committee for the Durban Review Conference on 31 August 2007, the Office of the United Nations High Commissioner for Human Rights (OHCHR) circulated, on 17 January 2008, a questionnaire to Member States (see A/CONF.211/PC.2/2). The summaries of replies received from 40 States as at 4 April 2008 were submitted to the Preparatory Committee at its first substantive session (see A/CONF.211/PC.2/CRP.6). This document was also made available to the working group at its first session.
2. Additional contributions by States received by the Secretariat after the circulation of the above document amount to 19 replies in total as at 29 August 2008. Summaries of some of those additional replies have already been included in the documents issued for the two regional meetings preparatory to the Durban Review Conference that were held in Brasilia on 17 to 19 June 2008 (see A/CONF.211/PC/RPM/1/2) and in Abuja on 24 to 26 August 2008 (see A/CONF.211/PC/RPM/2/2). For ease of reference, they are also reproduced in the present document, together with the summaries of new contributions received.

3. In view of the number and volume of the additional replies received and also bearing in mind the existing UN rules on the length of submission of documents, the summaries of some of the replies will be issued subsequently in an addendum to the present document.
4. The full text of all 59 replies to the questionnaire received so far by the Secretariat have been posted on OHCHR website at <http://www2.ohchr.org/english/issues/racism/DurbanReview/session1-repliesfromMemberStates.htm>

ADDITIONAL REPLIES TO THE QUESTIONNAIRE BY STATES

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ANGOLA

In its uncategorized reply to the questionnaire, Angola states that it is a country that is capable of hosting, side by side, people of different origins and culture. It states that as the fifth largest country in sub-Saharan Africa, the country's demographics are based on ethnic diversity and multiculturalism. All the communities live in harmony and tolerance and no major problems of cohabitation have been reported. In spite of the negative impacts of thirty years of war, Angola has made progress in various areas. The National Police has been undergoing a modernization programme aimed at improving its capacity and readiness to deal with all circumstances upholding the rights of citizens including a specific training on human rights and in particular on issues related to discrimination, racism, xenophobia and related intolerance. There are radio programmes in Portuguese and in local languages broadcast to promote tolerance among communities and ethnic groups.

Angola is doing its utmost to ensure that the Durban Declaration and Programme of Action is transformed into deeds, including by way of constructive dialogue to end discrimination and intolerance. Angola is of the view that states must adapt their own national legislation to combat all forms of racism, racial discrimination, xenophobia and related intolerance by elaborating strategies and implementing policies to fully implement the DDPA. The constitution of Angola provides for equality for all under the law, irrespective of colour, race, ethnicity, gender, place of origin, religion, ideology and social condition. Practical mechanisms to control discrimination in Angola include the Ninth Commission of the National Assembly which receives complaints and petitions from citizens, the Ministry of Justice and the Office of the Ombudsman. All citizens have the right to participate in public life, have access to health and housing and are accorded freedom of religion and belief. In 2006 the Government held the Third Symposium on National Culture which dealt with cultural policy. There is a Law No. 3/94 which establishes the legal regime of foreigners who reside in Angola and allows them to have equal rights and

racismo, pobreza y exclusión social y estado y sociedad. El Plan se encuentra actualmente en su fase de implementación.

Pregunta 2: Además de sus tres ejes centrales, el Plan Nacional contra la Discriminación abarca diferentes áreas de análisis tales como étnico; étnico-nacional; género; orientación sexual e identidad de género; migrantes y refugiados; necesidades especiales; político-ideológico; religioso; y otros. En el INADI se confeccionan estadísticas por grupo vulnerado en el centro de atención; en el área de resolución rápida de conflictos, y en el centro de denuncias. Además, se está confeccionando el mapa de la discriminación en la Argentina y una de las conclusiones más relevantes de la percepción sobre situaciones de discriminación en el país son las prácticas de xenofobia contra los bolivianos y peruanos, sobre todo en los grandes centros urbanos.

Pregunta 3: Existen un conjunto de medidas e iniciativas elaboradas por la República Argentina, entre ellas se mencionan el establecimiento del Instituto Nacional contra la Discriminación, la Xenofobia y el Racismo (INADI), la elaboración del Plan Nacional contra la Discriminación, la sanción y promulgación de leyes, tales como las referidas a niñas, niños y adolescentes; pueblos originarios; género; refugiados; y migrantes. Asimismo, se promovió el nuevo Proyecto de Ley contra Actos Discriminatorios que modificará la actual Ley 23.592.

