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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 available at the first substantive session of the Preparatory Committee. The replies were to be no more than five pages long and the deadline for submitting the replies was 29 February 2008.

As at 4 April 2008, OHCHR had received replies from 39 States Members of the United Nations: Algeria, Armenia, Austria, Belarus, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Cyprus, Denmark, Egypt, Estonia, Finland, Georgia, Germany, Hungary, the Islamic Republic of Iran, Ireland, Italy, Japan, Latvia, Lebanon, Liechtenstein, Norway, Portugal, Qatar, Romania, the Russian Federation, Senegal, the Slovak Republic, Sweden, Switzerland, the Syrian Arab Republic, Togo, Turkey, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela (Bolivarian Republic of). The Secretariat also received one reply from one non-Member State, the Holy See.

* The original replies to the questionnaire received are available from the web page of the Preparatory Committee on the website of the Office of the United Nations High Commissioner for Human Rights (www.ohchr.org) and from the Secretariat.

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, such as forced labour, including sexual exploitation. The fight against trafficking in persons is a priority for the Government. By a decision of the Prime Minister in October 2002, an interdepartmental commission was

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

Public authorities in Austria, both at the federal and regional levels, put a particular focus on anti-discrimination training for public agents.

Belarus

Belarus replied to the questions in the annex. It stated that the prohibition of all forms and manifestations of racial discrimination is widely incorporated in national laws. Fundamental norms in this area are included in the Constitution. Equal treatment before tribunals and all other organs administering justice, equal rights to security of the person and protection by the State against violence or bodily harm, equal rights to freedom of religion and belief are guaranteed by the Constitution.

With regard to equal rights to all levels of education and training, article 3 of the Law on Education of October 1991 ensures the right of each citizen of Belarus to receive an education. Foreigners and aliens living on a permanent basis in the country have the same rights as the citizens of Belarus with regard to education.

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 crimes committed on racial, national, ethnical and religious grounds, which are also aggravating factors and also incitement to racial, national or religious hatred. The Code also envisages sanctions for genocide.

The Presidential Decree of 9 March 2005 No. 3 on measures for the prevention of trafficking in persons envisages concrete measures, in particular the protection of women and children. During the period 2002-2007, a number of measures in this area were implemented in accordance with the State programme against trafficking in persons and prostitution adopted in 2001. In December 2007, a State programme for combating trafficking in persons, illegal immigration and related illegal acts for the period 2008-2010 was adopted.

In July 2007, an international educational centre for training, qualification enhancement, and other forms of training initiatives in the area of migration and trafficking in persons was opened. In 2007, one training session for law enforcement officers was organized, and four others are planned for 2008.

In December 2007, the Department on citizenship and migration agreed on standard operational procedures for protection and action in the event of sexual and gender violence in Belarus.

State bodies continuously work to provide social services, employment, health care, education, passports and integration in social and cultural life for Roma people.

Belgium

Question 1

The Centre for Equal Opportunities and Opposition to Racism was charged with the responsibility of elaborating a plan of action following the 2001 Conference and assessing what

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, racial discrimination, xenophobia and related intolerance. Belgium adopted a plan of action in 2004 on racism, anti-Semitism and xenophobia, a 10-point plan that focuses on the applicability of anti-discrimination legislation, follow-up of complaints, the Internet as a medium of racist and anti-Semitic ideology, distribution of racist materials, the fight against bigotry (creation of “democracy platforms”), the evaluation of media work, police services, State security, measures of public protection and the creation of tolerance barometers. Belgium also received the members of the Working Group of Experts on People of African Descent in 2005 and published a booklet entitled “I act against racism”.

Question 2

There are still different forms of discrimination of several types. The racist manifestations being observed in Belgium are all covered under the Durban outcome documents. Belgium has dealt with these through an arsenal of laws (as indicated under question 3), with regard to education, prevention and mediation. All victims receive equal protection.

Question 3

Belgium has enacted an arsenal of laws against racism since Durban. These laws build on the Constitution and include the law of 10 May 2007 aimed against discrimination, including that on the basis of language, religious conviction and social origin, and also the law of 10 May 2007, which modified that of July 1981, suppressing actions inspired by racism and xenophobia. In 2003 and 2007, the law expanded the competence of the Centre for Equal Opportunities and Opposition to Racism, giving it authority over many additional elements of discrimination based on race.

Question 4

There has been a multiplication of mechanisms since Durban, which risks to dilute the attention that racism deserves. This also makes it harder for the mechanisms to be used by outsiders. The review conference needs to address this.

Question 5

Belgium has complied with the International Convention on the Elimination of All Forms of Racial Discrimination and has recently presented a report to the Committee. The recommendations of the Committee are taken very seriously and have fundamentally influenced the elaboration of relevant legislation in Belgium. It is necessary to make efforts aimed at the universal ratification of the Convention. Every two years Belgium and Slovenia submit a resolution to the General Assembly aimed at supporting the work of the Committee.

Question 6

Belgium has pursued a programme to promote diversity in employment, whereby employment organizations pledge to respect a policy of diversity in employment. An ethical code has been established in the police force focusing on anti-racism and anti-discrimination in police work.

Bosnia and Herzegovina

Question 1

Racial and other forms of discrimination are prohibited by the Constitution of Bosnia and Herzegovina and its two entities and is included in criminal legislation. The elimination of racial discrimination is also carried out through the promotion, recognition and equal enjoyment of rights.

Question 2

The European Convention for the Protection of Human Rights and Fundamental Freedoms has been incorporated into the Constitution and has precedence over all other domestic laws. The Constitution contains provisions for the realization of all rights throughout the entire territory, without discrimination.

