

EQUALITY AND DISCRIMINATION - RACIAL DISCRIMINATION

IV. CONCLUDING OBSERVATIONS

CERD

- Malta, CERD, A/46/18 (1991) 42 at para. 156.

No State party could make a credible claim that its social or political system rendered racial discrimination impossible.

- United Kingdom of Great Britain and Northern Ireland, CERD, A/46/18 (1991) 49 at para. 209.

It is necessary for the State party to make increased efforts to improve the situation of members of ethnic minorities with regard to education, employment, housing and economic standing. Other steps, relating in particular to criminal prosecution, should also be taken to reduce significantly the number of incidents of racial hatred and racially motivated attacks.

- Maldives, CERD, A/47/18 (1992) 27 at para. 74.

The State party stated that since no forms of discrimination existed in the country, specific legislation was not required. Calling the attention of the State party to General Recommendation I, it is reiterated that the State party's statement is not a legally defensible interpretation of the obligations that a State assumes on acceding to the Convention.

See also:

- Yemen, CERD, A/47/18 (1992) 45 at para. 178.
- Greece, CERD, A/47/18 (1992) 28 at para. 92.

Bearing in mind the provision of article 2, paragraph 1 (c), of the Convention, the Government is called upon to revise its Nationality Act as far as it differentiates between ethnic Greeks and non-ethnic Greeks, together with any legal or administrative practices which relied on such a distinction.

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- Austria, CERD, A/47/18 (1992) 48 at para. 198.

Under article 5 (e) (i) of the Convention, everyone must be guaranteed, without distinction as to race, the right to equality before the law in the enjoyment of the right to work. That guarantee must cover the private and public sector. It is disturbing that in the State party, as in other parts of Europe, there are signs of an increase in racism, xenophobia and anti-Semitism, and readiness to ignore the rights of members of ethnic groups, including Jews.

- Qatar, CERD, A/48/18 (1993) 29 at para. 99.

The view of the Government that the Shariah courts and the civil courts together offered sufficient remedies for any charges of racial discrimination is noted. Concern was expressed about the criteria by which a Shariah court would determine an appropriate punishment and the necessity of separate proceedings in the civil court for the victim to obtain compensation in accordance with article 6 of the Convention.

- Republic of Korea, CERD, A/48/18 (1993) 46 at paras. 228 and 232.

Paragraph 228

It is noted that domestic legislation lacks provisions to implement article 4 of the Convention and does not provide for the criminal penalization of racially discriminatory acts.

Paragraph 232

Steps should be taken to rectify the omission of race as a ground for discrimination from national legislation. The State party should also give careful consideration to adopting measures to prevent discrimination and to providing for the punishment of discrimination in criminal law.

- Zambia, CERD, A/48/18 (1993) 51 at paras. 254 and 256.

Paragraph 254

Concern is expressed about the recent declaration of a state of emergency; the treatment accorded to certain categories of refugees; and the reported cases of brutality with discriminatory overtones on the part of the police officers. The State party's legislation does not effectively provide the remedy and compensation that should be available to an injured person in terms of article 6 of the Convention.

Paragraph 256

As stated in General Recommendation XIII (42), law enforcement officials should receive intensive

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training to ensure that in the performance of their duties, they respect as well as protect human dignity and maintain and uphold the human rights of all persons without distinction as to race, colour, descent or national or ethnic origin.

- Holy See, CERD, A/48/18 (1993) 58 at paras. 303 and 305.

Paragraph 303

Given that educational activities are one of the most important means of fighting against racial prejudice and for harmony between different groups, it is recommended that further efforts of the State party should take further efforts to focus on the implementation of article 7 of the Convention and the State party should undertake further measures to promote equality of educational opportunities.

Paragraph 305

In view of the moral influence wielded by the Holy See and the national Catholic churches, it is suggested that the State party should take a more active stance against unjust systems which have the effect of fostering racist attitudes, as well as against any tendency towards racism and xenophobia which might develop in national societies.

- Nigeria, CERD, A/48/18 (1993) 61 at para. 325.

Concern was expressed over the ongoing inter-ethnic conflicts. Reports that the Nigerian Police Force had, in some circumstances of violence, been ineffective in protecting the rights of civilians is of concern.

- Kuwait, CERD, A/48/18 (1993) 69 at paras. 376 and 380.

Paragraph 376

Expulsions and other discriminatory measures against especially vulnerable groups of foreigners, including Palestinians, stateless Arabs, Bedoons, Iraqis and nationals of countries which did not participate in the anti-Iraq coalition, and the treatment of foreign domestic servants is of particular concern. Concern was expressed that no specific measures had been envisaged to eliminate discrimination with respect to descent, national or ethnic origin. In that connection, reference was made to the official discrimination between two categories of citizens: those who possessed longstanding nationality and those who have acquired nationality in more recent times.

Paragraph 380

The State party should take steps to guarantee the enjoyment by individuals belonging to vulnerable

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groups of foreigners, including foreign domestic servants, of the rights enshrined in the Convention without any discrimination; to eliminate discrimination deriving from the dual system of citizenship; to revise the Penal Code in order to introduce specific legislation to implement the provisions of article 4 of the convention in accordance with General Recommendations VIII and XV; to guarantee the right of recourse in courts to victims of discrimination; and to implement the provisions of article 7 of the Convention, in particular through adequate training in human rights norms of law enforcement personnel in the light of General Recommendation XIII .

- United Kingdom of Great Britain and Northern Ireland, CERD, A/48/18 (1993) 73 at paras. 414, 416, 417 and 421.

Paragraph 414

The absence of legislation prohibiting discrimination on racial grounds in Northern Ireland and the ensuing lack of adequate protection available to ethnic minorities including, in particular, travellers and persons of Chinese origin is of concern.

Paragraph 416

By not prohibiting the British National Party and other groups and organizations of a racist nature, and by allowing them to pursue their activities, the State party is failing to implement article 4, which calls for a condemnation of all organizations attempting to justify or promote racial hatred and discrimination. Additionally, in the light of the increase in the manifestation of racist ideas and of racially motivated attacks, the restrictive interpretation of article 4 violates the purpose and objective of the Convention and is incompatible with General Recommendation XV.

Paragraph 417

It is noted with concern that the rate of unemployment affecting ethnic minorities remained very high and that the primary purpose rule regarding marriage under the immigration regulations might entail discrimination in effect on grounds of ethnic origin.

Paragraph 421

Effective legislative and other practical measures should be taken with a view to preventing incidents of incitement to racial hatred and racially motivated attacks; in particular, the causes of such attacks should be more accurately analysed; current efforts to encourage the recruitment into the police of members of ethnic minorities should be reinforced; and the activities of organizations of a racist nature should be prohibited and the dissemination of ideas based on racial hatred declared punishable by law.

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- Germany, CERD, A/48/18 (1993) 81 at paras. 445-449.

Paragraph 445

Serious concern was expressed at the manifestations of xenophobia, anti-semitism, racial discrimination and racial violence that had recently occurred. In spite of efforts to counteract and prevent them, it appeared that those manifestations were increasing and that the police system had in many instances failed to provide effective protection to victims and potential victims of xenophobia and racial discrimination, as required by the Convention. All those who carried out functions in public and political life should in no way encourage sentiments of racism and xenophobia.

Paragraph 446

In view of the serious nature of the manifestations of xenophobia, racism and racial discrimination in the State party, practical measures should be strengthened with a view to preventing such manifestations, particularly acts of violence on an ethnic basis and to punishing those who committed them. Measures should be taken, in that regard, against the organizations and groups involved.

Paragraph 447

Taking into account that practices of racial discrimination in such areas as access to employment, housing and other rights referred to in article 5 (f) of the Convention are not always effectively dealt with, the authorities should give serious consideration to the enactment of a comprehensive anti-discrimination law. Such a law would constitute a clear reaffirmation by the authorities that racial discrimination was absolutely unacceptable, detrimental to human rights and human dignity. Other preventive measures, such as information campaigns, educational programmes and training programmes addressed particularly to law enforcement officials, in accordance with article 7 of the Convention and General Recommendation XIII, would strengthen the effectiveness of legal provisions.

Paragraph 448

The Government should guarantee equal protection to all minority groups living in the State party. In addition, the Government should consider reviewing certain restrictive provisions recently adopted with regard to asylum-seekers to ensure that they do not result in any discrimination in effect on grounds of ethnic origin.

Paragraph 449

Appropriate measures should be strictly applied against extremist organizations disseminating ideas based on racial superiority or hatred and especially against persons and groups who are implicated in racially motivated crimes.

- Bosnia and Herzegovina, CERD, A/48/18 (1993) 87 at paras. 468 and 469.

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Paragraph 468

Profound concern was expressed that the human rights violations occurring in Bosnia and Herzegovina were being committed on the basis of "ethnic identity" for the purpose of attempting to create ethnically pure States. It is emphasized that such attempts are completely contrary to the spirit and the principles of the Convention. Furthermore, the partition along ethnic lines in Bosnia and Herzegovina could encourage groups elsewhere who were unwilling to respect the territorial integrity of States.

Paragraph 469

The principle of multi-ethnic societies and States is strongly supported and, to that end, it is recommended that active and effective measures should be urgently taken in support of efforts to promote inter-ethnic tolerance and understanding in the State party and to end ethnic divisions there. To that end, multi-ethnic organizations and movements should be encouraged and an ongoing dialogue should be fostered on an urgent basis among leaders and representatives of the various communities with a view to reducing tension, building confidence and ending the conflict.

- Croatia, CERD, A/48/18 (1993) 90 at paras. 499, 505 and 506.

Paragraph 499

The circulation in the State party of ethnic lists of persons considered non-Croatian in origin, which were used for discriminatory purposes, particularly concerning employment opportunities is of concern. Deep concern is also expressed over the reported use of Nazi insignia, in particular by elements of the army.

Paragraph 505

The obligation of the State party, under article 4 of the Convention, is emphasized. Given the sensitive situation prevailing not only in the country but also in the region, condemnation, prohibition and prosecution should also extend to ultra-nationalist and extremist activities on ethnic grounds, such as the circulation of ethnic lists and the display of Nazi emblems or the holding of non-ethnic Croats in secret prisons. At the same time, active and visible measures should be taken by authorities at all levels to promote inter-ethnic tolerance and understanding among the general public. To that end, the Government should encourage multi-ethnic organizations and movements and foster an ongoing dialogue among leaders and representatives of the various communities to ensure respect for the observance of human rights and the rights of the minority communities and their participation in the democratic process. By no means are trends for separation or secession encouraged.

Paragraph 506

The State party is urged to undertake all measures at its disposal to bring an end to the massive, gross and systematic human rights violations occurring in those areas of Bosnia and Herzegovina controlled

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by the State party. The State party is urged to assist efforts to arrest, bring to trial and punish all those responsible for crimes which would be covered by the terms of reference of the International Tribunal established pursuant to Security Council resolution 808 (1993).

See also:

- Yugoslavia (Serbia and Montenegro), CERD, A/48/18 (1993) 95 at para. 545.

- Yugoslavia (Serbia and Montenegro), CERD, A/48/18 (1993) 95 at paras. 536, 538 and 543.

Paragraph 536

Reports of serious and systematic violations of the Convention occurring in the State party is of deep concern. In that regard, it is considered that by not opposing extremism and ultra-nationalism on ethnic grounds, State authorities and political leaders incurred serious responsibility.

Paragraph 538

Alarm is expressed over the deteriorating situation in Kosovo. A number of measures had been implemented there which were in violation of the provisions of the Convention, including the enactment of discriminatory laws, the closing of minority schools, the mass dismissal of Albanians from their jobs and the imposition of restrictions on the use of the Albanian language. Such measures had resulted in the increasing marginalization of the Albanians in Kosovo. In that regard, it is noted that Albanians in Kosovo did not participate in public life.

Paragraph 543

In conformity with articles 2 and 4 of the Convention, the Government should prohibit racial discrimination and should urgently take vigorous steps to ban racist activities and propaganda. In that connection it is vital that paramilitary groups be disbanded, reports of ethnically motivated attacks, including allegations of arbitrary arrests, disappearance and torture, be promptly investigated and those responsible punished. The importance of providing proper training in human rights norms for law enforcement officials in accordance with General Recommendation XIII is emphasized, as is the ensuring of equitable representation among their ranks of national minorities.

- France, CERD, A/49/18 (1994) 20 at paras. 144, 145 and 148-150.

Paragraph 144

Concern is expressed that the implementation of the immigration and asylum laws could have racially discriminatory consequences, particularly in connection with the imposition of limitations on the right of appeal against expulsion orders and the preventive detention of foreigners at points of entry for excessively long periods. Concern is also expressed that these laws may generate or reinforce a

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xenophobic atmosphere in French society.

Paragraph 145

Concern is expressed over procedures concerning identity controls which confer on the police, for preventive reasons, broad discretion in checking the identity of foreigners in public, a measure which could encourage discrimination in practice. Concern is also expressed that the law enforcement services should reflect the ethnic diversity of the population and that adequate training with respect to racial discrimination should be organized.

Paragraph 148

Concern is expressed lest the law on computer technology, files and freedoms impair the Government's readiness to ascertain whether victims of racial discrimination lack effective protection and remedies.

Paragraph 149

Concern is expressed about social trends which result in segregation in areas of residence and in the school system.

Paragraph 150

Concern was expressed in 1983 about the adequacy of sentences imposed for racially motivated crimes; a new concern is added about whether the sentences for racially motivated homicide are consistent, regardless of the ethnic background of the victims.

- Sweden, CERD, A/49/18 (1994) 30 at paras. 197-199 and 202.

Paragraph 197

Concern is expressed at the manifestations of xenophobia and racism occurring in recent years. In this connection, it is emphasized that persons holding or carrying out functions in the public or political spheres should not be permitted to contribute to expressions of racism and xenophobia.

Paragraph 198

Concern is expressed about the inadequacy of measures taken by the Government to prevent occurrences of manifestations of xenophobia and racism and to protect effectively potential victims of such manifestations, particularly those from immigrant groups.

Paragraph 199

It is noted with concern that legislative measures prohibiting racist organizations, namely those disseminating ideas of racial superiority or racial hatred, have not been introduced by the State party.

Paragraph 202

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It is reaffirmed that the provisions of article 4, paragraphs (a) and (b), are of a mandatory character as stated in general recommendation VII (32) of the Committee. These provisions have not been fully implemented in the State party; therefore, the State party should carry out each obligation under those mandatory provisions of the Convention. When doing so, the Government should also take into account general recommendation XV (42) of the Committee.

- Morocco, CERD, A/49/18 (1994) 34 at para. 226

Concern is expressed that the State party has not implemented the provisions contained in article 4 of the Convention, which call for the adoption of specific penal legislation. In that connection, it is recalled that where the criminal law contains specific provisions covering racist acts, a State is better placed to deal with such phenomena.

- Norway, CERD, A/49/18 (1994) 37 at paras. 257 and 262.

Paragraph 257

Concern is expressed that the arrangements for compiling lists from which juries are selected may not guarantee to qualified persons of minority ethnic or national origin an equal chance that their names will appear on the lists.

Paragraph 262

The State party should improve the training of public officials (including immigration officers) in order to avoid racial discrimination and improve methods of supervision to ensure that there are effective controls upon their conduct.

- Canada, CERD, A/49/18 (1994) 47 at paras. 322, 324, 325 and 329.

Paragraph 322

The educational measures taken to combat prejudice and racial discrimination in Canada are considered to provide models that could be followed by other States parties in respect of the implementation of article 7 of the Convention.

Paragraph 324

Concern is expressed about references to "visible minorities" in regard to anti-discrimination policy, since this term does not fully cover the scope of article 1 of the Convention.

Paragraph 325

The slow speed at which negotiations have been undertaken to define aboriginal rights to land and

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resources in many parts of the country is of concern. The limited scope of the Employment Equity Act of 1986, which covers only 10 per cent of workers in the State party and does not fully guarantee equal employment opportunities for aboriginal peoples or their representation in high-level employment is also of concern, as is the treatment of immigrants from the Asian and African regions, who do not appear to be adequately protected against discrimination. Finally, the existence of racist organizations is of concern.

