



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

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Summary record of the 1981st meeting

Held at the Palais Wilson, Geneva, on Friday, 19 February 2010, at 3 p.m.

Chairperson: Mr. Kemal

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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*)

Twelfth and thirteenth periodic reports of Guatemala (CERD/C/GTM/12-13; CERD/C/GTM/Q/12-13 and Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of Guatemala took places at the Committee table.*
2. **Mr. Pira** (Guatemala) said his Government recognized that racial discrimination continued to affect the population on a daily basis, particularly members of the Mayan, Garífuna and Xinca communities. Despite the considerable challenges it faced, however, it was committed to working towards the elimination of all forms of racial segregation and discrimination.
3. **Mr. Curruchich** (Guatemala), introducing his country's combined twelfth and thirteenth periodic reports (CERD/C/GTM/12-13), said that while the data collected on indigenous peoples were not completely accurate, recent figures showed that the Garífuna community consisted of some 6,100 individuals (0.4 per cent of the total population), the Xinca about 17,850 (0.13 per cent), and the Ladino approximately 8 million (58 per cent). About 0.5 per cent of the population was composed of people who had acquired Guatemalan nationality, and the remainder was made up of peoples of Mayan descent.
4. Replying to question 2 of the list of issues (CERD/C/GTM/Q/12-13), he said that the Government had not conducted any research into the Guatemalan population's knowledge of the Garífuna people. However, two awareness-raising campaigns had been run on the rights of the indigenous peoples, and indigenous women in particular. The Office for the Defence of Indigenous Women's Rights and the Presidential Commission on Discrimination and Racism against Indigenous Peoples in Guatemala (CODISRA) had coordinated the campaigns in cooperation with the Office of the United Nations High Commissioner for Human Rights. The Ministry of Culture and Sport had studied and promoted several aspects of the Garífuna culture, as had the tourist authorities. The Garífuna people were represented in several national institutions and ministries, and 26 November had been declared "Garífuna national day" by Legislative Decree No. 83 of 1996.
5. Turning to question 3, he said that Decree No. 52 of 2005, the Framework Law for the Peace Agreements, included the establishment of a national council for the implementation of the Agreements, which had made several recommendations, including the establishment of the Mayan University. The Secretariat for Peace was responsible for monitoring implementation, but was assisted by several bodies in that task. The Secretariat's 2009 report included a section on the Agreement on Identity and Rights of Indigenous Peoples. Public spending in the areas of the country with a majority indigenous population had increased in 2009.
6. In reply to question 5, he said that CODISRA had been set up under the "Public policy for coexistence and the elimination of racism and racial discrimination". Owing to the financial crisis, it had been necessary to focus on 22 of the 120 measures contemplated under the policy. The 22 areas currently being prioritized at the municipal level aimed to eliminate racism within the legal system, economic racism and institutional racism and to provide training for the prevention of racism. In addition to the implementation of the Peace Agreements, a further 13 policies focused on indigenous communities. Furthermore, Government Agreement No. 22-04 provided for the general application of intercultural bilingual education at the national level. A total of six institutional mechanisms were working to uphold the rights of indigenous communities. The Ministry of Public Health and

Social Assistance had set up a health unit for those communities and steps were being taken to improve data collection on indigenous groups.

7. Responding to question 7, he said that since the Cadastral Information Registry Act had been passed in 2005, efforts had been made to ensure that, in all its radio, television and printed communications, the Registry was sensitive to ethnicity, culture, language and gender and did not perpetuate any prejudices in relation to land registration. Other legislative measures that prioritized the rights of indigenous communities included the Food and Nutritional Security System Act and the Framework Law for the Peace Agreements. In addition, several bills were currently under consideration on questions such as indigenous jurisdiction, sacred sites, the rights of indigenous peoples, consultation with indigenous peoples, recognition of the Committee's competence, mining, and the prevention, elimination and prohibition of racism and racial discrimination against indigenous peoples. While there was not currently any specific legislation establishing the offence of racial discrimination, discrimination was an offence under article 202 bis of the Criminal Code. By the end of 2009, the Attorney General's Office had received 412 complaints of discrimination and racism. Four charges had been brought, resulting in one acquittal and three convictions.