Question 3

In the area of education, Bosnia and Herzegovina applies a policy of equality to educational qualifications received, regardless of which part of the national territory they come from. Students returning from abroad are able to have their foreign qualifications recognized. There are legal decisions on the equality and use of languages and alphabets of constituent

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 freedom of conscience and religion, the right to education, and so on.

Question 5

The International Convention on the Elimination of All Forms of Racial Discrimination entered into force and became binding for Bosnia and Herzegovina in 1993. It submitted its first report to the Committee on the Elimination of Racial Discrimination in 2005. Its second report will be submitted in 2008.

Question 6

Bosnia and Herzegovina points to the Law on the Protection of Rights of Persons Belonging to National Minorities as an example of good practices. It also makes reference to the Decision on the Establishment of Council of National Minorities of Bosnia and Herzegovina in the Parliamentary Assembly of Bosnia and Herzegovina in May 2006. There are many non-governmental organizations active in Bosnia and Herzegovina that promote the protection of human rights and the preservation of ethnical and cultural heritage of the minority communities. The situation of the Roma people is still very difficult, but the problems in the fields of housing, employment, health care and social welfare are due to poverty rather than discrimination.

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 Challenges in the Plan of Action against Racism, Racial Discrimination, Xenophobia and All Forms of Discrimination and Intolerance, as well as for the second Conference of Africa and Diaspora Intellectuals, both held in Brazil, in July 2006.

Question 4

The international human rights protection system has not succeed in establishing adequate protective parameters to face the new forms of racism and racial hatred. The Brazilian State supports the extension of international protection against discrimination to other vulnerable groups. The Brazilian State considers relevant the enhancing of discussions related to traditional

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

Brazil signed the International Convention on the Elimination of All Forms of Racial Discrimination on 7 March 1966, and ratified it on 27 March 1968.

Question 6

Brazil refers to its programme for remaining Quilombola communities, its programmes pertaining to health, education and development, labour and income-generation, as well as the Tripartite Commission of Equal Opportunities, the National Qualification Plan and its Gender and Race Programme.

Bulgaria

Question 1

The Council of Ministers has adopted various strategies and plans for equal integration of persons belonging to minorities, including a strategy for the integration in education of children and pupils from ethnic minorities; a health strategy for persons belonging to minorities who are in a vulnerable social situation; and a plan of action for the implementation of the national housing programme.

In 2006, the National Assembly adopted a national programme for the development of junior and senior high school and pre-school education (2006-2015), for the introduction of special measures for children whose mother tongue is not Bulgarian.

Question 2

Bulgaria has always maintained that all forms of discrimination are equally unacceptable and all victims should receive the same treatment and the same protections against racism and discrimination.

Question 3

In September 2003, the National Assembly adopted the Law on Protection against Discrimination, amended in 2004 and 2006, which provides enhanced protection to all physical persons and juridical entities on Bulgarian territory against all forms of discrimination and contributes to the prevention of such incidences.

The Commission for the Protection against Discrimination was established in April 2005, with the main objective to prevent discrimination, to protect against discrimination and to ensure equal opportunities. The body imposes sanctions and issues mandatory prescriptions for changes wherever acts of discrimination have been committed. In 2006, the National Council on Ethnic and Demographic Issues, established in 1997, was reorganized into the National Council for Cooperation on Ethnic and Demographic Issues, with a greater number of participating ministries.

Question 4

There is a risk of overlapping and duplication. The proliferation of mechanisms dedicated to racism and racial discrimination can be detrimental. The Durban Review Conference is a good opportunity to decide on the rationalization and streamlining of these mechanisms in order to enhance their effectiveness.

Question 5

Bulgaria ratified the International Convention on the Elimination of All Forms of Racial Discrimination in 1966 and the authorities give proper consideration to the recommendations of the Committee on the Elimination of Racial Discrimination.

Question 6

The Commission for the Protection against Discrimination proved to be an effective and independent body in the prevention and control of and protection against discrimination.

The National Police Department, as part of the Ministry of the Interior, organizes training sessions on human rights for police personnel, verification of complaints and information from different sources.

The Bulgarian State Agency for Youth and Sports, the coordinating body of the European Youth Campaign for Diversity, Human Rights and Participation entitled “All different - all equal”, organized various seminars, training sessions and other events to increase tolerance and combat discrimination.

The Council of Electronic Media included programmes for minorities in the procedures for issuing licences.

Burkina Faso

Question 1

The Constitution of Burkina Faso provides for equality of treatment and prohibits racial discrimination as well as all forms of discrimination. The decree of 2004 on a code of conduct for the national police proclaims that the national police is in the service of the nation and must discharge this obligation in accordance with human rights and applicable international laws. There is also the right to participate in public life. There is a law on non-discrimination in employment as well as on the right for adequate housing for all people in Burkina Faso without discrimination. Since 2006, there has been a programme for the construction of inexpensive housing. In January 2008, the Ministry of Habitat and Urbanization launched a programme on social housing. There is also the right to health and education, the right to participate in cultural life and that of access to services.

Question 2

Racism and xenophobia are social problems not well known in Burkina Faso. Foreigners living in Burkina Faso are well integrated and face no hostility from the local population. National society is composed of over 60 ethnic groups with a variety of languages and cultures. However, there exists in certain communities practices that may be considered discriminatory.

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 and Intelligence Service receives reports from police districts on criminal offences and incidents that are believed to have a racist background and are directed at foreign nationals, as well as offences with a possible racist or religious background.

Question 3

In May 2003, the Government's Act on Ethnic Equal Treatment was adopted by the Danish Parliament. In April 2004, by Act No. 253 amending the Act on Prohibition of

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 Durban Declaration and Programme of Action.

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 of Freedom of Expression in Mass Media; and a completely revised Language Act. Compliance with the provisions of the Non-Discrimination Act is supervised by the Ombudsman for Minorities and the National Discrimination Tribunal.

