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COMMITTEE ON JURIDICAL AND POLITICAL AFFAIRS

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PRELIMINARY DRAFT INTER-AMERICAN CONVENTION AGAINST RACISM
AND ALL FORMS OF DISCRIMINATION AND INTOLERANCE

PRELIMINARY DRAFT INTER-AMERICAN CONVENTION AGAINST RACISM
AND ALL FORMS OF DISCRIMINATION AND INTOLERANCE

THE STATES PARTIES TO THIS CONVENTION,

CONSIDERING that the inherent dignity and equality of all members of the human family are basic principles of the Universal Declaration of Human Rights, the American Declaration of the Rights and Duties of Man, the American Convention on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination;

REAFFIRMING the resolute commitment of the member states of the Organization of American States to the complete and unconditional eradication of racism and of all forms of discrimination and intolerance and their conviction that such discriminatory attitudes are a negation of universal values and the inalienable and intransigent rights of the human person and the purposes and principles enshrined in the Charter of the Organization of American States, the American Declaration of the Rights and Duties of Man, the American Convention on Human Rights, the Democratic Charter of the Americas, the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Universal Declaration on the Human Genome and Human Rights;

RECOGNIZING the duty of adopting national and regional measures to promote and encourage observance of the human rights and fundamental freedoms of all individuals and groups subject to their jurisdiction, without regard to race, color, ethnic origin, gender, age, sexual orientation, language, religion, political or other opinion, national or social origin, economic status, migrant, refugee or displaced status, birth, stigmatized infectious-contagious condition, genetic trait, disability, debilitating psychological distress or other social condition;

CONVINCED that the principles of equality and nondiscrimination among human persons are dynamic democratic concepts that foster the promotion of effective legal equality and presuppose an obligation on the State's part to adopt special measures to protect the rights of individuals or groups that are victims of discrimination, in any area of human endeavor, whether public or private, with a view to cultivating equitable conditions for equal opportunity and to combating discrimination in all its individual, structural, and institutional manifestations;

AWARE that racism has a dynamic of its own that enables it to transform itself and find new ways to propagate itself and news vehicles of political, social, cultural and linguistic expression;

TAKING INTO ACCOUNT that the victims of racism, discrimination and intolerance in the Americas are, *inter alia*, Afro-descendants, indigenous peoples, migrants, refugees and displaced persons and their families, as well as other racial, ethnic, sexual, cultural, religious and linguistic groups or minorities that are affected by such manifestations;

CONVINCED that certain persons and groups experience multiple or extreme forms of racism, discrimination and intolerance, driven by a combination of factors such as race, color, ethnic origin, gender, age, sexual orientation, *language*, religion, political or other opinion, national or social origin, economic status, migrant, refugee or dislocated status, birth, stigmatized infectious-contagious condition, genetic trait, disability, debilitating psychological distress, or other social condition;

DISTURBED by the fact that various parts of the world have seen a general increase in cases of intolerance and *violence* motivated by anti-Semitism, Christianophobia or Islamophobia, and against members of other religious communities, including those with African roots;

RECOGNIZING that peaceful coexistence among religions in pluralistic societies and democratic States is based on respect for equality and nondiscrimination among religions and on the clear separation between the laws of the State and religious tenets;

TAKING INTO ACCOUNT that a pluralistic and democratic society must respect the ethnic, cultural, linguistic and religious identity of every person who belongs to a minority, and create the conditions that will enable that person to express, preserve, and develop his or her identity;

CONSIDERING that the individual and collective experience of discrimination must be taken into account to combat the segregation and marginalization of racial, ethnic, cultural, linguistic and religious minorities and to protect the life plan of individuals in general and of minority communities;

ALARMED by the surge in hate crimes motivated by race, color, ethnic origin, gender, religion, sexual orientation, disability and other social conditions;

EMPHASIZING the basic role that education plays in promoting respect for human rights, equality, nondiscrimination and tolerance; and