8. In reply to question 10, he said that over the period 2007 to 2011, 9 per cent of deputies in the Congress of the Republic were indigenous, as were 39 per cent of mayors. Indigenous individuals currently held the following posts: 1 minister, 2 female and 2 male vice-ministers, 1 out of a total of 13 undersecretaries, 1 roving ambassador responsible for indigenous affairs at the international level, members of Councils of Elders for indigenous affairs, and 1 departmental governor. More indigenous people had registered to vote since the increase in the number of rural constituencies. The number of political parties and civil society organizations with majority indigenous participation had also increased.

9. As to economic, social and cultural rights, he said that there had been over 6,600 complaints from people working in assembly plants in recent years, some 624 of which had been from indigenous people. A total of 197 of the complaints had been resolved through conciliation, and the Government had established an inspection unit to monitor the industry. It had also developed a national housing strategy for the period 2008 to 2011, which should see the construction of 200,000 dwellings.

10. Turning to question 11, he said that 75 per cent of land awarded by the Land Fund between 2004 and 2008 had been to indigenous communities. Some 1,788 families had benefited from such awards in 2008. The Government had allocated funds to resolving land disputes, and the Land Fund had financed 50,000 loans for indigenous communities to rent land in 2010. The Cadastral Information Registry Act included provisions on land belonging to indigenous peoples, and several proposals had been made on incorporating the right to consultations with indigenous communities prior to the issuance of mining licences. The current Government would not grant any licences until the Mining Act had been reformed. There were currently 136 licences for prospecting and 262 for actual mining. Some 390 applications for licences were pending.

11. Between 2005 and 2008, about 24,000 people had been granted compensation for damage suffered during the armed conflict. Compensation had been in the form of money, study scholarships, social services, measures to preserve historical memory, burial, exhumations, restitution of housing and psychosocial services.

12. Replying to question 16, he said that the San José MINCESA company had not begun construction in San Juan Sacatepéquez. In a ruling of 21 December 2009, the Constitutional Court had urged the Government to introduce legislation on the right to consultation in such cases. It also granted *amparo* to indigenous people who applied for it and ordered the municipal council concerned to ensure effective consultations took place

and to communicate the results to the Government. The environmental impact study had revealed that some social aspects required further attention.

13. With regard to the right to health, provision had been made for increases in human resources, equipment and infrastructure in support of a three-tiered health-care system. Health-care programmes with a multicultural focus were also being implemented. As a result, the proportion of deaths attributable to transmissible diseases had declined from 76 per cent to 62 per cent of all deaths recorded. Special action was also being taken to reduce maternal and child mortality rates. Ministerial Agreement No. 1632 of 2009 provided support for the traditional and alternative medicine programme, the mapping of therapists, access to culturally and linguistically appropriate staff and services, an assembly involving indigenous peoples' organizations, and enhancement of the skills of 1,000 midwives in the departments of Totonicapán, Chimaltenango, Baja Verapaz, Quetzaltenango and Quiché.

14. With regard to access to justice, the Public Criminal Defence Institute, which ran 14 indigenous defence offices employing 14 defence lawyers and 14 bilingual interpreters, had dealt with 5,480 cases. The staff of the judiciary included 389 bilingual public employees and 6 community justices of the peace. Seventy-three mediation centres had been opened. Local dispute-settlement procedures were permissible. A Commission for Indigenous Affairs had recently been created within the Supreme Court of Justice. The Public Prosecution Service employed 18 interpreters, 13 men and 5 women.

15. The National Civil Police had a Division for Multiculturalism. Twenty indigenous languages were spoken and 4,184 officers were bilingual.

16. The Office of the Human Rights Procurator had dealt with 775 cases concerning the rights of indigenous peoples in 2004, including 80 concerning the right not to be discriminated against on ethnic grounds. The Office had dealt with 284 cases in 2005 and 198 cases in 2006, including 48 concerning racial discrimination. In 2007 it had dealt with 35 cases concerning racial discrimination.

17. With regard to the study entitled "Access of indigenous women to the official system of justice", there was no system in place to measure the results. However, activities aimed at promoting the rights of indigenous women had been identified. The Office for the Defence of Indigenous Women's Rights (DEMI) had been expanded to cover 12 departments. Provision had been made for coordination with the various bodies involved in the administration of justice (the police, the judiciary, the Public Criminal Defence Institute and NGOs), and advice and technical support had been provided for legal initiatives benefiting indigenous women.

