

## International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General 23 August 2023

Original: English

## Committee on the Elimination of Racial Discrimination 110th session

**Summary record of the 2989th meeting** Held at the Palais Wilson, Geneva, on Thursday, 10 August 2023, at 3 p.m.

Chair: Ms. Shepherd

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Combined twenty-fourth to twenty-sixth periodic reports of Uruguay

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The meeting was called to order at 3.05 p.m.

## **Consideration of reports, comments and information submitted by States parties under article 9 of the Convention** (*continued*)

Combined twenty-fourth to twenty-sixth periodic reports of Uruguay (CERD/C/URY/24-26; CERD/C/URY/Q/24-26)

1. At the invitation of the Chair, the delegation of Uruguay joined the meeting.

2. **Mr. Albertoni** (Uruguay), introducing his country's combined twenty-fourth to twenty-sixth periodic report (CERD/C/URY/24-26), said that the culture and customs of Uruguay had been shaped by migrants. In the last decade numerous migrants from elsewhere in Latin America had arrived in Uruguay and, like earlier generations of migrants, had been integrated into the country's social, cultural and economic life. The Indigenous Peoples who had been the country's original inhabitants had unfortunately been largely absorbed into the non-Indigenous population during the colonial and early post-colonial periods, but their history had become better known during the past two decades and had been incorporated into educational textbooks. The historical and cultural contribution of the population of African descent had also been recognized, and in recent years official information on the ethnic and racial self-identification of that population had been obtained. During the 2023 Population, Household and Housing Census, the Ministry of Social Development had conducted an audiovisual campaign to highlight the importance of self-identification of the population of African descent.

3. Ethnic and racial considerations had been mainstreamed in public policies and efforts to achieve the full realization of human rights. The Human Rights Secretariat of the Office of the President had begun drafting the first National Human Rights Plan (2023-2026) in 2021. It provided for a human rights approach in public policies and the elimination of all forms of discrimination in State institutions. The drafting procedure would shortly be completed.

4. Since the submission of the country's periodic report in 2020, several new laws had been enacted, including Act No. 19924 of 18 December 2020, article 510 of which had established the Division for the Promotion of Public Policies for People of African Descent within the Ministry of Social Development. Act No. 20053 of 24 June 2022 recognized candombe as an autochthonous cultural expression of Uruguayan identity. A bill currently under consideration would amend the Criminal Code to criminalize acts of discrimination against members of specific groups, for instance in the areas of employment, transport, sports and access to public or private services.

5. The National Plan for Racial Equity and People of African Descent (2019–2022) aimed to enhance the design, implementation, monitoring and evaluation of public policies, programmes and affirmative action initiatives for the population of African descent. On 24 July 2023, the Government had issued a guide for the implementation of the employment quota for people of African descent in the public sphere. The Division for the Promotion of Public Policies for People of African Descent planned to establish an observatory to monitor affirmative action efforts.

6. Steps had been taken to facilitate access to health care, including a full range of sexual and reproductive health services, for people of African descent, migrants, Indigenous persons, asylum-seekers and refugees. Ethnic and racial data had been included since September 2022 in birth certificates and paediatric health cards. With regard to training and education to combat prejudice and intolerance, Uruguay was following the guidelines of the United Nations World Programme for Human Rights Education. The Teaching Guide on Education and People of African Descent was being updated to incorporate an ethnic-racial perspective in the educational curriculum. The Division for the Promotion of Public Policies for People of African Descent received technical support for the promotion of an ethnic and racial perspective in State agencies. More than 1,300 civil servants had received online and in-person training since 2022. Steps had been taken to include a gender perspective in public policies, with a particular focus on women of African descent.

7. There had been an increase in recent years in migrants and asylum-seekers, predominantly young people from Cuba and the Bolivarian Republic of Venezuela. The Department of Migrants had dealt with 3,387 cases in 2020 and 2,758 cases in 2021. The first Plan for the Integration of Migrants and Refugees, adopted in 2022, was designed to facilitate their integration and to promote their contribution to national development. Workshops involving competent public institutions and civil society organizations were held each month.

