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TO COMBAT RACISM AND RACIAL DISCRIMINATIONGlobal compilation of national legislation against  
racial discriminationReport of the Secretary-General

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## I. INTRODUCTION

1. The Second World Conference to Combat Racism and Racial Discrimination held at Geneva from 1-12 August 1983, in its Declaration adopted on 12 August 1983, recognized the central importance of national legislation and judicial and administrative action to combat racial discrimination, and the specific value of recourse procedures for the implementation of human rights norms. In the Programme of Action adopted on the same day, the Conference recommended, inter alia, that:

(a) Governments, where necessary, should guarantee non-discrimination on grounds of race and equal rights for all individuals in their constitutions and legislation;

(b) Governments, where necessary, should undertake to review and update all national legislation and remove all discriminatory provisions;

(c) Legislation should be consistent with international standards embodied in international instruments;

(d) Victims of discrimination should be informed and advised of their rights, by all possible means, and given assistance in securing those rights;

(e) Governments should, where necessary, establish appropriate and effective machinery, including conciliation and mediation procedures and national commissions to ensure that such legislation is enforced effectively and thereby to promote equality of opportunity and good race relations.

2. The Programme of Action further provided, in this regard, that a system of regular review and appraisal should be continued, to enable Member States and all organizations of the United Nations system, including relevant regional bodies and non-governmental organizations, to assess the measures taken towards achieving the aims and objectives of the Decade.

3. In addition, the Programme of Action provided that States, within the framework of their national legislation and policy and according to their means, should set up national institutions for the promotion and protection of human rights. Those institutions should study legal developments and review the laws and policies of the Government with a view to ensuring the elimination of all discriminatory laws, prejudices and practices based on race, sex, colour, descent and national and ethnic origin.

4. The Programme of Action included a separate section on recourse procedures for victims of racial discrimination in which States were invited to take into account within their domestic recourse procedures the following considerations:

(a) Access to such procedures should be as broad as possible;

(b) Existing recourse procedures should be publicized within their respective jurisdictions, and victims of racial discrimination should be assisted in utilizing the procedures where appropriate;

(c) In each jurisdiction the rules relating to the initiation of complaints should be made simple and flexible and capable of being entertained in the language of the complainant;

(d) Complaints of racial discrimination should be dealt with as expeditiously as possible, and there should be a time-limit with regard to the length of investigations;

(e) Indigent victims of racial discrimination should receive legal aid and assistance in prosecuting their complaint, with the help of an interpreter when necessary, in civil or criminal proceedings.

5. In addition, the Programme of Action provided that victims of racial discrimination should have the right to seek from tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.

6. These recommendations of the Conference were included in the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination approved by the General Assembly in its resolution 38/14 of 22 November 1983.

7. At the request of the General Assembly, the Secretary-General submitted to that body at its thirty-ninth session a plan of activities for the 1985-1989 period for implementing the Programme of Action for the Second Decade, in which it was suggested that the Assembly could consider inviting the Secretary-General to compile and publish a consolidated volume of national laws designed to combat racism and racial discrimination. It was also suggested that the compilation could be presented to the Sub-Commission on Prevention of Discrimination and Protection of Minorities and to the Committee on the Elimination of Racial Discrimination for their examination and recommendations, with a view to the further development of such national legislation on a universal basis.

8. In its resolution 39/16 of 23 November 1984, the General Assembly invited the Secretary-General to proceed immediately with the implementation of the activities contained in that plan of activities. The following year the Assembly, in its resolution 40/22 of 29 November 1985, invited the Secretary-General to submit the global compilation of national legislation against racial discrimination to the Assembly's forty-third session.

