

CULTURE - CULTURAL PARTICIPATION

IV. CONCLUDING OBSERVATIONS, CONTINUED

CERD

- Croatia, CERD, A/57/18 (2002) 24 at para. 97.

97. ...The Committee...recommends that the State party strengthen its efforts to address the high drop-out and poor performance rates of Roma children and guarantee non-discrimination, especially as regards respect for their cultural identity, language and values...

- Liechtenstein, CERD, A/57/18 (2002) 33 at para. 152.

152. The Committee...notes that the State party provides facilities to foreign associations organizing mother-tongue language courses and courses on the culture of countries of origin, but that it does not provide financial support for teachers or educational material. The Committee therefore recommends that the State party consider providing funding for associations that organize such courses.

- Lithuania, CERD, A/57/18 (2002) 35 at para. 164.

164. The Committee welcomes the efforts made by the State party to respect, protect and promote the realization of the cultural rights of persons belonging to national minorities. In particular, the Committee welcomes the State party's willingness to protect the expression of a diversity of identities, while at the same time enhancing the integration of all within society and the realization of the right of each person to participate and contribute to cultural and social life.

- Republic of Moldova, CERD, A/57/18 (2002) 41 at para. 214.

214. The Committee welcomes the decrees which the State party has adopted with the purpose of ensuring the functioning and development of languages of ethnic minorities and the development of the national culture of minorities, including Ukrainian, Russian, Jewish and Bulgarian groups. The Committee commends that the State party continue its efforts aimed at facilitating access to education in their mother tongue for members of minorities.

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- Botswana, CERD, A/57/18 (2002) 53 at paras. 301, 304 and 305.

301. The Committee is concerned by the discriminatory character of certain domestic laws, such as the Chieftainship Act and the Tribal Territories Act, which only recognize the Tswana-speaking tribes. Other tribes, especially the Basarwa/San peoples, are reported to suffer from cultural, social, economic and political exclusion, do not enjoy group rights to land, and do not participate in the House of Chiefs. Noting that the amendment of sections 77 to 79 of the Constitution is currently in process, the Committee recommends that recognition and representation of all tribes in Botswana on an equal basis be ensured in the Constitution, and that the Chieftainship Act and the Tribal Territories Act be amended accordingly.

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304. The Committee expresses concern that the ongoing dispossession of Basarwa/San people from their land and about reports stating that their resettlement outside the Central Kalahari Game Reserve does not respect their political, economic, social and cultural rights. The Committee draws the attention of the State party to its general recommendation XXIII on indigenous peoples, and recommends that no decisions directly relating to the rights and interests of members of indigenous peoples be taken without their informed consent. The Committee recommends that negotiations with the Basarwa/San and non-governmental organizations on this issue be resumed, and that a rights-based approach to development be adopted.

305. The Committee notes that the cultural and linguistic rights of the Basarwa/San are not fully respected, especially in educational curricula and in terms of access to the media. The Committee recommends that the State party fully recognize and respect the culture, history, languages and way of life of its various ethnic groups as an enrichment of the State's cultural identity and adopt measures to protect and support minority languages, in particular within education.

- Hungary, CERD, A/57/18 (2002) 63 at para. 370.

370. The Committee reiterates, in particular, its satisfaction with the promulgation and implementation of Act LXXVII of 1993 on the Rights of National and Ethnic Minorities, which recognizes 13 minorities and provides them with a degree of cultural autonomy, as well as a wide range of educational and linguistic rights, and sets up a system of minority self-governments.

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- New Zealand, CERD, A/57/18 (2002) 69 at para. 416.

416. The Committee welcomes acknowledgement of the disadvantaged position in society of minorities, especially Maori, and accordingly appreciates the large number of initiatives, programmes and projects in the areas of health, education, employment, social welfare, housing, language and culture, and correction services, which are designed to address the specific needs of Maori, Pacific Island people and persons from other groups such as refugees and ethnic minorities.

- Fiji, CERD, A/58/18 (2003) 25 at paras. 75 and 84.

75. The Committee notes the State party's intention to promote stability in the multi-ethnic and multicultural Fijian society, to restore and rebuild confidence among its citizens and communities and to strengthen the foundation for economic growth and prosperity for all in Fiji...

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84. The Committee welcomes the commitment of the State party to ensure the social and economic development as well as the right to cultural identity of the indigenous Fijian community. None of these programmes, however, should abrogate or diminish the enjoyment of human rights for all, which can be limited solely in accordance with the rules and criteria established under international human rights law. In this regard, the Committee strongly urges the State party to ensure that the affirmative action measures it adopts to pursue the above objectives are necessary in a democratic society, respect the principle of fairness, and are grounded in a realistic appraisal of the situation of indigenous Fijians as well as other communities. The Committee further recommends that the State party guarantee that the special measures adopted to ensure the adequate development and protection of certain ethnic groups and their members in no case lead to the maintenance of unequal or separate rights for different ethnic groups after the objectives for which they were taken have been achieved (article 1, paragraph 4, and article 2, paragraph 2, of the Convention).

- Ghana, CERD, A/58/18 (2003) 30 at para. 107.

107. The Committee appreciates the approach adopted by the State party that seeks to respect the customs and traditions of various ethnic groups on its territory, while at the same time enhancing the enjoyment of human rights for all. It further notes that, under article 26 of the Constitution, which protects cultural rights, customary practices which dehumanize or are injurious to the physical and mental well-being of a person are prohibited.

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- Morocco, CERD, A/58/18 (2003) 33 at paras. 135, 142 and 145.

135. The Committee notes with satisfaction the increased attention being paid to the Amazigh culture, as illustrated by the establishment by His Majesty King Mohammed VI of the Royal Institute of Amazigh Culture on 17 October 2001.

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142. The Committee invites the State party to review the situation of the Amazigh, in keeping with international human rights agreements, so as to ensure that members of the Amazigh community can exercise their rights to their own culture, the use of their own language, and the preservation and development of their own identity.

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145. The Committee also recommends that more programmes in Amazigh be included in the public broadcast media.

- Tunisia, CERD, A/58/18 (2003) 47 at para. 253.

253. The Committee notes that the State party did not provide information on the Berber (or Amazigh) population and on measures taken for the protection and promotion of their culture and language...The Committee recommends that increased attention be given to the situation of Berbers as a specific component of the Tunisian population.

- Albania, CERD, A/58/18 (2003) 53 at paras. 301, 308, 310 and 315.

301. The Committee welcomes with satisfaction the measures adopted to protect religious freedom and the considerable efforts made to promote the education and cultural rights of persons belonging to national minorities. It particularly commends the adoption of article 20 of the Constitution on education in the mother tongue.

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308. The Committee takes note of the distinction made by the State party in internal law between national minorities (Greek, Macedonian-Slav and Montenegrin) and linguistic minorities (Roma and Aromanian or Vlach). It notes the statement by the State party that this distinction has no effect on the rights enjoyed by persons belonging to such minorities. It nevertheless points out that article 20 of the Constitution does not expressly grant rights only to national minorities and that the members of linguistic minorities do not, in practice, enjoy the same cultural rights. Furthermore, persons belonging to the Roma and Aromanian minorities are reportedly not satisfied that their communities are classified as linguistic minorities alone, since the main components of their identity go beyond the question of language.

The Committee recommends that the State party reconsider the criteria on the basis of which

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the distinction between national minorities and linguistic minorities is based, in consultation with the groups concerned, and ensure that persons belonging to these communities enjoy the same rights, especially in the cultural field.