8. The third survey on gender-based and generational violence would be conducted in 2024 and would address gender-based violence faced by migrant women. The National Directorate for Gender Policy of the Ministry of the Interior had developed training courses for police officers in areas such as human rights, diversity, the ethnic and racial perspective, and human trafficking and exploitation. Training courses were provided for the staff of the Ministry of the Interior on the incorporation of an ethnic and racial perspective into public policies. The Ministry also publicized reporting channels and advisory services for persons experiencing racism, discrimination or xenophobia.

9. **Mr. Israel** (National Human Rights Institution and Office of the Ombudsman) said that he was concerned about persistent gaps between people of African descent and the rest of the population, particularly in the area of employment. Under the employment quota of 8 per cent set pursuant to Act No. 19122 of 2013, 12,403 persons of African descent should have been employed in State-run institutions during the period from 2014 to 2022, but the actual number was only 2,993. Only 27 of the 126 bodies that were obliged to meet the quota had attempted to do so, and only 6 had met or exceeded the quota. Compliance by executive agencies and public enterprises was relatively good, but compliance in the legislative and judicial branches was lower, and compliance in the public education and health sectors was virtually non-existent. There were several reasons that might explain such non-compliance. For instance, many of the entities that had failed to comply enjoyed legal autonomy, which made it difficult for them to be sanctioned for non-compliance.

10. A reason given for the lack of employment of people of African descent in certain posts was their lack of the necessary professional qualifications, which was largely due to historical discrimination and poverty. The National Institute of Employment and Vocational Training was seeking to improve the situation, but little progress had been achieved to date. Secondary school dropout rates among young people of African descent were also a barrier to employment. The prevailing situation evidenced a lack of interest or willingness to enforce Act No. 19122 for the benefit of the Uruguayan population of African descent.

11. **Mr. Vega Luna** (Country Rapporteur) said that he wished to know more about how the criterion of ethnic and racial self-identification had been incorporated into the 2023 Population, Household and Housing Census. He would also like to know what strategies were used to train the personnel tasked with carrying out the Census and to raise awareness among the population on the application of the ethnic and racial perspective. The Committee would appreciate updated information on the demographic composition of the population, in particular economic and social indicators on the situation of different groups, including people of African descent, Indigenous Peoples, migrants, refugees and asylum-seekers, and stateless persons. It would also be useful to know what measures had been taken to incorporate the ethnic and racial perspective in a systematic manner into data collection and the administrative records of public institutions.

12. The Committee would welcome specific information on cases in which the Convention had been invoked and applied by national courts. It would also be interested in hearing about training courses on the Convention for public officials, including law enforcement officials and personnel of the judicial system. Information on concrete measures taken to raise awareness among the population about their rights, complaints mechanisms, and judicial and non-judicial remedies would be appreciated. For example, had the State party taken any steps to inform civil society organizations and the general public about the communications procedure provided for under article 14 of the Convention?

13. It would be useful to learn whether any provisions of the Uruguayan Constitution, other than its article 8, expressly prohibited all forms of discrimination. He also wished to know whether the State party had general anti-discrimination legislation that defined direct and indirect discrimination, covered all forms of discrimination and specifically prohibited

racial discrimination based on descent. The delegation was invited to indicate whether the Criminal Code had been brought into line with Article 4 of the Convention by including as punishable acts the dissemination of ideas based on racial superiority, incitement to racial discrimination and the provision of assistance for racist activities, and by prohibiting organizations that promoted and incited racial discrimination. Further information would be welcome on concrete measures taken to prevent, investigate and punish hate speech and incitement to discrimination, xenophobia and racial violence in the media and on the Internet. He was curious to know whether data on the occurrence of such acts were collected.

14. The Committee understood that a bill currently under consideration would repeal Act No. 19307, on audiovisual communication services, which offered legal protections against discrimination online. In the Committee's view, that would represent a significant step backward. He would like to learn whether there were other legislative provisions on the prevention, investigation and punishment of acts of discrimination on the Internet or social media platforms and what measures the State party had taken to prevent, investigate and punish such acts and, generally, any act that contravened the Convention.

15. He would like to know what resources had been allocated to the National Human Rights Institution and Office of the Ombudsman, the Honorary Commission against Racism, Xenophobia and All Other Forms of Discrimination and the National Advisory Council for Ethnic and Racial Equity and People of African Descent, and whether departmental or regional commissions of the National Advisory Council had been established. He wondered whether there were arrangements in place for cooperation between those bodies and other institutions working on the same matters. It would be interesting to learn whether the National Human Rights Institution and Office of the Ombudsman could investigate, provide legal advice on and bring to trial individual cases of racial discrimination. If so, he would welcome statistics on such cases.