9. The global compilation of national legislation against racial discrimination is only one of the elements within the framework of the Decade's activities relating to national legislation and national institutions for the promotion of racial tolerance and the prevention of discrimination. Among the other elements are:

(a) The preparation of "model legislation" in the field of racial discrimination (A/39/167, para. 12);

(b) The organisation of training courses for legislative draftsmen (*ibid.*, para. 13) - the first course took place in New York in September 1987 (see E/1988/10);

(c) The preparation of a handbook of recourse procedures in the field of racial discrimination (A/39/167, para. 15); a seminar was held on this issue at Bangkok from 2 to 13 August 1982 (see ST/HR/SER/A/13);

(d) The preparation of a manual of existing national institutions promoting tolerance and harmony and combating racism and racial discrimination (A/39/167, para. 25);

(e) The organisation of a meeting of representatives of national institutions for the purpose of promoting an exchange of experiences in the field (*ibid.*, para. 26);

(f) The organization of regional workshops on the adoption of legislation to combat racism and racial discrimination (resolution 42/47, annex);

(g) The organization of a seminar on community relations commissions and their functions (*ibid.*) - a seminar on this subject was held at Geneva from 9 to 20 September 1985 (see ST/HR/SER.A/17).

10. In order to prepare the global compilation of national legislation against racism and racial discrimination the Secretary-General, on two occasions, requested relevant information from Governments. The following 44 States responded:

Australia	Iran (Islamic Republic of)
Austria	Malawi
Bahamas	Mauritius
Brazil	Mexico
Bulgaria	Netherlands
Byelorussian Soviet Socialist Republic	New Zealand
Canada	Nigeria
China	Norway
Colombia	Pakistan
Cuba	Panama
Cyprus	Poland
Czechoslovakia	Portugal
Denmark	Qatar
Dominica	Spain
Ecuador	Trinidad and Tobago
El Salvador	Turkey
Finland	Tuvalu
France	Ukrainian Soviet Socialist Republic
Germany, Federal Republic of	Union of Soviet Socialist Republics
Ghana	United Arab Emirates
Hungary	United Kingdom of Great Britain and Northern Ireland
India	Venezuela

11. Thirty-four of those responding submitted the text of constitutional or legal provisions, totalling more than 1,200 pages, and 10 responses asked the Secretariat to extract the needed information from 61 reports previously submitted under the International Convention on the Elimination of All Forms of Racial Discrimination. The Secretariat reviewed and analysed this material, which fell under the following headings: equality and non-discrimination in the enjoyment of human rights, specific institutions for the promotion of racial tolerance and harmony, recourse procedures, remedies, penalties and the fight against apartheid.

12. The review and analysis of this material and the selection of appropriate extracts required considerable time, and the resulting compilation, just recently completed, is close to 250 pages in length. The English version of this text will be made available to the General Assembly for consultation. However, given the delicate nature of extracting information from constitutional and legislative texts, and the need to reflect the most recent developments, the Secretary-General is of the view that the provisional text should be transmitted to the Governments concerned for any comments or corrections they might wish to make before it is issued as an official document. The official document should be available prior to the first regular session of 1989 of the Economic and Social Council.

## II. OVERVIEW OF THE TEXTS SUBMITTED FOR THE GLOBAL COMPILATION

13. The constitutional and legislative texts submitted reflect the concerns and recommendations of the Second World Conference and the General Assembly as outlined above. Each one of the elements for national action dealt with by the Conference and the Assembly found constitutional and legislative expression in the texts submitted. Most States responding provided information and texts relating to the basic guarantees of equality in the enjoyment of human rights, either taken globally or with regard to specific human rights. They also, in many cases, supplied information on non-discrimination provisions relating to the exercise of specific rights. Information was also provided on the mechanisms established for protecting the enjoyment of human rights and on the sanctions provided for in cases of violation.

14. A few States submitted the text of legislation dealing specifically with race relations or the promotion of human rights, focusing on the issue of discrimination in many areas and establishing specific procedures in that regard. The following overview seeks to highlight the main points of the texts submitted. It is not exhaustive, and particular States are mentioned by way of example.

### A. Equality and non-discrimination in the enjoyment of human rights

15. It is recognized by the overwhelming majority of States that individuals are entitled to equality of treatment before the law, and most States have passed legislation to this effect. The form and content of such legislation varies from one country to another. Many States do not raise distinctions as regards the class of persons protected by the law, thus ensuring universal equality of treatment.