Paragraph 329

Measures should be undertaken to ban racist organizations, to improve the employment and health situation of aboriginal people, to speed up negotiations on aboriginal land claims, to enforce remedies existing under the law, and to protect immigrants, especially those of African and Asian origin, against discrimination.

- Senegal, CERD, A/49/18 (1994) 53 at para. 357.

Serious concern is expressed over the conflict in the Casamance region, where, despite the signing of agreements between the Government of Senegal and secessionists, violence has reoccurred, taking the form of an ethnic conflict.

- Egypt, CERD, A/49/18 (1994) 57 at para. 383.

Concern is expressed about terrorist attacks, some of which could be of a xenophobic nature, and their consequences for the State party.

- Iceland, CERD, A/49/18 (1994) 61 at para. 405.

Note is taken that too little attention is paid to foreigners and minorities in the State party's legal system and that there is no specific legislation in the field of racial discrimination.

- Sudan, CERD, A/49/18 (1994) 68 at paras. 473, 474, 476 and 477.

Paragraph 473

Concern is expressed over the application of legal guarantees in actual practice to prevent racial discrimination with respect to a number of fundamental freedoms, including the right to choose and to change one's religion. Concern is also expressed concerning the effective curtailment of police powers and concerning the independence of the judiciary, including conditions pertaining to the appointment, training and dismissal of magistrates.

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Paragraph 474

The State party should take further steps to strengthen respect for human rights and non-discrimination, particularly by clearly defining and prohibiting racial discrimination in the law as well as penalizing racist activities, organizations and propaganda as required under article 4 of the Convention.

Paragraph 476

Support is expressed for all efforts to end the continuing conflict with the aim of restoring the rule of law and respect for human rights, particularly with regard to the elimination of all forms of racial discrimination. In that connection, concrete steps should be taken to encourage the voluntary return of all refugees and persons displaced in the conflict.

Paragraph 477

Emphasizing the crucial area of the administration of justice with regard to eliminating racial discrimination, it is recommended that police power be curtailed and that judges decide on the legality of detainment within reasonable time after arrest or taking into custody of a suspect. The State is obligated to ensure that law enforcement officials are fully responsible for adhering to the requirements of the Convention and that excesses of the security forces are punished.

- Spain, CERD, A/49/18 (1994) 72 at paras. 501, 503 and 509.

Paragraph 501

Concern is expressed that law enforcement officials have, in several instances, failed to provide effective protection to potential victims of xenophobia and racial discrimination.

Paragraph 503

Concern is expressed about de facto discrimination against members of the Gypsy community in the spheres of housing, education and employment, and against migrant workers and foreign nationals in general.

Paragraph 509

The State party should provide detailed information on cases of complaints of racial discrimination brought before the courts and on remedies made available to victims of racism and xenophobia, in accordance with the provisions of article 6 of the Convention. Special attention should be given to the training and sensitization of law enforcement officials.

- Australia, CERD, A/49/18 (1994) 78 at para. 546.

The situation of members of other, non-English-speaking, minorities, particularly refugees or

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asylum-seekers, as regards enjoyment of their rights and freedoms under article 5 of the Convention is also a matter of concern. Immigrants from the African and Asian regions do not seem to be adequately protected against discrimination.

- Chad, CERD, A/49/18 (1994) 85 at para. 559.

It is noted with concern that two years after the end of the change of government in Chad, tensions between ethnic groups persist, and violent acts and multiple violations of human rights are still being committed, *inter alia* by the military forces and the security units.

- Trinidad and Tobago, CERD, A/50/18 (1995) 21 at para. 48.

Publicity should be given to make the public aware of the right to seek from national tribunals just and adequate reparation for any damage suffered as a result of racial discrimination. Police officials should receive intensive training to ensure that in the performance of their duties they uphold the human rights of all persons without distinction as to race, colour, descent or ethnic origin.

- Cyprus, CERD, A/50/18 (1995) 23 at para. 71.

While welcoming the enactment of Law 11 of 1992, which created offences regarding acts amounting to racial discrimination, a question is raised about whether the wording of certain passages in section 2A meet completely the requirements of article 4 (a) of the Convention.

- Italy, CERD, A/50/18 (1995) 27 at paras. 100 and 102.

Paragraph 100

The high proportion of young people in extremist groups involved in acts of racial violence and the support they are apparently able to secure from some political circles is of concern.

Paragraph 102

Concern is expressed regarding the social trends towards segregation in housing and work.

- Croatia, CERD, A/50/18 (1995) 36 at paras. 170-173 and 176.

Paragraph 170

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It is noted that the administration of the criminal justice system fails to adequately address crimes of an ethnic nature. Thus, there has been a failure to prosecute alleged perpetrators of crimes directed at ethnic Serbs and it is reliably reported that a number of Croatian Serbs have been unfairly prosecuted or excessively punished for alleged crimes against non-Serbs.

Paragraph 171

Attention is drawn to the extent of evictions carried out by State authorities against ethnic Serb residents of apartments formerly owned by the Yugoslav National Army. Particular concern is expressed concerning evictions which the Government declared to be legal in apparent defiance of decisions of the Constitutional Court. Inaction by the government authorities to prevent or reverse evictions of ethnic Serbs which it itself deems to be illegal is also noted.

Paragraph 172

Concern is expressed regarding the influence of the mass media in aggravating ethnic tension and the failure of the State to investigate and prosecute a number of incidents of promotion by elements of the print media of hatred directed against ethnic Serbs.

Paragraph 173

Note is taken of the provisions of the laws concerning naturalization and acquisition of citizenship and concern is expressed as to the great difficulties encountered in the process by many who are not of ethnic Croat origin.

Paragraph 176

The State party should ensure that it administers justice in a manner consistent with its obligations under the Convention and that it speedily prosecute all alleged offences which appear to be directed against persons because of their racial, ethnic or religious origins. The State party should identify any miscarriages of justice which may have occurred and been motivated by the ethnic origin of the defendants and should redress any injustice done.

- Peru, CERD, A/50/18 (1995) 41 at para. 201.

As regards implementation of article 6, concern is expressed at allegations of excessive use of violence committed in the past towards the rural population (most of whom are of indigenous descent) by the army and various armed groups as a reaction to terrorism. The role of military courts in this respect needs further explanation and assessment. Concern is expressed over whether impunity is not given too much weight in respect of the prosecution of human rights violations by military and paramilitary groups. Concern is also expressed regarding the adequacy of publicity given to the right of individuals claiming to be victims of racial discrimination to appeal to the Committee under article 14 of the Convention.

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- Bosnia and Herzegovina, CERD, A/50/18 (1995) 46 at paras. 219 and 221.

Paragraph 219

Grave concern and condemnation is expressed at the massive, gross and systematic human rights violations occurring, most of which are committed in connection with the systematic policy of "ethnic cleansing" and genocidal acts in the areas under the control of the self-proclaimed Bosnian Serb authorities. All these practices, which are still occurring, constitute a grave violation of all the basic principles underlying the International Convention on the Elimination of All Forms of Racial Discrimination. The Committee urges the immediate reversal of ethnic cleansing which must begin with the voluntary return of displaced people.

Paragraph 221

It is noted that the secessionist forces are mainly responsible for systematic violations of human rights in areas under their de facto control, including rights ensured by the Convention, the principal victims of which are those belonging to the Muslim community. Being aware of the inherent right to self-defence of all States, as recognized in Article 51 of the Charter of the United Nations, it is noted that the Government has been prevented from protecting human rights throughout its territory.

- Yugoslavia (Serbia and Montenegro), CERD, A/50/18 (1995) 48 at paras. 237-239 and 243-245.

Paragraph 237

Great concern is expressed regarding the situation of the ethnic Albanian population of Kosovo, as reports indicate that there are campaigns of discrimination, harassment and, at times, terrorization, directed against them by State authorities. Dismissals from jobs in the public sector, principally from the police and education services, continue. Numerous reports have been received of physical attacks and robbery either committed by persons in the service of the State or inadequately investigated by the police. It can be concluded that the ethnic Albanians of Kosovo continue to be deprived of effective enjoyment of the most basic human rights provided in the Convention.

Paragraph 238

Ethnic discrimination against groups, including the Muslim community of Sandjak and the Bulgarian community in Serbia, is of concern. Note is taken of recent acts of discrimination perpetrated against these groups and of the failure of the State party to bring such actions to an end or to have them investigated and prosecuted.

Paragraph 239

Note is taken with profound concern of the large part which the media continue to play in the propagation of racial and ethnic hatred. Given the very tight State control over the media, this propagation of hatred may be attributed to the State. It is further noted that the State party fails to

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take adequate action to either prosecute perpetrators of such acts or to attempt to redress injustices. It also fails to take action to counter the propagation of prejudice against non-Serbians through education of the population in tolerance.

Paragraph 243

The State party should cease immediately all policies and practices which violate rights under the Convention. It is insisted that the victims of discrimination, including ethnic Albanians, Muslims and ethnic Bulgarians, receive redress and reparation in accordance with article 6 of the Convention.

Paragraph 244

The immediate drafting and implementation of legislation with a view towards the outlawing of every manifestation of racial discrimination and the full implementation of the Convention is recommended. Particular attention should be paid to the legal regulation of matters such as the media and freedom of expression, employment and trade unions, the education system, and the health-care system.

Paragraph 245

It is insisted that all perpetrators of violations of the Convention be brought to justice. It further calls on the State party to cooperate fully with the International Criminal Tribunal for the former Yugoslavia.

- Romania, CERD, A/50/18 (1995) 53 at paras. 270, 272 and 273.

Paragraph 270

Concern is expressed as to the continued prevalence of xenophobic attitudes and traditional prejudices in Romanian society against certain minorities, manifested in the appearance of extremist political parties and increasing acts of violence.

Paragraph 272

While the State party's new legal framework prohibits manifestations of racism, including acts of violence, the propagation of racist speech, and discriminatory employment practices, the extent to which the legal prohibition of such acts is translated into effective prohibition is unclear. Once such acts occur, it is not evident what remedies are available to victims and whether and how it is ensured that the guilty parties are prosecuted in an adequate and timely manner. It is noted in this connection that with regard to the violence on 20 September 1993, which resulted in the death of three members of the Roma and the destruction of the homes of 170 others, victims have yet to receive compensation or have their homes reconstructed.

Paragraph 273

Concern is expressed at the continuing reports of racism among police forces, which have been said to occasionally use excessive force against members of certain groups or, alternatively, are said not

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to take action when acts of violence against certain groups are committed in their presence.

- Guatemala, CERD, A/50/18 (1995) 58 at para. 304.

The statement that no form of racial discrimination is practised against persons, groups of persons or institutions is not accepted. De facto racial discrimination persists in Guatemala against the indigenous communities representing the majority of the Guatemalan people. It is noted with concern that no legal protection is offered in practice against such discrimination.

- Mexico, CERD, A/50/18 (1995) 66 at para. 382.

Particular concern is expressed that the State party does not seem to perceive that pervasive discrimination being suffered by the 56 indigenous groups living in Mexico falls under the definition given to racial discrimination in article 1 of the Convention. The description of their plight merely as an unequal participation in social and economic development is inadequate.

- El Salvador, CERD, A/50/18 (1995) 83 at para. 490.

The assertion of the State party that, because there are no physical distinctions between the indigenous population and the population as a whole, and because the number of indigenous persons is insignificant, no racial discrimination exists in the State, is not acceptable.

- United Arab Emirates, CERD, A/50/18 (1995) 95 at para. 570.

The State party should show the utmost diligence in preventing acts of ill-treatment being committed against foreign workers, especially foreign women domestic servants, and take all appropriate measures to ensure that they are not subjected to any racial discrimination.

- United Republic of Tanzania, CERD, A/50/18 (1995) 98 at para. 582.

It was noted with concern that there were reports alleging that the Asians in Tanzania suffer racial discrimination, and that there were statements of discrimination between the Christian and the Muslim communities giving rise to certain concern inasmuch as it was based on ethnic differences.

- Nigeria, CERD, A/50/18 (1995) 101 at paras. 624, 627, 628 and 632.

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Paragraph 624

Concern is expressed that in circumstances in which political and religious differences may easily be associated with ethnic differences, any breakdown in law and order can exacerbate ethnic tension.

Paragraph 627

Particular concern is expressed that Decree 12 that states "no act of the federal military government may be questioned henceforth in a court of law" and which ousts "courts of jurisdiction" can adversely affect proceedings invoking protection against racial discrimination.

Paragraph 628

Particular concern is expressed that trial by Special Tribunals, some of them with no right of appeal, could counter the right to equality before the law, without distinction as to ethnic origin, in accordance with article 5 of the Convention.

Paragraph 632

The State party should investigate situations of ethnic disorder and the causes thereof, including any possible unlawful orders, with a view to taking the necessary remedial measures in accordance with the Convention and to ensure that no one can act with impunity in these circumstances.

- Chad, CERD, A/50/18 (1995) 106 at para. 659.

The ethnic aspect of human rights violations, the predominant influence of certain ethnic minorities close to the State within the administration and the army, and the growing antagonism between the north and south of the country is cause for concern.

- Colombia, CERD, A/51/18 (1996) 15 at para. 53.

The State Party should give the necessary attention to the migration processes, including by undertaking large-scale awareness-raising programmes oriented towards human rights and tolerance, in order to avoid social and racial prejudice and discrimination.

- Denmark, CERD, A/51/18 (1996) 17 at paras. 62, 63 and 69-71.

Paragraph 62

Noting the judgement of the European Court of Human Rights in the case of *Jersile-v-Denmark* (36/1993/431/510), it is affirmed that the "due regard" clause of article 4 of the Convention requires

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due balancing of the right to protection from racial discrimination against the right to freedom of expression.

Paragraph 63

The high level of unemployment makes it even more important to counter the influence of groups propagating ideas of racial superiority and attempting to justify practices of racial discrimination.

Paragraph 69

The attempts of municipalities to prevent undue concentrations of ethnic minority families in "socially-burdened" urban neighbourhoods should not be discriminatory in effect.

Paragraph 70

It is noted with concern that only three convictions have been registered in the past six years against members of neo-Nazi groups. The recent granting of licences to such groups to operate a radio station and a telephone number to which people allegedly can call to hear a recorded message about why migrants and refugees should be deported is also noted with special concern.

Paragraph 71

It is noted with concern that officers of the Danish police have treated persons with a non-Danish background in an unacceptable manner, also that these persons with non-Danish backgrounds face difficulties in the enjoyment of their economic and social rights, particularly in respect of access to the labour market and equality in the exercise of their rights to housing and to health.

- Zimbabwe, CERD, A/51/18 (1996) 20 at paras. 91, 93, 95, 97, 99 and 100.

Paragraph 91

Concern is expressed that parallel systems of private schools for pupils whose parents can afford them and public schools for others results in a racially segregated school system.

Paragraph 93

The persisting existence of a dual legal system regulating, *inter alia*, the areas of marriage and inheritance is a serious concern. This situation, in some cases, can lead to unequal treatment between Blacks and Whites. For example, the descendants of Blacks who die intestate inherit according to customary law while Whites inherit according to general law.

Paragraph 95

With regard to article 7 of the Convention, the Committee is concerned about the absence of educational programmes for the prevention of racial discrimination.

Paragraph 97

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Steps should be taken, by the Government and by the schools themselves, to reduce the deleterious consequences of the racial segregation created by the parallel systems of public and private schools.

Paragraph 99

The dual legal system regulating marriage and inheritance should be revised in an appropriate manner and, if necessary unified, to avoid potential areas of unequal treatment between the races.

Paragraph 100

The State Party should consider incorporating teaching about human rights in the school curricula, with a view to promoting the prevention of racial discrimination.

- Hungary, CERD, A/51/18 (1996) 22 at paras. 116, 119 and 123.