He would be grateful if the delegation would outline the measures taken to implement 16. the National System for Racial Equity and People of African Descent. He wondered what impact the System had produced in terms of closing the existing social divide between the population of African descent and the rest of the population. Similarly, he would be interested in gaining a greater understanding of the impact of the National Plan for Racial Equity and People of African Descent (2019–2022). For instance, had the Plan significantly improved the socioeconomic conditions and political participation of the population of African descent? He would like to hear what measures had been taken to ensure the effective and meaningful participation of organizations of people of African descent in the evaluation of the implementation of the Plan and the results achieved, including during the coronavirus disease (COVID-19) pandemic. It would be interesting to learn whether the State party had a system for gathering the lessons learned during the implementation of the Plan and whether there had been dialogue with civil society to reflect on those lessons and how they might inform the National Strategy on Policies for Persons of African Descent 2030. An update on the status of the National Strategy, and on any plans to extend the National Plan, would be appreciated.

17. Lastly, he would be interested to learn what steps the State party has taken to adopt a comprehensive policy and a national plan to combat racial discrimination. Had the State party consulted with organizations of persons of African descent, Indigenous Peoples, refugees and other populations protected under the Convention in that regard?

18. **Mr. Diaby** (Country Task Force) said that he would like the delegation to outline any measures taken to implement relevant legislation on racial discrimination and related offences; to ensure effective and thorough investigations and proceedings in discrimination cases; to ensure that victims of racial discrimination had effective access to judicial proceedings and that they received adequate redress; and to combat racial discrimination and stereotypes in the legal system. It would be useful to learn the outcome of the 85 complaints filed in parliament by the Association of Public Defenders regarding allegations of abuse by law enforcement officials in 2021.

19. He would welcome information on the number of complaints of racism, racial discrimination, xenophobia and related behaviours recorded over the preceding five years; the numbers of complaints lodged in relation to employment, education, access to housing,

access to health services and political participation; the main victims of acts of racial discrimination and related crimes, with an indication of whether they were persons of African descent, Indigenous Peoples, or other groups protected under the Convention; and the outcomes of such cases, including the sanctions imposed on the perpetrators and the reparations granted to the victims. He would also like to know whether statistics were available on complaints of religious intolerance, particularly in relation to religious practices and beliefs of persons of African descent. What measures had been adopted to promote respect for the religions of people of African descent and to protect their leaders and followers?

20. He would like to learn more about how human rights in general, and the fight against racism and racial discrimination in particular, were included in educational materials. He would also like to know how historical perspectives were included in public education in relation to human rights violations and injustices against ethnic minorities, especially Indigenous Peoples and persons of African descent. In that regard, he wondered whether the State party had made efforts to raise awareness among the general population of the historical impact of slavery on the population of African descent. It would be interesting to hear more about the impact of the National Human Rights Education Plan, particularly concerning racial discrimination. He wondered how the State party ensured that people of African descent, Indigenous Peoples and other groups protected under the Convention were represented in educational materials and how their contributions to the country's history were highlighted. He would be grateful if the delegation would describe the concrete measures taken to ensure that the Indigenous Peoples of Uruguay could preserve, develop, express and disseminate their identity, history, culture, traditions and customs.

21. He would appreciate information on what steps the State party was taking to combat racial stereotypes and whether there were plans to adopt legislation to fight xenophobia and racism at sporting events. In relation to the latter, he wondered whether the State party had taken any action against the footballer Edinson Cavani, who had used the phrase "gracias, negrito", an expression with racist undertones, in a social media post.

22. The Committee had been informed that only a fifth of public bodies respected the quota whereby persons of African descent must account for at least 8 per cent of new employees. He wished to know whether any penalties had been imposed on bodies that did not respect the quota.

23. **Mr. Kut** (Follow-up Coordinator) said that, while he welcomed the timely submission of the State party's periodic and follow-up reports, they lacked the previously requested information on measures to promote the access of people of African descent to decision-making positions the private sector. The Committee had previously requested information and updated statistics disaggregated by ethnicity on educational attainment, school dropout rates and educational financial assistance. He invited the delegation to provide that information. In paragraph 112 of its periodic report, the State party noted the ongoing challenges in ensuring that the ethnic and racial perspective was included in all scholarship programmes in order to meet the quotas for students of African descent. He would like to know what those challenges were and whether any progress had been made since the submission of the report.