Examples of this would include the constitutions of Brazil - "all are equal before the law"; Canada - "every individual is equal before and under the law"; and El Salvador - "all men are equal before the law". In each of these examples, not only is the class of persons protected an infinite one but it is specifically emphasized that for the purposes of the law in question discrimination on the basis of race is not permitted.

16. Legislation passed has sometimes raised the distinction of citizenship as regards the class of persons protected. This distinction may be of little practical significance if, as in the case of the Union of Soviet Socialist Republics, another law guarantees non-citizens the rights and freedoms provided by law and specifically mentions that aliens have the right to apply to court to protect their various rights.

17. Even where it has been officially recognized that individuals are to be treated equally by the law, it has been acknowledged that there might be practical problems in the achievement of this policy. The Constitution of Austria draws attention to this by stating that nationals belonging to a minority should receive the same treatment "in law and in fact".

18. It is the view of some States that to realize de facto equality for all it may be necessary to take affirmative action in support of some groups in society that have already been victims of discrimination. In New Zealand and the United Kingdom of Great Britain and Northern Ireland, for example, the taking of such action is deemed not to be in breach of the laws against racial discrimination. This position is shared by Canada where, for instance, the law expressly obliges employers to examine situations in which employees might be suffering discrimination and to take steps to eradicate it.

19. In New Zealand, the State has taken the precaution of legislating against discrimination by subterfuge. Consequently, where a condition is imposed which is not apparently in contravention of a provision but which has a discriminatory effect in a situation that would otherwise be unlawful, then that condition will be deemed to be unlawful unless the person imposing it establishes good reason for its imposition and shows that its imposition is not a subterfuge to avoid complying with that provision.

20. Many States, such as El Salvador, have recognized the need to ensure that civil rights are enjoyed by all without discrimination. Although it could be argued that the general declarations of equality provided by most States are enough to ensure this, many of them have gone further in specifically listing at least some of the rights to be enjoyed free of discrimination. For example, some States seek to ensure that all persons are free to marry as they choose. In New Zealand, any condition in restraint of marriage that is based on race will be null and void. The Venezuelan constitution declares that no impediment imposed by another country will be recognized as a bar to an alien wishing to marry in Venezuela. There are some countries, such as Bulgaria, that go further in indicating that any person who takes measures to prevent mixed marriages shall be punished.

21. The right to own and transfer property is recognized for everyone by the constitutions of, for instance, Portugal and El Salvador. It is recognized in Mauritius that all, regardless of race, have the right to the protection of their property and to be free of deprivation thereof unless they are properly compensated. This sort of protection is also recognized in Tuvalu. In both States, however, the right to property is subject to the rights of others as well as to the national interest.

22. The right to security of person is one of the utmost importance in ensuring the dignity of human beings and, therefore, one that should be guaranteed by States to all persons, citizens and non-citizens alike. States have legislated on this issue in two principal ways. Some, as illustrated by the constitution of Trinidad and Tobago, have asserted the right of the individual to liberty and the security of the person. Others approach this issue differently, for example, the constitution of the United Arab Emirates seeks to secure the right by declaring that all persons should be free of arbitrary arrest, searches or restriction of liberty. In other States, the constitution also declares that no person should be subjected to torture or degrading treatment. Other examples would include Venezuela, which seeks to ensure this right by allowing asylum for anyone in danger for political reasons, subject to his satisfying the conditions established by law.

23. Equality and non-discrimination in the exercise of political rights is also important. States often provide that there should be equal and universal suffrage, thus implicitly barring the possibility of racial discrimination. Laws in Austria and Trinidad and Tobago, for example, make this explicit by specifically prohibiting the interference with an individual's rights, inter alia, on the ground of race.