18. With regard to the study on domestic violence against indigenous women, institutional and inter-agency action had been taken to reduce violence. The study had laid the theoretical and practical basis for the adoption of Legislative Decree No. 22-2008 (Law against Femicide and Other Forms of Violence against Women). Coordinated action to prevent and tackle violence against women was taken by task forces in Huehuetenango, Sololá, Alta Verapaz, Totonicapán, San Marcos and Chiquimula. Between 3,000 and 4,000 cases had been reported and dealt with in accordance with the requisite procedures. Networks to prevent and address violence against women had been established.

19. In the field of education, 38.68 per cent of indigenous children were enrolled in bilingual schools and 15.24 per cent of teachers were indigenous. In the area of culture and information, several ministries promoted cultural research and publications. The Ministry of Culture and Sport was responsible for looking after sacred sites. A large number of bodies were involved in publicizing the rights of indigenous peoples. Indigenous languages were promoted by the Ministry of Education and the Academy of Mayan Languages. Awareness-raising campaigns on racism and discrimination were organized by the DEMI and CODISRA, in coordination with OHCHR.

20. In response to the Committee's question regarding measures adopted to guarantee access to education, he said that some 470,000 families had been offered incentives to continue their education under the "My family is making progress" programme in 2009. Schools accommodating 180,000 children had been opened and 50,000 study grants had been awarded, including in areas with a majority of indigenous inhabitants. Provision had been made for universal access to free education. Teachers previously hired on a temporary basis had been offered permanent contracts. Basic education had been extended to all municipalities and support was provided for school meals, materials and equipment.

21. The National Council for Guatemalan Migrants, established by Decree No. 46-2007, coordinated the work of all bodies dealing with migrant issues. Working meetings had been held both in Guatemala and in the United States, where most Guatemalan emigrants lived. Awareness-raising campaigns had been organized and a comprehensive national policy on migration was currently being formulated. The Decree was to be published in the Mayan, Garífuna and Xinca languages. Provision had been made for coordination between United States consulates and the Indigenous Peoples Branch of the Human Rights Directorate at the Ministry of Foreign Affairs, chiefly in support of migrants speaking Mayan languages.

22. The Executive had drafted Legal Initiative 2699 concerning recognition of the Committee's competence under article 14 of the Convention to receive and consider communications from individuals or groups of individuals. Following a debate in Congress on 16 July 2002, it had been approved by the Congressional Committee on Indigenous Communities on 6 May 2004 and by the Ministry of Foreign Affairs on 3 June 2008. The second reading of the Initiative was currently under way and it was likely to be adopted at third reading.

23. **Mr. Murillo Martínez**, Country Rapporteur, welcomed the strong representation of indigenous officials and women in the State party's delegation but regretted the absence of persons of African descent, especially members of the Garífuna community, and of officials from the judiciary and the mining sector.

24. He had recently visited Guatemala for the first time and had witnessed the efforts being made to address the major challenges facing the country, especially since the advent of democracy in the mid-1980s and the signing of the Peace Agreements in 1996. As mentioned by the Deputy Minister for Foreign Affairs before the United Nations Human Rights Council, the challenges included the process of consolidation of democracy, the legacy of the internal armed conflict, organized crime, drug-trafficking and other socio-economic problems.

25. Guatemala was a diverse and multicultural country, but its ethnic groups had not been adequately recognized, so that they were not involved in decisions affecting them. The 1985 Constitution did not recognize the country's multicultural character. According to a report prepared for the Committee by the Office of the Human Rights Procurator, Guatemala's historical record of discrimination and racism against indigenous peoples was due to the fact that the distribution of political and economic power failed to reflect the country's diversity. According to the 2002 census, indigenous peoples accounted for 41 per cent of the population. They were composed of the Mayans, with 22 linguistic communities, the Afro-Guatemalans, known as the Garífuna, and the Xinca people. The "National survey of living conditions" conducted in 2006 found that 51 per cent of the population lived in poverty and some 15.2 per cent in extreme poverty. Of the total indigenous population of 4,973,168, no fewer than 3,721,100 (68 per cent) lived in poverty, including 1,354,995 in extreme poverty. As a result, 43.4 per cent of the country's children aged between 3 and 59 months suffered from chronic malnutrition. According to a 2007 report by UNICEF, Guatemala had the highest rate of chronic child malnutrition in Latin America, recording a rate of more than 80 per cent for the indigenous population.

According to FAO, 15 per cent of the total population of Guatemala were at risk of food insecurity.