Paragraph 116

Grave concern is expressed at the persistence of expressions of racial hatred and acts of violence, particularly those by neo-Nazi skinheads and others, towards persons belonging to minorities, especially Gypsies, Jews and people of African or Asian origin. Alarm is expressed that the Government has not been sufficiently active in effectively countering incidents of racial violence. In this regard, concern is expressed at information that the number of charges and convictions, including those against neo-Nazi skinheads and others, is low relative to the number of abuses reported.

Paragraph 119

The persistent marginalization of the large Gypsy population is a matter of serious concern. It is noted that the de facto discrimination Gypsies face in the enjoyment of their economic, social and cultural rights increases their vulnerability in the context of economic crisis. Concern is expressed that three quarters of Gypsies are unemployed, with almost no prospect of entering the labour market.

Paragraph 123

The State party is urged to take more active steps to prevent and counter attitudes and acts of racial violence against individuals. Extreme vigilance towards the neo-Nazi skinheads and others and a stronger commitment to ensuring that there is no element of racism in law enforcement is recommended.

- Russian Federation, CERD, A/51/18 (1996) 25 at paras. 137, 150 and 152.

Paragraph 137

Article 19 of the Constitution of the Russian Federation, which provides for equality of rights regardless of "race, nationality, language, origin or other circumstances", is not broad enough to be regarded as a full implementation of the prohibition of racial discrimination required by the

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Convention.

Paragraph 150

It is strongly recommended that the Government take concrete and appropriate measures to outlaw and combat all organizations and political groups and their respective activities that promote racist ideas or objectives, as referred to in article 4 of the Convention.

Paragraph 152

The State Party should effectively enhance protection against any acts of racial discrimination through the competent national courts, in accordance with article 6 of the Convention, by strengthening the court system, the independence of the judiciary and the confidence of the population therein. The training of judges, lawyers, magistrates, law enforcement personnel and the military in human rights is recommended.

- Madagascar, CERD, A/51/18 (1996) 28 at para. 162.

Grave concern is expressed at the continuing deterioration of the social, cultural and economic conditions prevailing in the State party. The general impoverishment of the country, the dysfunctioning of social services and social security and the existence of tensions between various groups of the population, which all lead to phenomena of racial or ethnic discrimination, are a matter of anxiety.

- Finland, CERD, A/51/18 (1996) 29 at paras. 175, 176 and 194.

Paragraph 175

The recent, significant increase in racially motivated acts and violence is a matter of deep concern. The persistence of publications, organizations and political parties which promote racist and xenophobic ideas is a further serious worry and it is regretted that there is no law which prohibits or punishes racist organizations for activities which promote and incite racial discrimination.

Paragraph 176

It is noted that victims of racial discrimination must overcome significant obstacles in order to obtain adequate judicial remedies.

Paragraph 194

Appropriate action should be taken to ensure that access to places or services intended for use by the general public is not denied on grounds of national or ethnic origin, contrary to article 5 (f) of the Convention.

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- Spain, CERD, A/51/18 (1996) 32 at paras. 205, 209, 210, 212 and 213.

Paragraph 205

Concern is expressed over the increasing manifestation of racism, xenophobia and discrimination against foreigners, asylum-seekers and members of the Gypsy community. It is noted with serious concern that evidence of racist attitudes on the part of members of the police and the Civil Guard seems to be increasing, and that the number of convictions resulting from such incidents does not seem to increase proportionately.

Paragraph 209

Serious concern is expressed with regard to the status of neo-Nazi and other extreme-right organizations which spread racist ideas. It is regretted that it was not made clear whether such organizations could be registered and, if so, whether they could be dissolved on the sole ground that they spread racist ideas, or whether they were secret and, in this case, what the attitude of the authorities towards them is. It is doubtful whether Spain fully implements article 4 (b) of the Convention.

Paragraph 210

While efforts to relocate members of the Gypsy community in the Madrid area through the resettlement plan are welcomed, more attention should be paid by the authorities to ensuring that the implementation of the plan does not lead to the segregation of this community.

Paragraph 212

Doubts were expressed whether victims of racial discrimination have effective remedies at their disposal for seeking just and adequate reparation from competent tribunals.

Paragraph 213

The Spanish authorities should urgently adopt more effective measures to contain and punish racist actions and xenophobia in all their forms, in particular through the training of members of the security forces, of the judiciary and other officials and through a close surveillance of extreme-right organizations.

- United Kingdom of Great Britain and Northern Ireland, CERD, A/51/18 (1996) 35 at paras. 229, 230, 232, 235, 237-239, 242, 253 and 254.

Paragraph 229

The legal framework prohibiting racial discrimination is weakened by the non-incorporation of the Convention in domestic legislation, the absence of a bill of rights espousing the principle of equality

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before the law and non-discrimination, and the lack of recourse of individuals to petition an international body such as the Committee. In addition, concern is expressed that the laws relevant to the implementation of the Convention do not appear to be uniformly applied throughout the territory of the United Kingdom; specifically, the Race Relations Act does not extend to Northern Ireland and some provisions of the Criminal Justice Act do not apply to Scotland.

Paragraph 230

Special concern is expressed over the issue of religious discrimination, in connection with anti-Muslim sentiment. Discrimination against Muslims may be closely related to questions of race and ethnicity, but no legislation is in place to deal effectively with this type of discrimination.

Paragraph 232

In connection with article 5 of the Convention, it is noted with serious concern that among the victims of death in custody are a disproportionate number of members of minority groups, that police brutality appears to affect members of minority groups disproportionately, that allegations of police brutality and harassment are reportedly not vigorously investigated and perpetrators, once guilt is established, are not appropriately punished. Persons belonging to ethnic minority groups are underrepresented in political and public life, as reflected in their representation among the voting public, the police and armed forces and holders of public office. Deep concern is expressed about reports that they suffer significantly higher levels of unemployment relative to the rest of the population and that disproportionate numbers of black children are being excluded from schools.

Paragraph 235

Concerning the treatment of foreigners, serious concern is expressed that the proposed Asylum and Immigration Bill would alter the status of many persons living in the United Kingdom in an adverse and discriminatory manner. This bill, if enacted, would, *inter alia*, prohibit employers from employing persons who are in the process of appealing a decision which rejected their petition to remain. It would also deny a number of social services to persons who have been granted permission to remain in the United Kingdom, including asylum-seekers, and others who have been granted permanent leave to stay but have not been naturalized. It is a matter of deep concern that most of the affected persons would be persons belonging to ethnic minorities.

Paragraph 237

It is noted with concern that the adoption of the Bill of Rights Ordinance does not protect persons in Hong Kong from racial discrimination to which they may be subjected by private persons, groups or organizations, as provided for in article 2, paragraph 1 (d) of the Convention.

Paragraph 238

The Government's statement that South Asian residents of Hong Kong are granted some form of British nationality, whether that of a British National Overseas (BNO) or a British Overseas Citizen (BOC), so that no resident of Hong Kong would be left stateless following the transfer of sovereignty

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is noted. It is of concern that such status does not grant the bearer the right of abode in the United Kingdom and contrasts with the full citizenship status conferred upon a predominantly white population living in another dependent territory. It is noted that most of the persons holding BNO or BOC status are Asians and that judgements on applications for citizenship appear to vary according to the country of origin, which leads to the assumption that this practice reveals elements of racial discrimination.

Paragraph 239

Concern is expressed about the "two-week rule", which prohibits foreign workers from seeking employment or remaining in Hong Kong more than two weeks after the expiration of their employment contracts. In view of the fact that the overwhelming majority of the persons affected by this rule are female Filipino foreign domestic workers, this rule appears to have discriminatory aspects under the terms of the Convention, which may leave workers vulnerable to abusive employers.

Paragraph 242

With respect to articles 5 and 6, the adequacy of legal aid available to alleged victims of racial discrimination should be reviewed and all complaints of police brutality should be vigorously and independently investigated and the perpetrators punished. Investigations into deaths in custody should be carried out expeditiously by independent inquiry mechanisms. Comprehensive, action-oriented studies should be undertaken to ascertain the reasons behind the low participation of persons belonging to ethnic minority groups in elections, both as voters and as candidates for public office, the reason for their low representation in the police and armed forces, and the reason for their disproportionately high level of unemployment.

Paragraph 253

The Bill of Rights Ordinance should be amended to extend the prohibition of discrimination to acts committed by private persons, groups or organizations, as provided for in article 2, paragraph 1 (d), of the Convention. The "two-week rule" should be modified to allow foreign workers to seek new employment in Hong Kong when their employment contracts are terminated.

Paragraph 254

The question of the citizenship status of Hong Kong residents belonging to ethnic minorities of Asian origin should be reviewed to ensure that their human rights are protected and that they are not discriminated against as compared with residents of other former colonies of the United Kingdom.

- Bolivia, CERD, A/51/18 (1996) 41 at paras. 273, 277 and 278.

Paragraph 273

The abolition of the practice of debt imprisonment is welcomed. This practice by definition has affected the poorer sectors of society and consequently has had important racial implications.

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Paragraph 277

Attention is drawn to article 5 (c), in accordance with which all persons have the right to have equal access to the public service. In this regard, regret is expressed that the law on the public service does not expressly prohibit racial discrimination in the selection of public servants.

Paragraph 278

Note is taken of the disparities in the access to economic, social and cultural benefits by different ethnic groups. While the difficulties in providing benefits to regions far removed from the capital are appreciated, the disproportionate effects that may hinder the relative development of different communities are of deep concern, as they can perpetuate racial discrimination towards disadvantaged groups.

- Brazil, CERD, A/51/18 (1996) 45 at paras. 297, 299, 301, 305, 308 and 309.

Paragraph 297

The indigenous, black and mestizo communities suffer from deep structural inequalities and the measures taken by the Government effectively to combat those disparities are still insufficient.

Paragraph 299

Discriminatory attitudes towards the indigenous, black and mestizo populations persist within Brazilian society and are apparent at a number of levels in the political, economic and social life of the country. These discriminatory attitudes concern, *inter alia*, the right to life and security of the person, political participation, access to education and employment, access to basic public services, the right to health, the right to decent housing, land ownership, land use and law enforcement.

Paragraph 301

The maintenance of article 6 of the 1916 Civil Code of Brazil, containing a discriminatory restriction on the exercise of civil rights by the indigenous populations, which is contrary to the 1988 Constitution of Brazil, is of concern, although it was explained that this provision has become obsolete.

Paragraph 305

The State Party should devote due attention to developing programmes to foster awareness of human rights and of the need for tolerance, in order to prevent social and racial discrimination and prejudice.

Paragraph 308

The Government should put more vigorously into practice its determination to defend the fundamental rights of indigenous people, blacks, mestizos and members of other vulnerable groups, who are regularly the victims of serious intimidation and violence, sometimes leading to their death. It is hoped that the authorities will systematically prosecute those guilty of such crimes, whether they

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are members of private militias or State officials, and will take effective preventive measures, especially through training for the members of the military police. In addition, the State Party should ensure that the victims of such acts receive compensation and are rehabilitated.

Paragraph 309

The State Party should adopt fair and equitable solutions for the demarcation, distribution and restitution of land. To that end, where land disputes are concerned, everything possible should be done to prevent discrimination against indigenous people, blacks or mestizos by the big landowners.

- Republic of Korea, CERD, A/51/18 (1996) 48 at paras. 328, 332 and 334.

Paragraph 328

It is noted with concern that there is discrimination against people of foreign origin who were born and have settled in the Republic of Korea, particularly Chinese, in relation to people of Korean origin, with regard to certain matters - for example, the impossibility of acquiring citizenship of the Republic of Korea and the difficulty in obtaining employment in some large companies.

Paragraph 332

Constitutional and legislative measures should be taken to remedy the omission of race as a ground for discrimination in the law and in that regard, the compulsory nature of the provisions of article 2 of the Convention is noted.

Paragraph 334

Measures should be taken to ensure that persons of foreign origin who were born and have settled in the Republic of Korea are no longer subject to discrimination based on ethnic origin.

- India, CERD, A/51/18 (1996) 51 at paras. 348, 352, 361, 363 and 370.

Paragraph 348

Articles 15 (i) and 15 (ii) of the Constitution, prohibiting all forms of discrimination by the State and its agents, or between individuals, including discrimination based on race and castes, as well as the Penal Code, which prohibits actions that promote disharmony, hatred, feelings of enmity and ill-will on grounds of race or religion, are found to be mainly in conformity with article 2, paragraph 1, of the Convention.

Paragraph 352

The term "descent", mentioned in article 1 of the Convention, does not solely refer to race. It is affirmed that the situation of the scheduled castes and scheduled tribes falls within the scope of the Convention.

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Paragraph 361

Although constitutional provisions and legal texts exist to abolish untouchability and to protect the members of the scheduled castes and tribes, and although social and educational policies have been adopted to improve the situation of members of scheduled castes and tribes and to protect them from abuses, widespread discrimination against them and the relative impunity of those who abuse them point to the limited effect of these measures. Particular concern is expressed at reports that people belonging to the scheduled castes and tribes are often prevented from using public wells or from entering cafés or restaurants and that their children are sometimes separated from other children in schools, in violation of article 5 (f) of the Convention.

Paragraph 363

Although it is noted that the Supreme Court and the high courts have the jurisdiction to award compensation to victims of human rights violations, including in the field of racial discrimination, concern is expressed that there exists no specific statute providing for the right of individuals to seek from the courts just and adequate reparation or satisfaction for any damage suffered as a result of acts of racial discrimination, as required by article 6 of the Convention.

Paragraph 370

The State party should adopt legal provisions making it easier for individuals to seek from the courts just and adequate reparation or satisfaction for any damage suffered as a result of acts of racial discrimination, including acts of discrimination based on belonging to a caste or a tribe.

- Malta, CERD, A/51/18 (1996) 55 at para. 382

No social system can fully guarantee the absence of racial discrimination.

- China, CERD, A/51/18 (1996) 57 at para. 408.

The effects of the differing levels of economic development of different regions and their impact on different communities are of concern, as they may generate racial discrimination towards disadvantaged groups. In addition, efforts with respect to economic development and national modernization should not deprive members of such ethnic groups of their right to their own culture, in particular their traditional ways of life.

- Venezuela, CERD, A/51/18 (1996) 65 at para. 469.

Doubts were expressed whether victims of racial discrimination have effective remedies at their disposal for seeking just and adequate reparation from the competent tribunals. The State party's

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legal system does not include any provisions for compensation of victims of racial discrimination, most of whom belong to various indigenous groups.

- Namibia, CERD, A/51/18 (1996) 67 at paras. 496, 497 and 500.

Paragraph 496

Concern is expressed at the fact that black people and mixed race people (coloureds), who comprise 95 per cent of the population, still face serious discrimination in many areas, such as access to property, education, employment, health care or housing.

Paragraph 497

Concern is expressed over the persistence of a dual legal system regulating important aspects of personal status, such as marriage and succession. There remain serious discrepancies in the system applicable to white, coloured and black people under the Administration of Estate Act.

Paragraph 500

Concern is expressed about apparent delays in the process of desegregation in the field of education, as well as the persistence of serious difficulties faced by black children in their access to public and private education, particularly insofar as secondary and higher education are concerned.

- Zaire, CERD, A/51/18 (1996) 70 at paras. 520, 523, 525 and 534.

Paragraph 520

Grave concern is expressed at allegations of large-scale discrimination against the Pygmies (Batwa) and at reports of violent clashes in Kivu involving the Hunde, the Nyanga and the Nande ethnic groups (considered to be natives of Zaire), and the Banyarwanda and the Banaymulengue ethnic groups (considered to be non-natives of Zaire, although they have lived in the country for generations), causing thousands of deaths. Reports of alleged regional "ethnic cleansing" in Shaba against the Kasai ethnic group, which led to their massive displacement to other parts of the country, and of attacks and widespread discrimination against Rwandan and Burundian refugees, are also a subject of great concern.

Paragraph 523

Although the reference to apartheid may have been directed exclusively to South Africa in the past, article 3 prohibits all forms of racial segregation, whether institutional or non-institutional, in all countries.

