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**Durban Review Conference
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Issues arising from the objectives of the Review Conference

Replies to the questionnaire by States of the African region

Note by the Secretariat

1. In accordance with decision PC.1/10 adopted by the Preparatory Committee for the Durban Review Conference at its organizational session on 31 August 2007, the Office of the United Nations High Commissioner for Human Rights circulated on 17 January 2008 a questionnaire to all member States (see document A/CONF.211/PC.2/2). The replies were to be no longer than five pages and the deadline for receiving the replies from Governments was 29 February 2008. The Secretariat subsequently sent several reminders requesting contributions from those Governments that had not responded.
2. As of 15 July 2008, the Office of the High Commissioner for Human Rights had received replies from seven African States: Algeria, Burkina Faso, Egypt, Libyan Arab Jamahiriya, Morocco, Senegal and Togo. Some of those replies have already been reflected in document A/CONF.211/PC.2/CRP.6, circulated at the first substantive session of the Preparatory Committee for the Durban Review Conference.
3. Following the practice of the Regional Conference for Latin America and the Caribbean held in Brasilia earlier in 2008, the Secretariat prepared the present document containing summaries of all replies received from the African States.
4. Owing to the established page limits, the summary of each reply is approximately 400 words. To the extent possible, the summaries reproduce the language used in the replies.

Contents

	<i>Page</i>
Algeria	3
Burkina Faso.....	3
Egypt	4
Libyan Arab Jamahiriya	5
Morocco.....	6
Senegal	7
Togo.....	7

Replies to the questionnaire by States of the African region

Algeria

1. 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.
2. 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.
3. 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.
4. 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.

Burkina Faso

Question 1

5. 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

6. 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

7. 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

8. 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

9. 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.

Egypt

Questions 1, 3 and 5

10. 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.

11. 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.

12. 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.

13. 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

14. 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

15. 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; Bahais no longer have to carry documents indicating that they are Muslims.

Libyan Arab Jamahiriya

Question 1:

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

Question 2:

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

Question 3:

18. The legislations incriminate all forms of discrimination and exploitation and racial discrimination. They are not only contained in the provisions of criminal or civil laws but also special codes like the 1991 (20) law and the green Charter. Libya provides equal work opportunity with full respect to gender equality.

Question 4:

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

Question 5:

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

Question 6:

21. Libya's legislations prohibited and criminalized all forms of discrimination even before Durban Declaration for combating racism as it was described before through adopting national legislation that prohibit discrimination mainly in law 5 and 20 of 1991.

Morocco

Question 1:

22. Morocco became a party to ICERD and ratified a group of other international treaties. The Moroccan legislator incorporated the provisions of the convention in the penal code. Discrimination became prohibited and criminalized by this law. Labor law prevents hiring or firing based on racial discrimination. The law prevents the establishment of associations or institutions that are based on discrimination.

23. Morocco submits its reports regularly to the Committee of CERD. Human Rights education and awareness became and integral part of the regular schools and all other educational institutions.

Question 2;

24. The country's national institutions, domestic legislations and daily practices constitute a guarantee against discrimination and for equality between all citizens. In addition Morocco adopted strategies and measures to ensure that all citizens enjoy equal rights without discrimination. It initiated and implementing a national plan for gender equality and another plan for human rights education to bring awareness against racial discrimination specially against all forms of racial discrimination. It added programmes to enhance protection of the (Barbar) Amazighi culture. We took measures to combat extreme poverty through developing programs aimed at supporting the poor, excluded and vulnerable group which may constitute bases to prevent forms of discrimination.

Question 3:

25. The kingdom believes fully in non discrimination and equality and dignity. In accordance with this Morocco amalgamated all sectors of the society into a national plan for modern democratic state which will ensure equality for all before the law and its institutions. The main measures taken: reforming most of the legislations related to racism (the penal code chapter 431-1 repeated) labor laws, media, political parties, penal reform institutions, family and protection for refugees and immigrants provide protection against discrimination.

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

Question 4:

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

Question 5:

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

Good practices:

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

Senegal

Question 1

30. 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

31. 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

32. 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

33. 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

34. 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

35. 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.

Togo

Question 1

36. 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

37. 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

38. 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

39. 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

40. 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

41. 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.