26. He commended CODISRA for the high quality of its report to the Committee. The replies to the list of issues also provided detailed and up-to-date information, especially about the Garífuna people. The Committee had also received abundant information from NGOs, including a document containing a critical review of the application of the Convention in Guatemala, which he mentioned because it was endorsed by a large number of apparently highly representative organizations, such as the Rigoberta Menchú Foundation. Its view of the situation was diametrically opposed to that of the State party.

27. He appreciated the priority the State party had given in its report to the Committee's recommendations on its eighth to eleventh periodic reports (CERD/C/GTM/CO/11). He also commended, *inter alia*, the adoption of a public policy in favour of coexistence and the elimination of racism and racial discrimination; the adoption of a "Public agenda concerning the indigenous peoples as part of the Peace Agreements"; the adoption of a number of sectoral policies with components reflecting cultural diversity; and the signing of agreements aimed at promoting the national identity, institutions and development of the indigenous peoples, including the setting-up of the DEMI with an ambitious agenda.

28. The report nevertheless gave rise to a number of concerns and queries. The Committee would appreciate more statistical data to assist it in undertaking a rigorous assessment of progress made in the fight against racism and racial discrimination and persistent challenges. No recent data were available on the demographic composition of the population, access to education, employment and health care, life expectancy and, in general, the economic and social situation and the status of ethnic groups in relation to the national average. With regard to the forthcoming census, he enquired about the wording of the proposed question or questions. Had any pilot tests covering ethnic groups, including the Garífuna, been carried out and, if so, with what results? To what extent had ethnic groups been involved in preparing the census, and were the questions to be put to ethnic groups the product of coordination with their most representative spokespersons?

29. The problem of racism and racial discrimination in Guatemala was structural and was clearly reflected in the unequal situation of the indigenous and Garífuna peoples. Some of the most important steps taken by the State party to remedy the situation had been: the adoption of the ILO Convention concerning Indigenous and Tribal Peoples in Independent Countries (No. 169); the adoption of the public policy against racism and racial discrimination; the granting of legal status to the Agreement on Peace and Cultural Identity; and the creation of CODISRA.

30. However, the country was having trouble translating such legislative and administrative measures against racism into practical action. According to a representative group of spokespersons of indigenous peoples, little had been done to implement the Committee's recommendations on the State party's previous report. Racism and racial discrimination were still rampant. The Office of the Human Rights Procurator had mentioned among other cases that of a 72-year-old monolingual indigenous citizen, who had been admitted to hospital on the order of a court and treated for schizophrenia, persecution delirium and depression because the hospital staff had been unable to communicate with him. When an interpreter had finally been called in, it had been discovered that the man had actually been in good health.

31. He welcomed the judgement handed down by a court against three public officials for acts of racism against a female Deputy Minister belonging to an indigenous community. However, the characterization of the offence of racism in Guatemala did not yet correspond to the definition contained in article 4 of the Convention.

32. As recently noted by the United Nations Special Rapporteur on the Independence of Judges and Lawyers (A/HRC/11/41/Add.3), the justice system was marred by a number of serious shortcomings due primarily to structural factors and to the violence inflicted on members of the system, which contributed to a general climate of impunity, not only for the crimes committed during the armed conflict but also for those committed today. According to non-official sources, indigenous individuals accounted for 83 per cent of the victims of the armed conflict.

33. He noted, however, that action was being taken to increase the availability of interpreters. He also welcomed the State party's courageous decision to sign an agreement with the United Nations in 2006 that permitted the establishment of the International Commission against Impunity in Guatemala, which was cooperating with the State in dismantling illegal groups and security organizations and in prosecuting public officials who impeded the course of justice. As a result, the faith of the Guatemalan people in the judicial system was gradually being restored.

34. He welcomed the increased recruitment of bilingual staff to work in the courts of municipalities with a large indigenous population. The judiciary now had some 400 bilingual staff members. The community justices of the peace would also help to meet the special juridical needs of the indigenous peoples. Another positive step was the creation of the Unit for Women and Gender Analysis, which would seek to address serious problems affecting women, including femicide.

35. As to public policies, the information provided by the State party did not explain the impact of policies adopted in support of the indigenous peoples and the Garífuna. Such policies included the conclusion of a peace agreement on the identity and rights of the indigenous peoples and the Garífuna, which had since become law. He asked what further recent measures had been taken to promote indigenous rights.

