

PERMANENT COUNCIL OF THE
ORGANIZATION OF AMERICAN STATES

COMMITTEE ON JURIDICAL AND POLITICAL AFFAIRS

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Working Group to Prepare
a Draft Inter-American Convention against
Racism and All Forms of Discrimination and Intolerance

Record of the meeting of February 22, 2011

The Working Group met under the chairmanship of the Alternate Representative of Costa Rica to the OAS, Danilo González, to consider the items on the agenda, document CAJP/GT/RDI-163/11 rev. 2.

The following delegations attended this meeting: Antigua and Barbuda, Argentina, Bahamas, Belize, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Guyana, Haiti, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Trinidad and Tobago, Uruguay, and the Bolivarian Republic of Venezuela.

1. Report of the Secretariat on the process of consultation with member states

The Secretariat reported as follows:

Resolution AG/RES. 2606 (XL-O/10) "Draft Inter-American Convention against Racism and All Forms of Discrimination and Intolerance," reaffirmed the "will and resolute commitment" to "continue making efforts to conclude negotiations on the Draft Inter-American Convention." It also instructs the Working Group to continue with those negotiations, taking into account the progress reflected, particularly in the "Consolidated Document: Draft Inter-American Convention against Racism and All Forms of Discrimination and Intolerance" (CAJP/GT/RDI-57/07 rev. 13). The resolution notes, furthermore, the proposals made by member states on the issue and instructed the Working Group that "in adopting its Work Plan it consider methodological approaches that contribute to the negotiation process."

Taking these mandates into account, the Chair of the Working Group, on October 5, 2010, sent a note requesting the distinguished delegations to state their perspectives on the scope of application of this instrument in order to be able to determine the future course of said negotiations. Said comments should be submitted before November 1, 2010. The Chair subsequently sent a second note on October 21, 2010, suggesting suggested that the deadline for this consultation be extended until November 15, 2010.

To date, there have been 11 written replies, from the following member states:

	MEMBER STATE	CLASSIFICATION
1	Antigua and Barbuda	CAJP/GT/RDI-150/10
2	Mexico	CAJP/GT/RDI-151/10
3	Belize	CAJP/GT/RDI-152/10
4	Panama	CAJP/GT/RDI-153/10
5	Saint Kitts and Nevis	CAJP/GT/RDI-154/10
6	Brazil	CAJP/GT/RDI-155/10
7	Bahamas	CAJP/GT/RDI-156/10
8	Suriname	CAJP/GT/RDI-157/10
9	Saint Vincent and the Grenadines	CAJP/GT/RDI-158/10
10	Costa Rica	CAJP/GT/RDI-161/11
11	Saint Lucia	CAJP/GT/RDI-164/11

The verbatim texts of these communications are contained in the report of the Chair to the Committee on Juridical and Political Affairs, in document CAJP/GT/RDI-162/11 rev. 2.

The delegation of Brazil asked whether verbally expressed positions would be included in this report.

The Chair noted that the report referred only to positions that have been submitted in writing, and reminded delegates that this request had been made on two occasions. He further explained that the report of the Chair would include all positions expressed on this issue.

Several delegations stated that when the floor is taken it is considered a formal statement.

The delegation of Paraguay stated that it would present its position shortly.

The delegation of Chile requested to be included on the list for a more comprehensive draft Convention.

The delegation of Jamaica indicated that it preferred the proposal by Antigua and Barbuda and that it was still considering the proposal by Mexico.

2. Consideration of the Report of the Chair of the Working Group to Prepare a Draft Inter-American Convention against Racism and All Forms of Discrimination and Intolerance to the Committee on Juridical and Political Affairs (CAJP/GT/RDI-162/11) 2)

The Chair emphasized that this was a document of the Chair and that he would not want to reopen discussions that had already been taken and on which there had been agreements within this group. He added that he did not want to postpone this discussion and recalled that the previous Chair had already referred the issue to the CAJP and to the Permanent Council.

The delegations of Argentina, Ecuador, and the Dominican Republic disagreed with the recommendations to change the quorum.

With respect to the quorum, the Chair noted that the report calls for the possibility of changing the quorum to be "considered."

The delegation of El Salvador stated that it would present its substantive position at the meeting of the CAJP the following Thursday.

The delegation of Ecuador requested that this report include technical and legal consideration of the value of the resolutions and mandates of the Summits of the Americas relating to the draft Inter-American Convention against Racism and All Forms of Discrimination and Intolerance, which would be submitted by the Department of International Law. The delegations supported that proposal.

The delegation of the Bolivarian Republic of Venezuela requested that the Summit process references be expressed in chronological order.

The delegations of Antigua and Barbuda, Brazil, and Guatemala supported the proposal of the Chair, and noted that what was most important was to pass to a higher body.

On the matter of quorum, the delegation of Nicaragua said it would not be appropriate to present it as a proposal by the states, but rather as a proposal by the Chair.

The delegation of El Salvador suggested that paragraph IV of the report should refer to recommendations in general and not the working group's.

The delegation of Costa Rica noted that if the CAJP did not resolve this matter, the issue should be referred to the Permanent Council and not be sent back to the working group.

The delegation of Peru stressed the importance of all items being reflected in this report, and insisted that the discussion should be undertaken with all possible elements.

The Chair took note of the comments and will present that report to the next meeting of the CAJP, scheduled for March 4, 2011.

3. Other business

The Chair spoke about activities being coordinated within the framework of the International Year for People of African Descent pursuant to resolution AG/RES. 2550 (XL-O/10) "Recognition of the International Year for People of African Descent." As part of commemorative events a special meeting of the Permanent Council will be held, and it was suggested that the group request opportunity to participate in order to give the process concrete expression.

The delegations supported the Chair's suggestion, and further suggested sending the Permanent Council Chair a letter requesting that the presentation by the Chair of the Working Group be included on the agenda.

Mr. Leonardo Hidaka, of the Inter-American Commission on Human Rights (IACHR) stated that, at the initiative of the Rapporteurship on the Rights of Afro-Descendants and against Racial Discrimination, on March 14, 2011 the Commission would be holding a Regional Conference on "The Situation of People of African Descent in the Americas - Prospects and Challenges." It will take place in the Hall of the Americas, OAS Main Building. This initiative is among activities that the Commission has scheduled to commemorate the International Year for People of African Descent. The event will be co-sponsored by the Office of the United Nations High Commissioner for Human Rights and the nongovernmental organization Global Rights - Partners for Justice.

The Regional Conference will discuss the following issues:

- 1) Affirmative action policies on behalf of people of African descent;
- 2) Collective rights of people of African descent, particularly the right to their ancestral lands;
- 3) Racial discrimination in the justice systems, including racial stereotypes (racial profiling), police brutality, and discriminatory enforcement of criminal law through judicial processes.

Dr. Luis Toro, Department of International Law, said his area was holding a workshop on people of African descent. That workshop is being held in the framework of the commemoration of the year for people of African descent, and this afternoon the first edition of the first workshop is to be presented.