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310. The Committee takes note of the State party's explanations that "minority areas" no longer exist in Albania, as the persons belonging to minorities have the same rights, whatever their geographical location. The periodic report nevertheless refers primarily to measures adopted to implement cultural rights in districts where the Greek and Macedonian-Slav minorities are traditionally concentrated. These minorities complain about the lack of mother-tongue education system outside these regions and about the refusal by the Albanian authorities to respond to their requests for such education.

The Committee understands that the exercise of the right to study and to be taught in the mother tongue means that a specific number of members of a minority must be present in a particular geographical area. It also recognizes the efforts being made by the State party to ensure that mother-tongue classes and schools are maintained, despite the drop in the number of students. It nevertheless recommends that the State party ensure that the rights of members of minorities are not unduly restricted outside areas where these minorities are concentrated...

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315. The Committee is concerned about information relating to discrimination against the Roma in respect of access to education, health, hygiene, housing, employment, and sufficient and adequate food and water.

The Committee recommends that the State party intensify its efforts on behalf of the Roma minority, in accordance with general recommendation XXVII. Special efforts should be made, in consultation with the communities concerned, to integrate Roma children into the Albanian educational system, while allowing for the possibility of bilingual or mother-tongue instruction and respecting the communities' cultural identity and way of life...

- Cape Verde, CERD, A/58/18 (2003) 62 at para. 365.

365. While the Committee welcomes the efforts made by the State party to ensure the implementation of the Convention with respect to women and the existence of civil society organizations working in the field of promotion and protection of women's rights, it is concerned about the stereotyping of women in particular those of foreign origin in Cape Verde, as well as the insufficient representation of women at high political level in the labour market and in cultural affairs.

The Committee recommends that the State party take all appropriate measures to guarantee the equal enjoyment by women, free from racial discrimination, of the rights under the

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Convention and draws the attention of the State party to its general recommendation XXV on gender-related dimensions of racial discrimination.

- Norway, CERD, A/58/18 (2003) 79 at para. 469.

469. The Committee commends the State party's policy in respect of national minorities which is based on the principle of respect for cultural diversity.

- Malawi, CERD, A/58/18 (2003) 93 at para. 558.

558. The Committee is concerned that the registration of births is not compulsory, except for children of non-African origin.

The Committee underlines the existing link between the registration of births and the ability of children to enjoy civil, political, economic, social and cultural rights, as enumerated under article 5 of the Convention. It recommends that the State party review the Births and Deaths Registration Act in order to make birth registration compulsory for all children without any discrimination.

- Libyan Arab Jamahiriya, CERD, A/59/18 (2004) 21 at para. 108.

108. The Committee notes that, according to some information, there is no recognition of Amazigh language and culture in the Libyan Arab Jamahiriya and Amazighs are impeded from preserving and expressing their cultural and linguistic identity.

The Committee stresses the obligation of the State party, under article 5 of the Convention, to respect the right of Amazighs to enjoy their own culture and to use their own language, in private and public, freely and without discrimination. It invites the State party to enhance the enjoyment of the right of association for the protection and promotion of Amazigh culture, and to take measures especially in the field of education in order to encourage knowledge of the history, language and culture of Amazighs.

- The Netherlands, CERD, A/59/18 (2004) 29 at para. 150.

150. The Committee is concerned about the occurrence in the State party of racist and xenophobic incidents, particularly of an anti-Semitic and "Islamophobic" nature, and of manifestations of discriminatory attitudes towards ethnic minorities.

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The Committee encourages the State party to continue monitoring all tendencies which may give rise to racist and xenophobic behaviour and to combat the negative consequences of such tendencies. The Committee further recommends that the State party continue to promote general awareness of diversity and multiculturalism at all levels of education, paying particular attention to respect for the cultural rights of minorities, and pursue the effective implementation of measures to facilitate the integration of minority groups in Dutch society.

- Suriname, CERD, A/59/18 (2004) 36 at paras. 194 and 201.

194. The Committee notes with concern complaints by indigenous and tribal peoples in the interior about the deleterious effects of natural-resource exploitation on their environment, health and culture...

The Committee wishes to point out that development objectives are no justification for encroachments on human rights, and that along with the right to exploit natural resources there are specific, concomitant obligations towards the local population; it recommends adoption by the State party of a legislative framework that clearly sets forth the broad principles governing the exploitation of the land, including the obligation to abide by strict environmental standards...

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201. The Committee notes that the authorities appear to limit themselves to not hampering the exercise by the various ethnic groups and their members of their cultural rights.

The Committee recommends that the State party should respect and promote the indigenous and tribal peoples' cultures, languages and distinctive ways of life. It encourages the authorities to carry out a survey, in collaboration with the groups concerned, of the impact of economic development in the indigenous and tribal peoples' lands on their collective and individual cultural rights.

- Argentina, CERD, A/59/18 (2004) 45 at paras. 246 and 249.

246. The Committee is concerned about the State party's failure to enact the necessary legislation to implement the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169). The Committee further notes reported difficulties in recognizing the legal personality of indigenous peoples, the inadequate protection in practice of indigenous peoples' ownership and possession of ancestral lands and the consequential impairment of indigenous peoples' ability to practise their religious beliefs.

In the light of its general recommendation XXIII, the Committee urges the State party to:

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fully implement ILO Convention No. 169; adopt, in consultation with indigenous peoples, a general land tenure policy and effective legal procedures to recognize indigenous peoples' titles to land and to demarcate territorial boundaries; adopt measures to safeguard indigenous rights over ancestral lands, especially sacred sites, and compensate indigenous peoples for land deprivation; ensure access to justice, as well as recognize effectively the legal personality of indigenous peoples and their communities in their traditional way of life, and respect the special importance for the culture and spiritual values of indigenous peoples of their relationship with the land.

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249. The Committee regrets that despite the State party's efforts, the right to a bilingual and intercultural education for indigenous peoples recognized by the Constitution is not fully respected in practice. It takes note with concern of allegations regarding the lack of adequate training provided to indigenous teachers and discrimination faced by them, as well as the insufficient measures to preserve indigenous languages and to include the history and culture of indigenous peoples in school curricula.

The Committee recommends that the State party adopt all necessary measures to ensure, in consultation with the indigenous communities, a bilingual and intercultural education for indigenous peoples with full respect for their cultural identity, languages, history and culture, bearing also in mind the wider importance of intercultural education for the general population. It further recommends that adequate training be provided to indigenous teachers and effective measures be adopted to combat all forms of discrimination against them...

- Mauritania, CERD, A/59/18 (2004) 61 at paras. 348 and 349.

348. The Committee notes with concern the State party's policy of ensuring that the curricula in private and public schools are identical. While taking account of the State party's desire to monitor the quality of private education, the Committee nevertheless has doubts whether such control over private schools is conducive to the teaching of the languages and cultures of minority groups.

The Committee recommends that the State party respect parents' freedom to choose the type of education they wish for their children and to choose for their children private schools that offer programmes meeting their expectations in terms of culture and language.

349. The Committee is concerned about the delegation's statement that the Berber language is no longer spoken in Mauritania. According to some reports, a minority still uses this language, which is in danger of disappearing from the country.

The Committee recommends that the State party, in consultation with the community concerned, take steps to preserve the Berber language. Room should be made for Berber

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language, history and civilization in school textbooks, education and cultural events.

- Portugal, CERD, A/59/18 (2004) 66 at para. 362.

362. The Committee notes with appreciation the work performed by the Office of Multiculturalism, especially in promoting numerous programmes and projects in the field of education in respect of children belonging to ethnic minorities, in particular Roma/gypsies.