There are several national institutions fighting racism and discrimination, including the Chancellor of Justice of the Government and Parliamentary Ombudsman, the Ombudsman for Minorities, the National Discrimination Tribunal, the Ombudsman for Discrimination and the Equality Council of the Aland Islands.

Question 4

The proliferation of mechanisms dedicated to racism and racial discrimination can be detrimental to the fight against these scourges. The Durban Review Conference provides a good opportunity to decide on the rationalization of the mechanisms in order to enhance their effectiveness.

Question 5

Finland submitted its combined seventeenth, eighteenth and nineteenth periodic reports to the Committee on the Elimination of Racial Discrimination in August 2007.

Question 6

The Ministry of Education provides regular financial support for activities aiming at fighting racism, anti-Semitism, xenophobia and related intolerance. In 2006 and 2007, the Council of Europe organized the European Youth Campaign "All different - all equal"; Finland joined the campaign by organizing a parallel national campaign.

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.

In April 2006, Parliament adopted the Law on Combating Trafficking in Persons, which entered into force in June 2006. In January 2007, the President approved the Anti-Trafficking Action Plan for 2007-2008.

In addition to the Constitution, several laws contain provisions prohibiting discrimination, including the Law on Employment of 2001 and the Law on the Legal Status of Foreigners of 2005.

The Labour Code of 2006 prohibits any kind of discrimination on the basis of race, colour, language, sex, religion, political or other opinion, national, ethnic or social belonging in the area of employment.

On 19 June 2006, the Prosecutor General of Georgia issued Order No. 5 approving the Code of Ethics for Employees of the Prosecutor's Office of Georgia, prescribing general obligations for employees to facilitate the elimination of all forms of discrimination.

On 4 March 2003, the President of Georgia signed a decree approving a plan of action to strengthen the protection of rights and freedoms of various population groups of Georgia for the period 2003-2005.

On 26 September 2007, the Government adopted the Plan of Action for the period 2007-2009 on measures for the implementation of gender equality policy in Georgia.

Georgia acceded to the International Convention on the Elimination of All Forms of Racial Discrimination in 1999 on the basis of a parliamentary decree.

The Law on Refugees was amended in April 2007, allowing those with refugee status to be granted a temporary residence permit.

On 13 October 2005, Georgia ratified the 1995 Framework Convention for the Protection of National Minorities.

Germany

Question 1

In 2002, the Federal Government submitted its first report on current and envisaged measures and activities of the Federal Government against right-wing extremism, xenophobia, anti-Semitism and violence. On the basis of the report, the Government drew up a national plan of action that is due to be completed before the end of 2008. Civil society was involved in the development of the plan. The Federal Government holds the view that the Durban decisions provide a sound basis for future action.

Question 2

German criminal law covers criminal offences that are motivated by racism, xenophobia and anti-Semitism, defining independent elements of the crimes, and punishes these criminal offences accordingly. The spreading of propaganda and the use of hallmarks of unconstitutional organizations and incitement are criminalized. There are provisions that sanction actions motivated by racism in the area of the rights of association and assembly.

Question 3

The Federal Government and the federal Länder have adopted a diversified strategy aimed at combating anti-Semitism. Germany is actively involved in the work of the Task Force for International Cooperation on Holocaust Education, Remembrance and Research.

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-discrimination in the conduct of legal proceedings. Reference is also made to a bill of citizen's rights, one of the main principles of which is to ensure the enjoyment of equal rights by all, irrespective of ethnic origin, race, colour or sex. A committee for the removal of discrimination has been created as well as a human rights centre. The latter receives individual complaints arising from the violation of human rights and fundamental freedoms. Measures have been taken to address the needs of nomadic groups and refugees. The issues of political participation and education, particularly as relates to ethnic groups, have been addressed.

Question 2

There has been an increase in racist violence and xenophobia in many parts of the world as well as of defamation of religion, the rejection of diversity and Islamophobia or incitement against Islam. Comment is made on the situation in the Occupied Palestinian Territories, which constitutes a violation of a wide range of civil and political rights.

Question 3

The Islamic Republic of Iran mentions the Asian preparatory meeting that it organized in the lead-up to the World Conference Against Racism in 2001. It was also a member of the bureau of the Preparatory Committee, the general committee of the World Conference and chairman of the Drafting Committee at the World Conference. It has also led the way in several initiatives, such as the Dialogue among Civilizations, the General Assembly resolution on human rights and cultural diversity and the Ministerial Conference of the Non-Aligned Movement on human rights and cultural diversity.

Question 4

In its response, the Islamic Republic of Iran states that an escalation in systematic racism and racial discrimination can still be seen in some parts of the world. Some countries do not show sufficient commitment to the implementation of the Durban Declaration and Programme of Action and an effective and continuous mechanism is needed to monitor implementation. Due attention must be given to new forms and manifestations of racism, racial discrimination and xenophobia.

Question 5

The Islamic Republic of Iran has ratified the International Convention on the Elimination of All Forms of Racial Discrimination and duly considers and deals with its recommendations.

Question 6

Resources have been channelled to peripheral regions of the country, where ethnic groups tend to reside to improve their standard of living.

Ireland

Question 1

In its response, the Government of Ireland indicates that, in 2001, it launched a three-year anti-racism awareness programme entitled “Know racism”, with the aim of stimulating an awareness of racism and respect for cultural diversity. The programme completed its three-year term in December 2004 and was followed by the National Action Plan Against Racism. The Plan was launched in January 2005 and can be seen as the most significant Government of Ireland

policy development in the anti-racism area. The publication of the Plan was in fulfilment of the commitment given at the World Conference against Racism in Durban, in 2001. Ireland is one of the leading States in putting a national action plan against racism in place.

