

EDUCATION - RELIGIOUS, MORAL, CULTURAL EDUCATION

IV. CONCLUDING OBSERVATIONS, CONTINUED

CERD

- 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.

- Botswana, CERD, A/57/18 (2002) 53 at para. 305.

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.

- 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.

- Nepal, CERD, A/59/18 (2004) 24 at para. 135.

135. The Committee notes that governmental action has been taken to sensitize the general public, including members of vulnerable groups, against discriminatory traditional customs and societal attitudes.

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The Committee recommends that the State party take further measures to ensure the training and education of teachers, social workers and law enforcement officials, especially those deployed against the insurgents as well as the political segments of the society. The Committee encourages the State party to carry out comprehensive public education campaigns and to include intercultural education in school curricula.

- Spain, CERD, A/59/18 (2004) 32 at para. 169.

169. While the Committee notes the continuous efforts undertaken by the State party to combat racial discrimination, including the recent creation of the Spanish Observatory for Racism and Xenophobia, it is concerned about the occurrence of racist and xenophobic incidents and the re-emergence of discriminatory attitudes, especially towards Gypsies, North Africans, Muslims and Latin Americans.

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 at all levels of education general awareness of diversity and multiculturalism and put into practice effective measures to facilitate the integration of minority groups in Spanish society.

- Suriname, CERD, A/59/18 (2004) 36 at para. 200.

200. While noting the State party's legitimate desire to ensure that the official language is taught and to promote the teaching of Spanish and English, the Committee is disturbed at the lack of plans to preserve the native languages of the country's indigenous and tribal peoples. It is also concerned that Sranan Tongo, which is spoken by the majority of the population, is not given sufficient prominence in education.

The Committee invites the State party to encourage the learning of mother tongues, in particular Sranan Tongo, with a view to preserve the cultural and linguistic identity of the various ethnic groups.

- Argentina, CERD, A/59/18 (2004) 45 at para. 249.

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

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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. 347-349.

347. The Committee notes with concern that no provision is made in the educational curriculum for the inclusion of the national languages Pulaar, Soninke and Wolof.

The Committee recommends that the State party study this question again in consultation with the population groups concerned and that it consider including national languages in the education system for those children who wish to receive an education in those languages. The Committee recalls that, in any event, education in national languages should not lead to the exclusion of the group concerned and should meet the minimum standards with regard to the quality of the courses offered.

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

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- Slovakia, CERD, A/59/18 (2004) 70 at para. 385.

385. While the Committee welcomes the extensive measures adopted by the State party in the field of education aimed at improving the situation of Roma children, including the “Roma assistants” project, it continues to express concern at *de facto* segregation of Roma children in special schools, including special remedial classes for mentally disabled children.

The Committee recommends that the State party prevent and avoid the segregation of Roma children, while keeping open the possibility of bilingual or mother-tongue education. The Committee further recommends that the State party intensify its efforts to raise the level of achievement in school by Roma children, recruit additional school personnel from among members of Roma communities and promote intercultural education.

- Tajikistan, CERD, A/59/18 (2004) 74 at para. 417.

417. The Committee regrets the lack of information on action taken by the State party to enhance better understanding, respect and tolerance between ethnic groups in Tajikistan, in particular on programmes, if any, that have been adopted to ensure intercultural education.

The State party should adopt measures to promote intercultural understanding and education between ethnic groups, in particular in the areas of teaching, education, culture and information...

See also:

- Azerbaijan, CERD, A/60/18 (2005) 18 at para. 64.

- Ireland, CERD, A/60/18 (2005) 30 at para. 142.

142. The Committee, noting that almost all primary schools are run by Catholic groups and that non-denominational or multid denominational schools represent less than 1 per cent of the total number of primary education facilities, is concerned that existing laws and practice would favour Catholic pupils in the admission to Catholic schools in case of shortage of places, particularly in the light of the limited alternatives available (art. 5 (d) (vii) and 5 (e) (v)).

The Committee, recognizing the “intersectionality” of racial and religious discrimination, encourages the State party to promote the establishment of non-denominational or multid denominational schools and to amend the existing legislative framework so that no discrimination may take place as far as the admission of pupils (of all religions) to schools is concerned.

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- Luxembourg, CERD, A/60/18 (2005) 40 at para. 192.

192. The Committee...notes with satisfaction school curricula that promote interculturalism, a certain number of mother-tongue classes for immigrant children and the introduction of intercultural mediators in schools.
- Nigeria, CERD, A/60/18 (2005) 54 at para. 299.

