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**QUESTIONNAIRE TO MEMBER STATES PREPARED BY THE
OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER
FOR HUMAN RIGHTS, PURSUANT TO DECISION PC.1/10 OF
THE PREPARATORY COMMITTEE OF THE DURBAN REVIEW
CONFERENCE AT ITS FIRST SESSION (A/62/375)**

Explanatory note on the questionnaire

1. In accordance with decision PC.1/10 adopted on 31 August 2007 by the Preparatory Committee of the Durban Review Conference at its first session, the Office of the United Nations High Commissioner for Human Rights drafted the attached questionnaire, the purpose of which is to facilitate the Durban Review Process.
2. The present questionnaire has been designed to obtain information from Governments and consists of six core questions drafted on the basis of the objectives of the Durban Review Conference, as contained in Preparatory Committee decision PC.1/13.
3. The annex to the questionnaire has been designed to allow Governments to describe policies, programmes and projects which have been undertaken to implement the Durban Declaration and Programme of Action including, for example, constitutional, legislative, administrative, affirmative action measures, development of national action plans, creation of governmental bodies and/or awareness-raising activities.

Core questions

Question 1: Can you assess the implementation of the Durban Declaration and Programme of Action in your country?

Question 2: Can you assess contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance as well as initiatives in this regard with a view to eliminating them in your country?

Question 3: Please identify concrete measures and initiatives for combating and eliminating all manifestations of racism, racial discrimination, xenophobia and related intolerance in order to foster the effective implementation of the Durban Declaration and Programme of Action.

Question 4: How would your Government assess the effectiveness of the existing Durban follow-up mechanism and other relevant United Nations mechanisms dealing with the issue of racism, racial discrimination, xenophobia and related intolerance in order to enhance them?

Question 5: What are the steps taken by your Government to ratify and/or implement the International Convention on the Elimination of All Forms of Racial Discrimination and give proper consideration of the recommendations of the Committee on the Elimination of Racial Discrimination?

Question 6: Please identify and share good practices achieved in the fight against racism, racial discrimination, xenophobia and related intolerance in your country.

Annex

Measures of prevention, education and protection aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at the national level

1. What measures have been taken to prohibit racial discrimination in all its forms and to guarantee the right of everyone without distinction, to equal enjoyment of human rights, notably of the rights listed below:

- (a) Equal treatment before tribunals and all other organs administering justice;
- (b) Equal rights to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution;
- (c) Equal rights to participate in the political process;
- (d) Equal rights to freedom of religion and belief;
- (e) Equal rights to remuneration for work of equal value;
- (f) Equal rights to adequate housing;
- (g) Equal rights to highest attainable standard of physical and mental health. Equal rights to quality public health, medical care, social security and social services;
- (h) Equal rights to all levels of quality education and training;
- (i) Equal participation to cultural life; and
- (j) Equal rights of access to places or services?

Legislative, judicial, regulatory, administrative and other measures to prevent and protect against racism, racial discrimination, xenophobia and related intolerance

2. Has your Government adopted and implemented or strengthened any national legislation and/or administrative measures that expressly and specifically counter racism and prohibit racial discrimination, xenophobia and related intolerance, whether direct or indirect, in all spheres of public life, in accordance with their obligations under the International Convention on the Elimination of All Forms of Racial Discrimination, ensuring that their reservations are not contrary to the object and purpose of the Convention and/or amended national legislation and administrative provisions that may give rise to such forms of discrimination?

Equal participation in political, economic, social and cultural decision-making

3. Please indicate measures taken to ensure that your Government's political and legal systems reflect the multicultural diversity within your society and improve democratic institutions so that they are fully participatory.

Establishment and reinforcement of independent specialized national institutions and mediation

4. Has your Government established, strengthened, reviewed and/or reinforced the effectiveness of independent national human rights institutions working on issues of racism, racial discrimination, xenophobia and related intolerance? Has your Government provided them with the competence and capacity for investigation, research, education and public awareness activities to combat these phenomena? Please specify their mandates.

Policies, practices and strategies

Action-oriented policies and action plans, including affirmative action to ensure non-discrimination

5. Has your Government established and/or implemented a national action plan to promote diversity, equality, equity, social justice, equality of opportunity and the participation of all? Please provide the High Commissioner for Human Rights with such action plan and other relevant materials on the measures undertaken in order to implement the provisions of the Durban Declaration and Programme of Action or any other action considered.

6. Has your Government established national programmes, including affirmative or positive measures, to promote equal access of individuals and groups of individuals who are or may be victims of racial discrimination to social services, employment, housing, education, health care, etc.?

7. Has your Government adopted or strengthened national programmes for eradicating poverty, underdevelopment, marginalization, social exclusion and economic disparities taking into account the needs of victims of racism, racial discrimination, xenophobia and related intolerance?