- Saint Lucia, CERD, A/59/18 (2004) 86 at paras. 447 and 450.

447. The Committee notes with concern that, according to certain sources, the Bethechilokono people are allegedly not invited to participate in decisions affecting them, including decisions concerning management of cultural sites and other cultural objects.

The Committee draws the attention of the State party to its general recommendation XXIII concerning the rights of indigenous peoples and recommends the establishment of mechanisms guaranteeing participation by the Bethechilokono people in decisions affecting them.

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450. The Committee notes with concern that, according to information received, the cultural rights of the indigenous peoples are allegedly threatened by the destruction of sacred and cultural sites and objects.

It requests the State party to take measures to preserve and protect the cultural heritage of the indigenous peoples...

- Australia, CERD, A/60/18 (2005) 13 at para. 27.

27. The Committee welcomes the adoption of a Charter of Public Service in a Culturally Diverse Society to ensure that government services are provided in a way that is sensitive to the language and cultural needs of all Australians.

- Azerbaijan, CERD, A/60/18 (2005) 18 at para. 62.

62. While welcoming the information provided on minority groups, the Committee regrets

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the insufficiency of information on the participation of these groups in the elaboration of cultural and educational policies. It is also concerned at the lack of programmes to support minority languages, and that those languages are not used in the educational system to an extent commensurate to the proportion of the different ethnic communities represented in the State party's population (art. 5).

The Committee invites the State party to facilitate the participation of ethnic minorities in the elaboration of cultural and educational policies. The Committee also recommends to the State party that it take the necessary measures to create favourable conditions that will enable persons belonging to minorities to develop their culture, language, religion, traditions and customs, and to learn or to have instruction in their mother tongue...

- Bahrain, CERD, A/60/18 (2005) 22 at para. 75.

75. The Committee appreciates the establishment of trade unions in 2002 for the first time in Bahrain as well as of cultural associations composed of foreigners.

- Lao People's Democratic Republic, CERD, A/60/18 (2005) 35 at para. 170.

170. The Committee notes that the State party has adopted a policy of resettling members of ethnic groups from the mountains and highland plateaux to the plains (art. 5).

The Committee recommends... to the State party that it study all possible alternatives with a view to avoiding displacement; that it ensure that the persons concerned are made fully aware of the reasons for and modalities of their displacement and of the measures taken for compensation and resettlement; that it endeavour to obtain the free and informed consent of the persons and groups concerned; and that it make remedies available to them. The State party should pay particular attention to the close cultural ties that bind certain indigenous or tribal peoples to their land and take into consideration the Committee's general recommendation XXIII of 1997 in this regard. The preparation of a legislative framework setting out the rights of the persons and groups concerned, together with information and consultation procedures, would be particularly useful.

- Turkmenistan, CERD, A/60/18 (2005) 61 at paras. 318, 321 and 325.

318. The Committee is deeply concerned by consistent information relating to the policy of

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“Turkmenization” conducted by the State party, and implemented through various measures in the field of employment, education and political life (arts. 2 and 5).

The Committee recalls that policies of forced assimilation amount to racial discrimination and constitute grave violations of the Convention. It urges the State party to respect and protect the existence and cultural identity of all national and ethnic minorities within its territory...

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321. The Committee is concerned about information that persons belonging to national and ethnic minorities are impeded from exercising their right to enjoy their own culture. In particular, it is concerned about the reported closure of minority cultural institutions and of numerous schools teaching in minority languages, in particular Uzbek, Russian, Kazakh and Armenian languages, and the reduced possibilities for the use of minority languages in the media (arts. 2 and 5).

The Committee recommends that the State party fully respect the cultural rights of persons belonging to national and ethnic minorities. In particular, the State party should consider reopening Uzbek, Russian, Kazakh, Armenian and other minority language schools. The Committee suggests that the State party reconsider the requirement that students belonging to national or ethnic minorities wear Turkmen national dress... The State party should ensure that members of national and ethnic minorities are not discriminated against in their access to the media and have the possibility of creating and using their own media in their own language.

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325. The Committee is deeply concerned by information that the State party has adopted measures drastically limiting access to foreign culture and art, foreign media and the Internet. While taking note of the abolition of the exit visa in 2004, it also remains concerned about the reported impediments imposed on Turkmen students wishing to study abroad (art. 7).

The Committee recommends to the State party that it respect the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or other media, in order to foster common understanding and tolerance amongst nations and ethnic groups. The Committee also recommends that the State party allow students to study abroad...

- Zambia, CERD, A/60/18 (2005) 75 at para. 397.

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397. The Committee, while welcoming the establishment of a Constitution Review Commission in 2003, reiterates its concern that article 23 of the Constitution, which allows for extended restrictions to the prohibition of discrimination with respect to non-citizens, matters of personal law and of customary law, is not in compliance with the Convention (art. 1).

The Committee recommends to the State party that it facilitate the constitutional review process and amend article 23 (4) of the Constitution so as to ensure the full implementation of the prohibition of racial discrimination. The Committee draws the attention of the State party to its general recommendation XXX (2004) on non-citizens. It also stresses that respect for customary law and practices should not be ensured through a general exception to the principle of non-discrimination, but should rather be implemented through positive recognition of cultural rights.

ICCPR

- Ukraine, ICCPR, A/57/40 vol. I (2002) 32 at para. 74(23).

(23) The Committee expresses its concern about the vague and undefined concept of "national minorities", which is the dominant factor in the State party's legislation on national minorities but does not cover the entire scope of article 27 of the Covenant. The Committee is also concerned about reports of cases of discrimination and harassment of persons belonging to minorities.

The State party should ensure that all members of ethnic, religious and linguistic minorities enjoy effective protection against discrimination, and that members of these communities can enjoy their own culture and use their own language, in accordance with article 27 of the Covenant.

- Sweden, ICCPR, A/57/40 vol. I (2002) 57 at para. 79(15).

(15) The Committee is concerned at the limited extent to which the Sami Parliament can have a significant role in the decision-making process on issues affecting the traditional lands and economic activities of the indigenous Sami people, such as projects in the fields of hydroelectricity, mining and forestry, as well as the privatization of land (articles 1, 25 and 27 of the Covenant).

The State party should take steps to involve the Sami by giving them greater influence in decision-making affecting their natural environment and their means of subsistence.

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- Georgia, ICCPR, A/57/40 vol. I (2002) 53 at para. 78(19).

(19) The Committee expresses its concern with respect to obstacles facing minorities in the enjoyment of their cultural, religious or political identities.

The State party should ensure that all members of ethnic, religious and linguistic minorities enjoy effective protection from discrimination and that the members of such communities can enjoy their own culture and use their own language, in accordance with article 27 of the Covenant.

- Viet Nam, ICCPR, A/57/40 vol. I (2002) 67 at para. 82(19).

(19) While noting that the State party denies any violation of the Covenant rights in this respect, the Committee remains concerned at the abundance of information regarding the treatment of the Degar (Montagnard) indicating serious violations of articles 7 and 27 of the Covenant. The Committee is concerned at the lack of specific information concerning indigenous peoples, especially the Degar (Montagnard), and about measures taken to ensure that their rights under article 27 to enjoy their cultural traditions, including their religion and language, as well as to carry out their agricultural activities, are respected.

The State party should take immediate measures to ensure that the rights of members of indigenous communities are respected. Non-governmental organizations and other human rights monitors should be granted access to the central highlands.

- Estonia, ICCPR, A/58/40 vol I (2003) 41 at para. 79(16).