299. The Committee, while taking note of information on measures taken by the State party to enhance better understanding, respect and tolerance between different ethnic groups living in Nigeria, is of the view that the measures taken to promote intercultural understanding and education between ethnic groups are unsatisfactory (art. 7).

The Committee recommends that the State party strengthen measures to promote understanding, tolerance and friendship between ethnic groups, including comprehensive public education campaigns and intercultural education in school curricula...
- Turkmenistan, CERD, A/60/18 (2005) 61 at para. 321.

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...

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...
- Venezuela (Bolivarian Republic of), CERD, A/60/18 (2005) 71 at para. 366.

366. The Committee welcomes with satisfaction the rights and principles contained in the Constitution of the Bolivarian Republic of Venezuela of 1999, in particular the preamble, which establishes the multi-ethnic and multicultural nature of Venezuelan society, as well as article 21 and chapter VIII which guarantees the rights of indigenous peoples, such as the

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right to intercultural bilingual education, the right to traditional medicine and the right to participate in political life.

ICCPR

- Greece, ICCPR, A/60/40 vol. I (2005) 60 at para. 90(14).

(14) The Committee is concerned at allegations of discrimination against members of minority religions, including in the field of education. In particular, public school students are required to attend instructional classes in the Christian Orthodox religion and can opt out only after declaring their religion (art. 18).

(a) The State party should take measures to ensure full respect for the rights and freedoms of each religious community, in conformity with the Covenant;

(b) The Committee encourages the State party to hold consultations with representatives of minority religions, in order to find practical ways to permit religious instruction to be given to those desiring such opportunities. Pupils not wishing to attend religious education classes should not be obliged to declare their religion.

ICESCR

- Guatemala, ICESCR, E/2004/22 (2003) 59 at paras. 419 and 437.

419. ...The Committee...expresses its concern about the limited access for indigenous peoples to enjoy education in their mother tongue and to use it in their dealings with public authorities.

...

437. ...The Committee recommends that the State party broaden its intercultural bilingual education and allocate adequate funds and human resources to the Department of Intercultural Bilingual Education, and improve the working conditions of teachers by paying them better salaries and providing them with training as well as hiring additional teachers to cover rural areas fully.

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

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.

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...

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.

CRC

- Gambia, CRC, CRC/C/111 (2001) 89 at paras. 458 and 459.

458. The Committee is concerned at the high number of children who are begging in the streets. The Committee notes that these child beggars, referred to as *almudus*, are scholars under the guardianship of Islamic religious education teachers called *marabouts*...

459. The Committee recommends that the State party conduct a study in order to better assess the scope of this phenomenon and introduce programmes to discourage and prevent child begging, and to involve the Islamic religious education teachers or *marabouts* in these programmes.

See also:

- Niger, CRC, CRC/C/118 (2002) 37 at paras. 191 and 192.

- Ukraine, CRC, CRC/C/121 (2002) 70 at paras. 367 and 368.

367. 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 impeded their children's right to education, health and social welfare.

368. The Committee recommends that the State party:

...

(c) Develop curriculum resources for all schools that include Romani history and culture in order to promote understanding, tolerance and respect for Roma in Ukrainian society.

See also:

- Poland, CRC, CRC/C/121 (2002) 120 at paras. 545 and 546.

- Poland, CRC, CRC/C/121 (2002) 120 at paras. 525 and 526.

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525. The Committee is concerned that, despite regulations guaranteeing that parents can choose for their children to attend ethics classes instead of religion classes in public schools, in practice few schools offer ethics courses to allow for such a choice and students require parental consent to attend ethics courses.

526. The Committee recommends that the State party ensure that all public schools permit children, in practice, to choose freely whether to attend religion or ethics classes with parental direction provided in a manner consistent with the child's evolving capacities.

- Estonia, CRC, CRC/C/124 (2003) 9 at paras. 25, 64, 65, 74 and 75.

25. The Committee welcomes:

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

...

64. The Committee welcomes the inclusion of the Convention in the school curriculum and appreciates the acknowledgment by the State party that there are challenges facing the right to education. In this regard, it shares the concern that more than 5,000 children do not attend school, and that repetition and drop-out rates are high...

65. The Committee encourages the State party:

...

(f) To take all the appropriate measures to implement regulation No. 209 for mother-tongue instruction for students whose mother tongue is not Estonian, providing also for the teaching of their culture and history;

...

74. While welcoming the Programme on Integration in Estonian Society, 2000-2007, the Committee notes the tension arising around the question of the language of instruction of children belonging to minority groups in Estonia.

75. The Committee recommends that the State party:

...