36. Guatemala was a party to the ILO Convention concerning Indigenous and Tribal Peoples in Independent Countries (No. 169) and had been instrumental in the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, both of which emphasized the importance of prior consultation. One of the most frequent complaints by the indigenous communities, however, was the violation of the right to prior consultation, particularly in the mining and energy sectors. Consultations that had taken place had been at the initiative of the indigenous communities themselves, and had not, therefore, been equal in scope to the consultations provided for under the Convention and the Declaration. Prior consultation was a fundamental aspect of decision-making. Such consultations between the State and the indigenous peoples and the Garífuna would redefine relations between the State and those peoples and would be an opportunity to further intercultural dialogue. The participation of those communities during all stages of social, cultural and environmental impact studies was crucial.

37. He requested further information on the situation in San Juan Sacatepéquez, where protests against the building of a cement works had resulted in multiple murders, including the assassination one week previously of two defenders of indigenous peoples' rights. Severe punishment had been incurred for social protest, including a sentence of 150 years' imprisonment handed down in the case of Mr. Abelardo Kaqchikel. He asked what steps had been taken to investigate the assassinations and what the outcome of any investigations had been. He requested statistical information on consultation processes undertaken under ILO Convention No. 169 and the results of those consultations. He would also appreciate detailed information on the number of licences issued for the exploitation of mineral and energy resources in indigenous territories, and on measures taken to guarantee the participation of the potentially affected communities. He asked when the moratorium on mining on indigenous lands had taken effect. And he would welcome information on the environmental problems linked to mining in San Juan Sacatepéquez.

38. Measures should be taken to eliminate illiteracy among the indigenous peoples, and to prevent the dissemination of racial prejudice via the media. He wished to know what steps were still required before the State party would recognize the competence of the Committee to receive complaints from individuals on racial discrimination.

39. He noted with satisfaction the efforts being made to raise awareness about the Garifuna community. He asked what action was being taken to safeguard the traditional knowledge of the indigenous and Garifuna peoples, and requested the delegation to explain the significance of the date 22 February in the Mayan calendar.

40. **Mr. Avtonomov** said that although positive legislative measures had been taken to overcome illiteracy and provide bilingual education, particularly for indigenous children, some problems remained. He asked whether all children had the right to bilingual education or whether that right only applied to indigenous children. The most widely spoken languages in Guatemala should be given greater recognition and should be used in administrative and judicial procedures, rather than simply being considered part of Guatemala's cultural heritage.

41. He requested clarification of the number of indigenous people as a proportion of the total population. On the issue of prior consultation as provided for in ILO Convention No. 169, he said that while Decree No. 11-2002 approved by the President of Guatemala contained provisions on prior consultations with indigenous peoples, a decision of the Constitutional Court, dated 8 May 2008, had ruled that the results of such consultations were not binding. He therefore wondered whether the Convention was being implemented effectively. He would appreciate more information on the bill on consultations, which had been approved at first reading in 2005, but had not yet been enacted. He wondered why the adoption process was so slow. Racism and racial discrimination should be defined as a crime in domestic law, pursuant to article 4 of the Convention.

42. **Mr. Thornberry** said that the question of national self-definition was particularly interesting. While paragraph 143 of the State party report said that the Guatemalan Constitution recognized different cultures, peoples and ethnic groups, he had been surprised to find that reference in the section of the report on measures to eliminate apartheid. A distinction must be made between indigenous peoples' self-determination and the issues of apartheid and segregation.

43. He wished to know which languages were classed as "official", and drew attention to the disadvantages that could result from unfamiliarity with an official language, particularly for a complainant or defendant in legal proceedings. Since there were a significant number of non-Spanish speakers, he wondered how their access to public and private services was guaranteed.

44. Turning to the United Nations Declaration on the Rights of Indigenous Peoples he asked how Guatemala understood the concept of indigenous self-determination. He wondered to what extent indigenous self-definition would be included in the methodology for collecting the disaggregated statistics requested by the Committee.

45. Referring to ILO Convention No. 169 and its particular focus on consultation and the participation of indigenous peoples, he said that while the Government was taking steps to strengthen participatory democracy, the Constitutional Court had ruled that the results of consultations were not binding. He wished to know what progress had been made in amending legislation, such as the Mining Act, to include provisions on the importance of consultations.