Question 2

Although the Prohibition of Incitement to Hatred Act is robust, there is currently no criminal law provision which defines racist offences. Research into this aspect has been commissioned under the National Consultative Committee on Racism and Interculturalism. Statistical information from the National Police Force shows that, while racially motivated crimes are increasing, the overall figures are relatively low. The National Consultative Committee on Racism and Interculturalism also records incidents related to racism and periodically passes them on to the European Union Fundamental Rights Agency. The Chief of the Police Force has issued a directive concerning strategies and services to meet the needs of a more diverse society, and 500 ethnic liaison officers have been appointed. The Police Force is actively recruiting people from minority communities.

Question 3

The National Consultative Committee on Racism and Interculturalism is the key policy tool used to combat racism in Ireland. It encompasses five key themes: protection, inclusion, provision, recognition and participation. A strategic monitoring group, involving State representatives and civil society, oversees the implementation of the Plan. The Plan is used primarily to make strategic interventions, to pursue specific research or consultancy projects and to undertake public awareness campaigns and grant schemes. Ireland also mentions a range of other policy and legislative measures to address racism.

Question 4

Ireland outlines how their National Consultative Committee on Racism and Interculturalism has assisted it in combating racism and promoting positive diversity management programmes.

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 Decree No. 215/2003. The decree has the added value of affirming the equal treatment of all persons in the public and private sectors with regard

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, and in 218 of these cases, objective discrimination has been found to have been suffered by the victim. In 2006, the Office worked on a study to guarantee support for victims of discrimination. Territorial focal points are also involved in the implementation of information and awareness-raising campaigns.

Question 4

Italy has worked in close collaboration with all existing mechanisms and bodies within the United Nations system, in particular in its replies to questionnaires by some Special Rapporteurs and independent experts since 2002, as well as in the organization of a visit by the Special Rapporteur on racism, racial discrimination, xenophobia and related intolerance.

Question 5

Italy has ratified the International Convention on the Elimination of All Forms of Racial Discrimination and reports periodically to the Committee on the Elimination of Racial Discrimination.

Question 6

Good practices have been promoted in the field of sports events as well as in schools and universities in the framework of the initiatives of the European Year of Equal Opportunities. An anti-racism slogan was adopted for a marathon in Rome. Also, during that event, anti-racism banners were displayed at football, volleyball and basketball events. Three workshops were held in universities on the issue of racial discrimination against Roma and Sinti. Other activities and events have also been organized in primary and secondary schools. The National Office for the Elimination of Racial Discrimination has fostered other initiatives in the field of employment.

Japan

The Government has continued to promote human rights education and numerous activities to enlighten people on human rights protection. It has found it important to ensure that schoolchildren study how to properly respect their basic human rights, deepen their level of understanding of different ethnic groups and eliminate racial or ethnic discrimination and

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, those who commit it are liable for damages.

Japan acceded to the International Convention on the Elimination of All Forms of Racial Discrimination in 1995, thereby demonstrating its commitment to those values. Japan, as a State party, has been striving and will continue to strive to eliminate all forms of racism, racial discrimination, xenophobia and related intolerance.

Latvia

Question 1

Latvia has incorporated the two major sources of European Union legislation, the Directives on Racial Equality and on Employment Equality, into its national legislation and continues to supplement it. The directives address discrimination on the grounds of race, ethnic origin, religion, disability, age and sexual orientation. The core national legal acts that now include these elements are the Labour Law, the State Civil Service Law and the Administrative Violations Code. Amendments to other acts of legislation have been drafted.

Question 2

Latvia makes an effort to prevent manifestations of racism and intolerance, and uses all measures to combat them where they occur. The number of complaints to the ombudsman on racial discrimination has been growing over recent years, showing that the public considers this a credible mechanism to address their human rights problems.

Question 3

Concrete measures taken are listed in the reply to question 5.

Question 4

Latvia considers the existing Durban follow-up mechanisms adequate, at both the national and international levels, but cautions against the proliferation, duplication and overlap of mechanisms dedicated to the fight against racism and intolerance.

Question 5

Three major provisions were added to the Criminal Code between 2005 and 2007: one criminalizing incitement to genocide; another introducing racist motivation into the list of aggravating circumstances to be taken into account by the courts when deciding upon a sanction; and another clarifying the distinction between racial discrimination and racist speech. Other provisions that entered into force in 2007 related to incitement to national, ethnic and racial hatred, breaches of prohibition of discrimination and incitement to religious enmity, all with corresponding penal provisions. In April 2004, the Labour Code was amended to introduce a clear prohibition of discrimination, including on the grounds of race, skin colour, religious belief and national origin. The Code also contains provisions allowing for shared burden of proof in discrimination cases. Similar provisions were incorporated into the Law on Social Security. Two main policy documents have been developed and implemented with the aim of preventing and fighting discrimination: the National Programme for the Promotion of Tolerance; and the National Programme "Roma in Latvia" with a corresponding plan of action, which are aimed at promoting inclusion and integration of the Roma community.

Question 6

A Latvian court recently ordered a company to pay compensation for mental anguish suffered by a Roma woman who had been discriminated against on ethnic grounds. This set a positive precedent. The secretariat of the Special Assignments Minister for Social Integration has developed a number of innovative initiatives in the area of education that promote the rights of the Roma in Latvia.

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 before the law. All persons, whether Lebanese or foreigners, are equal before criminal courts, according to the criminal procedure law. All Lebanese laws prohibit the use of violence against individuals, including torture. Article 401 of the Penal Code provides that anyone who uses illegal force shall be liable to imprisonment from three months to three years. Other rights guaranteed in the Constitution are participation in public and political life, freedom of religion and belief, equal pay and the right to education.