BEARING IN MIND that while the fight against racism and discrimination is the priority of an earlier international instrument, namely the 1965 International Convention on the Elimination of All Forms of Racial Discrimination, it is imperative that the rights therein recognized be reaffirmed, developed, perfected and protected, in order to consolidate within the Americas the democratic meaning of the principles of legal equality and nondiscrimination,

AGREE upon the following:

CHAPTER I

Definition and Scope of Application

Article 1

For purposes of this Convention,

1. Racism

The term “racism” shall be understood in the practical context, based directly or indirectly on the theory that holds that some causal link exists between phenotypical or genetic characteristics and certain intellectual, personality or cultural traits of individuals or groups. Racism tends to be associated with the notion that certain races are inherently superior to others. That distortion seeks to justify attitudes of discrimination, intolerance and, at times, persecution against persons or groups regarded as inferior.

2. Discrimination

a. The term “discrimination” shall mean any distinction, exclusion, restriction or preference based on race, color, ethnic origin, gender, age, sexual orientation, language, religion, political or other opinion, national or social origin, economic status, migrant, refugee or displaced status, birth, stigmatized infectious-contagious condition, genetic trait, disability, debilitating psychological distress or other social condition, whose purpose or effect is to nullify or curtail equal recognition, enjoyment or exercise of human rights and fundamental freedoms in the political, economic, social, cultural or other realm of public or private life.

b. Differential or preferential measures or policies adopted by a State Party for the sole purpose of furthering the social integration and securing adequate advancement and development of individuals and groups requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed discrimination, provided, however, that such measures or policies do not, as a consequence, lead to the maintenance of separate rights for different groups and that they shall not be continued after the objectives for which they were intended have been achieved. In certain specific circumstances such measures or policies may not only be permissible, but even indispensable and mandatory to ensure the right to equality before the law and protection against discrimination.

3. Direct and Indirect Discrimination

a. Direct discrimination shall be taken to occur, in any realm of public or private life, whenever differential treatment based on such factors as race, color, ethnic origin, gender, age, sexual orientation, language, religion, political or other opinion, national or social origin, economic status, migrant, refugee, or displaced status, birth, stigmatized infectious-contagious condition, genetic trait, disability, debilitating psychological distress or other social condition is without reasonable purpose or justification. Differential treatment is without reasonable purpose or justification if it does not pursue a legitimate end or if the means of achieving that end are not proportionate to it.

b. Indirect discrimination shall be taken to occur, in any realm of public and private life, when an apparently neutral provision, criterion or practice cannot be readily complied with or

carried out by persons belonging to a specific group defined by factors such as race, color, ethnic origin, gender, age, sexual orientation, language, religion, political or other opinion, national or social origin, economic status, migrant, refugee or displaced status, birth, a stigmatized infectious-contagious condition, genetic trait, disability, debilitating psychological distress or other social condition, unless the provision, criterion or practice has some reasonable objective or justification. As in the case of direct discrimination, to be reasonable, any purpose or justification for indirect discrimination must pursue a legitimate aim and the means of achieving that aim must be appropriate and necessary.

4. Special Protective Measures

The expression “special protective measures” shall be understood as any special affirmative action measure or policy taken by the State or by private persons on behalf of the rights of individuals or groups that are targets of discrimination, in any realm of human endeavor, whether public or private, for the purpose of promoting equal opportunity and combating discrimination in all its individual, structural, and institutional manifestations. Such special affirmative action measures or policies shall not be deemed to be discriminatory or incompatible with the purpose and scope of this Convention.

5. Intolerance

Acts or manifestations of intolerance are those that convey disrespect for, denial of and contempt for human dignity and for the richness and diversity of the world’s cultures and the modes of expressing the qualities of human beings.

6. Life Plan

The sense of the expression “life plan” is associated with the concept of personal fulfillment and the options that the individual has available to lead his or her life and to achieve his or her destiny. Human beings are not truly free if discriminatory treatment denies them the fair and just conditions they require to lead their lives. For purposes of this Convention, the restriction or nullification of the life plans of victims of racism, discrimination, and intolerance implies an

objective abridgement of their fundamental freedoms, loss of an existential value inherent to their dignity, and violation of their human rights.