(16) While welcoming the abolition of the requirement of proficiency in the Estonian language for standing as a candidate in elections and the assertion by the delegation that the use or size of advertisements and signs in other languages is not restricted, the Committee is concerned at the practical implementation of Estonian language proficiency requirements, including in the private sector, and the effect this may have on the availability of employment to the Russian-speaking minority. It is also concerned that, in those areas where a substantial minority speaks primarily Russian, public signs are not posted also in Russian.

The State party is invited to ensure that, pursuant to article 27 of the Covenant, minorities are able in practice to enjoy their own culture and to use their own language. It is also invited to ensure that legislation related to the use of languages does not lead to discrimination contrary to article 26 of the Covenant.

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- Germany, ICCPR, A/59/40 vol. I (2004) 39 at para. 68(21).

(21) The Committee is concerned that the Roma continue to suffer prejudice and discrimination, in particular with regard to access to housing and employment...

(a) The State party should intensify its efforts to integrate Roma communities in Germany in a manner respectful of their cultural identity, in particular through the adoption of positive action with regard to housing, employment and education.

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- Serbia and Montenegro, ICCPR, A/59/40 vol. I (2004) 68 at para. 75(23).

(23) While noting the adoption of the Law on the Protection of the Rights and Freedoms of National Minorities, the Committee remains concerned that the practical enjoyment by members of ethnic, religious and linguistic minorities of their Covenant rights still requires improvement. In this context, the Committee notes the lack of a comprehensive non-discrimination legislation covering all aspects of distinction (arts. 2, 26, 27).

The State party should ensure that all members of ethnic, religious and linguistic minorities, whether or not their communities are recognized as national minorities, enjoy effective protection against discrimination and are able to enjoy their own culture, to practise and profess their own religion, and use their own language, in accordance with article 27 of the Covenant. In this context, the State party should enact comprehensive non-discrimination legislation, in order to combat ethnic and other discrimination in all fields of social life and to provide effective remedies to victims of discrimination.

- Finland, ICCPR, A/60/40 vol. I (2004) 22 at para. 81(17).

(17) The Committee regrets that it has not received a clear answer concerning the rights of the Sami as an indigenous people (Constitution, sect. 17, subsect. 3), in the light of article 1 of the Covenant. It reiterates its concern over the failure to settle the question of Sami rights to land ownership and the various public and private uses of land that affect the Sami's traditional means of subsistence - in particular reindeer breeding - thus endangering their traditional culture and way of life, and hence their identity.

The State party should, in conjunction with the Sami people, swiftly take decisive action to arrive at an appropriate solution to the land dispute with due regard for the need to preserve the Sami identity in accordance with article 27 of the Covenant. Meanwhile it is requested to refrain from any action that might adversely prejudice settlement of the issue of Sami land rights.

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- Albania, ICCPR, A/60/40 vol. I (2004) 25 at para. 82(22).

(22) While noting the adoption of institutional measures to improve the rights of minorities, the Committee remains concerned that the practical enjoyment of the Covenant rights by members of ethnic and linguistic minorities is imperilled by a variety of factors and discriminatory practices (arts. 2, 26 and 27).

The State party is urged to ensure that all members of ethnic and linguistic minorities, whether or not they are recognized as national minorities, are effectively protected against discrimination and may enjoy their own culture and use their own language, have access to all social rights, participate in public affairs, and are provided with effective remedies against discrimination.

- Greece, ICCPR, A/60/40 vol. I (2005) 60 at para. 90(20).

(20) The Committee notes the State party's commitment to the equal enjoyment of their rights by all citizens of Greece, regardless of religion or ethnic origin. However, the Committee notes with concern the apparent unwillingness of the Government to allow any private groups or associations to use associational names that include the appellation "Turk" or "Macedonian", based upon the State party's assertion that there are no ethnic, religious or linguistic minorities in Greece other than the Muslims in Thrace. The Committee notes that individuals belonging to such minorities have a right under the Covenant to the enjoyment of their own culture, the profession and practise of their own religion, and the use of their own language in community with other members of their group (art. 27).

The State party should review its practice in light of article 27 of the Covenant.

- Syrian Arab Republic, ICCPR, A/60/40 vol. I (2005) 78 at para. 94(18).

(18) The Committee notes the information provided by the State party and the delegation's statement as to the absence of any discrimination on grounds of race, colour, descent, or national or ethnic origin in the State party. However, the Committee remains concerned at discrimination against Kurds and that the practical enjoyment by the Kurdish population of their Covenant rights is not fully guaranteed (arts. 26 and 27).

The State party should ensure that all members of the Kurdish minority enjoy effective protection against discrimination and are able to enjoy their own culture and use their own language, in accordance with article 27 of the Covenant.

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- Thailand, ICCPR, A/60/40 vol. I (2005) 83 at para. 95(24).

(24) The Committee expresses its concern about the structural discrimination by the State party against minority communities, in particular the Highlanders with regard to citizenship, land rights, freedom of movement and the protection of their way of life. The Committee notes with concern the treatment of the Highlanders by law enforcement officials, in particular their forced eviction and relocation in the context of the 1992 Master Plan on Community Development, Environment and Narcotic Crop Control in Highland Areas, which gravely affected their livelihood and way of life, as well as the reports of extrajudicial killings, harassment and confiscation of property in the context of the “war on drugs” campaign. The Committee is also concerned about the construction of the Thai-Malaysian Gas Pipeline and other development projects which have been carried out with minimal consultation with the concerned communities. In addition, the Committee is concerned about violent suppression of peaceful demonstrations by law enforcement officers in contravention of articles 7, 19, 21 and 27 of the Covenant (arts. 2, 7, 19, 21 and 27).

The State party should guarantee the full enjoyment of the rights of persons belonging to minorities that are set out in the Covenant, in particular with respect to the use of land and natural resources, through effective consultations with local communities. The State party should respect the rights of persons belonging to minorities to enjoy their own culture, to profess and practice their own religion, and to use their own language in community with other members of their group.

ICESCR

- Colombia, ICESCR, E/2002/22 (2001) 110 at paras. 761 and 782.

761. The Committee notes with regret that the traditional lands of indigenous peoples have been reduced or occupied, without their consent, by timber, mining and oil companies, at the expense of the exercise of their culture and the equilibrium of the ecosystem.

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782. The Committee urges the State party to ensure that indigenous peoples participate in decisions affecting their lives. The Committee particularly urges the State party to consult and seek the consent of the indigenous peoples concerned prior to the implementation of timber, soil or subsoil mining projects and on any public policy affecting them, in accordance with ILO Convention No. 169 (1989) concerning indigenous and tribal peoples in independent countries.

- Algeria, ICESCR, E/2002/22 (2001) 116 at para. 831.

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831. The Committee encourages the State party to preserve the language and culture of the Amazigh population and to take appropriate steps to implement the plans to accord constitutional status to the Amazigh language as a national language, as announced by the Government on 3 October 2001. The Committee furthermore recommends that the State party undertake measures towards the recognition of the Amazigh language as an official language.

- France, ICESCR, E/2002/22 (2001) 121 at para. 875.

875. The Committee also recommends that the State party increase its efforts to preserve regional and minority cultures and languages, and that it undertake measures to improve education on, and education in, these languages.

- Estonia, ICESCR, E/2003/22 (2002) 68 at paras. 493, 515 and 540.

493. The Committee notes with satisfaction that many cultural activities, such as theatrical performances, concerts, ballet and the like, continue to be subsidized in order to encourage the widest possible attendance.