Lebanon has established a human rights section within the Directorate of the Internal Police Force. This section has the task of protecting human rights among security staff, raising awareness, protecting human rights, preparing draft laws and by-laws in line with human rights, educating and documenting all that is related to human rights, conducting research on specific cases related to human rights, coordinating with grass-roots level, regional and international organizations on human rights issues, and creating a database on human rights in the country.

Lebanese law has provisions for all crimes, including crimes related to racial discrimination. Security forces do not discriminate between Lebanese citizens and foreigners or between races. Lebanon is party to the protocol on trafficking in persons; although the criminal code does not mention trafficking as a crime, it provides for sexual exploitation. All migrants to Lebanon, whether legal or illegal, are governed by the law and their affairs are organized according to the law on Entrance to Lebanon and Residence of 1962. This law does not contradict international human rights law and deals with all on the basis of equality. Lebanon is committed to the Convention against Torture in accordance with civil and political rights. Lebanon is not a country of major refugee destination and is not party to the 1951 Convention on Refugees nor to the protocol or issues related to refugees, except for Palestinians, according to the memorandum of understanding signed by the Government of Lebanon and the United Nations High Commissioner for Refugees. Lebanon respects the rights of asylum-seekers and refugees recognized by UNHCR. Internally displaced Lebanese are provided with support by the Government until they are returned to their original villages.

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 Conference, the Government of Liechtenstein established a working group to elaborate a five-year national action plan against racism. Between 2003 and 2007, a series of preventive measures and projects were implemented in cooperation with the public administration, non-governmental organizations and representatives of different sectors of society.

A more restrictive interpretation or a revision of article 283 of the Criminal Code with regard to the public display of racist paraphernalia is currently under examination.

Question 4

The Durban follow-up mechanism has so far neglected to strengthen measures aimed at inducing States Members of the United Nations which are not yet parties to the International Convention on the Elimination of All Forms of Racial Discrimination and its individual complaint mechanism to adhere to this legal instrument and its monitoring regime without delay. The establishment of specialized regional monitoring mechanisms, such as the European Commission on Racism and Intolerance, should be promoted in the Durban follow-up process.

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 international regimes can be better coordinated. The Office for Equal Opportunities in Liechtenstein not only deals with issues of racial discrimination but also with other forms of discrimination in general. The Office is backed up by the high-level Commission on Equal Opportunities, headed by the Permanent Government Secretary and consisting of the Chief of Police and the Directors of the six national offices dealing with the cross-cutting issue of equal opportunity.

Liechtenstein also provided replies to the questions in the annex.

Norway

Question 1

The Norwegian Plan of Action to Combat Racism and Discrimination (2002-2006) incorporated many recommendations of the Durban Declaration. The needs of ethnic minorities are included in broad general programmes or policies at the various administrative levels: State, regional and local. In 2006, three new institutions started their operations: the Equality and Anti-Discrimination Ombudsman; the Equality and Anti-Discrimination Tribunal; and the Directorate of Integration and Diversity. The Anti-Discrimination Act also came into force in 2006. Other initiatives have been started at the policy level to provide better protection to minority populations. A lead ministry responsible for coordinating policies in the field of anti-discrimination has also been created.

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 racism. States and non-governmental organizations should work together to promote tolerance.

Question 5

The Anti-Discrimination Act and other relevant legal amendments have enacted the International Convention on the Elimination of All Forms of Racial Discrimination into Norwegian law. The Equality and Anti-Discrimination Ombudsman monitors compliance with the Convention.

Question 6

Good practices include promoting policies of hiring immigrants in public and private spheres, moderate affirmative action in 12 Government services and the establishment of a Roma People's Fund, which is aimed at improving opportunities for cultural activities and discontinuing the policy of assimilation towards the Roma people.

Portugal

Question 1

The High Commission for Immigration and Intercultural Dialogue has been very active in the areas of racism, racial discrimination, xenophobia and related intolerance in Portugal and has established numerous projects and initiatives. In 2004, it created the National Immigrant Support Centres in Lisbon and Oporto. The High Commission also created the Local Immigrants Support Centres, a local network that provides information for migrants. The Government has implemented a national plan for the integration of migrants. Since 2003, the National Action Plans for Inclusion included specific measures aimed at immigrants and the Roma population. By a resolution, the Council of Ministers, in 2007, approved a plan for immigrant integration covering areas such as employment and education. In 2007, a new service was set up to report illegal and xenophobic contents found on the Internet.

Question 2

The patterns of racism have not changed in recent years. Manifestations are slight and subtle, not blatant and open. The work of the High Commission and of national human rights institutions have helped in the struggle against racism.

Question 3

The transposition of the European Race Directive is one of the elements of Portuguese legal machinery against racism. The Criminal Policy Framework Law of 2006 established that the Portuguese criminal justice system had to define priorities regarding the prevention and investigation of crimes, including racial ones. The Social Inclusion Benefit under a 2003 law was developed as a social policy measure covering foreigners legally resident in Portugal. This is a new citizenship right that is not linked to economic activities. A law that came into effect in 2007 established the new juridical regime of entry, residence, departure and deportation of

foreigners in national territory, including the creation of a single residence document and the elimination of preventive detention for illegal immigrants. There was also the approval and entry into force of a new criminal code bringing Portuguese law closer to the European Commission's policy on racial discrimination.

Question 4

The international mechanisms are effective, not only those at the United Nations level but also those at the European level.

Question 5

Portugal submitted reports to the Committee on the Elimination of Racial Discrimination, the last one being in 2004.

Question 6

A system of "sociocultural mediators" is operational in Lisbon and Oporto; there are currently 97 such mediators. The High Commission for Immigration and Intercultural Dialogue created the Roma Communities Support Cabinet aimed at ensuring upward social mobility to Roma communities. An innovative programme called "My school against discrimination" has also been established.

