



**CIRD**  
2024

**Toward a Region Free  
from Racial Discrimination**

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

# CIRD RATIFICATION TOOLKIT

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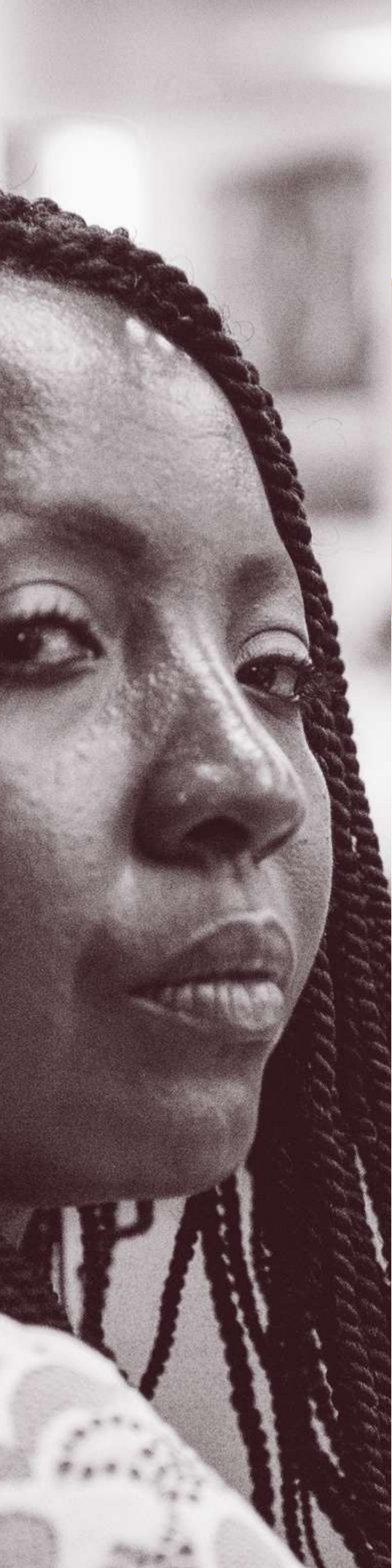
A toolkit for States and civil society to promote and achieve the ratification or accession to the Inter-American Convention against Racism, Racial Discrimination, and Related Forms of Intolerance (CIRDI)





## **TABLE OF CONTENTS**

- 01.** What is the Inter-American Convention Against Racism?
- 02.** Why ratify the Inter-American Convention Against Racism?
- 03.** What is the difference between signature, ratification, accession, reservations, and declarations?
- 04.** Steps to ratification or accession
- 05.** Templates of instruments for ratification, accession, reservations, and declarations to the CIRDI.
- 06.** How can the CIRDI 2024 Campaign assist States with ratification and implementation?



**01.**

**What is the  
Inter-American  
Convention  
Against  
Racism?**

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On June 5, 2013, the OAS General Assembly adopted the Inter-American Convention against Racism, Racial Discrimination, and Related Forms of Intolerance (hereinafter “Inter-American Convention against Racism” or “CIRDI”), an instrument that represents an important milestone in consolidating the OAS’s commitment to the complete and unconditional eradication of racism, racial discrimination, and all forms of intolerance. With its adoption, the CIRDI became the counterpart convention in the American regional system to the 1965 International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the first international instrument combatting racism and racial discrimination to which all 35 OAS Member States are parties.

The adoption of CIRDI seeks to strengthen regional efforts in the field of human rights and create an international body of protection closer to the local context and that responds to the realities of the region. In a region where the existence of racism and racial discrimination has long been systematically denied, the adoption of the Inter-American Convention against Racism shows substantial progress in the recognition of racial gaps. The existence of an instrument of this nature is a necessary step for the fight against racism.

As part of the International Decade for People of African Descent (2014-2024), The International Institute on Race, Equality and Human Rights (Race & Equality) seeks to advance the ratification and implementation of the Inter-American Convention Against Racism, launching this Campaign entitled “Towards A Region Free from Racism” to achieve universal ratification and implementation of the Inter-American Convention Against Racism by 2024.





# 02.

## **Why ratify the Inter-American Convention Against Racism?**

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The Inter-American Convention against Racism contains valuable contributions, beyond providing new tools to the region on the fight against racism. This Inter-American instrument, for example, is the first to establish a legal definition of the term “racism.”

The Inter-American Convention against Racism represents a living instrument to support States in the region in the task of combating, eliminating, and overcoming conditions and patterns of racial exclusion through the creation of an Inter-American Committee for the Prevention and Elimination of Racism, Racial Discrimination, and All Forms of Discrimination and Intolerance (Art. 15 iv). The Committee's role is to monitor the commitments undertaken in the Convention, serve as a forum for the exchange of ideas and experiences, make recommendations to the State Parties, and receive reports from States on the fulfillment of the obligations of the Convention.

