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

PROPOSAL BY THE PERMANENT MISSION OF ANTIGUA AND BARBUDA FOR THE
WORKING GROUP TO PREPARE A DRAFT INTER-AMERICAN CONVENTION AGAINST
RACISM AND ALL FORMS OF DISCRIMINATION AND INTOLERANCE

(March 23, 2010)

PROPOSAL BY THE PERMANENT MISSION OF ANTIGUA AND BARBUDA

The delegation of Antigua and Barbuda proposes that the Working Group to Prepare a Draft Inter American Convention against Racism and All Forms of Discrimination take the necessary steps to divide the current Draft into a **main Convention** focusing on racism/racial discrimination and an **additional Protocol** focusing on discrimination and all forms of intolerance.

Impasse in Working Group

Negotiations began in 2005 by mandate of the resolution Ag RES 2126. At present, Member States have come to an impasse because delegations cannot agree on the scope of the Draft Convention. Currently, the Draft addresses discrimination based on:

Race, color, heritage, national or ethnic origin, nationality, age, sex, sexual orientation, gender identity, and expression, language, religion, political opinions or other opinions of any kind, social origin, socioeconomic status, educational level, migrant, refugee, repatriate, stateless or internally displaced status and/or condition, infectious – contagious condition or any other mental or physical health-related condition, genetic trait, disability, debilitating psychological condition, or any other social condition

All delegations have, in principle, agreed to the provisions of the Draft relating to racial discrimination. However, the exhaustive list that follows continue to pose a problem in achieving consensus.

Despite the provisions of AG Res 2126, some delegations have expressed preference for having a Convention that is narrowly focused on racial discrimination, while others have expressed favor for a broad Convention which encompass rights that go beyond those not enshrined in the major international human rights instruments.

Delegations have varied reasons for their preference. Those who favor a narrow Convention have explained that their legal systems would not allow for ratification of the current Draft because certain issues in the exhaustive list have not been conclusively addressed. For example, with respect to homosexuality national consensus has not been achieved in certain CARICOM jurisdictions including Antigua and Barbuda. Delegations have also cited the logistical difficulty that they would face in mobilizing numerous national machinery for implementation of the exhaustive list of current Draft.

Delegations that favor a broad Convention do so citing that the OAS should go beyond what has been established in the current major Human Rights Instruments. They maintain the uselessness of the OAS merely duplicating what has already been enshrined.

Efficacy of Antigua and Barbuda's Proposal

Antigua and Barbuda proposes that the main Convention focus on discrimination based on race, color, heritage, national or ethnic origin. The Protocol should focus on discrimination based on all the other issues contained in the current Draft. This proposal consisting of a Convention and a Protocol, would satisfy all delegations, in that:

1. It would encompass the major issues relating to racism, and with the Protocol, it would go a step beyond the current global instruments in addressing all other forms of discrimination and intolerance.
2. Consensus could be reached in the short run on a Convention focusing solely on Racism / Racial Discrimination. All delegations could sign immediately.
3. With respect to the Protocol on Discrimination and Intolerance, delegations that have expressed preference for a broad convention could sign immediately while those who have incongruous legal systems could sign on when it is legally feasible for them to do so.

The complete set (Convention and Protocol) would achieve everything that the current Draft is attempting to address but incrementally.