24. Some States have adopted legislation in order to ensure that their political systems are generally free of racial discrimination. In Panama, for instance, the constitution makes it unlawful to form political parties, inter alia, on the ground of race. Moreover, the electoral code states that political parties should not discriminate on the ground of race in their admission of members. In Portugal, the constitution indicates that deputies convicted by a court of participating in organizations linked to Fascist ideology shall forfeit their mandate. The constitution also lists a number of principles governing the conduct of election campaigns, including freedom in canvassing votes, equal treatment and opportunity for all candidates and the impartial treatment of all candidates by the public authorities.

25. Freedom of association and the right to assembly are provided for all, without distinction of race, by such States as Trinidad and Tobago and Tuvalu. Some States seek to protect the rights of individuals as members of an association. In Panama, a law provides that the beliefs of members of peasant organizations must be respected, regardless, inter alia, of race. In the United Kingdom of Great Britain and Northern Ireland, associations may not discriminate in admitting applicants or in the terms on which they will admit them. It is also provided that associations may not discriminate in granting to members access to any benefits of the association, nor may any member be arbitrarily deprived of his membership or made subject to any other detriment simply on the ground of race.

26. On the other hand, some States take steps to prohibit associations that promote racial discrimination. In Spain, associations formed for the promotion of racial discrimination are viewed as illegal. Similarly, Portugal prohibits Fascist organisations and Panama does not permit associations based on the premise of the superiority of any race. States such as Bulgaria, France and Iran provide for the punishment of individuals who either form or participate in the activities of associations such as these. In France, these types of associations can be dissolved and become null and void.

27. Freedom of expression is guaranteed to every person in, for example, Cyprus and Nigeria, and certain States explicitly state that it shall be enjoyed without distinction as to race. However, steps are also taken to prohibit the use of freedom of expression to promote racism. In Australia and New Zealand, for example, it is prohibited to publish an advertisement that indicates an intention to perform an act in breach of the laws against racial discrimination. In the United Kingdom of Great Britain and Northern Ireland, no one may advertise an intention to perform an act of racial discrimination, whether such act be unlawful or not. In Portugal, advertisements must not encourage, inter alia, racial discrimination. In Mexico, the broadcast of anything racially discriminatory is prohibited, as is the broadcast of anything which might bring ridicule to any person.

28. Freedom from discrimination in employment is also specifically guaranteed in some texts. In Australia, France, New Zealand and the United Kingdom, one may not refuse to employ or dismiss another on the ground of race. In the United Kingdom, it is stipulated that professional bodies and training courses responsible for conferring the appropriate qualifications may not withhold them on the ground of race, and the laws of Australia, Canada, Finland, New Zealand and the United Kingdom indicate that discrimination as to the conditions of work of employees is prohibited. In Canada, legislation provides that companies should pinpoint and, if necessary, correct by special measures and accommodation of differences, any conditions of disadvantage in employment experienced by racial minority groups.

29. Access to housing is another area where discrimination is prohibited. In Australia, Canada, New Zealand and the United Kingdom, it is prohibited for individuals to be denied access to property or to be discriminated against regarding the terms on which property is offered simply on the ground of race. These countries also prohibit the ill-treatment of occupants such as by depriving them of benefits they might otherwise have had and arbitrarily evicting them on the ground of race. In Dominica, it is indicated that a landlord may not withhold his licence on the ground of race, nor may an individual be harassed in Canada on the same ground.

30. Education is another area where discrimination is often specifically prohibited. In Cuba and Panama, all educational establishments are open to all without distinction of race. In Brazil, Colombia, New Zealand and the United Kingdom, it is specifically prohibited to bar the entrance of a student to an educational establishment on the ground of race. As indicated by the laws of Venezuela, the only limitation to access to education should be aptitude. In order to ensure that language is not an impediment to education, students in the Union of



Soviet Socialist Republics may choose their language of instruction. In Ecuador, it is stipulated that the indigenous population should be taught in its own language.