The Inter-American Convention against Racism is a central axis for advancing the visibility and recognition of the systemic oppressions that exist in the hemisphere against Afro-descendant people, indigenous peoples, and other groups. The Convention has a central role for the region's States as they fulfill their obligations to promote equitable conditions of equal opportunities and to combat racial discrimination in all its individual, structural, and institutional manifestations.





# 03.

## **What is the difference between signature, ratification, accession, reservations, and declarations? <sup>1</sup>**

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<sup>1</sup>UN Treaty Section of the Office of Legal Affairs, UN Treaty Handbook; UNCAT Ratification Toolkit



## Becoming a State party to CIRDI

There are two routes for a State to become party to the Inter-American Convention against Racism, Racial Discrimination, and Related Forms of Intolerance (CIRDI): A State may either (i) sign and ratify the treaty, or (ii) accede to it. Both are equally valid, and have the same legal effect

## Signature and ratification

Ratification requires two separate actions. The State must first sign the Convention, then formally deposit an instrument of ratification.

**Signature:** The first commonly used-step to participate in a treaty is signing that treaty, but a signatory does not become a party to a treaty through signature alone. By signing the Convention, a State indicates its intention to become a party to the instrument in the future.

The procedure for signature is for the Head of State, Head of Government, or Minister for Foreign Affairs acting on behalf of the State to physically sign the Convention at the OAS General Secretariat headquarters at the OAS headquarters in Washington, D.C. A State official other than the Head of State, Head of Government or Minister for Foreign Affairs may also sign a treaty if they are in possession of a valid authorization to do so.

With its signature, a State does not undertake positive legal obligations under the treaty. However, the State's signature indicates its intention to take steps to express its consent to be bound by the treaty at a later date. Signature also creates an obligation, in the period between signature and ratification, acceptance, or approval, to refrain in good faith from acts that would defeat the object and purpose of the treaty (see article 18 of the Vienna Convention 1969).

**Ratification:** The separate processes for signature and ratification allow States time to seek approval for the treaty at the domestic level and to enact any legislation necessary to implement the treaty domestically prior to undertaking the treaty's legal obligations at the international level. Once a State has become party to a treaty at the international level, its international responsibility is engaged. Generally, there is no time limit within which a State must ratify a treaty which it has signed. A State becomes legally bound under the treaty only when the treaty enters into force for the state.

To become formally bound by the CIRDI's provisions, a signatory State must subsequently ratify the Convention, which requires the State to deposit an instrument of ratification at the OAS General Secretariat in Washington, D.C.

## ○ Accession

Unlike ratification, acceptance, or approval, which require the initial step of signature to create binding legal obligations under international law, accession requires only one step at the international level: the deposit of an instrument of accession.

## ○ Reservations and Declarations

**Reservations:** In certain cases, States make statements upon signature, ratification, acceptance, approval of, or accession to a treaty. Such statements may be entitled "reservation", "declaration", "understanding", "interpretative declaration" or "interpretative statement." However it is phrased, States use such a statement to exclude or modify the legal effect of a treaty provision pursuant to that State. This is known as a "reservation" (see article 2 (1) (d) of the Vienna Convention 1969). A reservation may enable a State to participate in a multilateral treaty in which the State would otherwise be unwilling or unable to participate.

The State Parties may enter reservations to the CIRDI when signing, ratifying, or acceding to it, provided that such reservations are not incompatible with the aim and purpose of the Convention and relate to one or more specific provisions thereof.

**Example of Interpretative Declaration made by the Government of Mexico to the CIRDI:**

*"The scope of Article 4, Section XI of the Inter-American Convention against Racism, Racial Discrimination, and Related Forms of Intolerance implies that the requirements of Mexican nationality, without any other nationality, and the other requirements for entry to schools in the military educational system, which are designed to educate and train military personnel for the Armed Forces, in accordance with the provisions of Articles 32 and 123, Section B, Subsection XIII of the Political Constitution of the United Mexican States, shall not be considered discriminatory."*

**oDeclarations:** Under article 15.i and article 15.iii, CIRDI allows States to make optional declarations upon ratification or accession to the Convention or at any time after. Such declarations provide for two purposes. First, they accept the competence of the Inter-American Commission on Human Rights to receive and examine communications in which a State Party alleges that another State Party has committed violations of the human rights established in the Convention. Second they accept the competence and jurisdiction of the Inter-American Court of Human Rights on all matters relating to the interpretation or application of the Convention.

Both of these procedures are voluntary. States may choose whether or not to accept either procedure. Where a State does not make the voluntary declaration, the Inter-American Commission and the Inter-American Court will have no jurisdiction to hear these complaints.



# 04.

## Steps to ratification or accession <sup>2</sup>

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<sup>2</sup> UNCAT Ratification Toolkit

STEP  
**1**

### **ACTION BY THE NATIONAL GOVERNMENT**

States undertake required procedures at the national level to become party to the Convention.



STEP  
**2**

### **DETERMINE IF ANY RESERVATION OR DECLARATIONS ARE NEEDED**

Governments determine whether any reservations or declarations need to be made with submission of the instrument of ratification or accession.