Pregunta 4: La Argentina estima que el incremento de la eficacia de estos mecanismos, se verá posibilitada en la medida que aumente su coordinación, no exista superposición de funciones, y continúen avanzando en la materia, por ej., a través del abordaje de nuevas cuestiones.

Pregunta 5: El Gobierno argentino ratificó la Convención Internacional sobre la Eliminación de Todas las Formas de Discriminación Racial el 2 de octubre de 1968; y el 6 de febrero de 2007, reconoció la competencia del CERD para recibir y examinar comunicaciones de personas que alegaran ser víctimas de violaciones a sus derechos por parte del Estado.

Pregunta 6: Entre las prácticas efectuadas por la Argentina, se mencionan el soporte a personas o grupos que se consideran víctimas de prácticas discriminatorias a través de un Centro de Denuncias; establecimiento de una línea telefónica gratuita, y guardias jurídicas; inicio de la confección del mapa de la discriminación en la Argentina; establecimiento de premios a la producci

BOLIVIA

Pregunta 1:

utilidad pública de reagrupamiento y redistribución de la tierra con fines de dotación a favor del pueblo indígena Guaraní.

Pregunta 6: El Estado Boliviano, a través de diferentes instituciones, organizaciones de la sociedad civil que trabajan a favor de los Derechos Humanos, como el Defensor del Pueblo de Bolivia, elaboran y socializan información mediante programas comunicacionales y otras actividades como talleres y cursos con el objetivo de luchar contra la discriminación y concientizar a la población.

CHILE

Question 1: In December 2000, Chile hosted the Regional Conference of the Americas, in preparation for the World Conference against Racism, to be held in September 2001 in Durban. Pursuant to the 2006-2010 government programme, the “Tolerance and No Discrimination Programme”, which was placed under the Ministry General-Secretariat General of the Government, has acquired more relevance and has been transformed into the Department of Diversity and Non-Discrimination. The Division of Social Organizations of the above-mentioned Ministry created a plan of action with the following components: (a) a plan of action against racism; (b) the promotion of civil initiatives; and (c) the spreading of initiatives on tolerance and no discrimination.

In 2004, the first national study on disability was carried out in Chile by the National Fund on Disability and the National Institute of Statistics. There is also currently a draft bill on disability before the Chilean Congress and there is a new policy that recognizes the multicultural diversity in the country. This policy is the most important political instrument based on the Durban Conference. There is also a new programme entitled “origins” concerning the regularization of lands, scholarship, health and cultural programmes. In addition to this, a pilot project related to the health of the transgender population has been launched. There are also efforts being made by the Chile Solidarity Programme to reduce poverty in the country.

Question 2: The Government of Chile stated that several studies had concluded that discrimination and intolerance were embedded in the core of the national culture, and operated unconsciously with stereotypes, prejudices and beliefs. Research results confirmed that the main root of discrimination was poverty and, as a result, public policies have focused on the eradication of poverty and social exclusion.

Question 3: In relation to the situation of indigenous peoples in Chile, a new policy (titled Re-Conocer: Pacto Social por la Multiculturalidad, or “Recognize: social pact for multiculturalism”) has been launched. This policy includes, inter alia, a plan of action which covers the following areas: (a) the political system, rights and institutions; (b) the integral development of peoples; and (c) multiculturalism, identities and diversity.

Question 4: Not applicable.

Question 5: In 2008, the Government of Chile will submit its 15th, 16th, 17th and 18th periodic reports to the Committee on the Elimination of Racial Discrimination for the period 2000-2007.

Question 6: Currently, there are several initiatives to combat racial discrimination. For instance, there is a draft bill against any form or manifestation of discrimination currently before the Senate (which has been approved by the House of Representatives). Also, the inter-ministerial network and the multicultural citizen network, in the framework of Tolerance and Non-Discrimination Programme are important national initiatives.

COLOMBIA

Question 1: Colombia actively supported the Durban Conference and its Plan of Action, which is an important reference for public policies.