31. Education is an area where the fight against racial discrimination can be carried out. In Portugal, for example, the law states that education shall be used to eradicate all socio-economic prejudices. In Ecuador, the educational system is obliged to impart to children a greater understanding of their culture and society. Colombia shares this position and further stipulates that education should help forge greater links between the various groups in society. In Mexico, education is used to develop a sense of brotherhood in all citizens.

32. Many States have recognized the right of access to public services or facilities and have legislated in order to ensure that the right is enjoyed by all without discrimination. In Finland, for example, it is provided that anyone who does not serve another in the normal course of his employment, on the ground of racial discrimination, shall be punished. The laws of some other countries differ in two material respects. In Australia, Canada, New Zealand and the United Kingdom, for instance, even when the discrimination impeding an individual's enjoyment of this right is performed outside the normal course of the discriminator's employment, it is generally prohibited. Also, in these same countries, as in countries such as Brazil, Denmark and Norway, the sort of discrimination prohibited is more explicitly stated. They generally prohibit any person from barring another access to, or forcing another to cease the enjoyment of any services, facilities or places generally open to the public solely on the ground of race. Many of those countries also indicate that discrimination in the terms on which such access will be granted is prohibited. In an attempt to facilitate the application of these laws, the laws of New Zealand and the United Kingdom give examples of the sorts of facilities and places to which these laws shall be applicable.

**B. Specific institutions for the promotion of racial tolerance and harmony**

33. Some States have legislated to provide protective measures and institutions so as to facilitate the investigation of problems before they become too acute. Such measures and institutions also provide a mechanism for the mitigation or correction of any situations of discrimination that may arise. Commissions of this nature have been established in Australia, Canada and the United Kingdom of Great Britain and Northern Ireland. They undertake a variety of programmes under the general objective of striving to improve racial relations and promoting equality for all people. They have the task of creating, conducting or supporting research and educational programmes; they monitor the implementation of anti-discriminatory laws and impart their specialised knowledge and advice to other persons interested in the eradication of discrimination. In Australia, the subsidiary Community Relations Council assists the Commission by making recommendations to it as regards various relevant issues, either at request of the Commission or Minister or of its own volition.

34. Institutions such as the Commissions are also mandated to accept, investigate and try to settle complaints of discrimination, which they often do with the aid of subsidiary conciliatory machinery. These institutions are not merely passive but are entitled to act suo motu if they think that the circumstances so warrant.

### C. Recourse procedures

35. Recourse procedures before the courts are available for the protection of the individual's human rights in general, and thus for violations based on racial discrimination (in Venezuela, for example), and they are provided for in some States with specific reference to racial discrimination. In Mauritius, complaints of racial discrimination may be taken to the Supreme Court; in the Federal Republic of Germany, they may be taken to the Federal Constitutional Court. In Nigeria access is provided via the High Courts and in the United Kingdom of Great Britain and Northern Ireland via the county courts, which, for the purposes of handling racial discrimination, are entitled to grant the same sorts of remedies as the High Courts.

36. Many informal avenues of recourse have also been provided by some States. These are often cheaper and quicker than the formal ones and are therefore essential to an individual already suffering disadvantage. The conciliatory machinery of Australia and New Zealand are examples of such avenues of recourse. Countries such as the Federal Republic of Germany, New Zealand and the United Kingdom also provide access via such specialized bodies as industrial or equal opportunity tribunals. The institution of the Ombudsman in countries such as Austria, Denmark and Portugal provides a further avenue of recourse, while countries such as Portugal and Venezuela preserve the right of the individual to petition anybody in order to protect his rights and freedoms.