CHAPTER II

Acts and Manifestations of Racism, Discrimination and Intolerance

Article 2

For purposes of this Convention, and based on the definitions contained in the preceding article, the following are among the measures or practices that must be classified as discriminatory and prohibited by the State:

- i. the dissemination of ideas premised upon superiority or hatred for reasons of race, color, ethnic origin, gender, language, religion or other social condition, and any incitement to discrimination and intolerance, and all acts of violence or incitement to such acts, directed against individuals or groups by reason of their race, color, ethnic origin, gender, age, sexual orientation, language, religion, political or other opinion, national or social origin, economic status, migrant, refugee or displaced status, birth, stigmatized infectious-contagious condition, genetic trait, disability, debilitating psychological distress or other social condition;
- ii. any public or private assistance provided to racist and discriminatory activities, including the financing thereof;
- iii. all propaganda activities, organized and otherwise, that promote and incite discrimination and intolerance and encouragement thereof;
- iv. publication, circulation and dissemination, by means of computerized systems or internet communications, of any racist or discriminatory materials, understood as being any image or depiction of ideas or theories that advocate, promote or incite hatred, discrimination or violence against individuals or groups by reason of race, color, ethnic origin, gender, age, language, religion, political or other opinion, national or social origin, economic status, migrant, refugee or displaced status, birth, disability, debilitating psychological distress, genetic trait, sexual orientation, stigmatized infectious-contagious condition or other social condition;

- v. public vilification of persons via computerized systems or internet communications, for reasons of race, color, ethnic origin, gender, age, language, religion, political or other opinion, national or social origin, economic status, migrant, refugee or displaced status, birth, disability, debilitating psychological distress, genetic trait, sexual orientation, stigmatized infectious-contagious condition or other social condition, or of groups of persons associated with any of these qualities or conditions;
- vi. publication, circulation or dissemination, via computerized systems or internet communications, of materials that deny, grossly minimize, condone or justify acts that constitute genocide or crimes against humanity, including the Holocaust, as defined in international law and recognized in final judgments delivered by tribunals established by international instruments;
- vii. violence motivated by anti-Semitism, Christianophobia or Islamophobia, and against members of other religious communities, including those with African roots;
- viii. hate crimes, understood as any criminal activity driven or motivated by race, ethnic origin, religion, gender, sexual orientation, the victim's mental or physical disability, or any other similar form of discrimination;
- ix. any distinction, exclusion, restriction or preference aimed at denying or refusing the enjoyment of equal civil, political, economic, social and cultural rights and the protection they afford on the basis of a person's sexual orientation;
- x. repressive action, commonly referred to as "racial profiling," purportedly taken for reasons of public security or protection but motivated by stereotypes based on race, color, ethnic origin, language, ancestry, religion, nationality, place of birth, or a combination of these factors, and not by objective grounds for suspicion, and aimed at discriminating against individuals or groups on the erroneous assumption that persons possessing such traits are more prone to the commission of certain types of offenses;
- xi. State initiatives in the form of laws, regulations, public policies or security policies adopted for the purpose of fighting terrorism, but that discriminate, either directly or indirectly, against persons or groups of persons based on their race, color, ethnic origin, language, ancestry, religion, nationality, place of birth, or a combination of these factors;