Paragraph 525

The provisions of the law that Zairian nationality would no longer be granted on a collective basis to

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the Banyarwanda, but only to those who could prove that their ancestors have lived in Zaire since 1885, are in violation of article 5 (d) (iii) of the Convention and are a major source of ethnic conflict.

Paragraph 534

The importance of specific legal provisions providing for effective protection and remedies against acts of racial discrimination and for the right of individuals to seek adequate reparation for any damage suffered as a result of such discrimination, as provided for in article 6 of the Convention is stressed.

- United Kingdom of Great Britain and Northern Ireland, CERD, A/52/18 (1997) 9 at paras. 34-38.

Paragraph 34

Special concern is expressed at the restrictive interpretation by the Government of the provisions of article 4 of the Convention, noting that such an interpretation is in conflict with the State party's obligations under article 4 (b) of the Convention to prohibit organizations which promote and incite racial discrimination and to declare the participation therein an offence.

Paragraph 35

Concern is expressed that the race relations legislation concerning Northern Ireland contains two grounds for exemption, namely, public order and public safety, and that bodies working in the field of health, education, social services, planning and housing do not have the same positive legal duty to eliminate discrimination as that which applies to local authorities in Britain.

Paragraph 36

The identification of minority groups and the analysis of their civil, political, economic and social status are a precondition for identifying the difficulties that they may be facing and for assessing whether and how such difficulties may be due to racial discrimination, and thus for evaluating the need to adopt specific measures, laws and regulations to overcome those difficulties.

Paragraph 37

With respect to the effective enjoyment of the rights provided for in article 5 of the Convention, concern is expressed at remaining instances of racial discrimination in the field of employment, notably the opportunities for professional promotions, in the private as well as in the public sectors, in the fields of housing and education, in the exercise of stop and search powers by the police, and with respect to occurrences of ill-treatment by the police.

Paragraph 38

Concern is expressed at the fact that asylum claims may *a priori* be considered to be unfounded, and

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thus be dealt with more swiftly, when the claimants come from certain countries considered not to "generally give rise to a serious risk of persecution", and at the fact that no right of in-country appeal is granted to asylum seekers sent back to certain safe third countries. The definition of racial discrimination under article 1, paragraph 1, of the Convention includes the effect as well as the purpose of an act, and it is thus noted that the Asylum and Immigration Act of 1996, in its effects, may be contrary to the Convention.

- Belarus, CERD, A/52/18 (1997) 18 at para. 118.

Specific legislation should be adopted to prohibit racial discrimination by private groups or organizations, in accordance with article 2, paragraph 1 (d), of the Convention.

- Luxembourg, CERD, A/52/18 (1997) 22 at para. 140.

The Penal Code should be amended with a view to introducing stronger penalties for acts of slander and/or defamation of a racial character.

- Germany, CERD, A/52/18 (1997) 25 at paras. 164, 167 and 169.

Paragraph 164

Concern is expressed over manifestations of xenophobia and racial discrimination, including acts of anti-Semitism and hostility against certain ethnic groups, and racial violence. Such manifestations reflect deep-seated prejudices and latent fears still prevailing in certain sections of the population, particularly among the less educated and the unemployed. This situation calls for continued efforts to eradicate the causes of discrimination and to intensify information and educational programmes.

Paragraph 167

It is noted with concern that private insurance carriers sometimes discriminate against ethnic groups and that the onus of complaining is placed on the victim. Legislation regulating the insurance industry should prohibit such abuses.

Paragraph 169

It is noted with concern in connection with article 6 of the Convention that certain categories of foreigners, including those without legal status and temporary residents, are not entitled to redress for acts of racial discrimination committed against them.

- Pakistan, CERD, A/52/18 (1997) 28 at para. 188.

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The fact that the fundamental rights of citizens, irrespective of their race, religion, caste, sex, residence or place of birth, are guaranteed by the Constitution is welcomed, although it is stressed that article 1, paragraph 1, of the Convention is broader.

- Belgium, CERD, A/52/18 (1997) 31 at paras. 226 and 229.

Paragraph 226

Adjustments should be made to the Constitution and the laws to permit more effective criminal prosecution of racist, negatory or discriminatory writings. The Act, which prohibits the denial, minimization, justification or approval of the genocide committed by the German national socialist regime during the Second World War, should be broadened to cover the different types of genocide. Dissatisfaction is shown with the replacement of the concept of "national or ethnic origin" by the concepts of "origin" or "nationality" and an amendment should be made in order to keep with the terms used in article 1, paragraph 1, of the Convention.

Paragraph 229

The State party should ensure, by means of appropriate information and training, that the judicial authorities and the police treat persons of European and non-European origin in the same way.

- Iceland, CERD, A/52/18 (1997) 35 at para. 252.

The State party should make its report and the concluding observations widely available with a view to enhancing public awareness of the problems and dangers of racial discrimination.

- Bulgaria, CERD, A/52/18 (1997) 39 at paras. 282, 283, 285, 290 and 291.

Paragraph 282

Concern is expressed that the economic crisis has affected people from ethnic minorities disproportionately. It is noted that the Roma face de facto discrimination in the enjoyment of their economic, social and cultural rights, which increases their vulnerability in a context of economic crisis. Concern is expressed about discrimination against minorities in the workplace, especially for Roma, most of whom have relatively little training and education. Concern is also expressed that Roma encounter difficulties in applying for social benefits and that rural Roma are discouraged from claiming land to which they are entitled under the law disbanding agricultural collectives.

Paragraph 283

Concern is expressed at the insufficiency of the measures taken to guarantee the rights and freedoms

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of citizens and their integration into society regardless of race, nationality or ethnic origin. Alarm is expressed that the State party has not been sufficiently active in effectively countering incidents of racial violence against members of minority groups and that the police and prosecutors seem to have failed to investigate acts of violence promptly and effectively. In addition, concern is expressed at information that the number of charges and convictions is low relative to the number of abuses reported. Concern is also expressed that acts of propagating and instigating racial and nationalistic hatred, and the perpetrators of such crimes against ethnic minorities, are not considered to pose a significant danger to the public order.

Paragraph 285

Although the right to associate and to found political parties is stated as a general principle in the Constitution, it is noted with concern that the State party prohibits the foundation and registration of political parties formed on ethnic, racial or religious bases.

Paragraph 290

The State party should take immediate steps to prevent and combat cases of excessive use of force by members of the security forces. Those steps should include the education and sensitization of law enforcement officials about the provisions of the Convention. Law enforcement officials should receive training to ensure that in the performance of their duties they respect as well as protect human rights and uphold the human rights of all persons without distinction as to race, colour or national or ethnic origin.

Paragraph 291

The State party should prevent any *de facto* segregation of minorities.

- Mexico, CERD, A/52/18 (1997) 42 at para. 316.

The State party should continue its efforts to improve the effectiveness of measures and programmes designed to ensure that members of all population groups, especially the 56 indigenous groups, fully enjoy their political, economic, social and cultural rights. The State party should devote due attention to the legislative changes required as well as to the development of programmes to foster awareness of human rights, particularly among representatives of the State.

- Swaziland, CERD, A/52/18 (1997) 49 at para. 363.

Concern is expressed at the failure to adopt legislative, administrative and other measures implementing fully the provisions of the Convention. In that connection, it is noted that the adoption of the definition of the term "racial discrimination" in the Race Relations Act, which speaks only of discrimination based on race and colour, is a narrower approach.

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- Algeria, CERD, A/52/18 (1997) 52 at para. 391.

Concern is expressed over the failure of the Government to incorporate the prohibition of racial discrimination in its domestic law, in accordance with the Convention.

- Philippines, CERD, A/52/18 (1997) 55 at paras. 426 and 434.

Paragraph 426

With respect to article 6 of the Convention, there is concern at the lack of legislative provisions to implement the right to just and adequate reparation or satisfaction for any damage suffered as a result of acts of racial discrimination. Moreover, the absence of complaints against acts of racial discrimination to the courts, raises doubts as to the extent of the publicity given to and the effectiveness of available remedies for victims of racial discrimination.

Paragraph 434

The State party should ensure protection against any acts of racial discrimination through the competent courts, in accordance with article 6 of the Convention, by, *inter alia*, strengthening the court system, the independence of the judiciary and the confidence of the population therein. It is further recommended that the right to seek just and adequate reparation for victims of acts of racial discrimination be fully guaranteed under the law and in practice.

See also:

- Burundi, CERD, A/52/18 (1997) 73 at paras. 579 and 589.
- Cambodia, CERD, A/53/18 (1998) 55 at para. 300.
- Haiti, CERD, A/54/18 (1999) 28 at para. 259.
- Guinea, CERD, A/54/18 (1999) 48 at para. 535.

- Denmark, CERD, A/52/18 (1997) 59 at paras. 450-452.

Paragraph 450

Concern is expressed that the prosecuting practice is focusing too much on propaganda activities while other means of disseminating racist ideas are treated as minor offences; this gives a restrictive interpretation to the provisions of this article. In addition, the lenient attitude towards the dissemination of racist ideas over the radio is of particular concern. It is also noted that organizations using racist propaganda to incite racial discrimination are not declared illegal and are not prohibited.

Paragraph 451

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Concern is expressed over reports of discriminatory practices affecting residents of non-Danish ethnic or national origin, especially in respect of employment, housing and bank loans.

Paragraph 452

Concern is expressed that a rigid implementation of the law of 1981 on names has a discriminatory effect on residents of non-Danish ethnic or national origin.

- Poland, CERD, A/52/18 (1997) 62 at paras. 473 and 476.

Paragraph 473

With regard to article 5 of the Convention, concern is expressed that the right to work and to housing of persons belonging to minorities may not be sufficiently protected from racial discrimination in the current period of economic transition.

Paragraph 476

The State party should take all measures required under the Convention to prohibit the existence of non-political groups and associations which disseminate ideas based on racial superiority or hatred or incitement to racial discrimination, as well as acts of violence or incitement to such acts against any race or group of persons.

- The Former Yugoslav Republic of Macedonia, CERD, A/52/18 (1997) 67 at para. 527.

The State party should consider incorporating the Convention into its human rights programmes in school curricula with a view to promoting the prevention of racial discrimination.

- Argentina, CERD, A/52/18 (1997) 69 at paras. 543, 552, 555 and 557.

Paragraph 543

The organization of seminars and training programmes on human rights and the prevention of racial discrimination for judges and the staff of the Federal Prison Service is noted with satisfaction.

Paragraph 552

The State party should fulfil its obligation under article 4 of the Convention and declare as an offence punishable by law any form of racial discrimination, including dissemination of and propaganda for racist ideas, incitement to racial discrimination, racial violence and the establishment of racist

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organizations.

Paragraph 555

The State party should take all measures within its power to expedite the ongoing proceedings in connection with the 1992 and 1994 anti-Semitic attacks and draws its attention to articles 5 (a) and 6 of the Convention in this regard.

Paragraph 557

In connection with the implementation of article 7 of the Convention, the State party should take all necessary measures to guarantee the training and education of law enforcement officials, teachers and students in human rights and in the prevention of racial discrimination.

See also:

- Burundi, CERD, A/52/18 (1997) 73 at para. 590.
- Cambodia, CERD, A/53/18 (1998) 55 at para. 301.

- Burundi, CERD, A/52/18 (1997) 73 at para. 570

The understanding of the notions of "race" and "ethnic origin" by the State party, is a matter of concern. The identification of individuals as members of a particular racial or ethnic group shall be based upon self-identification by the individual himself. In the present case, it is believed that an important part of the population of the State party identifies itself as being a member of one of the three ethnic groups living in the country, and that important parts of the population are living in conditions which do not guarantee the exercise of human rights under equal terms.

- Norway, CERD, A/52/18 (1997) 77 at paras. 605-607, 609 and 612.

Paragraph 605

While noting that the number of complaints concerning racially motivated offences has fallen, concern is expressed that the reasons for this trend are not yet known. Concern is also expressed over allegations that the police are reluctant to institute criminal proceedings in some cases involving racial discrimination.

Paragraph 606

Concern is expressed that the State party has not taken all appropriate measures to prohibit

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organizations which promote and incite racial discrimination, in accordance with article 4 (b) of the Convention. The fact that a Norwegian political party promotes racial discrimination is a source of serious concern.

Paragraph 607

Concern is expressed over the publications of anti-immigrant racist organizations and over the fact that a radio station is systematically disseminating ideas of racial superiority. The view expressed openly by the leader of the above-mentioned political party that the Sami parliament should be dissolved is also a matter of concern.

Paragraph 609

Concern is expressed about allegations that immigrants of African descent disproportionately test positive for HIV and that Africans have been obliged to undergo tests for HIV simply because they are Africans.

Paragraph 612

Competent authorities should maintain a comprehensive record of all racist acts or incidents, and take the necessary measures to facilitate and ensure criminal proceedings whenever appropriate.

- Burkina Faso, CERD, A/52/18 (1997) 80 at para. 624.

It is noted with appreciation that the prohibition of discrimination on any ground, in particular race, ethnic origin, colour, religion and caste, is contained in the Constitution, which makes it an excellent basis for the implementation of the Convention.

- Russian Federation, CERD, A/53/18 (1998) 25 at para. 44.

The training of judges and law enforcement officials in matters relating to the exercise of individuals' rights and freedoms and, in particular, on the right not to be discriminated against on racial grounds should be continued and developed.

- Switzerland, CERD, A/53/18 (1998) 28 at paras. 56, 57, 59, 61 and 63.

Paragraph 56

Concern is expressed about the lack of comprehensive legislation to combat discrimination based on race, colour, descent, or national or ethnic origin. Such legislation should include measures to combat racial discrimination in labour relations and housing and, more generally, racial discrimination by any person, group or organization.

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Paragraph 57

Disquiet is expressed at the three-circle-model immigration policy, which classifies foreigners on the basis of their national origin. The conception and effect of this policy is considered to be stigmatizing and discriminatory, and therefore contrary to the principles and provisions of the Convention. The extensive system of police control of foreigners, as well as the naturalization policies and procedures, which are deemed too protracted and selective, is also of concern.

Paragraph 59

Incidents of xenophobia, anti-Semitism, racial discrimination and racial violence occurring in the State party as well as the dissemination of racist and xenophobic ideas is of concern.

Paragraph 61

The State party should give serious consideration to the enactment of a comprehensive law banning discrimination based on race, colour, descent, or national or ethnic origin. Other preventive measures, such as information campaigns, educational programmes and more intensive training programmes for law enforcement officials will strengthen the implementation of the Convention.

Paragraph 63

The State party should monitor all tensions which may give rise to racial segregation and to work for the eradication of any negative consequences that ensue.

- Israel, CERD, A/53/18 (1998) 30 at paras. 71, 77, 78, 81, 83, 84 and 86.

Paragraph 71

The Convention is far from fully implemented in Israel and the occupied Palestinian territory, and the shortfall contributes very significantly to the dangerous escalation of tension in the region.

Paragraph 77

The Israeli settlements in the occupied Palestinian territory are not only illegal under contemporary international law but are also an obstacle to peace and to the enjoyment of human rights by the whole population in the region, without distinction as to national or ethnic origin.

Paragraph 78

The State party should halt the demolition of Arab properties in East Jerusalem and respect property rights irrespective of the ethnic origin of the owner.

Paragraph 81

When anyone makes threats in public against the security of persons of another ethnic origin, criminal proceedings must be initiated with due diligence and expedition.

Paragraph 83

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Profound concern is expressed that detained persons of Arab ethnic origin are disproportionately subjected to inhuman and degrading interrogation under the Landau Commission rules and that the Supreme Court has failed to declare this illegal.

Paragraph 84

The State party should reinforce its efforts to reduce the persisting gap between the living standards and the involvement in national affairs of the Jewish majority and the Arab minority. This should be done in a manner consistent with the measures adopted for assisting the integration of Ethiopian Jews. The State party is encouraged to adopt new labour legislation in order to secure the protection against ethnic discrimination of the rights of Palestinians working in Israel on a daily basis; the rights of migrant workers, including undocumented workers, are also a matter of concern.