...

515. The Committee is concerned about the persistent lack of attention to the issue of minority languages and cultural rights, including the realization of the right to education in minority languages.

...

540. The Committee recommends that the National Minorities Cultural Autonomy Act be revised to provide for the expedient and full recognition of the rights of minority groups. The Committee also calls upon the State party to ensure that ethnic groups continue to have ample opportunities to be educated in their own languages, as well as to use these languages in public life.

- Luxembourg, ICESCR, E/2004/22 (2003) 24 at paras. 74 and 104.

74. The Committee notes with appreciation the increase in the support and subsidies given by the State party to cultural associations and artists.

...

104. The Committee recommends that the State party continue and strengthen its efforts to support and subsidize cultural associations, including those of migrants.

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- Ecuador, ICESCR, E/2005/22 (2004) 39 at paras. 278, 298, 301 and 324.

278. The Committee is concerned that, although the Constitution recognizes the rights of indigenous communities to hold property communally and to be consulted before natural resources are exploited in community territories, these rights have regrettably not been fully implemented in practice. The Committee is deeply concerned that natural extracting concessions have been granted to international companies without the full consent of the communities concerned. The Committee is also concerned about the negative health and environmental impacts of natural resource extracting companies' activities at the expense of the exercise of land and culture rights of the affected indigenous communities and the equilibrium of the ecosystem.

...

298. The Committee is concerned that, despite the existence of schools and universities where indigenous languages are taught, major indigenous languages, particularly Quechua, are gradually disappearing.

...

301. The Committee strongly urges the State party to ensure that indigenous people participate in decisions affecting their lives. The Committee particularly requests that the State party consult and seek the consent of the indigenous people concerned prior to the implementation of natural resources-extracting projects and on public policy affecting them, in accordance with ILO Convention No. 169 (1989) concerning Indigenous and Tribal Peoples in Independent Countries. The Committee strongly recommends that the State party implement legislative and administrative measures to avoid violations by transnational countries of environmental laws.

...

324. The Committee urges the State party to take all possible measures to ensure that indigenous languages are better protected and that the teaching of these languages in schools is increased as an important part of the enjoyment of the right to culture of the indigenous people.

- China, ICESCR, E/2006/22 (2005) 25 at paras. 167, 168 and 197.

167. The Committee notes with concern the reports regarding the discrimination of ethnic minorities in the State party, in particular in the field of employment, adequate standard of living, health, education and culture. In this regard, the Committee regrets the insufficient information provided by the State party regarding the enjoyment of economic, social and cultural rights enshrined in the Covenant by populations in the ethnic minority areas. The Committee notes with concern the reports from sources other than the State party relating to the right to the free exercise of religion as a right to take part in cultural life, and the use

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and teaching of minority languages, history and culture and the Xinjiang Uighur Autonomous Region and the Tibet Autonomous Region.

168. The Committee notes with deep concern the restrictions placed on access to information with regard to academic research, foreign and domestic publications and the Internet.

...

197. The Committee urges the State party to remove restrictions on freedom of information and expression in the State party, to enable all persons under its jurisdiction to take part in cultural life, enjoy the benefits of scientific progress and its applications, and benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he or she is the author.

- Serbia and Montenegro, ICESCR, E/2006/22 (2005) 41 at para. 325.

325. The Committee recommends that the State party intensify its efforts to promote respect for the cultural values of ethnic communities in order to enhance mutual tolerance and understanding...

- Norway, ICESCR, E/2006/22 (2005) 48 at para. 334.

334. The Committee notes with appreciation the submission to Parliament, on 1 October 2004, of a new white paper on Norway as a multicultural society that includes people of various backgrounds, ethnicities, religions, cultures, languages and ways of life.

CEDAW

- Estonia, CEDAW, A/57/38 part I (2002) 13 at paras. 113 and 114.

113. The Committee expresses its concern that the report does not contain sufficient information on the situation of rural women, including older rural women, including with regard to their cash income, social security, access to free health-care services and social and cultural opportunities...

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114. ...The Committee recommends that the State party monitor existing programmes and develop comprehensive policies and programmes aimed at the economic empowerment of rural women, ensuring their access to training, productive resources and capital, as well as to health-care services, social security and to social and cultural opportunities.

- Yemen, CEDAW, A/57/38 part III (2002) 200 at paras. 388 and 389.

388. The Committee notes with concern that the persistence of patriarchal stereotypes and discriminatory traditional cultural and social norms, particularly those relating to the role and responsibility of women, impedes progress in the implementation of the Convention and the full enjoyment of women's human rights.

389. The Committee urges the State party to take measures to change stereotypical attitudes and negative cultural norms about the responsibilities and roles of women and men and to design and implement awareness-raising programmes directed at all levels of society.

- New Zealand, CEDAW, A/58/38 part II (2003) 138 at paras. 423 and 424.

423. ...The Committee is...concerned that the Human Rights Act, 1993, does not explicitly cover non-discrimination on the basis of language and the cultural field, which are of particular relevance to Maori and Pacific women.

424. The Committee...recommends that the State party implement targeted measures to respond to the needs of Maori and Pacific women and girls, and to continue to invest in Maori and Pacific women and girls, taking into account their linguistic and cultural interests.

- Kyrgyzstan, CEDAW, A/59/38 part I (2004) 28 at paras. 167 and 168.

167. While noting the efforts of the State party to eliminate gender role stereotyping, especially in the media, the Committee is concerned about the persistence of discriminatory cultural practices and stereotypes relating to the roles and responsibilities of women and men in all areas of life, and the deep-rooted patriarchal attitudes, which undermine women's social status and are an obstacle to the full implementation of the Convention.

168. The Committee urges the State party to monitor carefully the persistence of discriminatory cultural practices and stereotypes and intensify its efforts to eliminate them. It urges the State party to encourage men to share family responsibilities, to direct its awareness-raising programmes to both women and men, and to take action to change stereotypical attitudes and perceptions as to men's and women's roles and responsibilities.

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It recommends that the State party encourage the media to promote a positive image of women and of the equal status and responsibilities of women and men in both the private and public spheres.

- Angola, CEDAW, A/59/38 part II (2004) 118 at paras. 146 and 147.

146. The Committee is concerned at the strong persistence of patriarchal attitudes and deep-rooted stereotypes regarding the role and responsibilities of women and men in society, which are discriminatory to women. The Committee is concerned that the preservation of negative cultural practices and traditional attitudes serve to perpetuate women's subordination in the family and society and constitute serious obstacles to women's enjoyment of their human rights.

147. The Committee urges the State party to view culture as a dynamic aspect of the country's social fabric and life, and subject, therefore, to change. It urges the State party to introduce measures without delay to modify or eliminate cultural practices and stereotypes that discriminate against women, in conformity with articles 2 (f) and 5 (a) of the Convention, and ensure that women's rights to non-discrimination and equality set forth in the provisions of the Convention prevail. It urges the State party to undertake such efforts in collaboration with civil society organizations, women's groups and community leaders, as well as teachers and the media. It invites the State party to increase its efforts to design and implement comprehensive education and awareness-raising programmes targeting women and men at all levels of society, with a view to creating an enabling and supportive environment to transform and change discriminatory stereotypes and allowing women to exercise their human rights.

- Equatorial Guinea, CEDAW, A/59/38 part II (2004) 126 at paras. 195 and 196.