- xii. any distinction, exclusion, restriction or preference aimed at denying the enjoyment of equal rights and the protection they afford on the basis of the victim's dual status;
- xiii. any restriction of migrants' and their families' enjoyment of the human rights recognized in international instruments and in the jurisprudence of international and regional human rights courts, including the Inter-American Court of Human Rights;
- xiv. denying indigenous peoples their right to equal treatment under law and nondiscrimination, which presupposes respect for their basic distinctive features, such as language, laws, traditions and customs, artistic expression, beliefs, and social, economic, cultural and political institutions;
- xv. any restriction or limitation of the use of the language, traditions, customs and culture of persons or groups that are members of minorities, in any public or private activity, pursuant to the applicable provisions;
- xvi. preparing and introducing teaching materials, methods or tools that portray stereotypes or preconceptions based on race, color, ethnic origin, gender, age, language, religion, political or other opinion, national or social origin, economic status, migrant, refugee or displaced status, birth, disability, debilitating psychological distress, sexual orientation, genetic trait, stigmatized infectious-contagious condition or other social condition;
- xvii. impeding access to public or private education, to fellowships and to educational loan programs;
- xviii. refusing or limiting information on reproductive rights or preventing free exercise of the right to determine the size of one's family;
- xix. thwarting exercise of the rights of ownership, administration and disposition of property of any kind;
- xx. requiring examinations to check for the presence of the HIV virus or any stigmatized infectious-contagious condition to qualify to compete or be selected for entry into public or private service;
- xxi. segregating carriers of the HIV virus or any other stigmatized infectious-contagious condition in the workplace, at school and anywhere intended for public use;
- xxii. preventing a suspected or confirmed carrier of the HIV virus or a person with AIDS or some other stigmatized infectious-contagious condition from being hired or from

- maintaining his or her job in the public or private sector because of his or her condition;
- xxiii. conducting research or applying the findings of research into the humane genome, particularly in the fields of biology, genetics and medicine, aimed at human selection, cloning and any other method disrespectful of human rights, fundamental freedoms and the dignity of individuals and groups of persons;
- xxiv. any other discriminatory conduct that falls within the definition contained in Article 1 of this Convention.

CHAPTER III

Protected Rights

Article 3

All human beings have the right to equal treatment before the law and to protection against discrimination for reasons of race, color, ethnic origin, gender, age, sexual orientation, language, religion, political or other opinion, national or social origin, economic status, migrant, refugee or displaced status, birth, stigmatized infectious-contagious condition, genetic trait, disability, debilitating psychological distress or other social condition.

Article 4

Every human being has the right to recognition, enjoyment, exercise and protection of all the human rights and freedoms upheld in this Convention and in all regional and international human rights instruments, at both the individual and collective levels and without any discrimination. These rights include, *inter alia*, the following:

- i. the right to life;
- ii. the right to equal protection before the law and of the law, which includes full and equal enjoyment of all rights and freedoms;
- iii. the right to have one's honor and the dignity inherent in one's person respected and protected;

- iv. the right to have one's physical, mental and moral integrity respected;
- v. the right to personal liberty and security, which encompasses, inter alia, protection from the State against all forms of violence or corporal, mental, or moral harm inflicted by employees of the State or by any other individual, group or institution;
- vi. the right to judicial guarantees, which includes, inter alia, access to the justice system and to a simple and rapid recourse or any other effective remedy, before competent judges or courts, for protection against acts that violate the fundamental rights recognized in the constitution of the respective State, in its laws, in regional and international instruments for the protection of human rights, or in this Convention;
- vii. the right to positive discrimination;
- viii. the right to reparation and to fair and adequate compensation for acts of racism, discrimination and intolerance;
- ix. the right to freedom of conscience and religion, and to practice one's religion freely, both in public and in private;
- x. the right to freedom of thought and expression;
- xi. the individual and collective right to free and informed participation in all areas of society, particularly in matters that affect or concern one's own interests;
- xii. the right to collective and individual identity;
- xiv. the right to peaceful assembly, without arms, and the right to associate freely for ideological, religious, political, economic, labor, social, cultural, sports, or other purposes;
- xv. the right to nationality;
- xvi. the right to participate equally in the conduct of public affairs and in public service in one's country, including decision-making;
- xvii. the right to use all places and services intended for public use, such as modes of transportation, hotels, restaurants, bars, cafes, sports facilities, theaters, social clubs open to the public, and parks;
- xviii. the right to marry, to choose one's spouse and to live in a family or society;
- xix. the right to education, geared to full development of one's personality and human dignity and to strengthen respect for human rights, for nondiscrimination, for ideological pluralism, for the fundamental freedoms, and for justice and peace;
- xx. the right to enjoy the benefits of culture;

- xxi. the right to health, which includes universal and equal access to public health systems to promote, protect and restore health;
- xxii. the right to social security and to social services;
- xxiii. the right to work, to freely choose one's work, to fair and satisfactory working conditions, to unemployment protection, to equal pay for equal work and to fair and satisfactory remuneration;
- xxiv. the right to a healthy environment;
- xxv. the right to housing;
- xxvi. the right to food, and
- xxvii. the right to the special protective measures that minors and the elderly require from their family, society and the State.