46. He wished to know what was meant by the term "intercultural education". He asked what the relationship was between the indigenous justice system and the formal justice system. Since the administration of justice took place in Spanish, and pluralism was largely

unrecognized, he wondered whether the possibility of pluralizing the linguistic aspect of the justice system had been considered.

47. He was concerned to note that there was no domestic legal framework to address racial discrimination as required by article 4 of the Convention, despite the fact that the Committee had made recommendations to the State party in that regard on previous occasions. A simple constitutional provision to prohibit racial discrimination was rarely sufficient, given that the Convention was not self-executing, and therefore required national legislation to be adopted. He asked what measures were taken in Guatemala to address racist hate speech in general and incitement to racial hatred in the media in particular. Article 4 of the Convention was considered mandatory by the Committee and required legislation to be adopted prohibiting hate speech and the establishment of racist organizations.

48. He would be interested in receiving more information about alternative dispute mechanisms and measures to protect sacred indigenous sites. The Committee often discerned an overlap between ethnicity, religion and culture. Culture, particularly in the case of indigenous peoples, could not be detached from religion and spirituality. He commended the self-critical nature of the State party report, and noted with satisfaction that areas of concern to the Committee were the subject of active debate in Guatemala.

49. **Mr. Diaconu** drew attention to several good practices and methods that the Guatemalan Government had engaged in to preserve indigenous culture, such as the inclusion of cultural monuments and various forms of cultural expression as part of the country's national heritage, and even the world's heritage with help from UNESCO.

50. Other positive measures included the publication of various documents concerning human rights, the establishment of the DEMI and the Office of the Human Rights Procurator, and training for bilingual educators and bilingual judicial staff.

51. Some problems remained to be solved, however, such as the issue of land rights, which was especially important in the light of the spiritual significance of the land for indigenous peoples. He wished to know how many indigenous communities had not yet received land. He wondered whether environmental impact assessments were being carried out as required each time a development project was authorized. He would also like to know whether consultations with indigenous communities always took place. In 2007 the Constitutional Court had ruled that the results of those consultations were not binding. He questioned whether that was in line with ILO Convention No. 169, which Guatemala had ratified. He would like to know what had happened to development projects which had been refused by municipalities and whether they had subsequently been approved by the federal Government.

52. Many very important bills had not been enacted because the relevant parliamentary committee had failed to reach a decision by the deadline set. That was of serious concern, and the Government needed to find a way to adopt those laws because many of them were essential in action to combat racial discrimination. He would like to know the current status of several pending bills which were of great importance, including: Initiative 3808 – Moratorium on prospecting and mining; Initiative 3835 – Bill on the sacred sites of the indigenous peoples; Initiative to revise the Mining Act; Initiative for an agrarian law; and Initiative 3684 – Law on consultation with indigenous peoples.

53. The time had come to bring legislation into line with ILO Convention No. 169. Guatemala now had the ability to overcome its problems and Guatemalan society was ready to advance.

54. **Mr. de Gouttes** observed that according to some NGOs, indigenous peoples in Guatemala were still confronted with stereotypes that portrayed them as inferior, ill-adapted

to change and responsible for their own underdevelopment. Furthermore, the authorities tended to repress collective resistance by indigenous peoples against economic pressures from large companies. In the light of that situation, he would like to hear the delegation's opinion on the conflict between economic modernism and traditional customs. He asked what measures the Government planned to take to recognize indigenous peoples' spiritual connection to the earth.

55. He would like to know how the Government planned to ensure better coordination between the different bodies working to prevent racial discrimination. He would also welcome information as soon as possible on the fate of several bills which were of interest to the Committee, particularly the bill recognizing the competence of the Committee to receive and consider communications from individuals.

56. He noted that very few of the accusations of racial discrimination against indigenous peoples actually resulted in judicial proceedings. The delegation had mentioned that only three sentences had been handed down in 412 proceedings; he wished to know what those sentences were. Regarding the 6,619 accusations of violations of economic, social and cultural rights mentioned by the delegation, he wondered whether or not those were judicial accusations. He would also like to know whether that figure included certain cases highlighted by NGOs.

57. In the light of general recommendation No. 31 on the prevention of racial discrimination in the administration and functioning of the criminal justice system, he would welcome information on traditional justice systems among indigenous peoples and the availability of interpreters and bilingual counsellors in all judicial proceedings. He would also like to know more about the work of the community magistrates' courts and the *Iomb'e k'amalb'e* (defender) of human rights.

The meeting rose at 5.30 p.m.