195. The Committee is concerned about the persistence of deep-rooted adverse cultural norms, customs and traditions, including forced and early marriage, widowhood practices, levirate and the use of the dowry, as well as the prevalence of stereotypes that discriminate against women and constitute serious obstacles to women's enjoyment of their human rights. The Committee is concerned about the State party's limited efforts to directly address such discriminatory cultural practices and stereotypes and its position that women themselves are primarily responsible for changing their position of disadvantage.

196. The Committee urges the introduction without delay of measures to modify or eliminate customs and cultural and traditional practices that discriminate against women so as to promote women's full enjoyment of their human rights in conformity with articles 2 (f) and 5 (a) of the Convention. The Committee encourages the State party to undertake such

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efforts in collaboration with civil society organizations, women's non-governmental organizations and community leaders and to increase its efforts to design and implement comprehensive education and awareness-raising programmes targeting women and men at all levels of society, with a view to changing discriminatory social and cultural patterns of conduct about the roles and responsibilities of women and men in the family and in society, and to creating an enabling and supportive environment for women to exercise their human rights. The Committee urges the State party to address cultural and traditional customs and practices such as forced and early marriages, discriminatory widowhood practices, levirate and the use of the dowry through effective measures aimed at their elimination. It further calls upon the State party to periodically review the measures taken to assess their impact and to take appropriate remedial measures...

- Gabon, CEDAW, A/60/38 part I (2005) 37 at paras. 239 and 240.

239. The Committee expresses its concern about the prevalence of entrenched adverse customs and traditions, including early and forced marriage, polygamy, widowhood practices and levirate, as well as the persistence of stereotypes that discriminate against women and constitute a violation of women's human rights under the Convention. The Committee is particularly concerned about the State party's limited efforts to address directly such discriminatory practices and stereotypes and its position that the current widespread support for and adherence to these practices would prevent compliance with legislative measures designed to eliminate them.

240. The Committee urges the introduction without delay, and in conformity with articles 2 (f) and 5 (a) of the Convention, of measures, including legislation, to modify or eliminate customs and cultural and traditional practices that discriminate against women, so as to promote women's full enjoyment of their human rights. The Committee calls upon the State party to develop and implement comprehensive educational measures and awareness-raising campaigns to facilitate an enhanced understanding of equality between women and men and to challenge cultural traditions and stereotypical attitudes regarding the roles and responsibilities of women in the family and society. The Committee recommends that these efforts be targeted at women and men in all segments of society, including public officials at all levels of Government, community and traditional leaders, employers and the general public. The Committee encourages the State party to undertake such efforts in collaboration with civil society and women's and human rights organizations, and to seek effective cooperation with the media, including radio and print media. It also urges the State party to make better use of the formal education system, including through revision of school curriculums and textbooks, to further these efforts.

- Gambia, CEDAW, A/60/38 part II (2005) 122 at paras. 191 and 192.

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191. The Committee expresses concern about the persistence of strong patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in society, which are discriminatory against women. The Committee is concerned that the persistence of such discriminatory cultural practices and traditional attitudes perpetuates women's subordination in the family and society and produces serious obstacles to women's enjoyment of their human rights. The Committee regrets that no systematic action has been taken by the State party to modify or eliminate negative harmful cultural practices and stereotypes that discriminate against women.

192. The Committee urges the State party to view culture as a dynamic aspect of the country's social fabric and life, and subject, therefore, to change. It urges the State party to introduce measures without delay to modify or eliminate negative harmful cultural practices and stereotypes that discriminate against women, in conformity with articles 2 (f) and 5 (a) of the Convention. It urges the State party to undertake such efforts in collaboration with civil society organizations, women's groups and community leaders, as well as teachers and the media. It invites the State party to design and implement comprehensive education and awareness-raising programmes targeting women and men at all levels of society, with a view to creating an enabling environment for the transformation of discriminatory stereotypes and allowing women to exercise their rights under the Convention.

CRC

- Turkey, CRC, CRC/C/108 (2001) 18 at paras. 91 and 92.

91. The reservations to articles 17, 29 and 30 of the Convention are noted with concern. It is also noted that, in some cases, in particular in the fields of education and freedom of expression and the right to enjoy one's own culture and use one's own language, these reservations may have a negative impact on children belonging to ethnic groups which are not recognized as minorities under the Treaty of Lausanne of 1923, in particular children of Kurdish origin.

92. The State party is encouraged to consider withdrawing its reservations to articles 17, 29 and 30 of the Convention.

- Cameroon, CRC, CRC/C/111 (2001) 71 at paras. 394 and 395.

394. The Committee is deeply concerned about the poor situation of Pygmy children and children of similar marginalized groups, and at the lack of respect for almost all of their rights, including the rights to health care, to education, to survival and development, to enjoy

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their own culture and to be protected from discrimination. The Committee is also concerned at the displacement of Pygmy families, including children, as a result of logging policies.

395. The Committee urges the State party urgently to gather additional information on the Pygmies and other marginalized groups of the population, and to elaborate a plan of action to protect their rights.

- Gabon, CRC, CRC/C/114 (2002) 47 at paras. 245 and 246.

245. The Committee is deeply concerned about the poor situation of Pygmy children and their limited access to social services, including health care, immunization and education, and the violation of their rights to survival and development, to enjoy their own culture and to be protected from discrimination.

246. The Committee urges the State party to:

(a) Undertake a study to assess the situation and the needs of Pygmy children and to elaborate a plan of action involving leaders of the Pygmy community to protect the rights of those children and ensure their social services;

...

- The Netherlands (Antilles), CRC, CRC/C/118 (2002) 129 at paras. 577 and 578.

577. The Committee welcomes efforts by the State party to increase after school care centres for children, and introduce after school programmes and facilities for youth. Yet, the Committee is concerned that there is a lack of affordable sports facilities and other recreational programmes, and not enough activities of a cultural nature.

578. The Committee recommends that the State party organize cultural after school activities such as drawing, plastic arts, dance and music, in participation with children, and make available free and accessible public sports facilities.

- Republic of Moldova, CRC, CRC/C/121 (2002) 89 at paras. 408, 409, 420 and 421.

408. The Committee expresses its deep concern at the increasing number of children with disabilities and at the insufficient support provided to their families. It further notes that there are few efforts to integrate these children in mainstream education and society, including in cultural and leisure activities...

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409. In light of article 23 of the Convention, the Committee recommends that the State party:

...

(f) In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96, annex) and the Committee's recommendations adopted at its day of general discussion on the rights of children with disabilities (CRC/C/69, paras. 310-339), further encourage their integration into the regular educational system and inclusion into society, including by providing special training to teachers and by making schools and public facilities accessible;

...

420. The Committee is concerned that, despite pilot programmes aimed at improving the situation of the Roma in certain provinces, they still suffer from widespread discrimination which has in some instances curtailed Romani children's right to education, health and social welfare.

421. The Committee recommends that the State party:

...

(c) Develop curriculum resources for all schools which include Romani history and culture in order to promote understanding, tolerance and respect of the Roma community in Moldovan society.

- Poland, CRC, CRC/C/121 (2002) 120 at paras. 533 and 534.

533. The Committee is concerned that children with disabilities do not all have the opportunity to attend integrated schools and education programmes, and that in some cases children with disabilities are institutionalized or do not attend school regularly owing to a lack of appropriate programmes close to their homes.

534. The Committee recommends that the State party:

(a) Develop a time-bound plan for reducing the number of children with disabilities living in institutions and integrating them into mainstream education and vocational training programmes, as well as social, cultural and leisure activities;

...

- Estonia, CRC, CRC/C/124 (2003) 9 at para. 25.