Article 5

Every human being may freely and fully exercise his or her civil, political, economic, social and cultural rights and shall have full protection of the rights recognized in international and regional human rights instruments. The States recognize that racism, discrimination and intolerance impair or prevent the full exercise of those rights.

CHAPTER IV **The Duties of States**

Article 6

The States Parties condemn any and all acts and manifestations of racism, discrimination (direct and indirect) and intolerance, are obligated to adopt, in accordance with their constitutions and the provisions of this Convention, policies aimed at preventing, punishing and eradicating such practices by all appropriate means and without delay, and undertake to:

- i. refrain from engaging in actions directly or indirectly intended to create situations of *de jure* and *de facto* discrimination;

- ii. protect individuals and groups against actions and practices of third parties that, because of the State's action or omission, maintain or foster discriminatory situations;
- iii. devise and apply a national policy intended to especially protect and promote equal opportunity and equal treatment for victims of discrimination, in every aspect of life in society, including, *inter alia*, access to work, to employment, to education, to health, to justice, to culture, to sports and to leisure time;
- iv. adopt public affirmative action measures or policies aimed at combating all forms of discrimination and at correcting the present effects of discrimination practiced in the past, in order to realize the ideal of true equal access to basic goods and society's activities, such as education, employment, health, justice, culture, sports and leisure time;
- v. encourage the adoption of the measures or policies mentioned in subparagraphs 'iii' and 'iv';
- vi. discontinue the adoption of the public policies or measures mentioned in subparagraph 'iv' as soon as their proposed objectives are accomplished;
- vii. establish an independent national institution responsible for promoting and monitoring the application of the provisions of this Convention, in accordance with the Principles relating to the status and functioning of national institutions for protection and promotion of human rights ("Paris Principles"), approved by the United Nations General Assembly in resolution 48/134, on December 20, 1993;
- viii. promote international cooperation to exchange ideas and experiences and to execute programs aimed at protecting individuals and groups against racism, discrimination and intolerance;
- ix. incorporate the gender perspective into all public anti-racism, anti-discrimination, and anti-intolerance policies, while fostering their adoption in the private sector;
- x. collect, compile, and disseminate data and statistics on the situation of groups that are victims of racism, discrimination and intolerance, providing information on the composition of their populations broken down by race, color, ethnic origin, nationality, gender, age, and other factors, as appropriate, in order to make it possible, *inter alia*, to develop and assess policies and programs in the field of

- human rights, especially as regards combating racism and all forms of discrimination and intolerance;
- xi. enact legislation and adopt educational programs that serve to eradicate racism, discrimination and intolerance and that promote social integration of all individuals and groups as equals;
 - xii. guarantee equal access to the justice system, while ensuring fair compensation to victims of racism, discrimination, and intolerance;
 - xiii. ensure the right to judicial redress and to fair compensation to victims of racism, discrimination and intolerance whose life plan has been violated;
 - xiv. adopt the legislative and administrative measures to ensure that in legal actions alleging acts of racism, discrimination and intolerance, the burden of proof will be reversed and that the defendants will have to show that procedures and practices have been adopted that ensure nondiscriminatory treatment that is the same and equal in law and in right;
 - xv. adapt national procedures to more readily and effectively shed light on cases of racism, discrimination and intolerance, while avoiding unwarranted delays and ensuring effective public responses;
 - xvi. ensure the observance of due process of law to protect the right or rights that individual or group victims of discrimination allege have been violated;
 - xvii. enact legislation that stipulates that in all cases of criminal manifestations or practices, premeditation based on discrimination or hatred for reasons of race, color, national or ethnic origin, language, religion, gender, age, physical or mental disability, sexual orientation, or any other similar condition shall constitute an aggravating circumstance;
 - xviii. enact legislation defining a hate crime as a crime committed with an animus or motive based on race, ethnic origin, religion, gender, sexual orientation, physical or mental disability, and other similar forms of discrimination, and establish criminal and civil penalties for such a crime;
 - xix. ensure that specific groups of non-citizens are not discriminated against in terms of access to citizenship or naturalization;