24. **Ms. Esseneme** said that she would like to know whether the State party had evaluated the 8 per cent recruitment quota to ensure that it was in line with the current proportion of persons of African descent in the population. She wished to know whether there was an oversight mechanism to ensure compliance with the quota.

25. **Ms. Tlakula** said that, given that the State party's policies and plans to combat racial discrimination only applied to persons of African descent, she would like to know whether there were any plans to resume the development of a national plan to combat all forms of discrimination. She also wondered whether the State party was planning to adopt specific legislation to address hate speech and the incitement of hatred online.

26. **Ms. Ali Al-Misnad** said that she would like to know how many children of African descent were enrolled at all levels of education and how many were actually attending school.

The meeting was suspended at 4.15 p.m. and resumed at 4.30 p.m.

27. **A representative of Uruguay** said that the Uruguayan Constitution provided for the equality of all persons before the law. The most specific provisions on racial discrimination was contained in Act No. 17817, which established the concept of discrimination and declared the fight against racism, xenophobia and all other forms of discrimination, exclusion, restriction, preference or act of violence based on race, skin colour, religion, national or ethnic origin, disability, aesthetic appearance, or gender or sexual orientation or identity that had the purpose or effect of nullifying or impairing the recognition, encluse of human rights and fundamental freedoms in the political, economic, social or cultural spheres or in any other area of public life. That definition included most of the elements under article 1 of the Convention, although direct and indirect discrimination were not defined in the national legislation.

28. The Criminal Code provided for two criminal offences in relation to discrimination. Article 149 bis criminalized the public incitation of hatred, contempt or any form of violence against one or more persons because of their skin colour, race, religion, national or ethnic origin, sexual orientation or identity. The publication of hateful or discriminatory remarks in the media, including the Internet and social media, was also criminalized.

29. Article 149 ter of the Criminal Code provided for prison sentences of 6 months to 2 years for persons who committed acts of violence against one or more persons because of their skin colour, race, religion, national or ethnic origin, while article 6 of Decree-Law No. 10279 provided for prison sentences of 10 months to 5 years for persons who established or directed organizations that promoted racial hatred. Article 28 of Act No. 19307 provided that audiovisual media outlets could not broadcast content that incited or advocated discrimination or racial or religious hatred. Article 5 of the Constitution provided for freedom of religion, while articles 304 to 306 of the Criminal Code provided for the protection of places of worship and of persons of different religions.

30. There had been cases in which perpetrators of racial violence had been convicted. For example, in October 2022, a man had been found guilty of racial hatred for sending threatening and racist messages to a woman on social media. From 2018 to 2021, two convictions had been handed down for hate crimes and 10 for acts of violence. Furthermore, the Civil Court of Appeal had cited the Convention in a recent discrimination case.

31. Victims of racist acts could file complaints at any police station. The Code of Criminal Procedure provided for the right of victims to be heard, to participate in proceedings pertaining to their case, to present evidence and to be duly compensated for the harm caused to them. The Victims and Witnesses Unit of the Attorney General's Office had been established to ensure that those rights were upheld. A network of 344 public defenders throughout the country represented all persons who could not afford private legal counsel. Judicial officials received mandatory training on human rights. From 2018 to 2022, the Centre for Judicial Studies of Uruguay had provided such training to more than 1,000 officials. The training covered the prevention of racial and ethnic discrimination and the rights of migrants and refugees, among other topics.

32. A representative of Uruguay said that the Government had taken a number of measures to meet the 8 per cent quota for the employment of persons of African descent in the public sector. Although the quota had yet to be met, there had been a noticeable increase in the percentage of persons of African descent applying for public sector posts. The Government continued to take steps to increase the number of applications received from suitably qualified persons of African descent. It published all public sector vacancies on an online portal and collected data on applicants' race and ethnicity. It also kept a register containing information on all civil servants in the country, including on their race and ethnicity. Soon it would be possible to cross-reference that information with the findings of the 2023 census, which would indicate whether respondents self-identified as Afrodescendants and whether they worked in the public or private sector. Civil servants received training on anti-discrimination policies and on promoting human rights and preventing discrimination, including in the area of recruitment.