Paragraph 86

While noting the special budget for public housing in the Arab sector, concern remains about ethnic inequalities, particularly those centring upon what are known as "unrecognized" Arab villages.

- The Netherlands, CERD, A/53/18 (1998) 33 at paras. 102-104.

Paragraph 102

Concern is expressed over the dissemination of ideas of racial superiority and of intolerance by various organizations, political parties and individuals. More attention should be given to countering such activities and to investigating and prosecuting discrimination cases more actively and effectively.

Paragraph 103

The increasing racial segregation in society, mainly in the big towns, with so-called "white" schools and neighbourhoods, is noted with concern.

Paragraph 104

Concern is also expressed over practices relating to the entry and control of foreigners, which could lead to racial discrimination in effect. The State party should take the necessary measures to see that regulations and practices in this field do not have that effect.

- Czech Republic, CERD, A/53/18 (1998) 35 at paras. 119-123.

Paragraph 119

Concern is expressed that the number of charges and convictions, including those of skinheads, is low relative to the number of abuses reported. It is also noted with concern that perpetrators of racial crime are often lightly punished and that, in a number of cases, prosecutors have been reluctant to identify a racial motive. Moreover, concern is raised about judicial effectiveness with respect to

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unnecessarily long proceedings and slow investigations of acts of racial crime.

Paragraph 120

Taking into account reports of cases of harassment and of excessive use of force by the police against minorities, especially against members of the Roma community, concern is raised that there may be insufficient training provided to law enforcement officials regarding the provisions of the Convention.

Paragraph 121

It is also noted with concern that a political party represented in Parliament promotes racial discrimination and disseminates a magazine which promotes racist propaganda and ideas of racial superiority aimed at the ethnic minorities resident in the country.

Paragraph 122

It is noted with concern that the State party does not have civil or administrative law provisions expressly outlawing discrimination in employment, education, housing and health care and that there exists no administrative regulation explicitly prohibiting racial discrimination by public institutions and agencies. The denial of access to public places such as restaurants, pubs, discotheques and similar establishments by persons belonging to some ethnic minorities, especially Roma, is also noted with concern.

Paragraph 123

Evidence that a disproportionately large number of Roma children are placed in special schools, leading to *de facto* racial segregation, and that they also have a considerably lower level of participation in secondary and higher education, raises doubts about whether article 5 of the Convention is being fully implemented.

- Ukraine, CERD, A/53/18 (1998) 39 at para. 148.

In regard to article 5, paragraphs (a) and (b), of the Convention, concern is expressed about reports of mistreatment by the police of members of the Roma population, especially those living in the Transcarpathian region.

- Lebanon, CERD, A/53/18 (1998) 42 at paras. 172, 174, 181, and 183.

Paragraph 172

Whereas the State party recognizes Syrians, Greeks, Armenians, Copts, Kurds, Jews and the like as "communities" and "religions", there is no recognition of the different ethnic origin of some of them, which might constitute grounds for different treatment of these communities including, in some instances, racial discrimination.

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Paragraph 174

Concern is expressed that religious courts may pass judgements on some family issues which may be construed as discriminating against members of ethnic groups, including refugees and foreign workers.

Paragraph 181

In the light of article 2 of the Convention, the State party should take all appropriate measures, such as major information campaigns, with a view to preventing and combating all forms of racial discrimination.

Paragraph 183

The State party should ensure that all legal provisions dealing with family-related issues relating to members of ethnic groups and foreigners are fully consistent with the provisions of the Convention.

- Yugoslavia, CERD, A/53/18 (1998) 45 at paras. 200, 208 and 209.

Paragraph 200

Concern is expressed at the limitations imposed for real property transactions between members of different groups and about the fact that the law is being unevenly and arbitrarily implemented, depending on the applicant's ethnicity and place of residence.

Paragraph 208

The state party should take measures to incorporate human rights programmes in school curricula. Such programmes should include the provisions of the Convention, with a view to promoting the prevention of racial discrimination.

Paragraph 209

A solution for Kosovo and Metohija should include a status of the highest level of autonomy for this part of the State party as a means for everyone to enjoy their human rights and, in particular, to eliminate all forms of racial discrimination.

- Libyan Arab Jamahiriya, CERD, A/53/18 (1998) 51 at para. 237.

States parties are under an obligation to take legislative, judicial and administrative measures to combat racial discrimination as a preventive measure so as to avoid any possible manifestation or recurrence of the phenomenon.

- Cameroon, CERD, A/53/18 (1998) 53 at para. 272.

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The State party should take all appropriate measures to prevent and eliminate acts of racial discrimination against aliens.

- Cambodia, CERD, A/53/18 (1998) 55 at paras. 289, 291 and 294.

Paragraph 289

The fact that constitutional provisions refer only to the rights of Khmer citizens raises concern with regard to article 5 of the Convention. Such a reference contributes to the ideology of ethnic purity, which may lead to racial discrimination, if not hatred, against minority groups, in particular the ethnic Vietnamese.

Paragraph 291

The situation of the ethnic Vietnamese is a matter of concern, in particular with regard to article 5, which relates to equality of rights. Ethnic Vietnamese are subject to racist propaganda, mainly from the Khmer Rouge, which may incite hatred against them. Alarm is also expressed over reports that the exploitation through prostitution of females of Vietnamese origin, in particular children, is growing. Concern is further expressed about reports of racist attitudes among much of the Khmer population against the Cambodian-born ethnic Vietnamese, who are still perceived as immigrants.

Paragraph 294

The State party should take all appropriate steps, including legal measures, to ensure the independence of the judiciary and to establish the Constitutional Council, with a view to bringing an end to the impunity of perpetrators of racial discrimination. The need to investigate, prosecute and punish those found guilty of such crimes and to establish confidence in the rule of law is emphasized.

- Croatia, CERD, A/53/18 (1998) 59 at paras. 317, 320, 323 and 325.

Paragraph 317

Concern is expressed at continuing reports about the failure of the criminal justice system to adequately deal with all crimes of an ethnic nature and the subsequent tendency to fail to prosecute alleged perpetrators of crimes directed at ethnic Serbs, whereas there are reports that Croatian Serbs have been unfairly prosecuted or excessively punished when allegations of illegal activity, directed at non-Serbs, have been brought.

Paragraph 320

The State party should fully comply with the obligations under article 4 and necessary legislative measures should be taken in order to declare illegal and prohibit organizations which promote and incite racial discrimination, and measures should also be taken against the use of mass media for

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incitement to ethnic hatred. In this respect, all acts of incitement to ethnic hatred should be prohibited and prosecuted.

Paragraph 323

The State party should take measures to ensure the prosecution of persons allegedly responsible for having committed racially motivated crimes, regardless of the racial, ethnic or religious origin of the perpetrator or the victim.

Paragraph 325

The State party should take concrete measures to guarantee freedom of association without distinction as to ethnic origin and that mass media, in all their forms, including electronic forms, are open to all ethnic groups without distinction. The State party should also take effective measures in order to stop racist and discriminatory speech in some graphic media.

- Cyprus, CERD, A/53/18 (1998) 62 at paras. 340 and 343.

Paragraph 340

The lack of information on complaints concerning racially motivated offences, other than complaints lodged by foreign housemaids, as well as the absence of lawsuits in courts claiming racial discrimination, and of communications filed with the Committee under article 14 of the Convention, may indicate that awareness of the Convention is not high among judges, lawyers and the public at large.

Paragraph 343

Emphasizing the role of the justice system in the elimination of racial discrimination, the State party should consider measures for improving awareness of the Convention and associated legal and administrative remedies. Lawyers and administrators should be supplied with information on the Convention and on available remedies.

- Gabon, CERD, A/53/18 (1998) 67 at para. 383.

The State party should take all necessary measures to ensure the training and education of law enforcement officials, teachers, social workers and students in the prevention of racial discrimination, and include the teaching of human rights in school curricula.

See also:

- Nepal, CERD, A/53/18 (1998) 73 at para. 440.

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- Nepal, CERD, A/53/18 (1998) 73 at para. 431.

With regard to the implementation of article 6 of the Convention, concern is expressed at the lack of clarity concerning the jurisdiction of the Supreme Court *vis-à-vis* lower courts in cases of racial discrimination, and that members of the public may not be sufficiently aware of the protections against racial discrimination provided by the Convention and by local remedies.

- Niger, CERD, A/53/18 (1998) 75 at paras. 452 and 453.

Paragraph 452

Concern is expressed that while any act of racial or ethnic discrimination is punishable by law, the dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination and acts of violence and provocation of, or assistance in, racist acts are not explicitly prohibited by law within the meaning of the Convention.

Paragraph 453

Concern is expressed that the ambiguity in provisions, which prohibit associations of a regional or ethnic nature, may also lead to the prohibition of cultural associations that have no involvement in acts of racial discrimination.

- Tonga, CERD, A/53/18 (1998) 78 at para. 471.

Concern is expressed at the lack of an express policy on the elimination of racial discrimination by the State party.

- Austria, CERD, A/54/18 (1999) 13 at paras. 31-33 and 36.

Paragraph 31

Concern is expressed that the immigration policy of the State party classified foreigners on the basis of their national origin. The concept and effect of this policy may be stigmatizing and discriminatory and, therefore, contrary to the principles and provisions of the Convention.

Paragraph 32

Concern is expressed over the lack of protective measures for "national ethnic minorities", in particular Czechs, Slovaks and Roma, as well as for those who are sometimes referred to as "new minorities". Concern is also expressed at the lack of legal protection for residents of foreign origin against discrimination committed by citizens.

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Paragraph 33

While the State party's efforts in the field of legislative reform, which criminalize racist propaganda and the incitement to racial hostility, are noted with appreciation, it is nevertheless concerning that the condemnation of such acts is qualified by a reference to public peace. Concern is also expressed about the number of reported incidents of xenophobia and racial discrimination, including acts of anti-Semitism and hostility against certain ethnic groups.

Paragraph 36

The State party should introduce comprehensive legislation to prohibit racial discrimination in all of its forms, covering both citizens and foreigners.

- Republic of Korea, CERD, A/54/18 (1999) 14 at paras. 54, 62 and 64.

Paragraph 54

The fact that neither the Constitution nor any law of the State party explicitly prohibits discrimination on the basis of race, colour, descent, or national or ethnic origin, and that no law contains provisions explicitly penalizing acts of racial discrimination or prohibiting organizations which promote and incite racial discrimination is of concern.

Paragraph 62

Persons of foreign origin, who were born or have settled in the State party, should not be subject to discrimination based on ethnic origin. The State party should take all appropriate measures, including awareness-raising campaigns, to protect women married to asylum seekers and children of mixed marriages, particularly Amerasian children, from racial discrimination or racial prejudice.

Paragraph 64

The State party should provide legal aid to victims of acts of racial discrimination and facilitate access to recourse procedures by vulnerable groups.

- Finland, CERD, A/54/18 (1999) 16 at paras. 82 and 83.

Paragraph 82

In accordance with article 5 (f) of the Convention, appropriate action should be taken to ensure that access to places or services intended for use by the general public is not denied to any person on grounds of national or ethnic origin.

Paragraph 83

Efforts should be made to increase the number of quota refugees. The quota system should be

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applied without discrimination based on race or ethnic origin.

- Portugal, CERD, A/54/18 (1999) 17 at paras. 96 and 97.

Paragraph 96

Concern is expressed at the manifestations of xenophobia and racial discrimination, including acts of violence frequently perpetrated by skinheads, directed against certain ethnic groups, particularly Blacks, Roma (Gypsies), immigrants and foreigners.

Paragraph 97

While the State party prohibits racist organizations or organizations adhering to a fascist ideology, concern is expressed that article 4 of the Convention is not fully complied with, since the protection thus provided for by law does not cover the wide variety of racist organizations that may exist or develop.

- Congo, CERD, A/54/18 (1999) 19 at para. 112.

The State party should investigate the violations of human rights, in particular acts of racial discrimination, bring offenders to trial, offer compensation to victims' families and discontinue the employment of mercenaries.

- Italy, CERD, A/54/18 (1999) 19 at paras. 124, 126, 127 and 129.

Paragraph 124

Concern was expressed about the continuation of incidents of racial intolerance, including attacks against foreigners of African origin and against Roma people, which are sometimes not recognized by the authorities as having a racial motivation or are not prosecuted.

Paragraph 126

Concern is expressed at the situation of many Roma, including children, who are ineligible for public housing and live in camps outside major cities. In addition to a frequent lack of basic facilities, the housing of Roma in such camps leads not only to physical segregation of the Roma community from society, but also to political, economic and cultural isolation.

Paragraph 127

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Concern is expressed that Roma are not considered a minority group in a draft law on minorities and thus would not benefit from the protection offered by that law.

Paragraph 129

The State party should strengthen its efforts towards preventing and prosecuting incidents of racial intolerance and discrimination against foreigners and Roma people, as well as ill-treatment of foreigners and Roma in detention.

- Peru, CERD, A/54/18 (1999) 21 at paras. 148, 157 and 162.

Paragraph 148

The close relationship between socio-economic underdevelopment and the phenomena of ethnic or racial discrimination against part of the population, chiefly the indigenous and peasant communities, is noted with concern.

Paragraph 157

Legislation prohibiting the owners of establishments open to the public from screening their clients on racial grounds is noted. It is regretted, however, that this prohibition is not yet accompanied by any form of penalty.

Paragraph 162

Programmes of instruction in human rights intended for justice administration personnel and members of the security forces should include training in the prevention of and protection against racial discrimination.

- Syrian Arab Republic, CERD, A/54/18 (1999) 22 at para. 178.

In light of article 3 of the Convention, the State party should monitor developments which may give rise to racial segregation and work for the eradication of any negative consequences that ensue from such developments.

- Costa Rica, CERD, A/54/18 (1999) 24 at paras. 190, 191 and 193.

Paragraph 190

The fact that legislation does not contain explicit norms forbidding discrimination on the grounds of national or ethnic origin is of concern.

Paragraph 191

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Concern is expressed that the financial penalties for racial segregation with regard to the admission of people of different races to public or private places do not constitute a sufficiently effective measure to prevent, prohibit and eradicate all practices of racial segregation, as required by article 3 of the Convention.

Paragraph 193

Recent manifestations of xenophobia and racial discrimination, largely focused on immigrants, in particular Nicaraguans, is of concern. Concern is also expressed about the vulnerable status of refugees and clandestine immigrants, who often live and work in the country in precarious conditions, and who frequently become victims of discrimination in the terms of article 5 of the Convention, in particular paragraph 5 (e).

- Kuwait, CERD, A/54/18 (1999) 25 at para. 223.

The State party should find a solution to the problems faced by the *bidoon* and ensure the enjoyment of their rights without any discrimination, in accordance with articles 2 and 5 of the Convention.

- Mongolia, CERD, A/54/18 (1999) 27 at para. 245.

The State party should give serious consideration to the enactment of a comprehensive law on ethnic minorities and combat discrimination based on race, colour, descent, or national or ethnic origin.

- Haiti, CERD, A/54/18 (1999) 28 at paras. 261 and 266.

Paragraph 261

Concern is expressed about reports of human rights violations committed by members of the Haitian National Police and that too little is done to prevent persons perpetrating, with impunity, acts of violence related to racial discrimination.

Paragraph 266

In the light of articles 2 and 5 of the Convention, the State party should enact legislation for the prevention of racial discrimination in the private sector.

- Romania, CERD, A/54/18 (1999) 30 at paras. 281, 282 and 284-286.

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Paragraph 281

The persistence of xenophobic attitudes and prejudice against certain minorities within Romanian society, which manifest themselves on numerous occasions in various mass media, is of concern.

Paragraph 282

The situation of Roma is a subject of particular concern since no improvements have been noted in the high unemployment rates and the low educational level traditionally predominant among members of this minority; this contributes to the continued unacceptable prevalence of the negative and stereotyped image of the minority in the rest of society. Given its disadvantaged situation in society, particular concern is caused by the absence of economic and social measures of the kind envisaged in article 2 (2) of the Convention in favour of this minority.