Qatar

The Government of Qatar has taken measures to combat racism and to guarantee the rights of individuals to enjoy human rights on an equal basis. The Constitution is the first document that provides for justice, freedom and equality; people are all equal before the law, without discrimination. There are no articles providing discrimination between citizens and residents; all legal residents enjoy the protection of the law. The right to vote and to run for office is only enjoyed by citizens but there is nothing in the law that denies foreigners the right to petition the Government on any issue. The right to religion of belief, the right to equal pay for equal work, the right to adequate housing, health, education, access of public places and the right to cultural life apply to citizens and residents alike.

In addition to ratifying the International Convention on the Elimination of All Forms of Racial Discrimination, Qatar has taken measures to guarantee diversity in the legal and political

systems. The issues of racial incitement and racial hatred are mentioned. There are judicial remedies for all people. International treaties have the same force as national law. Combating racial discrimination, xenophobia and related intolerance is the responsibility of the State and there is a process under way to establish a national plan to enhance human rights. Based on this national plan, a sub-preventive plan to combat racial discrimination and xenophobia will be considered, aiming at enhancing diversity, equality, social justice and the participation of all, with the aim of creating an enabling environment for everybody to participate actively in decision-making and to realize civil, political, economic, cultural and social rights without discrimination.

Society in Qatar is diverse and there are many migrant workers; no cases of xenophobia and intolerance have been observed. This diversity would create racial problems if preventive measures were not taken; that is why the Government is taking all the measures to promote the participation of all on an equal basis. All residents of Qatar have a right to learn their own language in private schools. The national commission on population has recommended the establishment of communities of migrant workers that are easily accessible to their places of work but relatively isolated from families' residences, which might be considered a form of discrimination.

There are laws in force that include protection for domestic workers. The State is witnessing a dynamic development in the legal sector, including laws against racism, such as the law on nationality, civil service and housing. There are recommendations on the reunification of migrant workers' families and others. There are also measures to raise awareness and diversity.

Romania

Question 1

Efforts by Romania materialized in the adoption of a comprehensive and coherent legislative framework and in the establishment of institutions with competencies in combating racism. There have also been a series of strategies and public policies developed and implemented to promote diversity and equal opportunity containing specific measures for disadvantaged and vulnerable groups.

Question 2

There have been isolated public manifestations in the context of certain sporting events. Intolerance and discriminatory manifestations towards members of the Roma minority still exist. People are entitled to bring cases of discrimination before the courts and any person can file a complaint to the National Council for Combating Discrimination or to the Ombudsman. Statistics of the National Council for Combating Discrimination show that cases of discrimination based on ethnicity are prevalent. Two administrative sanctions were applied for violations of race-related anti-discrimination provisions between 2003 and 2007.

Question 3

The Romanian Constitution, revised in 2003, provides for the principle of equality among citizens. In 2002, the Emergency Ordinance prohibited any organization or symbol with a fascist, racist or xenophobic character. Further amendments to the Ordinance offer an extended definition of the Holocaust so as to include the Roma people. The Audio-visual Law of 2002 forbade programmes containing any form of incitement to hatred, including on the basis of race, nationality and religion, from being broadcast. The law on political parties of 2003 ensures the representation of all 20 national minorities existing in Romania in Parliament. The law on prevention and combating social marginalization guarantees access to all persons of rights to housing, work, medical insurance and education. The law of 2006 on immigration provides a legal protection framework for foreigners applying for asylum. Other governmental decisions taken since 2002 impose an obligation on public institutions to ensure protection of all foreigners. The National Agency for Roma was created in 2004 to address public policies affecting the Roma people. The National Council for Combating Discrimination designed the National Strategy for Implementing Measures to Prevent and Combat Discrimination (2007-2013). Other cultural and educational programmes have been started.

Question 4

The proliferation of mechanisms aimed at combating racism could undermine the effectiveness of anti-discrimination strategies by dissipating energies and reducing the visibility of the initiatives. There is fear of duplication and overlap and there is lack of clarity in the mandates and objectives of the existing mechanisms.

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.

In May 2001, federal law No. 49-FZ on the territories of traditional nature management by indigenous people was adopted. In accordance with order No. 185-r of 21 February 2005, in the Ministry of regional development of the Russian Federation there is ongoing work for the preparation of normative documents for the establishment of territories of traditional nature management by indigenous people.

The rights of minorities are guaranteed in the Constitution and the Federal Law of April 1999 No. 82-FZ, and in other federal normative acts.

The federal law on national-cultural autonomies was amended in June 2004, entitling them to financial support for the preservation of their national origin, the development of their mother tongue and national culture. The Federal Law on Legal Grounds of the Russian Federation on Culture, most recently amended in January 2007, guarantees people and ethnic groups the right to preserve and enhance their cultural-national identity, protection, restoration and preservation of native culturally-historical areas of residence.

In December 2003, the Penal Code was amended by article 127 on trafficking in persons.

In 2007, 200 cases of xenophobic attacks and conflicts were reported.

Senegal

Question 1

The Government of Senegal is in the process of establishing a formal mechanism to evaluate the application of the Durban Declaration and Programme of Action at the national level. So far, no complaint has been received in the justice system touching on the issue of racial discrimination.

Question 2

To date, no racist actions have been seen in the country. Senegal embodies tolerance and has an old tradition of harmonious coexistence of cultures and dialogue of religions in a nation comprising 94 per cent Muslims, 5 per cent Christians and 1 per cent atheists. The former president of Senegal, Sedar Senghor, did not come from a majority ethnic group and was a

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 of Racial Discrimination and has put in place a number of national measures in the judicial and constitutional spheres. The Constitution is consistent with the Convention and its structures and laws are also in conformity with it. The Convention has been incorporated into national legislation, as well as in the Penal Code and laws on seditious associations.