33. **A representative of Uruguay** said that, according to the 2011 census, 8.1 per cent of the population had self-identified as being of African descent and 2.4 per cent as Indigenous.

Although poverty was more prevalent among persons of African descent than among other population groups, the proportion of persons of African descent in poverty had fallen from 18.7 per cent in 2019 to 17.6 in 2022. The 2023 census would provide up-to-date statistics on the number of persons who self-identified as being of African descent. In addition, the Government, in collaboration with the World Bank, had launched a race self-identification campaign on social media, television and radio and in the written press. Notable musicians, sportspeople and other social and cultural figures had contributed to the campaign, fostering a sense of pride and belonging among the target population groups. The demographic and socioeconomic data gathered through the census and the aforementioned campaign would inform the design and implementation of public policies to combat structural racism in the country.

34. The Government had initiated a consultation process for the extension of the National Plan for Racial Equity and People of African Descent until 2025. The main areas of activity of the Plan would be education, employment and civil society participation. In the area of education, a peer tutoring programme had been established with the University of the Republic to improve the learning and career prospects of persons of African descent. In the area of employment, persons of African descent had accounted for around 20 per cent of the 2,800 participants in a work placement programme rolled out by the Ministry of Social Development. And in the area of civil society participation, the Government had consulted with civil society organizations within the framework of the National Council for Ethnic and Racial Equity and People of African Descent, which had held over 20 meetings since its formation in 2020.

35. **A representative of Uruguay** said that police officers were trained to uphold human rights in their work and were bound by law to treat all persons equally, regardless of their age, gender, ethnicity, religion or socioeconomic status. The training delivered by the National Directorate for Police Education covered Act No. 17817, on measures to combat racism, xenophobia and discrimination, and Act No. 19122, which included provisions for the promotion and implementation of affirmative actions for persons of African descent. In April 2023, the Directorate had signed an agreement with the National Human Rights Institution and Office of the Ombudsman to mainstream the human rights perspective in its training for civil servants. Its training programme referred specifically to the Convention.

36. Information on the procedures for reporting hate speech and discrimination was widely disseminated. As of 2022, the resource guide of the National Directorate for Gender Policy had a specific section on the various bodies to which complaints of racism, discrimination and xenophobia could be reported, which included almost 300 police stations, the Attorney General's Office, the National Human Rights Institution and Office of the Ombudsman and the Honorary Commission against Racism, Xenophobia and All Other Forms of Discrimination.

37. The Ministry of the Interior had begun building a new website to provide high-quality data on complaints submitted, and data on complaints regarding online hate speech and discrimination would be available in the near future. The computer investigations department of the National Police Investigations Directorate continuously monitored social networks for discriminatory posts and shared its findings with other police departments. From 1 January 2020 to 30 May 2023, a total of 593 complaints had been submitted for acts covered under articles 149 bis and 149 ter of the Criminal Code. The police had processed the complaints and referred them to the Attorney General's Office for investigation and resolution.

38. **A representative of Uruguay** said that the idea of discrimination based on lineage and bloodline had been rejected during the fight for independence, as part of the country's rejection of the monarchy. Since the country's independence, all citizens of Uruguay were considered equal before the law.

39. The Honorary Commission against Racism, Xenophobia and All Other Forms of Discrimination was part of the Ministry of Education and Culture and was composed of representatives of various State institutions. It received and examined complaints and reports of discrimination, produced technical opinions on cases and provided advice to victims. Neither the Commission nor the National Human Rights Institution had the authority to prosecute cases or issue legal opinions. The two organizations worked together to share

information on complaints and provide insight into the human rights situation in the country. They also offered guidance to other organizations – including State institutions and sports clubs – on how to handle specific instances of discrimination.

40. In 2022, the Commission had received 48 requests for information and 30 requests for direct intervention and referral to the courts. In 2018, the Commission had introduced categories that allowed cases to be classified as cases of multiple discrimination. Most reports cited discrimination based on race or ethnicity s. The Government was aware, however, that discrimination was underreported.