8. What steps have been taken to tackle multiple discrimination based on the grounds of race, colour, descent or national or ethnic origin as well as on other related grounds such as sex, language, religion, political or other opinion, social origin, property, birth or other status?

9. What measures have been taken to combat racial discrimination against women and girls and to ensure the incorporation of race and gender analysis in the implementation of all aspects of the Programme of Action and your national plan of action?

Data collection and disaggregation, research and study

10. Does your Government collect and analyse statistical data at the national level on the situation of victims of racism, racial discrimination, xenophobia and related intolerance broken down by economic and social indicators, in order to monitor the situation of marginalized groups, evaluate legislation and elaborate development policies?

Education and awareness-raising

11. Please indicate ways your Government has taken to increase the level of awareness about the scourges of racism and promote the values of acceptance, tolerance and cultural diversity. In this connection, how effective are the measures, in the fields of teaching, anti-racism education, including programmes addressed to young people, culture, information, media campaigns and sports which have been undertaken to combat racism, racial discrimination, xenophobia and all manifestations of related intolerance?

12. Please indicate the measures taken to strengthen anti-racist and gender-sensitive human rights training for public officials, including personnel in the administration of justice, particularly law enforcement, judicial, correctional, prison and security officials, as well as among health-care, school, immigration and border officials.

Information, communication and the media, including new technologies

13. While taking all necessary measures to guarantee the right to freedom of opinion and expression, what steps have been taken to declare an offence punishable by law all acts of racial violence or incitement to such acts as well as the dissemination of ideas based upon racial superiority or hatred and, particularly through new information and communications technologies, including the Internet?

Ratification of and effective implementation of relevant international and regional legal instruments on human rights and non-discrimination

14. If your country is not yet party to the International Convention on the Elimination of All Forms of Racial Discrimination and to any other international instrument listed in paragraphs 77 and 78 of the Durban Programme of Action, please indicate:

(a) What are the considerations which may have prevented its ratification or its accession to the instruments?

(b) What steps have been taken or are being planned with a view to ratification of or accession to the instruments?

15. If your country has not yet made the declaration under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, please indicate what are the considerations which may have prevented making the declaration.

Strengthen partnerships with civil society

16. What steps have been taken to strengthen cooperation and develop partnerships with non-governmental organizations and all other civil society actors to harness their experience and expertise combating racism, racial discrimination, xenophobia and related intolerance?

Provision of effective remedies, recourse, redress and other measures at the national level

17. What measures exist to investigate and prosecute unlawful acts of racism and racial discrimination and to combat impunity for crimes with a racist or xenophobic motivation?
18. What judicial and other remedies exist for persons against any acts of racial discrimination which violate their human rights and what evidence is there to consider that these remedies are effective and adequate?
19. Has your Government taken any measures to eliminate “racial profiling” understood as the practice of police and other law enforcement officers relying, to any degree, on race, colour, descent or national or ethnic origin as the basis for subjecting persons to investigatory activities or for determining whether an individual is engaged in criminal activity?

Victims of racism, racial discrimination, xenophobia and related intolerance

People of African descent

20. What measures has your Government taken to facilitate the participation of people of African descent in all political, economic, social and cultural aspects of society and in the development of the society?
21. What measures has your Government taken to provide additional investments in the health-care system, education on public health, electricity, drinking water and environmental control, as well as other affirmative or positive action initiatives for people of African descent?

Indigenous peoples

22. What constitutional, administrative, legislative, judicial and other measures has your Government taken, to guarantee the full exercise of human rights and fundamental freedoms of indigenous peoples and/or amended national Constitution, laws, legal systems and policies to be in conformity with relevant international human rights instruments, norms and standards?
23. Has your Government taken any measure to ensure consultation with indigenous representatives in the process of decision-making concerning policies and measures that directly affect them?

Migrants

24. Has your Government reviewed and, where necessary, revised its immigration laws, policies and practices which may be inconsistent with international human rights instruments with a view to eliminating all discriminatory policies and practices against migrants?

Refugee, asylum-seekers and displaced persons

25. What measures has your Government taken to comply with their obligations under international human rights, refugees and humanitarian law relating to refugee, asylum-seekers and displaced persons?

Other victims

26. What steps have been taken to guarantee the rights of persons belonging to minorities, including Roma/Gypsy/Sinti, to enjoy their own culture, to profess or practise their own religion, to use their own language and to participate effectively in the cultural, social, economic, and political life in order to protect them from any form of racism, racial discrimination, xenophobia and related intolerance they are or may be subjected to?

27. Have measures been taken to counter anti-Semitism, anti-Arabism and Islamophobia and the emergence of movements based on racism and discriminatory ideas concerning these communities?

28. Has your Government devised, enforced and strengthened measures to prevent, combat and eliminate all forms of trafficking in women and children, in particular girls?