Question 2: Racism and racial discrimination derives from the cultural process of colonialism and has no support in any legal instrument or agency. Xenophobia is not an issue. Ethnic minorities are usually the most affected by poverty and other minorities recognized and assisted are people affected by HIV/AIDS, internally displaced persons (IDPs), persons with disabilities

Question 5: The Dominican Republic is a party to and has ratified the International Convention on the Elimination of all Forms of Racial Discrimination. As such, the Dominican Republic takes into consideration the recommendations made by the Committee for the Elimination of Racial Discrimination. As an example we can cite the elimination of the *Fianza Judicatum Solvi* that constituted an economic impediment to foreigners exercising their right to bring cases before Dominican tribunals. This constitutes a great advance in the area of access to justice.

Question 6: As there is no racist, discriminatory or xenophobic treatment by the State in the Dominican Republic, there are no concrete practices implemented to combat these phenomena. There are, however, internal measures applied by the Dominican Republic, through the Director General of Migration, the Central Electoral Board, the “Oficialias del Estado Civil” and the State Secretariat for Education to benefit foreigners who decide to establish residence in the country in a legal manner. These protect their human rights regardless of colour, race, gender, sex, religion or language.

ECUADOR

Question 1: A systematic programme for the application of the Durban Declaration has not yet been implemented in Ecuador. However, through the Corporación de Desarrollo Afroecuatoriano (CODAE, or Afro-Ecuadorian Development Corporation) and the Ministry of Foreign Affairs, Ecuador participated in the Regional Conference of the Americas concerning the Advances and Challenges of the Programme of Action against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Brazil on 26 and 27 July 2006.

In 2004, the Government began a national survey concerning the perceptions concerning racism and discrimination in Ecuador.

Question 2: The National Constituent Assembly is currently in negotiations relating to the incorporation of norms that advance and guarantee the most comprehensive application of collective rights of indigenous persons and Afro-Ecuadorians.

Question 3: In 2003, as part of the National Plan for Human Rights in Ecuador, the Operative Plan of Human Rights for Indigenous Communities and Afro-Ecuadorians was implemented.

Principles of non-discrimination and collective rights are enshrined within the Constitution of Ecuador. Article 1 of the Constitution clearly states that it is a multicultural nation. Articles 16 and 17 affirm that the State has the greatest responsibility to respect and ensure that human rights

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- The creation of a Commission of Indigenous Communities in Congress, and the creation of a National Commission on Reparations to carry out a compensation programme for victims of the 36-year internal armed conflict
- The creation of a Department on Indigenous Communities within the Ministry of Labour to oversee implementation of ILO Covenant 169, as well as an Indigenous Peoples Unit in the Ministry of Environment, to advise the Minister on environmental issues which affect indigenous communities
- The creation of a specialized Ombudsman for Indigenous Peoples within the national human rights institution, as well as the creation of the Academy for

Office for Ethnicity and Cultural Patrimony, which is a dependency of the Attorney General's Office, were created.

Question 4: The current Durban follow-up mechanisms and other relevant United Nations mechanisms are valid proposals that should be applied by States in order to abolish racial discrimination.

Question 5: The measures that the Government of Honduras has adopted to comply with the International Convention on the Elimination of All Forms of Racial Discrimination and give due consideration to the recommendations of the Committee for the Elimination of Racial Discrimination are constituted by its compliance with the requirements of internal legislation.

As regards preventative, educative and protective measures, the Special Office for Ethnicity is charged with advancing respect for the rights of diverse groups and ensuring that they are organised as a group and in a position to fight for their rights. These include such groups as Garifunas and Lencas.

Religious freedoms are protected in Article 77 of the Honduran Constitution and Article 12 of the American Convention on Human Rights, to which Honduras is a party.

Paragraph 3 of Article 60 of the Constitution prohibits all discrimination based on sex, race, class and all other affronts to human dignity.

As regards the establishment or consolidation of national institutions, the Special Office for Ethnicity and Cultural Patrimony has the primary task of taking penal action against those who commit crimes that prejudice the interests, both individual and collective, of indigenous peoples and afro-descendants in Honduras and advancing the rights of this sector.

As regards access to social services, employment, housing, education and medical attention, the State Secretariat for Education implements the National Education Programme for indigenous populations and afro-descendants in Honduras.