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 Discrimination assessed two periodic reports of the State. In May 2008, in line with the recommendations of the Committee, three more periodic reports will be submitted, addressing all the concluding observations made in 2004. The Criminal Code, which became effective in 2006, has enacted criminal sanctions for activities that lead to the infringements of human rights in relation to racial discrimination and hatred.

Question 6

The Government of the Slovak Republic employs a wide range of strategic instruments, including financial programmes and initiatives, to meet its commitments in the struggle against racism. There have been eight projects focusing on awareness-raising on discrimination-related issues.

Sweden

Question 1

The national anti-discrimination legislation of Sweden has been strengthened since the adoption of the Durban Declaration and Programme of Action and two national plans of action have been adopted and followed up, with a number of initiatives focusing on affirmative action, education, sensitization to law enforcement personnel, the creation of a migration court and the protection of national minorities and minority languages. Sweden has also observed European Union directives on discrimination. Given the provisions of the Durban Declaration and Programme of Action, Sweden sees no need to elaborate a new plan of action and is of the view that the review conference should focus on reviewing implementation and identifying gaps.

Question 2

Racist abuses occur in Sweden on a regular basis in spite of the efforts made. Hate crimes including Islamophobia, anti-Semitism and xenophobia continue to be identified in police reports. Since 2001, the number of complaints submitted to the Ombudsman against Ethnic Discrimination has increased from 400 to 800, but this could also be due to the increase in public awareness.

Question 3

A new policy provision in the Instrument of Government, which took effect in 2003, ensures that public institutions combat discrimination, strengthening similar constitutional guarantees. The Prohibition of Discrimination Act of 2003 also addresses the problem and gives the country's four anti-discrimination ombudsmen supervisory authority. The Act Prohibiting Discrimination and Other Degrading Treatment of Children and School Students prohibits discrimination based on ethnic background. There are four anti-discrimination ombudsmen and there are plans to consolidate this legislation to offer better protection. The 2006-2009 national plan of action on human rights addresses discrimination in the enjoyment of economic and social rights, including the right to work, housing, health and education. Anti-discrimination programmes have been elaborated in State-owned companies. The Living History Forum, created in 2003, provides education on intolerance. Hate crimes have been pursued and prioritized since 2003 and the police has provided training on the subject. In 2007, the Government introduced a re-entry jobs scheme for newly-arrived immigrants.

Question 4

The proliferation of mechanisms could undermine the fight against racism and they need to be streamlined. States should also cooperate more with special procedures.

Question 5

Sweden submitted its seventeenth and eighteenth periodic reports in December 2006 as required by the Committee on the Elimination of Racial Discrimination. Issues raised by the Committee are addressed in detail.

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

Following the Durban Conference, Switzerland has created the Service for the Fight against Racism, which is the interlocutor within the federal administration for all questions regarding racism, anti-Semitism and xenophobia. The service gives financial aid for training projects and sensitization work through “Projects against racism”, which received 15 million francs between 2001 and 2005 and an annual amount of 1.1 million since 2006, most of this directed to education projects. The Federal Commission against Racism, created in 1995, also works on raising awareness, and its president also holds the position of ombudsman on racism issues. The new law on foreigners puts emphasis on integration.

Question 2

Like in many countries, racism is present in Switzerland and the Swiss authorities at all levels are aware of the problem. The latest report of Switzerland to the Committee on the Elimination of Racial Discrimination points to this problem. A representative of the Organization for Security and Cooperation in Europe working on the issue of intolerance visited Switzerland in 2007 and described the situation of Muslims as being satisfactory, and even better than in some European countries, particularly in the areas of education, housing and purchasing power.

Question 3

The Government has established structures to facilitate the integration of foreigners and the fight against racism. The new law on foreigners became effective in January 2008, elevating for the first time the policy of integration to a national task anchored in law. In this regard, the departments and federal offices concerned drafted a catalogue of 45 measures to give this effect,

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 national legislation. There is no apartheid and no judicial precedent on racial discrimination. The Syrian Arab Republic is a party to the seven human rights treaties. A five-year plan is being put together to deal with, among other issues, the respect for diversity, equality and social justice.

The Government provides social services to all residents of the territory, without discrimination; it has provided services to refugees and others.

The Syrian Arab Republic is building partnerships with civil society organizations in the execution of programmes in human rights. The Government monitors the phenomenon of racial discrimination in order to be ready if there are any issues to be addressed and strategies to be developed.

The Syrian Arab Republic has been a strong opponent of racial discrimination throughout history. The curriculum on religion tackles this problem, and Islam has addressed the problem by stating that all human beings are equal. In the national curriculum, there is an attempt to promote tolerance. The Ministry of Culture uses books and publications to fight discrimination, and promotes films that raise awareness on racial discrimination and prohibits films that depict discrimination against ethnic or religious groups.

Although the phenomenon of racial discrimination does not exist, some articles of the Penal Code refer to inciting against specific groups or being a member of an association aiming at inciting groups. The Syrian Arab Republic does not have indigenous peoples or people of African descent. A law has been enacted on immigration and a specialized committee has been established to draft two laws on immigration and asylum. The Syrian Arab Republic is known as one of the best countries to deal with refugees. Ten per cent of the population in the country is made up of Palestinian refugees and Iraqis. All Syrian laws forbid anti-Semitism, anti-Arabism and hatred for Islam. The Penal Code criminalizes the publication of materials that incite against different religious groups and promote racial discrimination.