Paragraph 284

A lack of more complaints and judicial decisions may indicate a lack of awareness of the existence of available legal remedies and of the protection against racial discrimination provided by the Convention. The State party should take measures to remedy this situation.

Paragraph 285

The State party should take measures to prevent and punish racist practices in the mass media. In addition, adequate means should be found to ensure that the media constitute an instrument that helps to combat racial prejudice, particularly against the Roma, and fosters a climate of understanding and acceptance among the various groups which make up the country's population.

Paragraph 286

Measures of affirmative action should be adopted in favour of the Roma population, especially in the areas of education and vocational training, with a view, *inter alia*, to placing Roma on an equal footing with the rest of the population in the enjoyment of economic, social and cultural rights, removing prejudices against the Roma population and enhancing its capacity in asserting its rights.

- Mauritania, CERD, A/54/18 (1999) 34 at para. 329.

With regard to article 5 of the Convention, allegations are noted to the effect that some groups of the population, especially the black communities, are still suffering from various forms of exclusion and discrimination, especially where access to public services and employment is concerned. It is noted that in some parts of the country, vestiges of practices of slavery and involuntary servitude could still persist.

- Chile, CERD, A/54/18 (1999) 37 at paras. 374 and 378.

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Paragraph 374

While it is noted that intentional discrimination against indigenous persons is an offence punishable by law and that the National Security Act prohibits fascist organizations, concern remains about the current absence of comprehensive legislation in full accordance with articles 2, paragraph 1 (d) and 4, of the Convention.

Paragraph 378

The Constitution should be amended to incorporate a prohibition of racial discrimination and the scope of the Indigenous Act should be extended to cover discrimination in effect in accordance with article 1, paragraph 1, of the Convention.

- Latvia, CERD, A/54/18 (1999) 39 at paras. 394, 396, 399 and 407.

Paragraph 394

It is noted with concern that no case of dissemination of ideas of ethnic superiority or hatred or of the use of defamatory language or the advocacy of violence based on such ideas has been brought to justice, and no organization involved in such activities has been prohibited, although the existence of such cases has been widely reported.

Paragraph 396

Concern is expressed that persons who do not qualify for citizenship and are not registered as residents, including those leaving the country temporarily, may not be protected against racial discrimination in their exercise of rights under article 5 (d) (i) and (ii) and 5 (e) of the Convention.

Paragraph 399

It is noted with concern that the legislation of the State party requires a person's ethnic origin to be recorded in his or her passport, which may expose members of some minorities to discrimination on grounds of their origin.

Paragraph 407

The State party should reconsider the requirement to record ethnic origin in passports.

- Uruguay, CERD, A/54/18 (1999) 41 at paras. 417, 425 and 430.

Paragraph 417

The *de facto* social and economic marginalization of the Afro-Uruguayan and indigenous communities has generated discrimination against them.

Paragraph 425

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Concern is expressed about the effective access to protection and remedies against acts of racial discrimination against, in particular, the Afro-Uruguayan and indigenous communities.

Paragraph 430

The State party should establish special programmes aimed at facilitating the social enhancement of women belonging to the Afro-Uruguayan community, who suffer double discrimination on grounds of both their gender and race.

- Colombia, CERD, A/54/18 (1999) 44 at paras. 456, 468, 470, 471 and 475.

Paragraph 456

The fact that the State party recognizes that Afro-Colombian and indigenous communities continue to be the victims of systemic racial discrimination, which has resulted in their marginalization, poverty and vulnerability to violence is welcomed.

Paragraph 468

Within the community of displaced persons, women are disproportionately represented. Concern is expressed that government programmes are not responsive to the needs of many indigenous and Afro-Colombian women who are subjected to multiple forms of discrimination based on their gender and their race or ethnicity, and their displaced status.

Paragraph 470

Concern is expressed over the media's coverage of minority communities, including the continued popularity of television programmes that promote racial and ethnic stereotypes. Such stereotypes serve to reinforce the cycle of violence and marginalization that has already severely affected the rights of the State party's historically disadvantaged communities.

Paragraph 471

Grave concern is expressed at reports of "social cleansing" in urban centres involving the murder of Afro-Colombian prostitutes and street children, some of whom appear to have been targeted on the basis of their race.

Paragraph 475

Recognizing that many Afro-Colombians live in extreme poverty in urban slum areas, the State party should take steps to address *de facto* racial segregation in urban centres.

- Azerbaijan, CERD, A/54/18 (1999) 46 at paras. 493 and 499.

Paragraph 493

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The absence of complaints by victims of racial discrimination may indicate ignorance of or a lack of confidence in the available legal remedies.

Paragraph 499

The State party should take further steps to facilitate equal access to the courts and administrative bodies for all persons belonging to ethnic minorities and provide information on the right to seek just and adequate reparation for any damage suffered as a result of racial discrimination.

- Dominican Republic, CERD, A/54/18 (1999) 47 at paras. 508, 514 and 515.

Paragraph 508

No country can claim the total absence of racial discrimination in its territory or be confident that it will not appear in the future.

Paragraph 514

The State party should take urgent measures to ensure the enjoyment by persons of Haitian origin of their economic, social and cultural rights without discrimination. Efforts should be made, in particular, to improve their living conditions in the *bateyes* (shanty towns).

Paragraph 515

The State party should address the requirements of article 6 of the Convention by facilitating access to the courts and other competent institutions for victims of racial discrimination and ensuring that the perpetrators of racist acts are brought to trial and the victims obtain adequate reparation or satisfaction.

- Guinea, CERD, A/54/18 (1999) 48 at paras. 532, 533 and 542.

Paragraph 532

While the importance of national unity and the need to avoid regionalism within the State party is recognized, concern is expressed that any measures taken to this end should not lead to racial discrimination.

Paragraph 533

Concern is expressed about the destruction by the State of more than 10,000 homes, belonging mainly to members of the Puhlar ethnic group; the resulting riots which led to the death of eight persons; and the inter-ethnic tension which remains in that area. The lack of compensation for those persons whose property was expropriated is also of concern.

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Paragraph 542

The State party should consider providing education and training on racial tolerance and human rights issues to the population at large and, in particular, to teachers and school administrators, in accordance with article 7 of the Convention.

- Australia, CERD, A/55/18 (2000) 17 at paras. 29, 36, 37 and 39.

Paragraph 29

The absence of any entrenched guarantee against racial discrimination that would override subsequent law of the Commonwealth, states and territories is of concern.

Paragraph 36

The conclusions of the “National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families” is noted and the measures taken to facilitate family reunion and to improve counselling and family support services for the victims are acknowledged. Concern is expressed that the Commonwealth Government does not support a formal national apology and that it considers inappropriate the provision of monetary compensation for those forcibly and unjustifiably separated from their families, on the grounds that such practices were sanctioned by law at the time and were intended to “assist the people whom they affected”. It is recommended that the State party consider the need to address appropriately the extraordinary harm inflicted by these racially discriminatory practices.

Paragraph 37

The adoption of the Racial Hatred Act 1995 which has introduced a civil law prohibition of offensive, insulting, humiliating or intimidating behaviour based on race is acknowledged. It is recommended that the State party continue its efforts to adopt appropriate legislation with a view to giving full effect to the provisions of, and withdrawing its reservation to, article 4 (a) of the Convention.

Paragraph 39

Concern is expressed about the minimum mandatory sentencing schemes with regard to minor property offences. The mandatory sentencing schemes appear to target offences that are committed disproportionately by indigenous Australians, especially juveniles, leading to a racially discriminatory impact on their rate of incarceration. The Committee seriously questions the compatibility of these laws with the State party’s obligations under the Convention and recommends to the State party to review all laws and practices in this field.

- Bahrain, CERD, A/55/18 (2000) 20 at paras. 50 and 51.

Paragraph 50

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Guarantees of equality under the Constitution or the absence of judicial rulings applying provisions of the Convention should not be taken to imply that racial discrimination does not exist.

Paragraph 51

It is of concern that existing legislation prohibiting racial discrimination is conditional upon an action being contrary to public peace, order or morality. It is emphasized that not all issues of racial discrimination will necessarily disrupt public order or morality. The State party is encouraged to continue its review of legislation. It is recommended that the State party fully implement article 4 of the Convention.

- Denmark, CERD, A/55/18 (2000) 22 at para. 64.

In light of article 4 of the Convention, activities of organizations which promote racial hatred and discrimination are of concern, especially the influence of Radio Oasen. Radio Oasen is owned by a neo-Nazi association whose licence was renewed by the Ministry of Culture and which receives financial support from the Government. It is recommended that the State party declare illegal and prohibit any organization which promotes and incites racial discrimination. Attention is called to General Recommendation No. XV in this regard.

- Estonia, CERD, A/55/18 (2000) 24 at para. 81.

Particular concern is expressed about restricting immigration quotas which apply to citizens of most countries in the world, except those of the European Union, Norway, Iceland and Switzerland. It is recommended that the quota system be applied without discrimination based on race or ethnic or national origin.

- France, CERD, A/55/18 (2000) 26 at paras. 96, 98, 100 and 102-104.

Paragraph 96

The State party should ensure the effective prohibition of actions which are discriminatory in effect on the basis of race or ethnic or national origin, in accordance with General Recommendation XIV.

Paragraph 98

In the light of article 3 of the Convention and General Recommendation XIX, it is recommended that the State party monitor all tendencies which may give rise to racial or ethnic segregation and counter the negative consequences of such tendencies.

Paragraph 100

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The State party should ensure the effective protection of the exercise, without discrimination, of the rights to work and to housing, in both the public and private sectors, and to provide compensation to victims of racial discrimination.

Paragraph 102

In accordance with article 5 (f) of the Convention, it is recommended that the State party reinforce existing measures to ensure that access to places or services intended for use by the general public is not denied to any person on grounds of national or ethnic origin.

Paragraph 103

With regard to article 6 of the Convention, it is recommended that the State party reinforce the effectiveness of the remedies available to victims of racial discrimination.

Paragraph 104

Concern is expressed over reports that negative images of the Roma minority prevail in the mass media and in the public generally. It is recommended that the State party give full effect to the provisions of article 7 of the Convention by adopting effective measures, particularly in the fields of education, training and human rights information, to combat such prejudices.

- Lesotho, CERD, A/55/18 (2000) 28 at para. 114.

Increasing expressions of xenophobia resulting in acts of racial discrimination are of concern. The absence of a comprehensive legislative framework prohibiting and penalizing such acts is also of concern. Taking note of the State party's intentions to review legislation in this respect, the State party is encouraged to establish appropriate and effective remedies and recourse mechanisms and to implement fully all its obligations under articles 2, 4 and 6 of the Convention.

- Malta, CERD, A/55/18 (2000) 29 at paras. 126 and 128-130.

Paragraph 126

Although only a few cases of offences of a racial nature are reported, it is recommended that the State party investigate them carefully and take steps to prevent such incidents.

Paragraph 128

It is noted of that there have been claims of racial discrimination in housing, particularly as regards rental accommodation. It is recommended that the State party review the situation of rental accommodation with a view to ensuring non-discrimination.

Paragraph 129

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Concern is expressed that the Employment Commission of Malta is empowered to consider only allegations of discrimination based on political opinion. It is recommended that the State party consider expanding the scope of the competence of the Commission to cover all aspects of racial discrimination.

Paragraph 130

The State party is encouraged to increase its efforts in disseminating information about the duties and responsibilities of the Ombudsman, as well as about the procedure for launching complaints concerning racial discrimination.

- Rwanda, CERD, A/55/18 (2000) 31 at paras. 141, 152 and 153.

Paragraph 141

The efforts made by the State party to remove all references to ethnic distinctions from official texts and speeches, as well as from identity cards are noted. The State party's efforts to prevent impunity for perpetrators of genocide and other human rights violations and to bring those most responsible for such acts to justice are also noted. The State party's efforts to rehabilitate the judicial system is encouraging, including the training of judicial and law-enforcement officials.

Paragraph 152

Recalling its decisions on Rwanda under its early warning and urgent action procedures, notably its decisions 5 (53) of 19 August 1998 and 3 (54) of 19 March 1999, the Committee is concerned by reports of the intimidation of judicial authorities seeking to investigate and address human rights violations committed since 1994 against ethnic Hutus.

Paragraph 153

The State party is called upon to make additional efforts to investigate allegations of serious ethnic violence and humanitarian law violations that may have been committed and to address these acts through the judicial process, while maintaining full respect for the relevant human rights of accused and detained persons and ensuring that judicial officials are able to conduct their work free from intimidation or other pressure.

- Spain, CERD, A/55/18 (2000) 34 at paras. 164 and 165.

Paragraph 164

It is noted with concern that remarkably few cases before national courts have been identified as incidents of racial discrimination, despite a recognized general increase in juvenile violence, including attacks on foreigners by extremist groups, neo-Nazi movements and gangs. It is also noted that violence against certain foreigners often results in judicial proceedings alleging assault, unlawful

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detention and property damage, and that the racial aspect of such acts is not taken into consideration.

Paragraph 165

Concern is expressed about the recent incidents of violence against persons of Moroccan nationality in El Ejido in the region of Almería and about reports that the underlying socio-economic problems which provoked these events are also found in other regions of the country. Therefore, it is recommended that the State party take measures to resolve the underlying causes of tension and unrest, not merely on an emergency basis, but as part of a long-term strategy to combat racial discrimination and violence, so as to prevent the recurrence of such incidents.

- Tonga, CERD, A/55/18 (2000) 37 at paras. 179 and 180.

Paragraph 179

The State party repeatedly asserted that there is no racial discrimination as defined in article 1 of the Convention. However, it is underlined that the obligation of States parties to enact explicit legislation in accordance with article 4 of the Convention should not be seen merely as a means to ensure protection against existing violations of the Convention, but as a preventive measure. The absence of complaints and legal action by victims of racial discrimination could possibly be an indication of a lack of awareness of available legal remedies, or a result of the absence of relevant specific legislation. It is recommended that the State party take steps to ensure that national legislation is in full conformity with article 4 of the Convention.

Paragraph 180

The fact that the Convention has not been incorporated in domestic law and cannot be invoked before the national courts is noted. However, it is also noted that the State party asserts that the Convention is implicitly applied.

- Zimbabwe, CERD, A/55/18 (2000) 38 at paras. 190, 191, 195-197 and 200.

Paragraph 190

It is noted that prior to 1980, the legislation and policies implemented by the white minority regime led to racial segregation and discrimination in the country. The continuing effects of Zimbabwe's social and political history, together with the burden of the external debt and other economic concerns, have impeded full implementation of the Convention.

Paragraph 191

The efforts made by the State party within the education system to reduce racial segregation, introduce the use of minority languages and incorporate human rights education into the curricula through innovative methods are noted.

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Paragraph 195

The fact that the Ombudsman is restricted in her powers to investigating the actions of public officials in fields relating to racial discrimination is of concern. There is also concern that article 4 of the amendment to the Ombudsman Act limits access to the complaints process. It is recommended that the State party take appropriate measures to enable the Ombudsman to monitor public officials and their powers.

Paragraph 196

It is noted that the Ministry of Education has encountered problems in addressing the racial segregation created by the parallel system of public and private schools.

Paragraph 197

There is concern that the Prevention of Discrimination Act does not adequately address all the elements of article 4, particularly as regards the prohibition and criminalization of all organizations and propaganda activities that promote and incite racial discrimination. Additionally, there is concern that the inclusion of “the risk element” referred to in section 6 (1) of the Act weakens the text, whereas article 4 of the Convention does not limit or place conditions on the prohibition of racist statements.

Paragraph 200

While noting the challenges faced by the State party with respect to land redistribution, it is regretted that very little progress has been made in this regard. Concern is expressed that the criteria established for persons to qualify as beneficiaries under the Commercial Farm Settlement Scheme may limit the number of black farmers who qualify. It is recommended that the State party introduce measures to improve access to financial and technical support for black farmers who may not otherwise qualify under the Scheme and in this context consider the possibility of communal access to commercial farmland. The State party is encouraged to continue its study of land reform measures with a view to implementing a comprehensive land reform programme in accordance with due process of law and in a manner that will enhance the economic and social rights of its citizens.