37. A number of specific measures have been undertaken by some States to facilitate access to recourse procedures for all sectors of the population. In Venezuela, the constitution provides that there should be laws ensuring that even those without means will be able to enjoy access. In the United Kingdom an individual contemplating or having actually commenced proceedings may seek assistance from the Commission for Racial Equality, which will grant it only if the circumstances of the case so warrant. As a further aid to complainants in pursuit of a case, the Secretary of State of the United Kingdom is entitled to prescribe forms in which alleged discriminators should be questioned. With the same goal in mind, the Human Rights Commission of Australia and the Conciliator of New Zealand may undertake investigations, either on complaint or suo motu, if they feel it appropriate in the circumstances. The Human Rights Commission of Australia is also entitled to convene compulsory conferences in order to fully ascertain the facts of a disputed situation. Within the general intention of facilitating access for complainants, individuals in countries such as Mauritius, Nigeria and Tuvalu do not have to allege that they have been actual victims of discrimination; it is enough that they allege that they are "likely to be". In Australia, it is indicated that where civil proceedings are undertaken to seek a remedy the individual has to prove his case to the reasonable satisfaction of the court only.

#### D. Remedies

38. Remedies in most countries consist of the possibility of obtaining redress for the violation of one's rights, as well as the possibility of ensuring that steps are taken to terminate ongoing infringements and to prohibit any potential infringements. In Mauritius and Nigeria, the courts are authorized to secure the enjoyment of rights by issuing such writs and making such order and directions as they consider to be appropriate. Such wide discretion is also provided for in the United Kingdom of Great Britain and Northern Ireland, where complaint of racial discrimination may be pursued in court in the same manner as any claim in tort or for breach of statutory duty.

39. Some countries specify at least a few of the remedies available to individuals whose rights have been violated. In Hungary, for instance, an individual may apply to court to establish the commission of a wrong or for some other forms of satisfaction, such as a declaration by the wrongdoer. In Australia and Canada, specific performance may be sought in order to ensure that a person responsible for a discriminatory act takes measures to compensate for those actions. A variety of other measures may be applied for, some of which appear to be designed to restore the status quo. In Australia, for example, if the discrimination resulted in the making of a contract, such contract may be annulled or have its terms varied. In Canada, a complainant can ensure that opportunities and privileges one was formerly denied should be made available.

40. Financial compensation is a remedy that is often provided for. In Hungary, for instance, anyone offended in the enjoyment of his rights may apply to court for damages. Such recourse is most often used to cover material losses such as, in the case of Australia, loss of benefits. In Canada one may claim for lost wages and expenses incurred in obtaining alternative goods and services where such losses were brought about by acts of discrimination.

41. Other remedies exist which are more suited to the termination of ongoing breaches or prohibiting potential ones. In New Zealand, for example, one may seek that an assurance be given to the conciliator that all discriminatory practices will be discontinued and will not be resumed in the future. In Australia, Canada and Hungary, one may apply for an injunction to prevent future breaches of one's rights. Although similar in object and effect, the latter remedy differs from the former in that it is imposed on the discriminator by a judicial body.

#### E. Penalties

42. In addition to declaring that individuals are entitled to enjoy certain rights free of discrimination, and providing remedies for those whose rights have been violated, some States have sought to secure the enjoyment of rights by imposing various types of penalties for certain acts of racial discrimination. For instance, in Brasil it is a punishable offence to refuse lodging or goods to another person on account of his race. In France and Norway also, discrimination in the provision of services is punishable. Many States punish individuals not only for acts of racial discrimination, but also for advocating or promoting racial

discrimination, for example by acts of incitement, agitation and propaganda aimed at arousing racial hatred. Threats of violence, provocation and defamation with the same intent are also punished. Some States impose punishments even in the absence of intent; in the United Kingdom of Great Britain and Northern Ireland, an individual is punished for his actions if, having regard to all the circumstances, racial hatred was likely to be aroused by such actions. A similar law exists in Hungary. In the Netherlands, acts of incitement are punished if done with reasonable cause to suspect what their effect will be, if actual intent is proven, the punishment is doubled.

43. A wide variety of penalties are employed by States in their attempts to secure the general enjoyment of rights. In the Netherlands, for instance, if a person is convicted for discrimination in the course of his occupation twice within five years, such person may be barred from continuing the same occupation. Similarly, in Brazil, if it is found that discrimination is practised in allowing access to public service, the person in charge of the selection procedure is stripped of his functions. In Ecuador, where a public body is found to be engaging in acts of discrimination the director is imprisoned and loses his political rights for the duration of the prison term. The conviction of an individual in Turkey for using an association to promote discrimination, even if he is later pardoned, bars that individual from later forming another association. In Poland, if discriminatory views are expressed in a publication, the authorities are allowed to confiscate the instruments and objects employed in its production, even if they are not owned by the perpetrator.

