

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

Comparative clauses for the possible merging of Articles 4 and 5 of the “Draft of a Legally Binding ‘Instrument’ against All Forms of Discrimination and Intolerance” (CAJP/GT/RDI-180/11)

Article 4	Article 5
i) Public or private support provided to discriminatory activities or that promote intolerance, including the financing thereof;	i) All support for activities designed to promote discrimination and intolerance, including the financing thereof;
ii) Publication, circulation, or dissemination, by any means of communication, including the Internet, of any [discriminatory] materials, understood as being any image or depiction of ideas or theories that advocate, promote, or incite hatred or violence against individuals or groups by reason of any of the criteria set forth in [Article 1.1];	ii) Publication, circulation, or dissemination, by any means of communication, including the Internet, of any materials that: a. Advocate, promote, or incite any form of discrimination and intolerance;
iii) Publication, circulation, or dissemination, by any means of communication, including the Internet, of materials that condone or justify acts that constitute, or have constituted, genocide or crimes against humanity, as defined in international law;	ii. b. Condone, justify, or defend acts that constitute, or have constituted, genocide or crimes against humanity, or promote or incite the commitment of such acts;
iv) Violence motivated by any of the criteria set forth in Article 1.1;	
v. [Criminal activity instigated by hate, in which the victim or the victim’s property is chosen intentionally on the basis of any of the criteria set forth in [Article 1.1]];	iv. Criminal activity in which the victim or the victim’s property is chosen intentionally based on any of the criteria set forth in Article 1.1.
vi. [Any law enforcement action based on any of the criteria set forth in [Article 1.1] rather than on the person’s behavior or on objective information identifying the	iv. Any law enforcement action based on any of the criteria set forth in Article 1.1 is not based on the behavior of an individual or on objective information identifying the individual as having

individual as having engaged in criminal activity;]	engaged in criminal activity;
vii. Restricting, in an undue or unreasonable manner, the exercise of the individual rights of ownership, administration, and disposition of property of any kind based on any of the criteria set forth in [Article 1.1];	v. Restricting, in an undue or unreasonable manner, the exercise of the individual rights of ownership, administration, and disposition of property of any kind based on any of the criteria set forth in [Article 1.1];
viii. [Any distinction, exclusion, restriction, or preference applied to persons, because of their multiple or aggravated victim status, the purpose or result of which is to deny or impair the equal recognition, enjoyment, exercise, or protection of rights and fundamental freedoms.]	
ix. [Any discriminatory restriction on the enjoyment of the human rights enshrined in applicable international and regional instruments and in the jurisprudence of international and regional human rights courts, particularly those applicable to minorities or groups that are in vulnerable situations and subject to discrimination;]	
x. [Any restriction or limitation of the use of the language, traditions, customs, and culture of persons or groups who are members of minorities or vulnerable groups, in public or private activities;]	vi. Any restriction or limitation of the use of the language, traditions, customs, and culture of persons or groups who are members of minorities or vulnerable groups, in public or private activities;
xi. [Preparing and introducing teaching materials, methods, or tools that portray stereotypes or preconceptions based on any of the criteria set forth in [Article 1.1] of this “instrument”];	vii. Preparing and introducing teaching materials, methods, or tools that portray stereotypes or preconceptions based on any of the criteria set forth in [Article 1.1] of this “instrument”;
xii. Denying access to public or private education, to fellowships, or to educational loan programs, based on any of the criteria set forth in [Article 1.1] of this “instrument”;	viii. Denying access to public or private education, to fellowships, or to educational loan programs, based on any of the criteria set forth in [Article 1.1] of this “instrument”;
xiii. Denying access to all social, economic, and cultural rights, including the right to work, to housing, to social security, and to health [Article 1.1] of this “instrument”;	ix. Denying access to all social, economic, and cultural rights, including the right to work, to housing, to social security, and to health

<p>xiv. [Conducting research or applying the findings of research into the human 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;]</p>	<p>x. Conducting research or applying the findings of research into the human genome, particularly in the fields of biology, genetics and medicine, aimed at human selection or cloning that prevails over respect for human rights, fundamental freedoms, and human dignity, generating any form of discrimination based on genetic characteristics.</p>
<p>xv. Any other discriminatory conduct that falls within the definition contained in Article 1 of this “instrument.”</p>	