- Finland, CERD, A/55/18 (2000) 41 at paras. 211, 212 and 216-219.

Paragraph 211

The lack of a uniform terminology on discrimination in different Finnish laws is noted. In light of article 1 of the Convention and in order to better combat acts of racism, the adoption of explicit anti-discriminatory legislation is recommended.

Paragraph 212

The Committee reiterates its concern at the absence of a law prohibiting organizations which promote and incite racial discrimination and of a provision in the Penal Code declaring any dissemination of

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ideas based on racial superiority or hatred punishable by law. The State party is urged to give due consideration in this respect to General Recommendation VII relating to the implementation of article 4 of the Convention. It is also recommended that the State party consider adopting provisions to increase the severity of sentences for racially motivated crimes, in particular racial violence.

Paragraph 216

With respect to racially motivated crimes, it is of concern that police do not always intervene, their action is not always appropriate and that prosecutors hesitate to initiate criminal proceedings. It is noted that according to a 1999 study on attitudes of public authorities towards immigrants, police and frontier guards have the most negative attitudes. The continuation and strengthening of training programmes for police and all law enforcement officials and the improvement of communication between officials and immigrants in order to enhance mutual confidence is recommended. In cases where police officers are personally involved in racially motivated acts, it is recommended that an independent body investigate. Judges and prosecutors are invited to be more active and firm in prosecuting these cases.

Paragraph 217

It is noted with concern that immigrants, refugees and minorities, in particular Roma, have higher rates of unemployment, have difficulties in gaining access to housing and social services and have higher rates of school drop-out. The low number of judicial proceedings initiated related to incidents of racial discrimination, including cases of discrimination in employment is also of concern. The State party should take all necessary measures to alleviate the situation of immigrants, refugees and minorities, in particular Roma, at the national and municipal levels, especially with respect to housing, employment and education.

Paragraph 218

In the light of article 6 of the Convention, the only way of obtaining reparation or satisfaction for any damage suffered as a result of an act of racial discrimination is through a penal proceeding. It is recommended that the State party consider ensuring alternative measures to penal proceedings in cases of discrimination.

Paragraph 219

The increasing number of racist acts is of concern. It is noted with concern that a significant percentage of Finns declare themselves to be racist or partially racist and are opposed to the practice of Islam by immigrants (refugees). It is also noted that the media often present immigrants and minorities, in particular Roma, in a negative light. The State party is invited to strengthen measures to promote tolerance and combat prejudices, particularly in the field of teaching, education, culture and information. The State party should find adequate modalities to make journalists and people working in the media sector more aware of racial discrimination.

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- Mauritius, CERD, A/55/18 (2000) 43 at paras. 227 and 229.

Paragraph 227

It is noted with satisfaction that the State party has established two new institutions, namely the National Human Rights Commission and the Committee on Poverty, both of which will contribute to combatting racial discrimination.

Paragraph 229

The State party is reminded that the existence of constitutional and legislative provisions prohibiting racial discrimination and incitement to racial hatred and the absence of judicial decisions relating to such acts does not mean that there is no racial discrimination in society. It is therefore essential to inform the public of the existence of such legal provisions.

- Slovenia, CERD, A/55/18 (2000) 45 at paras. 244 and 246.

Paragraph 244

It is noted that different minority groups are provided by law with different protective measures in different areas of daily life, such as political representation, access to media, education and culture. Minority groups such as Croats, Serbs, Bosnians and Roma do not enjoy the same level of protection as the Italian and Hungarian minorities. In this connection, it is recommended that the State party, in accordance with article 2 of the Convention, ensure that persons or groups of persons belonging to other minority groups are not discriminated against.

Paragraph 246

Although the initiatives to sensitize and train civil servants and public officials on human rights and racial discrimination are welcomed, concern remains that these efforts are still insufficient. It is recommended that the State party strengthen its human rights sensitization and training programmes, especially with regard to law enforcement and military personnel.

- Slovakia, CERD, A/55/18 (2000) 47 at para. 261.

The persistence of acts of violence by groups, particularly “skinheads”, directed towards Roma and other ethnic minorities is of concern. It is recommended that the State party strengthen procedures for timely and thorough investigations and effective prosecutions of racist organizations. The State party is encouraged to expand throughout the State preventive programmes to curb racially motivated violence.

- Czech Republic, CERD, A/55/18 (2000) 50 at paras. 274, 275 and 280-285.

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Paragraph 274

The establishment of new advisory bodies on matters relevant to combating racism and intolerance, in particular the Government's Commissioner for Human Rights and the Council for Human Rights, is welcomed. In addition, the Committee takes note of the process to enact the draft bill for the creation of a Public Rights Protector (Ombudsman), which is expected to enhance the protection of citizens against any inappropriate treatment by the State administration, including acts of racial discrimination.

Paragraph 275

The launching and implementation of the "Tolerance Project", a public awareness campaign intended to prevent racial discrimination and increase tolerance, as well as other programmes in the field of human rights education are regarded as significant measures in the implementation of article 7 of the Convention.

Paragraph 280

With regard to article 3 of the Convention, concern is expressed about the existing situations of *de facto* segregation in the areas of housing and education of the Roma population. In particular, concern is expressed at measures taken by some local authorities leading to segregation and at the practice of school segregation by which many Roma children are placed in special schools, offering them lesser opportunities for further study or employment. The State party should undertake effective measures to eradicate promptly practices of racial segregation, including the placement of a disproportionate number of Roma children in special schools.

Paragraph 281

It is of concern that some organizations, including political parties, promoting racial hatred and superiority are hidden behind legally registered civic associations whose members are promoting xenophobia and racism. Concern is also expressed at the ineffective implementation of existing legislation to prosecute those who incite racial hatred and support racist movements. In light of article 4 of the Convention, the State party should strengthen law enforcement to ensure that these organizations are dismantled and their members prosecuted.

Paragraph 282

While noting the number of convictions for racially motivated offences, the Committee is concerned by the increasing number of incidents of racially motivated violence against minority groups, in particular against members of the Roma community, many of which may not even be reported. The State party should strengthen the measures already undertaken to intensify enforcement of the criminal law against racially motivated crimes.

Paragraph 283

The Committee reiterates its concern at the lack of criminal, civil or administrative law provisions

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expressly outlawing racial discrimination in education, health care, social care, the penitentiary system, as well as in the private sphere. It is recommended that the State party undertake legislative reform to safeguard the enjoyment, without any form of discrimination, by all segments of the population, of the economic, social and cultural rights listed in article 5 of the Convention. Such reform should include the provision of adequate reparation for victims of racial discrimination.

Paragraph 284

The Committee reiterates its concern about the lack of effectiveness and confidence in the ability of the criminal judicial system to prevent and combat racial crimes. In this connection, concern is also expressed about the degrading treatment by the police of members of minority groups. The continuation and strengthening of training programmes for police and all officials in charge of implementing the law on issues related to the implementation of the Convention is recommended. The State party is reminded of General Recommendation XIII relating to the implementation of articles 2 and 7 of the Convention.

Paragraph 285

With regard to article 7 of the Convention, the measures taken by the State party in the field of teaching, education, culture and information to combat racial discrimination should be intensified. The State party should continue and extend its educational programmes in order to raise awareness of the population at large of all aspects relating to racism and racial discrimination.

- The Netherlands, CERD, A/55/18 (2000) 55 at para. 311.

The Committee welcomes with great satisfaction the establishment of the Reporting Centre for Discrimination on the Internet which is aimed at combatting racism on Internet sites. The Committee considers this initiative a major step forward in the fight against contemporary forms of racism.

- Sweden, CERD, A/55/18 (2000) 57 at paras. 333, 335, 340 and 342.

Paragraph 333

The intention to set up a National Action Plan against Racism, Xenophobia and Ethnic Discrimination is encouraged. The State party is encouraged to continue its efforts in this regard.

Paragraph 335

Concern is expressed about the recent upsurge in racism and xenophobia which has given rise to increased neo-Nazi violence, especially among youth. The increasing popularity of “white power” music which promotes hatred against ethnic minorities is noted with concern. The State party is encouraged to continue its efforts to arrest the upsurge in racism and xenophobia, prevent and punish racist neo-Nazi violence and prosecute any person whose actions incite racial hatred.

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Paragraph 340

In light of article 4 of the Convention, concern is expressed that existing legislation does not prohibit and penalize all organizations and propaganda activities that promote or incite racial hatred and discrimination. It is recommended that the State party declare illegal and prohibit any organization which promotes or incites racial discrimination.

Paragraph 342

Concern is expressed at the increasing incidence of racial discrimination in restaurants and other public places, and with regard to access to services. It is recommended that effective action be taken, utilizing administrative measures as well as criminal prosecutions to ensure that access to places or services intended for use by the general public is not denied on grounds of national or ethnic origin, contrary to article 5 (f) of the Convention.

- United Kingdom of Great Britain and Northern Ireland, CERD, A/55/18 (2000) 60 at paras. 353, 355-358, 360, 364, 366 and 367.

Paragraph 353

The Committee welcomes the use of ethnic monitoring to ascertain the number of persons of particular ethnic and national origins in various kinds of employment and the setting of targets to increase the employment of persons of minority origins in fields where they are under-represented, as well as the use of ethnic monitoring in the criminal justice system, including the prison population, in order to identify points at which discrimination occurs and to develop means of rectifying it.

Paragraph 355

The position maintained by the State party with regard to the non-inclusion of the full substance of the Convention within the domestic legal order is noted. The Committee reiterates its concern that full effect has therefore not been given to the provisions of the Convention and that individuals cannot be protected from any discriminatory practices unless they have been explicitly prohibited by Parliament. The State party should consider giving full effect to the provisions of the Convention in its domestic legal order.

Paragraph 356

The Committee reiterates its concern regarding the restrictive interpretation by the State party of the provisions of article 4 of the Convention and maintains that such an interpretation is in conflict with the State party's obligations under article 4 (b) of the Convention. According to General Recommendation XV, all provisions of article 4 are of a mandatory character and the prohibition of dissemination of racist ideas is compatible with the right to freedom of expression. The Committee adds further that the provisions of article 4 are of a preventive nature and that States parties on whose territories no organizations promoting and inciting racial discrimination hypothetically exist are nevertheless bound by those provisions.

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Paragraph 357

While acknowledging the numerous separate initiatives taken by the State party to combat racial discrimination, the absence of comprehensive legislation is noted. It is recommended that the State party develop an interdepartmental strategy in this regard.

Paragraph 358

It is of deep concern that racist attacks and harassment are continuing and that ethnic minorities are feeling increasingly vulnerable. Further concern is expressed about the findings of “institutional racism”, within the police force and other public institutions, which has resulted in serious shortcomings with regard to investigations into racist incidents. Concern is also expressed about the reported negative response from certain parts of the police force to recent criticism brought forward by the Lawrence Inquiry Report. It is recommended that the State party take steps to address the backlash among police officers.

Paragraph 360

It is noted with concern that there is increasing racial tension between asylum-seekers and host communities. This has led to an increase in racial harassment in those areas and also threatens the well-being of established ethnic minority communities. It is recommended that the State party take the lead by sending out positive messages about asylum-seekers and protecting them from racial harassment.

Paragraph 364

The high level of unemployment among ethnic minority groups is noted with concern. Concern is expressed that there is racist harassment and bullying in schools and that ethnic minorities continue to be disproportionately excluded from schools. The State party should intensify its efforts to ensure full enjoyment by all of the rights provided in article 5 of the Convention, without discrimination, giving particular attention to the rights to employment, education, housing and health.

Paragraph 366

The State party is encouraged to introduce specific legislation against racial discrimination by private persons or organizations currently taking place in several of the Overseas Territories, such as Anguilla, the British Virgin Islands, Gibraltar, Montserrat, and the Turks and Caicos Islands.

Paragraph 367

The Committee remains concerned that specific legislation against racial discrimination has not yet been introduced in all Overseas Territories, including the Cayman Islands and Montserrat. The State party should continue its efforts to encourage such territories to adopt legislation prohibiting and penalizing racial discrimination, in accordance with the provisions of the Convention.

- Holy See, CERD, A/55/18 (2000) 66 at para. 392.

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It is noted with satisfaction that the laws and teachings of the Catholic Church promote tolerance, friendly coexistence and multiracial integration and that Pope John Paul II has in a number of speeches openly condemned all forms of racism, racial discrimination and xenophobia manifested through racial tensions and conflicts around the world. The Committee welcomes the solemn request of His Holiness for pardon for past acts and omissions of the Church which may have encouraged and/or perpetuated discrimination against particular groups of people around the world.

- Norway, CERD, A/55/18 (2000) 67 at paras. 409, 411-413 and 415-418.

Paragraph 409

It is noted that changes in policies for the reception of asylum-seekers and refugees and the institution of an Appeals Board should improve present protection against racial discrimination.

Paragraph 411

The State party's apology to the Roma for injustices they have suffered in the past is particularly welcomed.

Paragraph 412

While it welcomes the incorporation of the International Covenant on Civil and Political rights, the International Covenant on Economic, Social and Cultural Rights and the European Convention on Human Rights into a single (Norwegian) Human Rights Act, the Committee is concerned that the International Convention on the Elimination of All Forms of Racial Discrimination has not been similarly incorporated. The absence of an explicit prohibition of racial discrimination in the Norwegian Constitution increases this concern. The body charged with drafting the Human Rights Act should be further encouraged to introduce the provisions of this Convention into the new statute.

Paragraph 413

It is noted that there has been little progress in monitoring racial discrimination through record-keeping of racist incidents, indictments, sentences and compensation. It is recommended that the State party review its procedures for monitoring racist incidents in order to increase their effectiveness.

Paragraph 415

With respect to the implementation of article 4 of the Convention, it is noted that racist organizations have not been prohibited. The Committee reminds the State party that in its opinion, prohibition of the dissemination of all ideas based upon racial superiority or hatred is compatible with the right to freedom of opinion and expression.

Paragraph 416

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Concern is expressed that persons seeking to rent or purchase apartments and houses are not adequately protected against racial discrimination on the part of vendors. It is recommended that the State party give full effect to its obligations under article 5 (e) (iii) of the Convention.

Paragraph 417

Noting that a commission has been established to review the State party's legislation against racial discrimination, it is recommended that consideration be given to the introduction of provisions within other branches of legislation to supplement the provisions of the Criminal Code wherever this might produce more effective protections.

Paragraph 418

Concern is expressed over reports of racial discrimination in access to places of service to the general public, notably restaurants and discotheques, and over reports that the criminal law does not always provide effective protection. It is recommended that licences to operate such establishments include a prohibition of racial discrimination.

- Uzbekistan, CERD, A/55/18 (2000) 70 at para. 437.

While the State party's initiative in the field of human rights education is welcomed, the State party's educational programmes to prevent and combat racial discrimination need to be strengthened. In this regard, it is recommended that the State party extend its educational programmes in order to raise awareness of the population at large of all aspects related to racial discrimination.

- Algeria, CERD, A/56/18 (2001) 16 at para. 32.

It is noted that articles 27 and 42 of the Constitution of Algeria prohibit discrimination based on race, language or religion. Nevertheless, concern is expressed about the inadequate provisions in domestic legislation to address diverse aspects of racial discrimination. The Committee reiterates its recommendation that the State party consider incorporating in its domestic legislation a prohibition of racial discrimination in accordance with the Convention and provisions for enforcing the prohibition.

- Argentina, CERD, A/56/18 (2001) 18 at paras. 44, 53 and 55-57.

Paragraph 44

The measures taken to strengthen the National Institute to Combat Discrimination, Xenophobia and Racism (INADI) are welcomed. The activities of INADI are welcomed, such as organizing training seminars for primary and secondary schoolteachers to embrace pluralism, training courses for law

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enforcement officials, publicity campaigns in the media and the establishment of a mechanism to receive complaints and take action thereon by mediating and intervening in the courts.