(b) Implement the Programme on Integration in Estonian Society in such a way that all the children of Estonia will be taught about the culture, history and identity of the various groups living in Estonia and that exchanges are organized between pupils of different schools in order to foster contacts, friendships and mutual respect among children from all groups of society;

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...

- Italy, CRC, CRC/124 (2003) 36 at paras. 170 and 171.

170. The Committee is concerned that, as mentioned in the State party's report (para. 147), children, especially in elementary schools, may suffer from marginalization if they abstain from religious instruction, which mainly covers the Catholic religion. In addition, the Committee is concerned that parents, notably those of foreign origin, are not always aware that religious instruction is not compulsory.

171. In the light of articles 2, 14 and 29 of the Convention, the Committee recommends that the State party make sure that parents, in particular of foreign origin, when they are filling out the relevant forms are aware that Catholic religious instruction is not compulsory.

- Romania, CRC, CRC/124 (2003) 49 at paras. 262 and 263.

262. The Committee welcomes the implementation of strategies aimed at improving Roma children's rights to health-care services and inclusion in education (e.g. through the use of health and education mediators and supportive tuition in the Roma language). The Committee also welcomes Roma NGO participation in improving the rights of their children. However, it remains concerned at the negative attitudes and prejudices of the general public, in the political discourse and in media representations as well as at incidents of police brutality and discriminatory behaviour on the part of some teachers and doctors.

263. In accordance with articles 2 and 30 of the Convention, the Committee recommends that the State party:

...

(c) Develop curriculum resources for all schools, including in relation to Roma history and culture, in order to promote understanding, tolerance and respect for the Roma in Romanian society.

See also:

- Czech Republic, CRC, CRC/C/124 (2003) 78 at paras. 388 and 389.
- Armenia, CRC, CRC/C/137 (2004) 36 at paras. 208 and 209.

208. The Committee notes that in 2002 the study of the history of the Armenian Apostolic

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Church was made a compulsory subject in schools.

209. In the light of article 14, the Committee recommends that the compulsory teaching of that subject does not infringe on the rights of children belonging to religious minorities.

- 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 take all necessary measures to ensure that indigenous children enjoy all their rights without discrimination, including equal access to culturally appropriate services including health, education, social services, housing, potable water and sanitation... The Committee also 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.

- France, CRC, CRC/C/140 (2004) 124 at paras. 604 and 605.

604. The Committee notes that the Constitution provides for freedom of religion and that the law of 1905 on the separation of church and State prohibits discrimination on the basis of faith. The Committee equally recognizes the importance the State party accords to secular public schools. However, in the light of articles 14 and 29 of the Convention, the Committee is concerned by the alleged rise in discrimination, including that based on religion. The Committee is also concerned that the new legislation (Law No. 2004-228 of 15 March 2004) on wearing religious symbols and clothing in public schools may be counterproductive, by neglecting the principle of the best interests of the child and the right of the child to access to education, and not achieve the expected results. The Committee welcomes that the provisions of the legislation will be subject to an evaluation one year after its entry into force.

605. The Committee recommends that the State party, when evaluating the effects of the legislation, use the enjoyment of children's rights, as enshrined in the Convention, as a crucial criteria in the evaluation process and also consider alternative means, including mediation, of ensuring secular character of public schools, while guaranteeing that individual rights are not infringed upon and that children are not excluded or marginalized from the school system and other settings as a result of such legislation. The dress code of schools may be better addressed within the public schools themselves, encouraging participation of

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children. The Committee further recommends that the State party continue to closely monitor the situation of girls being expelled from schools as a result of the new legislation and ensure they enjoy the right of access to education.

- Norway, CRC, CRC/C/150 (2005) 105 at para. 484.

484. The Committee takes note of the Views of the Human Rights Committee under the Optional Protocol to the International Covenant on Civil and Political Rights of 3 November 2004 (CCPR/C/82/D/1155/2003) regarding the teaching of the school subject Christian Knowledge and Religious and Ethical Education. In this regard, the Committee welcomes the State party's information on the planned changes of the Education Act to bring the teaching of Christian Knowledge and Religious and Ethical Education into full compliance with the right to freedom of religion enshrined in article 15 of the Convention. The Committee encourages the State party to expedite the process of adopting and enacting these changes.

- Costa Rica, CRC, CRC/C/150 (2005) 149 at paras. 694, 695, 726 and 727.

694. While recognizing the State party's acceptance of freedom of religion, the Committee is concerned at the fact that classes on Catholicism are part of the curriculum, which is discriminatory for non-Catholic children.

695. The Committee recommends that the State party devise a curriculum that will ensure that the child's freedom of religion can be fully realized in the educational system without any discrimination.

...

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.