



CIRDI
2024

**Toward a Region Free
from Racial Discrimination**

Campaign for the ratification and implementation
of the Inter-American Convention against Racism

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PART I
Substantive Articles



○ **Article 1 – Definitions**

- ▼ Article 1 of the CIRDI contains the definitions of racial discrimination (art. 1.1), indirect racial discrimination (art. 1.2), multiple or aggravated racial discrimination (art. 1.3), racism (art. 1.4), affirmative action (art. 1.5), and intolerance (art. 1.6).
- ▼ The definition of racial discrimination according to Article 1.1 of CIRDI includes multiple elements:
 - any distinction, exclusion, restriction, or preference;
 - in any area of public or private life;
 - with the purpose or effect of nullifying or curtailing the equal recognition, enjoyment, or exercise of one or more human rights;
 - based on race, color, lineage, or national or ethnic origin.
- ▼ CIRDI is the first treaty to have the definition of the term “racism” in a legal instrument (art. 1.4).

○ **Articles 2 and 3 – Protected Rights**

- ▼ Every human being has the right to equal protection against racial discrimination.
- ▼ Every human being has the right to the recognition, enjoyment, exercise and protection of all human rights and fundamental freedoms.

○ **Article 4 – State duty to prevent, eliminate, prohibit, and punish racial discrimination**

- ▼ State Parties undertake to prevent, eliminate, prohibit, and punish all acts and manifestations of racism, racial discrimination, and related forms of intolerance, including:
 - Support of racially discriminatory activities;
 - The publication of racially discriminatory material;
 - Violence motivated by racism;

- Any racially discriminatory restriction on the enjoyment of human rights;
- The development and use of pedagogical tools that reproduce racist stereotypes;
- Denial of access to any social, economic and cultural rights based on racial discrimination.

○ Articles 5 and 6 – State Duty to adopt affirmative actions

- ▼ States undertake to adopt affirmative policies and actions to guarantee the enjoyment of the rights of individuals or groups that are subject to racial discrimination;
- ▼ With the aim of promoting equitable conditions of equal opportunities, inclusion and progress;
- ▼ Such measures or policies will not be considered discriminatory;
- ▼ Such measures should not be perpetuated beyond a reasonable period or after said objective has been achieved.

○ Article 7 – Duty to adopt legislation that defines and prohibits racism

- ▼ States must adopt legislation that clearly defines and prohibits racism, racial discrimination, and related forms of intolerance.
- ▼ These laws must be applicable to all public authorities and to all natural and legal persons, both in the public and private sectors.
- ▼ States must repeal all legislation that constitutes or produces racial discrimination.

○ Article 8 – Guarantee of non-discrimination in domestic measures

- ▼ States must guarantee that their domestic measures of any kind do not discriminate on racial grounds.

○ **Article 9 – Diversity in political and legal systems**

- ▼ States must ensure that their political and legal systems appropriately reflect the diversity within their societies.

○ **Article 10 – Access to justice for victims of racial discrimination**

- ▼ States must ensure that victims of racial discrimination have equal access to the justice system, speedy and effective processes, and just reparations.

○ **Article 11 – Discrimination as an aggravating factor**

- ▼ States undertake to consider as aggravating any acts that entail multiple discriminations or acts of intolerance.

○ **Article 12 – Research and data collection on racial discrimination**

- ▼ States will carry out studies on the nature, causes, and manifestations of racism, racial discrimination and related forms of intolerance in their respective countries,
- ▼ States undertake to collect, compile, and disseminate data on the situation of groups or individuals who are victims of racial discrimination.

○ **Article 13 – Designation of a national institution to comply with the CIRDI**

- ▼ States undertake to designate a national institution responsible for monitoring compliance with CIRDI.

○ **Article 14 - International cooperation**

- ▼ States will promote international cooperation for the exchange of ideas and experiences, and execute programs to fulfill the objectives of the Convention.



PART 02

CIRDI and the Inter-American System of Human Rights



○ **Article 15.i – Petitions before the IACHR and complaints between States**

- ▼ It is possible to submit petitions containing reports or complaints of violations of the Convention by a State Party to the Inter-American Commission on Human Rights.
- ▼ States may recognize the competence of the IACHR to study allegations of violation to the CIRDI presented by one State against another State.

○ **Article 15.ii – Consultations at the IACHR**

- ▼ States may consult the IACHR on matters related to the effective application of the Convention.
- ▼ States may request the Commission's advice and technical cooperation to ensure the effective application of the provisions of the Convention.

○ **Article 15.iii – Recognition of the Jurisdiction of the Inter-American Court**

- ▼ Any State Party may declare that it recognizes the jurisdiction of the Inter-American Court of Human Rights as binding on all matters relating to the interpretation or application of the CIRDI.



PART 03

Reporting and the Inter-American Committee for the Prevention and Elimination Of Racism, Racial Discrimination, and All Forms Of Discrimination and Intolerance



○ **Article 15.iv – Creation and responsibilities of the Committee**

- ▼ CIRDI establishes the Inter-American Committee for the Prevention and Elimination of Racism, Racial Discrimination, and All Forms of Discrimination and Intolerance.

- ▼ Important points regarding the Committee:
 - The Committee will be established when there are 10 States Parties to the Convention;
 - The Committee will be made up of an expert appointed by each State Party;
 - Its role will be to monitor the commitments made in the Convention;
 - It will review the progress made by States Parties in implementing the Convention;
 - It will be a forum for the exchange of ideas and experiences;
 - It will make recommendations to the States Parties about adopting appropriate measures to fulfill the Convention;
 - It will conduct follow-up on the commitments that the State Parties take on under the Convention.

○ **Article 15.iv – Reporting to the Committee**

- ▼ States undertake to present a report to the Committee within one year of the first meeting of the Committee.

- ▼ After the first report, States will present reports every four years.

- ▼ The reports submitted by the States to the Committee must contain information on compliance with the obligations contained in the Convention, along with disaggregated data and statistics on vulnerable populations.



PART 04

Interpretation, ratification,
entry into force and
denunciation



○ **Article 16 – Interpretation**

- ▼ Nothing in the provisions of the CIRDI may be interpreted to restrict or limit domestic legislation or other international conventions that offer protections and guarantees equal to or greater than those established in the Convention.

○ **Articles 17, 18, and 19 – Authenticity, signature, ratification, and reservations**

- ▼ CIRDI texts in Spanish, French, English, and Portuguese are equally authentic and are in the possession of the General Secretariat of the OAS.
- ▼ CIRDI is open for signature, accession, and ratification by all Member States of the OAS.
- ▼ States may make reservations to the Convention at the time of signature, ratification, or accession, provided that they are not incompatible with the object and purpose of the Convention and relate to one or more of its specific provisions.

○ **Article 20 – Entry into force, denunciation, and additional protocols**

- ▼ CIRDI will enter into force on the thirtieth day from the date on which the instrument of ratification or accession has been deposited.
- ▼ It is possible to denounce the Convention by written notification addressed to the Secretary General of the OAS. The denunciation shall take effect one year after the date on which the notification is received by the Secretary General, but it does not relieve the State Party of its obligations with respect to any action or omission that occurred before the date on which the denunciation took effect.
- ▼ Any State Party may submit draft protocols in addition to the Convention, with a view to gradually including other rights within its system of protection.



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**Race &
Equality**

Institute
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Equality
and Human
Rights