- xx. recognize that to deny citizenship for reasons of race, color, ancestry or national or ethnic origin is a violation of the State's duties to ensure the nondiscriminatory enjoyment of the right to nationality;
- xxi. fully protect the universally recognized human rights of migrant workers and their families, especially women and children, regardless of their legal status, treating them with humanity, especially with regard to assistance and protection;
- xxii. adopt all measures necessary to ensure that victims of internal forced displacement who suffer extreme forms of discrimination and intolerance will enjoy their human rights as equals and without discrimination, and be fully integrated into society and participate in its political, economic, social and cultural life;
- xxiii. adopt all measures necessary to ensure that indigenous peoples enjoy their human rights, as equals and without discrimination, including full, free and informed participation in all areas of society, particularly on matters that affect or concern their interests;
- xxiv. adopt all measures necessary to ensure that persons of African descent will be able to enjoy their human rights as equals and without discrimination, and to guarantee that they participate in all political, economic, social, and cultural sides of society;
- xxv. take measures to combat contemporary forms of racism, with emphasis on racism in sports, in the media, in advertising and on the Internet;
- xxvi. systematically produce vital statistics and epidemiological studies of morbimortality from genetically transmitted illnesses either caused or exacerbated by the living conditions of specific ethnic or racial groups;
- xxvii. encourage research into illnesses prevalent in specific ethnic or racial populations or groups and develop education, health and public awareness programs that promote their prevention and proper treatment;
- xxviii. take measures aimed at ensuring everyone a healthy environment, including measures to reduce or eliminate industrial or other forms of pollution that have a disproportionate effect on certain communities or groups, and to restore contaminated sites or adjacent areas in which those individuals, communities or groups live;

- xxix. move and resettle those individuals and groups referred to in the preceding subparagraph on a voluntarily basis and only after consulting them and when no other practical alternative exists that can ensure their well-being and health;
- xxx. protect the existence and ethnic, cultural, religious, and linguistic identity of minorities within their respective territories and take appropriate measures to promote that identity, and
- xxxi. revoke any legislative provision and amend any provision or administrative practice that is incompatible with the actions, initiatives, measures, policies, or programs mentioned in this Convention.

CHAPTER V

Mechanisms for Protection

Article 7

To check on the progress made in complying with the obligations undertaken by the States Parties to this Convention, the Inter-American Commission on Human Rights and, as appropriate, the Inter-American Court of Human Rights shall perform the functions stipulated below:

Article 8 Periodic Reports

1. The States Parties to this Convention undertake to present, in accordance with the provisions of this article, periodic reports regarding the measures taken to ensure proper respect for the rights herein recognized and to comply with the obligations undertaken. Specifically, the States Parties pledge to report to the Commission any legislative, judicial, administrative, and other measures they have adopted in application of this Convention and aimed at preventing, eradicating, and punishing racial discrimination and other forms of discrimination and intolerance, to assist any person who is the victim of discrimination, and on the difficulties encountered in applying those measures and the factors contributing to racial and other forms of discrimination and intolerance.

2. All reports shall be filed with the Commission, which shall examine them in accordance with the terms of this article.

3. The States Parties undertake to present a report to the Commission:
 - a. within one year from the date on which this Convention enters into force for the respective State Party;
 - b. thereafter, every two years and whenever the Commission so requests;
 - c. the Commission may forward copies of the reports or pertinent parts thereof to the specialized organizations of the inter-American system of which the States Parties to this Convention are members if the report or parts thereof bear upon issues within the purview of those agencies and entities, as set forth in the instruments establishing them.