44. However, the most widespread penalties for discrimination include prison sentences, such as may be imposed in Cyprus and Ecuador, or the payment of fines, as is provided for in countries like Finland and France. In Brazil, Denmark, Iran and New Zealand the imposition of either one of these penalties is provided for, and in countries like Dominica, the Federal Republic of Germany, Pakistan and the United Kingdom, the simultaneous imposition of both penalties for the same offence is allowed. In the Byelorussian Soviet Socialist Republic, for example, a term of either imprisonment or of exile may be imposed, and in Czechoslovakia, some other reformatory measure may be applied instead of imprisonment.

45. Certain factors are viewed by some States as aggravating the normal offence of discrimination and therefore warranting the imposition of stiffer penalties. The use of violence is viewed in this way by such States as Bulgaria, Czechoslovakia, Ecuador and Hungary. Also, in Bulgaria, any individual who instigates, sets up or leads a mob or association to acts of discrimination is punished more severely than the ordinary members of such a group. In Austria, Cyprus, Pakistan and Poland, the use of publications or some other media to promote discrimination attracts greater punishment than would otherwise be the case. In many countries severe punishment is provided for persons guilty of genocide. In Czechoslovakia, such a crime is punished by seven times the term of imprisonment than is normally imposed for discrimination. In Finland and the Federal Republic of Germany, individuals convicted for genocide may be punished with life imprisonment, and in the Bahamas, Bulgaria, Czechoslovakia and Hungary the death penalty is provided for.

#### **F. Fight against apartheid**

46. Many States, in particular in their reports submitted under the International Convention on the Elimination of All Forms of Racial Discrimination, clearly stated their opposition to apartheid and referred to their legislation in that sense, including that establishing in national law the crime of apartheid and laws or decisions cutting off economic relations with South Africa. India provided the text of its Anti-Apartheid Act, which gives force of law to those provisions from the International Convention for the Suppression and Punishment of the Crime of Apartheid annexed to the Act, and Cuba submitted a text providing penalties for certain acts done for the purpose of instituting or maintaining the domination of one racial group over another. Bulgarian legislation provides penalties for the practice of apartheid and Venezuela reported that the International Convention on the Suppression and Punishment of the Crime of Apartheid had become part of Venezuelan internal law. Very severe penalties are imposed for the crime of apartheid; for example, the death penalty is provided for in Bulgaria and India and long prison sentences in Cuba.

47. Several States reported severing economic relations with South Africa in the context of their activities against racial discrimination. Denmark provided the text of a Parliamentary Resolution dated 20 May 1984 on tightening the policy of sanctions against South Africa, and of a bill on prohibition of new Danish investments in South Africa and Namibia. Qatar submitted legislation halting petroleum exports to South Africa and severing all economic, trade and commercial relations with that country.

#### **III. CONCLUSIONS**

48. The global compilation of legislation against racial discrimination is one element in the Second Decade's overall effort aimed at strengthening the protection against racial discrimination on the national level. Other elements, as mentioned above, include, on the one hand, the preparation of basic reference texts such as the "model legislation", a handbook on recourse procedures and the preparation of a manual of existing national institutions and, on the other hand, steps designed to encourage or facilitate the adoption of those measures, such as training courses for legislative draftsmen, regional workshops on the adoption of legislation, and seminars on community relations commissions and their functions.

49. The texts submitted for the global consultation, taken together with the reports of seminars and training courses held on these matters and the information submitted in relation to international instruments in this field, provide a good basis for the preparation of "model texts". It is the Secretary-General's intention to proceed as rapidly as resources permit with the preparation of the "model texts" and with the organization of the seminars or training courses designed to encourage their adoption.

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