With regard to the media, the law in Honduras prohibits all apology for national, racial or religious hatred that constitute incitement to violence or similar illegal action against any person or group of people for any reason, including race, colour, religion, language or national origin.

National Bicentenary Committee was established to mark the 200th anniversary of the abolition of the Trans-Atlantic Slave Trade.

Question 2: The Government of Jamaica is not aware of manifestations of racism, racial discrimination, xenophobia and related intolerance in the country. Additionally, there are many rights enshrined in the Jamaican Constitution that protect against these scourges.

Question 3: The Constitution of Jamaica grants and protects the fundamental rights and freedoms of all Jamaicans irrespective, *inter alia*, of race. The Constitution safeguards these rights and freedoms by entrenching the provisions relating thereto. This means, therefore, that any amendment to these rights and freedoms would require a two-thirds majority of both Houses of Parliament. As another protective measure, the Constitution provides an avenue for redress when these rights have been infringed. In such circumstances, the person who alleges an infringement may bring the matter before the Supreme Court, Court of Appeal and, ultimately, the Judicial Committee of the Privy Council. Additionally, the Office of the Public Defender is entrusted with the responsibility of protecting and enforcing the rights of Jamaican citizens where these rights may have been infringed.

Question 4: Jamaica is encouraged by initiatives being taken at the regional and international levels to promote implementation of the Durban Declaration and Programme of Action. Jamaica is also pleased with the adoption by the UN General Assembly of resolutions 61/19 and 62/122 in 2006 and 2007.

Question 5: Jamaica is a party to the International Convention on the Elimination of All Forms of Racial Discrimination. Efforts are also being made to ensure the timely submission of periodic reports to the Committee on the Elimination of Racial Discrimination, and to the consideration of the recommendations made by the Committee.

Question 6: Provision has been made in the Constitution of Jamaica to safeguard all the fundamental rights and freedoms it guarantees, including its prohibition of discrimination on the basis of race. Additionally, the Office of the Public Defender is charged with ensuring the protection of these rights and freedoms where infringed.

LIBYAN ARAB JAMAHIRIYA

Question 1: The sixth principle of the Green Charter defines Libya's society of non discrimination. The law of 1991 number 20 in its first article introduced the non discrimination framework between male and female. The penal code does not discriminate between local or foreign workers in Libya. Article 418 prohibits trafficking and imposes penalty of imprisonment for those acts. Article 420 prohibits all forms of slavery, forced labor and sexual exploitation.

Question 2: Libya does not only do not practice racism but we combat the practice of regimes against the African people. It differentiates between racism and freedom of expression. It is facing new form of racism related to house helpers (maids).

Question 3: The legislations incriminate all forms of discrimination and exploitation and racial discrimination. They are not only contained in the provisions of criminal or

civil laws but also special codes like the 1991 (20) law and the green Charter. Libya provides equal work opportunity with full respect to gender equality.

Question 4:

Although Libya does not have the practice of racial discrimination, it is combating it through the struggle against imperialism, fascism and racism at the global level. Many countries have not yet abided by their international treaty obligations.

Question 5:

Libya was among the first countries that ratified the treaty in 1968 and other treaties. It is a harmonic country which provides equality to all people on its ground.

Question 6:

Question 9: In March 2006, a law was approved for the protection of migrants and their families and the protection of migrants and their families was reinforced. There is also a law relating specifically to equality between the sexes and a law governing access to women to a life free of violence. An intensive programme was implemented

its institutions. The main measures taken: reforming most of the legislations related to racism (the penal code chapter 431-1 repeated) labor laws, media, political parties, penal reform institutions, family and protection for refugees and immigrants provide protection against discrimination.

Morocco developed policies for the achievement of the MDGs, created development agencies to balanced development across the country. Special programs for villagers on education and nutrition. Combating illiteracy and gender equality among Amazighies. It created the Advisory Royal Council to the Sahara Affairs.

Question 4:

Morocco adopted a comprehensive approach to combat all forms of racism as a follow-up to Durban by making it a national issue of concern for all human rights mechanisms locally and internationally. Through the implementation of its recommendations and comments.

Question 5:

Morocco ratified CERD in 1969 where when incorporated in the domestic legislations defined discrimination in a comprehensive way and imposed penalty that included fine and imprisonment. It implemented most of the recommendations of the committee and reported regularly to it.