4. The specialized organizations of the inter-American system may present observations to the Commission concerning the reports submitted by the States Parties on the matter of compliance with the provisions of this Convention in their respective areas of activity.

5. The Commission shall examine the reports according to the standards that it adopts for that purpose. The Commission may receive and analyze information coming from any reliable source. It may call special hearings to examine the progress made in applying the Convention and to exchange experiences with the respective State Party.

6. The Commission may invite representatives of other specialized organizations to be present and be heard at hearings where issues within their area of competence are examined. It may also invite nongovernmental organizations to be present and to be heard at the hearings.

7. Upon completion of its examination of a State Party's report, the Commission shall prepare a report that will include information on the measures that the State Party has adopted in application of this Convention, the progress made toward eliminating all forms of discrimination, the circumstances or difficulties encountered for the Convention's implementation, and the Commission's own conclusions, observations and recommendations regarding compliance with the Convention.

8. The Commission shall transmit its reports and the general comments that it deems appropriate to the States Parties. The Commission shall also transmit them to the General Assembly and to the inter-American specialized organizations.

9. Once they have been transmitted to the General Assembly, the Commission may make public the reports and observations referred to in subparagraphs 7 and 8 of this article.

Article 9 Annual and Special Reports of the Commission

1. Within the boundaries of its authorities, in its annual report the Commission shall endeavor to analyze the situation prevailing in the States Parties with regard to the prevention and suppression of racial discrimination and other forms of discrimination and intolerance.

2. It may also prepare special reports on all the States Parties or on a specific State Party, on any issue relevant to this Convention.

Article 10 System of individual petitions

Any person, group of persons or nongovernmental entity legally recognized in one or more member states of the Organization may file petitions with the Commission containing denunciations or complaints of violation of this Convention by a State Party. The Commission shall consider them in accordance with the procedural standards and requirements for filing and examining petitions provided for in the American Convention on Human Rights and in the Commission's Statutes and Rules of Procedure, as appropriate.

Article 11 Investigation *in loco*

In cases that the Inter-American Commission on Human Rights considers to be serious and urgent violations of this Convention, it may conduct an investigation *in situ* in the State in whose territory such acts are alleged to be practiced. It shall request, and the State in question shall provide, all necessary facilities to conduct that investigation.

Article 12 Inter-State Complaints

1. Any State Party may, when it deposits its instrument of ratification of or adherence to this Convention or at any time thereafter, file the declaration referred to in Article 45 of the American Convention on Human Rights, in which it recognizes the competence of the Commission to receive and examine communications in which a State Party alleges that another State Party has committed a violation of the rights set forth in this Convention.

2. Declarations shall be deposited with the General Secretariat of the Organization of American States, which shall transmit copies thereof to the member states of the Organization.

Article 13 Jurisdiction of the Inter-American Court of Human Rights

1. In accordance with Articles 51, 61 and related articles of the American Convention on Human Rights, either the Commission or the State Party may submit a matter to the Inter-American Court of Human Rights for consideration, provided the State has made the declaration to which Article 62 of the American Convention on Human Rights refers.

2. Any State Party that has not made the declaration to which Article 62 of the American Convention on Human Rights refers may, when it deposits its instrument of ratification or adherence to this Convention or at any time thereafter, declare that it recognizes as binding, *ipso facto*, and not requiring special agreement, the jurisdiction of the Court on all matters relating to the interpretation or application of this Convention.

3. Such declaration may be made unconditionally, on the condition of reciprocity, for a specified period, or for specific cases. It shall be presented to the Secretary General of the Organization, who shall transmit copies thereof to the other member states of the Organization and to the Secretary of the Court.

Article 14 Advisory Opinions

The States Parties to this Convention and the Commission may consult the Inter-American Court of Human Rights regarding the interpretation of this Convention.

