



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

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List of issues to be taken up in connection with the consideration of the nineteenth and twentieth periodic reports of Argentina (CERD/C/ARG/19-20)

1. Please provide more accurate statistics on the population of Argentina, highlighting its ethnic composition. In particular, please provide data on the Afro-Argentine community, its particular needs and the public policies specifically devised by the State party for this population group (CERD/C/ARG/19-20, paras. 106 and 107). Please also provide available information on the socio-economic situation of the indigenous peoples and other minorities, in order to help devise policies suited to their needs. In this connection, please give examples of programmes being implemented by the Directorate for the Development of Indigenous Communities (paras. 209–215), especially in the areas of culture and crafts, since they focus on the recovery and appreciation of indigenous cultures (paras. 219–221).
2. The Committee would like to know whether there is a distinction between the terms “indigenous” and “aboriginal”, since both were used in the State party’s report, and requests clarification regarding the use of the terms.

Article 1

3. Please provide further details of the situation regarding the application of Act No. 26162 of November 2006, which recognizes the competence of the Committee on the Elimination of Racial Discrimination (CERD/C/ARG/19-20, para. 5). In particular, please provide information on the relationship between the Act and the institutions mentioned in paragraphs 5 and 15 of the report.
4. Regarding the status of the International Convention on the Elimination of All Forms of Racial Discrimination in Argentine law (para. 13), please specify whether the Convention may be invoked directly before the courts. Please also give examples, where they exist.

Article 2

5. Please provide more information on the current situation as regards the process launched by Decree No. 1086/05 and the document entitled “Towards a National Plan against Discrimination – Discrimination in Argentina. Diagnosis and proposals” (para. 17)

and on how the participation of the provinces, the Autonomous City of Buenos Aires and provincial municipalities has evolved. Please also provide information on the implementation of the proposals contained in the National Plan, in particular the review of all existing legislation and the proposals entitled “Legislation for Integrating Diversity in Equity” and the steps that are being taken to guarantee access to justice for indigenous peoples. Please also indicate how aspects of the Plan that have already been implemented will be assessed.

6. Please indicate how many of the complaints received by the National Institute against Discrimination, Xenophobia and Racism (INADI) specifically concern cases of racial and ethnic discrimination (paras. 15–20). Please also indicate how many telephone calls have been made to the free hotline concerning cases of racial and ethnic discrimination (para. 57).

7. Please provide an overview of the work carried out by INADI. How does the State party ensure that INADI obtains sufficient resources? Please furnish more information on Act No. 23592, of 5 November 1988, which allows INADI to receive complaints concerning discriminatory acts, as well as information on the interdisciplinary approach adopted by INADI (para. 58), the *Guardia Jurídica Gratuita* (free legal advice service) (para. 59), and the rapid dispute resolution unit and its jurisdiction (para. 62). In particular, with regard to the special technical opinions issued by INADI (para. 69), please explain their legal impact, implementation procedure and how Act No. 23592 punishes illegal and criminal activities related to discrimination (para. 109).

8. Please provide additional information on the work of the National Institute of Indigenous Affairs (INAI) in its task of coordinating available mechanisms to comply with the constitutional requirement to “recognize the indigenous communities’ possession and ownership of the lands they traditionally occupy” (paras. 21 and 22).

9. Please give further details of the tool referred to as “the Discrimination Map” (para. 53) for the elaboration of public policies, the preparation of campaigns and as a means of dialogue.

10. Please give examples of the work and results of the network of researchers mentioned in the report (para. 54).

11. Please give details of the impact the establishment of the Council on Indigenous Participation and the Coordinating Council has had on the development and implementation of public policies (paras. 133–139).

12. What progress has been made with the application of the provisions of chapter XI of the National Education Act on intercultural bilingual education (paras. 222 and 223)?

13. What results have been achieved with the Programme on Support for Intercultural Indigenous Education and the Programme to Support Aboriginal Intercultural Education (paras. 224–249)?

Article 4

14. What are the exact provisions of Act No. 23592 and the Criminal Code (para. 109) that punish the offence and the racist activities described in article 4 of the Convention?

15. Regarding the examples of anti-discrimination case law provided in paragraphs 38–47, the Committee notes that they do not refer specifically to cases that directly concern acts of racial discrimination. Please give some examples of case law that directly concern acts of racism, in the light of article 4 of the Convention.

Article 5

16. Please provide more details on Act No. 25871, the National Migration Act of January 2004 (para. 36). In particular, please highlight how it deals with the problem of racial discrimination within its scope and indicate what the review process mentioned in paragraphs 148 to 150 consists of.

17. What are the advantages of enrolment in the National Registry of Indigenous Communities (RENACI) for indigenous communities? How will RENACI operate at the provincial level (para. 22)?

18. Please furnish further details of the situation described briefly in paragraphs 129 to 131 concerning indigenous lands and communities and the implementation of Act No. 26160 of November 2006 declaring a four-year state of emergency in order to halt the eviction of indigenous peoples, to permit territorial resettlement and to regularize their communal property.

Article 6

19. As regards the Complaints and Procedures Programme of the Office of the Secretary for Human Rights of the Ministry of Justice, Security and Human Rights, the Committee requests more information on the procedure to be followed and the penalties applied, where necessary (para. 35).

20. The Committee notes the examples of case law cited concerning the collective ownership of communal lands and would like to know what consensus is being reached as regards the situation (annex II).

Article 7

21. What is the current status of the Executive Decree on the Day of Cultural Diversity (para. 97)?

22. Please provide more information on the measures envisaged under the National Plan against Discrimination for the communication media (para. 100 (b)), specifically on the work and results of the Media and Discrimination Forum mentioned (para. 101) and the Discrimination in Radio and Television Observatory (para. 256), in particular in connection with campaigns to combat racial discrimination.

23. Please give details of the main NGOs that were consulted during the preparation of the periodic report (introduction, fourth paragraph).