STEP  
**3**

### **PREPARE AND SIGN INSTRUMENT(S)**

Following the completion of any necessary domestic procedures, States prepare the instrument of ratification or accession and any instruments of reservation or declaration.



STEP  
**4**

### **DELIVER INSTRUMENT(S) TO THE OAS GENERAL SECRETARIAT**

States must formally deposit the instrument of ratification or accession to the OAS General Secretariat.



STEP  
**5**

### **ENTRY INTO FORCE**

The Convention enters into force on the thirtieth day after the date of the deposit of the instrument of ratification or accession.





# 05.

**Templates of  
instruments for  
ratification,  
accession,  
reservations, and  
declarations to  
the CIRDI**

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# Model instrument of Ratification

## INSTRUMENT OF RATIFICATION

**WHEREAS** the Inter-American Convention against Racism, Racial Discrimination, and Related Forms of Intolerance (the Convention) was adopted at La Antigua, Guatemala, on June 5, 2013,

**AND WHEREAS** said convention has been signed on behalf of the Government of [name of State] on [date],

**NOW THEREFORE** I, [name and title of the Head of State, Head of Government or Minister for Foreign Affairs] declare that the Government of [name of State], having considered the above-mentioned convention, ratifies the same and undertakes faithfully to perform and carry out the stipulations therein contained.

**IN WITNESS WHEREOF**, I have signed this instrument of ratification at [place] on [date].

[Signature by the Head of State, Head of Government or Minister for Foreign Affairs]

# Model instrument of Accession

## INSTRUMENTO DE ADHESIÓN

## INSTRUMENT OF ACCESSION

**WHEREAS** the Inter-American Convention against Racism, Racial Discrimination, and Related Forms of Intolerance (the Convention) was adopted at La Antigua, Guatemala, on June 5, 2013,

**NOW THEREFORE I**, [name and title of the Head of State, Head of Government or Minister for Foreign Affairs] declare that the Government of [name of State], having considered the above-mentioned convention, accedes to the same and undertakes faithfully to perform and carry out the stipulations therein contained.

**IN WITNESS WHEREOF**, I have signed this instrument of accession at [place] on [date].

[Signature by the Head of State, Head of Government or Minister for  
Foreign Affairs]



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## Model instrument of reservation/declaration made at time of ratification or accession

### INSTRUMENT OF RESERVATION/DECLARATION

I, [name and title of the Head of State, Head of Government or Minister for Foreign Affairs],

**HEREBY DECLARE** that the Government of [name of State] makes the following [reservation / declaration] in relation to article(s) [---] of the Inter-American Convention against Racism, Racial Discrimination, and Related Forms of Intolerance, adopted at La Antigua, Guatemala, on June 5, 2013:

[Substance of reservation / declaration]

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal.

Done at [place] on [date].

[Signature by the Head of State, Head of Government or Minister for Foreign Affairs]

# Model instrument of declaration accepting procedures described in Article 15

## INSTRUMENT OF DECLARATION

I, [name and title of the Head of State, Head of Government or Minister for Foreign Affairs],

**HEREBY DECLARE** that the Government of [name of State] makes the following declaration(s) in relation to article(s) [15.i and 15.iii] of the Inter-American Convention against Racism, Racial Discrimination, and Related Forms of Intolerance, adopted at La Antigua, Guatemala, on June 5, 2013:

[In accordance with article 15, paragraph i, of the Convention, [name of State] declares that it recognizes the competence of the Inter-American Commission on Human Rights to receive and examine communications in which a State Party alleges that another State Party has committed violations of the human rights established in the Convention]

[In accordance with article 15, paragraph iii, of the Convention, [name of State] declares that it recognizes the competence and jurisdiction of the Inter-American Court of Human Rights on all matters relating to the interpretation or application of the Convention.]

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal.

Done at [place] on [date].

[Signature by the Head of State, Head of Government or Minister for Foreign Affairs]



# 06.

**How can the  
CIRDI 2024  
Campaign assist  
States with  
ratification and  
implementation?**

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Race & Equality is committed to increasing awareness of the benefits of the CIRDI, sharing good State practices, and expanding our institutional engagement with governments, international organizations, civil society organizations, and other relevant stakeholders. Race & Equality's CIRDI 2024 Campaign to promote the ratification and implementation of the Inter-American Convention Against Racism will support governments in overcoming challenges standing in the way of ratification and full implementation, such as gaps in resources, capacity, or technical expertise.

The CIRDI 2024 Campaign aims to achieve its vision of increased ratification and implementation of the CIRDI through:



- ▼ Technical assistance, capacity-building for governments and civil society;
- ▼ Dialogue and exchange;
- ▼ Institutional strengthening;
- ▼ Sharing evidence-based recommendations, expert advice, and best practices;
- ▼ Developing, compiling, and translating practical examples, experiences, tools, resources, and other materials;
- ▼ Convening seminars, conferences, and workshops;
- ▼ In-country and diplomatic visits;
- ▼ Hosting a platform for information and knowledge dissemination and awareness raising.



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**Race &  
Equality**

Institute  
on Race,  
Equality  
and Human  
Rights