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, constitutional and legislative provisions contribute to the fight against racism, racial discrimination, xenophobia and related intolerance. The creation of the Ministry of Human Rights and the establishment of institutions such as the National Commission for Human Rights, the High Authority on Audiovisual and Communication and the Constitutional Court, among others, create the conditions necessary for the fight against discrimination.

Question 2

Ethnic-based discrimination exists in all domains of life in Togo but it does not manifest itself in a violent way, except during the elections. It should be noted that the creation of associations with an ethnic character, the creation of ethnic-based political parties, immigration and the massive displacement of populations bring about ethnic and regional divisions. Xenophobia is more nuanced because it does not present itself in day-to-day life because the foreigners and Togolese do not have the same perception of it. Initiatives undertaken to eliminate these forms of discrimination include mechanisms for mutual knowledge of tribes, education, the adoption of laws providing for punishment for acts of tribalism, political decentralization and national reconciliation.

Question 3

Measures and initiatives include the protection of vulnerable groups; the promotion of social citizenship by provision of services to all; the fight against impunity; the ratification of treaties; decision-making; mobilizing civil society actors; working with the media; promoting education programmes; and promoting international cooperation.

Question 4

Togo believes that the mechanism is essential for the application of the Durban Declaration and Programme of Action. The mechanism should be accorded the same means as the treaty bodies. It should have the right with regard to the actions being taken by States. The Government

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 Organization for Security and Cooperation in Europe (OSCE) in the field of promoting tolerance and non-discrimination and has nominated a personal representative to the OSCE Chairman-in-Office on combating intolerance and discrimination. Also, Turkey is co-sponsor of the Alliance of Civilizations initiative.

United Kingdom of Great Britain and Northern Ireland

With regard to the questions contained in the annex of the questionnaire, the United Kingdom indicated that it had a comprehensive body of legislation outlawing racial discrimination and providing protection under the criminal law, from racist crime and incitement to racial hatred. This legislation includes statutory duties on public authorities to tackle racial discrimination and promote equality of opportunity and good race relations. It described several such pieces of legislation relating to acts of racism and prohibiting discrimination in employment, training, the provision of goods, facilities and services, education, housing and certain other activities. The main public authorities have a general duty to promote race equality.

The Government is currently undertaking a discrimination law review of the whole body of British discrimination law, with a view to producing a more streamlined legal framework.

In the United Kingdom, there is legislation that makes it an offence to use or publish insulting or abusive words (or behaviour) with the intention to stir up racial hatred or, in the circumstances, racial hatred is likely to be stirred.

Under the Human Rights Act of 1998, the United Kingdom incorporated the European Convention on Human Rights into domestic law, with the incumbent obligations that this implies.

The Government has taken measures to promote greater participation in local government of Afro-descendent and minority ethnic women by studying barriers to participation and formulating recommendations.

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 *Defensoria del Pueblo* is mentioned as the State body charged with defending human rights, and the reply of Venezuela describes the various functions attributed to this body to carry out its mandate. The rights to non-discrimination and equality are mentioned as important elements of the Defensoria's mandate.

Venezuela makes reference to several programmes and projects related to health issues, particularly directed at addressing the needs of the most vulnerable sectors of society. Mention is made of the presidential commission against discrimination that was created in 2003 and a proposal to create a law against racial discrimination. Reference is also made to broad policy lines designed to generate social inclusion and which foster non-discrimination and specific missions designed to benefit more vulnerable sectors of society, including victims of discrimination.

As regards participation without discrimination of women in society, Venezuela points to an ample participation of women in posts of significant responsibility in Government and the State, and outlines the work and mandate of institutions charged with advancing the participation of women, as well as laws formulated to the same end. Similar measures have been adopted with regard to Afro-descendants and the indigenous population.

Statistical information on Afro-descendants is gathered and analysed by a subcommittee of the National Statistical Committee formed for that purpose in August 2007. Information on racism and programmes to combat this phenomenon in access to education are organized by the presidential commission for the prevention and elimination of all forms of racial discrimination and other distinctions in the education system. The reply indicates that human rights training has been provided to several key branches of the civil service since 2000.

Social organizations work collaboratively with the State in confronting inequalities, discrimination and diverse forms of intolerance. In keeping with this, the State has created an office for relations with indigenous communities and an office for relations with Afro-descendent communities. Through these offices, the State maintains a permanent dialogue with these groups. Also, the State is currently implementing four projects directed at people of African descent with the collaboration of UNICEF and the office for relations with Afro-descendent communities.

Non-Member State

Holy See

The Holy See, in the *Compendium of the Social Doctrine of the Church* (2004), articulated in a systematic approach many of the concrete concerns relative to racism and all forms of discrimination, with a view to helping the Catholic community and the human family as a whole reflect on these issues. The Compendium has been translated into 33 languages. The Holy See has participated in many international forums to collaborate with Governments and non-governmental organizations in finding ways of eliminating racism and discrimination and has participated in many initiatives, such as facilitating the return of refugees and displaced persons. The Holy See has also been following closely the meetings of the United Nations on the subject of racism.

The Holy See is concerned about the flagrant violation of the right to freedom of religion. Despite the commitments made in Durban, there are examples of a lack of respect for this right, as shown by the killing of religious people in Kenya and Turkey, as well as in many places in the world where Christians and believers have been arrested or detained. In other places, States have introduced drastic restrictions on religious freedom. Christians in some areas are being martyred, persecuted or being forced to flee their countries in order to survive. These episodes of religious intolerance serve to highlight the underlying tension around the concept of religious freedom. Racial prejudice, which denies the equal dignity of all members of the human family, can only be eradicated by going to its roots where it is formed. Harboursing racist thoughts and entertaining racist attitudes is considered a sin by the Catholic church. The Church, on its part, contributes to forming consciences by presenting the Christian doctrine. In recent times, there

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.