41. Human rights were central to education in Uruguay. The Government was currently implementing the fourth phase of the World Programme for Human Rights Education. At all stages, education was based around the two broad themes of human rights and inclusion, which included education on interculturality, including both historical and recent migration. Teaching guidance on issues related to the population of African descent had been developed in 2016 and was being updated in 2023. A cloud-based platform for sharing such educational materials had been developed during the COVID-19 pandemic. A key focus of the education system was on fostering a multicultural view of national identity that took into account the population's Indigenous, European and African origins and on helping students develop independent critical thinking and knowledge on topics such as cultural heritage, genocide, persecution and slavery.

42. No figures were available on the number of children of Africa descent in school because education was universal, free and compulsory. Hence, all children were required to attend school.

43. A representative of Uruguay said that, between 2020 and 2022, the National Institute of Employment and Vocational Training had provided training to some 120,000 persons, of whom 12 per cent had been persons of African descent – a figure higher than the proportion of the population who were of African descent. Since 2019, the rate of employment among persons of African descent had increased by 0.8 per cent, while the rate of unemployment had dropped from 12.2 per cent to 11.6 per cent – a level comparable to that achieved in 2018, when the national economy had been prospering. While the employment gap between persons of African descent and those not of African descent had increased to 5.1 per cent during the COVID-19 pandemic, it was returning to pre-pandemic levels, having reached 4.1 per cent in 2022. The rates of informal employment and underemployment among persons of African descent — and the gap between persons of African descent — and the gap between persons of African descent — and the gap between persons of African descent — and the gap between persons of African descent — and the gap between persons of African descent — and the gap between persons of African descent with regard to both indicators — had also decreased since 2019.

44. In the area of affirmative action, the Government provided grants to young persons to help them acquire their first formal work experience. In the preceding two grant cycles, around 11 per cent of grants had been allocated to persons of African descent. In 2021, 9.6 per cent of subsidies had been allocated to persons of African descent. In October 2022, the Government had launched a programme to support socially vulnerable groups, through which businesses were eligible to receive salary subsidies if they employed migrants or persons of African descent who were living below the poverty line. The subsidy allowance was higher for female employees because women, particularly those of African descent, tended to face greater difficulty in finding employment. The subsidy covered up to \$850 per month per employee, equivalent to more than 1.5 times the minimum wage, for a period of up to 12 months. The aim of the subsidy programme was to send a clear message to the private sector that the Government wished to prioritize the integration of such socially vulnerable groups into the labour market.

45. **A representative of Uruguay** said that she would be grateful if the Committee could provide further information on the complaints submitted to parliament regarding police violence so that she could respond to the question asked in that regard.

46. The Media Act (Act No. 19307) remained in force. The Act prohibited audiovisual communication services from broadcasting content that incited or condoned discrimination, hate or violence on the basis of nationality, race, religion, sex, gender, sexual orientation, disability, age, cultural identity or socioeconomic status.

47. The education system was currently undergoing reform. A technical committee comprising representatives of the executive, the legislature and civil society had been established with a view to ensuring that issues relating to African racial and ethnic identity were incorporated into the curriculum, in line with existing legislation and the country's national and international commitments. Consideration of such issues was also central to the Educational Development Plan 2020–2024.

48. Article 29 of Act 18027 prohibited the public condonement of offences criminalized under the Act, including genocide. The Senate had recently discussed a bill that would amend the Criminal Code to criminalize any attempt to hinder a person's access to work, public spaces, public transport, events or public or private services on the basis of skin colour, religion, ethnicity, race or sexual identity or orientation. In addition, to combat indirect discrimination, the bill provided that website administrators who failed to immediately remove reported discriminatory content would be held liable.

49. Another bill proposed amendments to the mandate of the Honorary Commission against Racism, Xenophobia and All Other Forms of Discrimination with a view to enabling it to work more effectively across the country. In response to recommendations received from the Honorary Commission and from civil society, the Government planned to transfer responsibility for the Commission to the Human Rights Secretariat of the Office of the President in order to make its functions more cross-cutting and effective. The Commission would be given authority to investigate and pursue legal action in cases of racist, xenophobic or discriminatory behaviour.

50. **Mr. Diaby** said that he hoped to receive more information on the sanctions imposed on public bodies that failed to meet the employment quota for persons of African descent. He would also appreciate an answer to the questions raised in regard to discrimination and hate speech in sports.

The meeting rose at 5.50 p.m.