25. The Committee welcomes:

(a) The adoption of new legislation, such as the Juvenile Sanctions Act 1999, the Social

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Benefits for Disabled Persons Act 1999, the new Penal Code 2002, the Amendment to the Basic and Upper Secondary Schools Act 2002, and Regulation No. 209 of 2002 on the procedure for creating conditions for learning the mother tongue and studying the national culture for students in Estonian-language schools whose mother tongue is not Estonian;

...

- Eritrea, CRC, CRC/C/132 (2003) 8 at paras. 71, 72, 75 and 76.

71. The Committee welcomes the information provided by the State party during the dialogue that it has drafted a National Child and Family Welfare Policy, which includes measures to integrate children with disabilities into the education system. Yet, it remains concerned that children with disabilities often suffer from societal discrimination and that a significant proportion do not attend school or participate in social and cultural life.

72. The Committee recommends that the State party:

...

(c) Continue to strengthen efforts to combat discriminatory attitudes towards children with disabilities, particularly amongst children and parents, and promote their participation in all aspects of social and cultural life;

...

75. The Committee is encouraged by the State party's efforts to increase enrolment rates in basic education, reduce illiteracy, promote cultural and recreational activities and provide education in the native language of all nine ethnic groups...

76. The Committee recommends that the State party:

...

(c) Continue its activities in the area of cultural and recreational activities;

...

- Sri Lanka, CRC, CRC/C/132 (2003) 48 at para. 264.

264. In light of the recommendations of the Committee's day of general discussion on the private sector as service provider and its role in implementing child rights in 2002 (see CRC/C/121), the Committee recommends that the State party:

...

(c) Take all necessary measures to integrate children with disabilities into society and include them in cultural and leisure activities.

- Morocco, CRC, CRC/C/132 (2003) 100 at paras. 523 and 524.

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523. The Committee is concerned that children belonging to the Amazigh community cannot always exercise their rights to their own culture, the use of their own language and the preservation and development of their own identity. In particular, the Committee is concerned that parents are not allowed to give Amazigh names to their children.

524. In line with the recommendations of the Committee on the Elimination of Racial Discrimination (CERD/C/304/Add.57), the Committee recommends that the State party take all necessary measures to ensure that children belonging to the Amazigh community can exercise their rights to their own culture, the use of their own language and the preservation and development of their own identity. In particular, the Committee recommends that the State party allow parents from that community to give Amazigh names to their children.

- Canada, CRC, CRC/C/133 (2003) 14 at para. 95.

95. The Committee recommends that the State party further improve the quality of education throughout the State party in order to achieve the goals of article 29, paragraph 1, of the Convention and the Committee's general comment No. 1 on the aims of education by, *inter alia*:

(a) Ensuring that free quality primary education that is sensitive to the cultural identity of every child is available and accessible to all children, with particular attention to children in rural communities, Aboriginal children and refugees or asylum-seekers, as well as children from other disadvantaged groups and those who need special attention, including in their own language;

...

- Singapore, CRC, CRC/C/133 (2003) 84 at para. 426.

426. The Committee recommends that the State party:

...

(c) Undertake effective measures to reduce school-related stress and the competitiveness of the school system and strengthen efforts to promote the development of children's personality, talents and abilities to their fullest potential, including through the promotion of cultural life and the arts and play and recreational activities in schools;

...

- Bangladesh, CRC, CRC/C/133 (2003) 93 at paras. 511 and 512.

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511. The Committee is deeply concerned about the poor situation of children of the Chittagong Hill Tracts, and other religious, national and ethnic minorities, tribal groups or similar marginalized groups and the lack of respect for their rights, including the rights to food, to health care, to education and to survival and development, to enjoy their own culture and to be protected from discrimination.

512. The Committee urges the State party to gather additional information on all minorities or similar marginalized groups of the population, and to elaborate policies and programmes to ensure the implementation of their rights without discrimination, taking into account the Committee's recommendations adopted at its day of general discussion on the theme "The rights of indigenous children".

- Armenia, CRC, CRC/C/137 (2004) 36 at paras. 233 and 234.

233. The Committee notes with concern the general deterioration in children's access to quality leisure facilities like sports centres and public libraries.

234. The Committee recommends that the State party give priority to improving children's access to, and quality of, sports centres, cultural institutions and other leisure facilities.

- India, CRC, CRC/C/137 (2004) 75 at paras. 459 and 460.

459. The Committee is concerned at the situation of children belonging to minorities, including to the Primitive Tribal Groups, and at their limited access to social services, including health care, immunization and education, and the violation of their rights to survival and development, to enjoy their own culture and to be protected from discrimination.

460. ...[I]n line with the recommendations made at its day of general discussion on the rights of indigenous children (CRC/C/133, para. 624), the Committee recommends that the State party implement and/or give the necessary follow-up to the recommendation made by the Standing Committee on Labour and Welfare on the Development of Primitive Tribal Groups (2002).

- Slovenia, CRC, CRC/C/137 (2004) 104 at paras. 597 and 598.

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597. The Committee is concerned that children belonging to some ethnic groups in Slovenia, such as Bosniacs, Croats, Serbs, Albanians and others, do not enjoy fully some of their cultural rights.

598. The Committee recommends that the State continue to strengthen and expand efforts to ensure that children from all ethnic groups fully enjoy their rights, in particular those mentioned in article 30 of the Convention.

- Japan, CRC, CRC/C/137 (2004) 116 at paras. 651 and 652.

651. The Committee notes the State party's efforts to reform the education system and bring it into greater conformity with the Convention; however, it is concerned that:

...

(f) Children of minorities have very limited opportunities for education in their own language;

...

652. The Committee recommends that the State party:

...

(d) Expand opportunities for children from minority groups to enjoy their own culture, profess or practise their own religion and use their own language;

- Panama, CRC, CRC/C/140 (2004) 23 at paras. 156 and 157.

156. ...The Committee is...concerned about the preservation of the identity of indigenous children since bilingual education remains a challenge in indigenous areas and education lacks resources of all kinds.

157. ...The Committee...recommends that the State party pay particular attention to guarantee the preservation of the identity of indigenous and Afro-Panamanian children, e.g. by the implementation of the national plan to develop bilingual intercultural education.

- Rwanda, CRC, CRC/C/140 (2004) 36 at paras. 217, 218, 234 and 235.

217. The Committee is concerned that children have insufficient opportunities to exercise their rights to leisure and cultural activities.

218. The Committee recommends that the State party improve respect for the right of

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children to leisure and cultural activities, including by promoting these rights among parents, teachers and community leaders. The Committee recommends that the State party seek assistance from UNESCO and UNICEF in this regard.

...

234. The Committee is concerned at the situation of children belonging to minorities, including Batwa children, in particular their limited access to basic social services, including health care, immunization and education, and the violation of their rights to survival and development, to enjoy their own culture and to be protected from discrimination.

235. In line with its recommendations adopted at its day of general discussion on the rights of indigenous children (CRC/C/133, para. 624), the Committee recommends that the State party:

(a) Undertake a study to assess the situation and the needs of Batwa children and to elaborate a plan of action involving leaders of the Batwa community to protect the rights of those children and ensure their social services; and

(b) Seek adequate means and measures to ensure birth registration, health care, etc.

- Myanmar, CRC, CRC/C/140 (2004)81 at paras. 453 and 454.

453. The Committee is deeply concerned about the situation of the children of the Bengali people residing in northern Rakhine State, also known as the Rohingyas, and of children belonging to other ethnic, indigenous or religious minorities and in particular that many of their rights are denied, including the rights to food, to health care, to education, to survival and development, to enjoy their own culture and to be protected from discrimination.