Article 15 Consultations and Technical Cooperation

The States Parties may consult the Commission on questions related to the effective application of this Convention. They may also request the Commission's advisory assistance and technical cooperation to ensure effective application of any provision of this Convention. The Commission will, to the extent that it is able, provide the States Parties with the requested advisory services and assistance.

Article 16 Early warning measures and emergency procedures

1. The Inter-American Commission on Human Rights and the Inter-American Court of Human Rights may, pursuant to Article 62 of the American Convention on Human Rights, adopt early warning measures and emergency procedures to prevent serious violations of this Convention.

2. The purpose of the early warning measures shall be to prevent existing cases of racism, discrimination, and intolerance from becoming full-blown conflicts or widespread acts of violence against any individual or group for any of the conditions stipulated in Article 1.2 of this Convention, or the crime of genocide.

3. The purpose of the emergency procedures shall be to respond to circumstances that require the immediate attention of the Commission and the Court in order to prevent or contain serious violations of this Convention.

Article 17

This Convention shall not limit the provisions of the American Convention on Human Rights, other conventions on the subject, or the Statutes and Rules of Procedure of the Inter-

American Commission on Human Rights with respect to the principle of equality and nondiscrimination, including its authority to request the adoption of precautionary measures and to conduct *in situ* visits to the member states of the Organization of American States.

Article 18

In accordance with the rules governing its functioning and its autonomy, the Commission shall consider the creation of a more appropriate working mechanism to exercise the functions and authorities established in this Convention. The Secretary General shall provide the Commission with the support needed to discharge the functions established in this Convention.

CHAPTER VI
General Provisions

Article 19 Interpretation

1. No provision of this Convention shall be interpreted as restricting or limiting a domestic law of any State Party that affords protections and guarantees equal to or greater than those established in this Convention.

2. Nothing in this Convention shall be interpreted as restricting or limiting the American Convention on Human Rights or any other international convention on the subject that affords equal or greater protections in this area.

Article 20 Depositary

The original instrument of this Convention, whose English, French, Portuguese, and Spanish texts are equally authentic, shall be deposited with the General Secretariat of the Organization of American States.

Article 21 Signature and ratification

1. This Convention is open to signature by all the member states of the Organization of American States.

2. This Convention is subject to ratification or accession by the signatory States, in accordance with the procedures set forth in their constitutions. The instruments of ratification or accession shall be deposited with the General Secretariat of the Organization of American States.

Article 22 Entry into force

1. This Convention shall enter into force on the thirtieth day following the date on which the second instrument of ratification of the Convention is deposited with the General Secretariat of the Organization of American States.

2. For each State that ratifies the Convention after the second instrument of ratification has been deposited, the Convention shall enter into force on the thirtieth day following deposit by that State of the corresponding instrument.

Article 23 Amendments

1. Any State Party may make proposals for amendment of this Convention. Said proposals shall be submitted to the General Secretariat of the OAS for dissemination to the States Parties.

2. Amendments shall enter into force for the States ratifying them on the date when two thirds of the States Parties have deposited their instruments of ratification. They shall enter into force for the other State Parties on the date on which they deposit their respective instruments of ratification.

Article 24 Reservations

The States may enter reservations to this Convention when ratifying or acceding to it, provided that such reservations are not incompatible with the aim and purpose of the Convention and relate to one or more specific provisions thereof.

Article 25 Denunciation

This Convention shall remain in force indefinitely, but any State Party may denounce it. The instrument of denunciation shall be deposited with the General Secretariat of the Organization of American States. The Convention shall cease to have force and effect for the denouncing State one year after the date of deposit of the instrument of denunciation, and shall remain in force for the other States Parties. Such denunciation shall not exempt the State Party from the obligations imposed upon it under this Convention in respect of any action or omission prior to the date on which the denunciation takes effect.

Article 26 Additional Protocols

Any State Party and the Commission may submit proposed protocols additional to this Convention for the General Assembly to consider with a view to gradually including other rights within its system of protection. Each protocol shall determine the manner of its entry into force and shall be applied only among the States Parties to it.