Good practices:

The use of the media and school curricula for promoting the Amazighies culture. The enacting of 2003 law for the protection of foreigners in Morocco. Comprehensive human development plan in rural areas.

PANAMA

Question 2: In Panama there are no open forms for racism. However, there are hidden forms of racial discrimination such as admission being limited to private secondary schools, bars, restaurants and discos on the basis of colour. The Government established clear norms to eliminate these practices. There have been demonstrations of xenophobia against migrants, such as Dominicans and Colombians.

Question 3: Racial discrimination is not a problem in the country. To counter xenophobia, the State is taking into account the indications of United Nations bodies on migrant issues.

Question 4: The Government believes that its mechanisms against racism, xenophobia and other forms of intolerance are efficient and humane.

Question 5: As .74(m)-2.45995()-0.146571(i)-2.16436(n)-0.295585()-0.146571(t)-2.16436(h) .16436(o)

With reference to measures adopted by Panama to prohibit racial discrimination, the reply highlights the fact that all the various rights are guaranteed without limitations because of racial discrimination and that there are no laws supporting this.

A directorate of Indigenous Policies was established many years ago. The

Recién desde el mes de noviembre de 2006, la Resolución N° 804 crea el Departamento de Acciones contra la Discriminación, que se encuentra a cargo de una abogada cuyas funciones son: Realizar el control del cumplimiento de las disposiciones de la constitución nacional, de los pactos internacionales, de la declaración y programa de acción de Durban y de Santiago de Chile, referidos a la lucha contra la discriminación; Formular a la dirección de delegaciones de Asunción un plan de trabajo para el cumplimiento de sus funciones; Recibir las denuncias, quejas y sugerencias que se relacionan a la discriminación; Intervenir de oficio en los casos de discriminación Realizar los trámites; Presentar un informe semestral a la dirección de delegaciones de Asunción.

La Convención Internacional sobre la Eliminación de todas las formas de Discriminación Racial fue ratificada por Paraguay como Ley N° 2.128/03.

El Estado cuenta con la Secretaria de Acción social, que establece programas de combate a la pobreza, pero no existen cuestiones explícitas acerca de iniciativas de algún componente de no discriminación. No se ha implementado programas integrales para abordar el tema de la discriminación, pero si existen múltiples proyectos y programas en ejecución que tratan este tema, ya sea como aprobación leyes de sectores específicos, es así como se intenta paliar la vulnerabilidad, por citar algunas:

- Ley N° 780/1979 que crea de Instituto Nacional de Protección a personas excepcionales. (INPRO).
- Ley N° 122/1990 que establece privilegios a favor de los impedidos.
- Ley N° 2479/2004 que establece la obligatoriedad de la Incorporación de personas con discapacidad en las instituciones publicas.

Como Paraguay no cuenta con una reglamentación que regule de los actos discriminatorios, es mejor recurrir a la vía judicial caratulándolo como difamación, injuria o calumnia para poder ser resarcir el daño, por lo menos pecuniariamente. Esto, conlleva otros factores como el acceso a la justicia, el costo del juicio, por su naturaleza de delitos de acción penal privada, a instancia de la victima.

REPUBLIC OF KOREA

Question 1: The republic of Korea is opposed to racism and racial discrimination and respects fundamental human rights and the principle of racial equality stipulated in the United Nations Charter and Universal Declaration on Human Rights. It has endeavoured to faithfully implement the Durban Declaration and Programme of Action.

Question 2: Cases which could be specifically classified as contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance are hardly .74()-0.146571585(c)-6.2659(e)3.7442(a)3.7446571(d)-0.295585(i)-2.41.2371(37(a)-6.2659(n)-0.

formulating comprehensive and systematic policies for foreigners who reside in the ROK through enacting the Basic Act on the Treatment of Foreigners in Korea and establishing periodic five-year Basic Plans for Policies Regarding Foreigners”.

Question 4: The Government of the ROK believes that the existing Durban follow-up mechanism should be able to address some controversial issues more effectively in preparation for the Durban Review Conference. Meanwhile it estimates that the United Nations legal and institutional mechanisms dealing with the issue of racism, racial discrimination, xenophobia and related intolerance are effective and relevant, although dialogue and political will to implement those legal and institutional