454. The Committee urges the State party to gather additional information on all ethnic minorities and other marginalized groups and to elaborate policies and programmes to fully ensure the implementation of their rights without discrimination, taking into account the Committee's recommendations on the rights of indigenous children made at its day of general discussion (CRC/C/133, para. 624).

- France, CRC, CRC/C/140 (2004) 124 at paras. 639 and 640.

639. The Committee welcomes information provided in the State party's report that all children in France are equal before the law and have a right to freedom of religion, expression in their own language in private affairs and right to cultural activities. However, the Committee remains concerned that equality before the law may not be sufficient to ensure equal enjoyment of rights by certain minority groups, such as the Roma, among

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others, who may face *de facto* discrimination. The Committee regrets that the State party has not considered reviewing its position and withdrawing its reservation to article 30 of the Convention.

640. The Committee encourages the State party to continue measures to prevent and combat racism, xenophobia, discrimination and intolerance, by, *inter alia*, ensuring follow-up to the recommendations of the United Nations treaty bodies and the European Commission against Racism and Intolerance (ECRI), in particular as concerns children. The Committee urges the State party to review its position with respect to children belonging to minority groups and to consider withdrawing its reservation to article 30.

- Brazil, CRC, CRC/C/143 (2004) 10 at paras. 96 and 98.

96. The Committee welcomes the fact that social organization, customs, languages, creeds and traditions are recognized to indigenous communities in the Constitution of 1988. However, as noted by the State party, the Indian Statute promotes for an integration which is not in accordance with the principle of respect for diversity of cultures. The Committee also welcomes the fact that, according to law 10.406/02, indigenous people are no longer considered “relatively incapable citizens”. It also welcomes the efforts made by the State party to stimulate bilingual education. However, the Committee is deeply concerned by the low standard of living of indigenous children, low educational opportunities and quality of health services, and malnutrition.

...

98. The Committee also recommends that the State party take adequate measures in order to provide protection for the rights of indigenous children, in particular their rights to preserve historical and cultural identity, customs, traditions and languages in accordance with the Constitution, and taking into account the recommendations adopted by the Committee on its day of general discussion on the rights of indigenous children in September 2003.

- Kyrgyzstan, CRC, CRC/C/143 (2004) 50 at paras. 296 and 297.

296. The Committee notes with concern the general deterioration of children’s access to quality leisure facilities, such as sports centres and cultural institutions, and to public libraries.

297. The Committee recommends that the State party give priority to improving children’s access to, and the quality of sports centres, cultural institutions and other leisure facilities.

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- Angola, CRC, CRC/C/143 (2004) 78 at paras. 433 and 434.

433. The Committee notes with concern children's general lack of access to leisure and cultural facilities.

434. The Committee recommends that the State party give priority to improving children's access to, and the quality of, sports facilities, cultural institutions and other leisure facilities.
- Albania, CRC, CRC/C/146 (2005) 19 at paras. 137 and 138.

137. The Committee shares the concern expressed in the State party's report that much of the cultural and recreational infrastructure does not function in Albania, and that playgrounds are almost non-existent.

138. The Committee recommends that the State party consider the need for playgrounds and child-friendly parks in city planning and increase efforts to provide more appropriate spaces for children allowing them to enjoy the right to leisure, recreation and cultural activities.
- Belize, CRC, CRC/C/146 (2005) 59 at paras. 355 and 356.

355. While acknowledging that some improvements have been achieved, the Committee shares the State party's concern at the insufficient number of cultural and recreational activities and facilities for children.

356. In the light of the recommendations adopted by the Committee at its day of general discussion on "Implementing child rights in early childhood" (see CRC/C/143, paras. 532-563), the Committee recommends that the State party increase its efforts to promote and protect the right of the child to rest, leisure and cultural and recreational activities...
- Saint Lucia, CRC, CRC/C/150 (2005) 10 at paras. 89 and 90.

89. The Committee is concerned that while the child's right to leisure, recreation, and cultural activities is recognized within the principles of legislation guiding service development, this right is not ensured explicitly within such legislation...

90. The Committee recommends that the State party provide access for all children to enjoy leisure, recreation, and cultural activities in all spheres of the child's life.

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- Philippines, CRC, CRC/C/150 (2005) 24 at paras. 174 and 175.

174. Notwithstanding the State party's efforts to develop and organize sports and cultural activities for children, the Committee notes with concern the insufficient number of recreational and cultural activities and facilities for children and the discrepancies between *barangays* in this respect. The Committee is concerned that there are several groups of children, such as children not involved in primary education, child labourers and street children, who neither have equal right to enjoy their right to rest and leisure nor to engage in play, sport, recreational and cultural activities.

175. In the light of article 31 of the Convention, the Committee recommends that the State party make all necessary efforts to protect the right of the child to rest, leisure, cultural and recreational activities... It requests the allocation of adequate human and financial resources to the implementation of this right and the payment of particular attention to vulnerable groups of children, such as children outside of the educational system, child labourers and street children.

- Bosnia and Herzegovina, CRC, CRC/C/150 (2005) 49 at paras. 258 and 261.

258. Despite some recent encouraging developments, especially through the adoption of legislative and other measures in the field of education - i.e. the Framework Law on primary and secondary education, the establishment of a nine-year cycle of compulsory education and the Action Plan for meeting educational needs of Roma and other national minorities - the Committee remains concerned at:

...

(c) The lack of adequate space and facilities for recreational and cultural activities;

...

261. The Committee recommends that the State party:

...

(g) Ensure that adequate space and facilities are provided to children for their rest and leisure, as well as for recreational and cultural activities;

...

- Ecuador, CRC, CRC/C/150 (2005) 91 at paras. 447 and 448.

447. While noting the efforts undertaken by the State party in organizing sports and cultural activities, the Committee notes with concern the insufficient number of recreational and cultural activities available.

448. The Committee recommends that the State party ensure that children can enjoy their

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right to leisure, play and participation in cultural and artistic activities, in accordance with article 31 of the Convention.

- Norway, CRC, CRC/C/150 (2005) 105 at paras. 493 and 494.

493. The Committee notes with concern that children with disabilities are limited in their participation in cultural and recreational activities.

494. The Committee recommends that the State party take all necessary measures to ensure that equal access to services, including cultural and recreational activities, is provided to children with disabilities taking into consideration the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted at its day of general discussion on the rights of children with disabilities (CRC/C/69, paras. 310-339).

- Mongolia, CRC, CRC/C/150 (2005) 113 at paras. 569 and 570.

569. The Committee notes with concern the insufficient number of recreational and cultural activities and facilities for children living in cities and that many playgrounds built for them have been destroyed during the last decade.

570. In the light of article 31 of the Convention, the Committee recommends that the State party pay attention to the right of the child to engage in play and increase its efforts to promote and protect the right of the child to rest, leisure, cultural and recreational activities by allocating adequate human and financial resources to the implementation of this right, including by designing and building safe playgrounds for children living in cities.

- Costa Rica, CRC, CRC/C/150 (2005) 149 at paras. 726 and 727.

726. With respect to indigenous communities, the Committee takes note of the State party's efforts to increase the number of schools providing bilingual education. It is however concerned at the insufficient number of indigenous teachers and schools, and at the fact that education does not fully take into account indigenous culture.

727. The Committee recommends that the State party continue to increase the number of indigenous schools and adequately trained indigenous teachers, and ensure the right of indigenous children to learn to read and write in their own language through methods adapted to their own culture...