Paragraph 53

The existence of xenophobic attitudes towards immigrants primarily from neighbouring countries, asylum-seekers and persons of African descent is of concern. These attitudes, which are manifested even in some of the media, seem to have increased as a result of the present economic crisis and have given rise, on occasion, to violent incidents. It is recommended that the State party monitor such attitudes and incidents closely and take appropriate steps to deal with them.

Paragraph 55

Although progress has been made, the slow pace of the proceedings relating to the 1992 and 1994 anti-Semitic attacks are regretted. These proceedings should be completed as soon as possible.

Paragraph 56

It is noted with concern that there have been reports of police brutality committed on a variety of pretexts, on grounds of race, colour or ethnic origin. Therefore, in the courses and seminars organized to provide human rights education for members of the police, armed forces, immigration and prison officials, particular attention should be given to the dissemination and implementation of the Convention.

Paragraph 57

It is noted that the National Institute to Combat Discrimination, Xenophobia and Racism (INADI) is experiencing difficulties in covering the entire national territory with regard to receiving and handling complaints of racial discrimination. Steps should be taken to address this situation.

- Bangladesh, CERD, A/56/18 (2001) 21 at paras. 70, 71 and 73.

Paragraph 70

Concern is expressed that racial discrimination as such is not explicitly and adequately prohibited and penalised in criminal law. The State party should consider giving full effect to the provisions of article 4 of the Convention in its domestic legal order, to ensure penalisation of acts of racial discrimination, as well as to ensure access to effective protection and remedies under article 6 of the Convention through competent national tribunals and other State institutions, besides the High Court Division of the Supreme Court, in respect of acts of racial discrimination.

Paragraph 71

Reports of human rights violations by security forces present in the Chittagong Hill Tracts affecting the tribal population, including reports of arbitrary arrests and detentions, and ill-treatment are of

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concern. The State party should implement effective measures to guarantee to all Bangladeshis, without distinction based on race, colour, descent, or national or ethnic origin, the right to security of person and protection by the State against violence or bodily harm.

Paragraph 73

With regard to the interpretation of the definition of racial discrimination contained in article 1 of the Convention, the Committee considers that the term "descent" does not solely refer to race or ethnic or national origin and is of the view that the situation of castes falls within the scope of the Convention.

- Georgia, CERD, A/56/18 (2001) 24 at paras. 90, 92 and 93.

Paragraph 90

It is regretted that racial segregation and *apartheid* are not expressly condemned as stipulated by article 3 of the Convention.

Paragraph 92

Legislation currently in force does not fully cover the requirements of article 4 of the Convention. Concern is expressed at the absence of provisions explicitly banning the advocacy of national, racial and religious hatred that constitutes incitement to discrimination, as well as racist propaganda and organizations. The national legislation currently in force is not sufficient to comply with the requirements of article 4 (b), as the latter covers the offence of promoting and inciting racial discrimination, which may fall short of "fomenting ethnic, local, religious or social strife" as provided for in article 5 (2) of the State party's law on political associations of citizens. In the absence of the establishment of racial discrimination as a specific offence, it might not be punishable and would be difficult to prosecute. The State party should take steps to ensure that national legislation is in full conformity with article 4 of the Convention.

Paragraph 93

With regard to article 142 (1) of the new Criminal Code dealing with the infringement of equal rights on account of, *inter alia*, race, skin colour, language, sex, national, ethnic, social or class origin, the Committee is concerned that this provision is qualified by the requirement that the infringement of equal rights result in a substantial violation of human rights. The Committee notes the statement by the delegation that indeed serious consideration should be given to reviewing this provision and encourages the State party to initiate the necessary steps.

- Germany, CERD, A/56/18 (2001) 27 at paras. 112-114.

Paragraph 112

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The Committee shares the State party's concern that despite appropriate actions undertaken and significant improvements of the different means to prevent and punish right-wing extremist, xenophobic and anti-Semitic crimes, the number of racist related incidents, which had more or less stagnated during the 90's, suddenly and dramatically increased during the year 2000. While welcoming the work that has already been accomplished to identify the specific causes of such a phenomenon, the State party is encouraged to reinforce its efforts to prevent and combat such acts, including through further studies and research, in order to understand fully the reasons for the recent increase in racial violence and to devise appropriate measures.

Paragraph 113

Concern is expressed about repeated reports of racist incidents in police stations as well as ill-treatment inflicted by law enforcement officials on foreigners, including asylum seekers, and German nationals of foreign origin. Although the number of these incidents has diminished recently, the State party is urged to strengthen existing educational measures for civil servants who deal with issues involving foreigners, including asylum seekers, and German nationals of foreign origin.

Paragraph 114

Concerned by the increase of racist propaganda on the internet and that this trend is likely to become more significant in the future, the State party is encouraged to seek further solutions in order to tackle this problem.

- Iceland, CERD, A/56/18 (2001) 32 at paras. 145, 153 and 154.

Paragraph 145

The State party's positive efforts with regard to the prevention of ethnic discrimination is noted with appreciation. The efforts to ensure equal rights and protection from discrimination for the growing immigrant and foreign-born population is also noted.

Paragraph 153

It is recommended that the State party fully investigate the possible existence of associations advocating racial discrimination and take appropriate action under Section 233a of the General Penal Code and article 74 of the Constitution, as well as review such legislation if it proves insufficient in enforcing the provisions of article 4 of the Convention. The State party should ensure that the provisions of the Convention are fully reflected in existing legislation and should give further consideration to the possibility of giving the Convention legal force in the Icelandic legal system, as is the case for the European Convention on Human Rights.

Paragraph 154

It is noted that few incidents of racial discrimination are recorded by the police. The State party should carefully review allegations of racial insults and threats suffered by immigrants and consider

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additional ways in which the formulation of formal complaints in such cases could be encouraged, including publicizing the State party's declaration under article 14 of the Convention.

- Japan, CERD, A/56/18 (2001) 34 at paras. 166, 168-170, 172, 173, 176 and 177.

Paragraph 166

With regard to the interpretation of the definition of racial discrimination contained in article 1 of the Convention, the term "descent" has its own meaning and is not to be confused with race or ethnic or national origin. Therefore, it is recommended that the State party ensure protection against discrimination and the full enjoyment of the civil, political, economic, social and cultural rights contained in article 5 of the Convention of all groups, including the Burakumi community.

Paragraph 168

Concern is expressed that the only provision in the legislation of the State party relevant to the Convention is article 14 of the Constitution. Taking into account the fact that the Convention is not self-executory, it is necessary to adopt specific legislation to outlaw racial discrimination, in particular in conformity with the provisions of articles 4 and 5 of the Convention.

Paragraph 169

The State party's reservation with respect to article 4 (a) and (b) of the Convention states that "Japan fulfils the obligations under those provisions to the extent that fulfilment is compatible with the guarantee of the rights to freedom of assembly, association and expression and other rights under the Constitution of Japan." Such an interpretation is in conflict with the State party's obligations under article 4 of the Convention. The State party's attention is drawn to General Recommendations VII and XV, according to which article 4 is of a mandatory nature, given the non-self-executing character of all its provisions, and the prohibition of the dissemination of all ideas based upon racial superiority or hatred is compatible with the rights to freedom of opinion and expression.

Paragraph 170

It is of concern that racial discrimination as such is not explicitly and adequately penalised in criminal law. The State party should consider giving full effect to the provisions of the Convention in its domestic legal order and should ensure the penalisation of racial discrimination as well as the access to effective protection and remedies through the competent national tribunals and other State institutions against any acts of racial discrimination.

Paragraph 172

Concern is expressed about reports of violent actions against Koreans, mainly children, students and about inadequate reaction of the authorities in this regard. The Government should take more resolute measures to prevent and counter such acts.

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Paragraph 173

With regard to children of foreign nationality residing in Japan, it is noted that elementary and lower secondary education is not compulsory. The position of the State party is that "since the purpose of the primary education in Japan is to educate the Japanese people to be members of the community, it is not appropriate to force foreign children to receive that education." The Committee concurs with the proposition that force is completely inappropriate to secure the objective of integration. However, with reference to articles 3 and 5(e)(v), concern is expressed that different standards of treatment in this respect may lead to racial segregation and the unequal enjoyment of the right to education, training and employment. The State party should ensure that the relevant rights contained in article 5(e) are guaranteed without distinction as to race, colour, or national or ethnic origin.

Paragraph 176

Although there are no longer any administrative or legal requirements for Koreans applying for Japanese nationality to change their names to a Japanese name, concern is expressed about reports that authorities continue to urge applicants to make such changes and that Koreans feel obliged to do so for fear of discrimination. Considering that the name of an individual is a fundamental aspect of cultural and ethnic identity, it is recommended that the State party take the necessary measures to prevent such practices.

Paragraph 177

While noting the recent increase in the number of refugees accepted by the State party, concern is expressed about the different standards of treatment applicable to Indochinese refugees on the one hand and the limited number of refugees of other national origins on the other. Whereas Indochinese refugees have access to accommodation, financial aid and state funded Japanese language courses, such assistance is as a rule not available to other refugees. It is recommended that the State party take measures to ensure equal entitlement of all refugees to such services. In this context, the State party should also ensure that all asylum-seekers have the right to an adequate standard of living and medical care.

- Portugal, CERD, A/56/18 (2001) 38 at paras. 193 and 197.

Paragraph 193

It is noted with concern that incidents of racial discrimination and xenophobia occur in the State party. The authorities should continue to monitor such incidents closely and take appropriate steps to deal with them.

Paragraph 197

The State party should take measures to inform the population in general, and the most vulnerable groups in particular, about the possibility of bringing complaints before the Commission for Equality and against Racial Discrimination.

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- Sudan, CERD, A/56/18 (2001) 40 at paras. 210-212, 214 and 215.

Paragraph 210

With regard to articles 4, 5 and 6 of the Convention, the State party should continue its efforts to establish a domestic legal order giving full effect to the provisions of the Convention and ensure effective and equal protection remedies through the competent national tribunals and other State institutions against any acts of racial discrimination and related intolerances.

Paragraph 211

The Committee reiterates its recommendations to the State party contained in its Decision 5(54) of 19 March 1999 (A/54/18, para. 21(5)), *inter alia*, to implement immediately effective measures to guarantee all Sudanese, without distinction based on race, colour, descent, or national or ethnic origin, freedom of religion, opinion, expression and association; the right to security of person and protection by the State against violence or bodily harm; the right to study and communicate in a chosen language, and the right to enjoy their own culture without interference.

Paragraph 212

The Committee repeats its concern over continuous reports and allegations regarding the abduction by armed militia of primarily women and children belonging to different ethnic groups. In this regard it notes that the State party, while disassociating itself from any such practices, attributes abduction to traditions deeply rooted among certain tribes. Notwithstanding this position, it is strongly emphasized that it is the State party's responsibility to undertake all measures to bring the practice of abduction to an end and to ensure that legal action is taken against those responsible for such acts, as well as compensatory measures to those aggrieved.

Paragraph 214

Concern remains about the large number of internally displaced communities within the territory of the State party, due to the civil war and natural disasters. The Committee reiterates its recommendation to the State party to consider giving effect to the provisions of the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2) of the Special Representative of the UN Secretary General on Internally Displaced Persons and to implement the right to free return of all displaced persons to their homes of origin under conditions of safety. It further urges the State party to do everything in its power to achieve a peaceful settlement of the war, which undermines efforts of combating ethnic, racial and religious discrimination.

Paragraph 215

It is noted that different standards of treatment are reportedly used for different categories of asylum-seekers, i.e. whereas asylum-seekers from mainly neighbouring countries to the East, West and South except Chad are granted refugee status, asylum-seekers from Arab countries are allowed to stay on an informal and unofficial basis. It is recommended that the State party apply international

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and regional standards pertaining to refugees equally, notwithstanding the nationality of the asylum-seeker.

- China, CERD, A/56/18 (2001) 44 at paras. 241-243 and 247.

Paragraph 241

With regard to the interpretation of the definition of racial discrimination, according to article 4 of the Constitution “all nationalities in the People’s Republic of China are equal. The State protects the lawful rights and interests of the minority nationalities ...”. In view of this provision, clarification is sought with regard to existing guarantees against discrimination on all grounds referred to in article 1 of the Convention, i.e. race, colour, descent, or national or ethnic origin, and it is recommended that the State party review its legislation to ensure the adoption of a definition of discrimination in accordance with the Convention.

Paragraph 242

With regard to the implementation of articles 2 and 4 of the Convention, it is noted that articles 149 and 250 of the 1997 Criminal Law of the People’s Republic of China prohibit “the incitement of national enmity or discrimination” by any organization or individual. However, the stipulated requisites of serious or flagrant circumstances or consequences are not in accordance with the Convention. Regarding the prohibition of racial discrimination in general, it is recommended that the State party consider giving full effect to the provisions of the Convention in its domestic legal order and ensure the penalization of racial discrimination, as well as access to effective protection and remedies through the competent national tribunals or other State institutions against all acts of racial discrimination.

Paragraph 243

Economic development in minority regions does not, *ipso facto*, entail the equal enjoyment of economic, social and cultural rights in accordance with article 5(e) of the Convention. In this context, the State party is requested to take all appropriate measures to ensure that the local and regional cultures and traditions are also promoted and the rights of the populations fully respected.

Paragraph 247

With reference to article 2, paragraph 1(d), of the Convention, concern remains about the continued absence in the Hong Kong Special Administrative Region of legal provisions protecting persons from racial discrimination to which they may be subjected by private persons, groups or organizations. The argument put forward for not initiating such legislation, i.e. that it would not be supported by the society as a whole, is not acceptable. The Government and the local authorities of the Hong Kong Special Administrative Region should review the existing unsatisfactory situation thoroughly and appropriate legislation should be adopted to provide appropriate legal remedies and prohibit discrimination based on race, colour, descent, or national or ethnic origin, as has been done with

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regard to discrimination on the grounds of gender and disability.

- Cyprus, CERD, A/56/18 (2001) 48 at paras. 261, 262, 268 and 269.

Paragraph 261

The extension of the powers of the Attorney-General to appoint criminal investigators to investigate police behaviour without the requirement of a written complaint addressed to the Attorney-General by the alleged victim of racial discrimination is welcomed.

Paragraph 262

The Committee expresses satisfaction at the recent amendment (Law 28 III of 1999) of Law 11 (III) of 1992 which criminalizes acts mentioned in article 4 of the Convention. As a result of the amendment it is no longer necessary that incitement to racial hatred be intentional in order for the offence to be committed.

Paragraph 268

While the State party has enacted a number of criminal law provisions in the field of racial discrimination, and amended them following the Committee's recommendations, there is little evidence that these criminal provisions are being used.

Paragraph 269

Concern is expressed at the lack of legal provisions expressly outlawing racial discrimination by private persons in education and employment, and it is recommended that the State party give attention to the development of such legislation.

- Egypt, CERD, A/56/18 (2001) 50 at paras. 283, 284, 287, 289 and 290.

Paragraph 283

It is noted with satisfaction that the Supreme Constitutional Court defines racial discrimination in terms very close to the definition given by the Convention.

Paragraph 284

The significant efforts made by the State party to ensure that its development strategy is implemented without any discrimination on racial grounds and that it is equitable in its reach, covering all regions of the country, is welcomed.

Paragraph 287

It remains of concern that domestic legislation does not seem to respond fully to the requirement of article 4 of the Convention, specifically article 4(a), which requires State parties to declare as an

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offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin. Defamation as well as acts of violence or the threat to use violence are punishable by law, but there is no legal provision making ethnic or racial motivation for such acts an aggravating circumstance. The State party should review its domestic legislation in the light of the provisions of article 4 of the Convention so as to give effect to all its requirements.

Paragraph 289

The State party should continue its efforts to train all personnel working in the field of criminal justice and law enforcement officials in the spirit of respect for human rights and non-discrimination on ethnic or racial grounds.

Paragraph 290

The State party should resolve the difficulties relating to the registration of some non-governmental organizations dealing with the promotion and protection of human rights which are working in particular to combat racial discrimination.

- Italy, CERD, A/56/18 (2001) 53 at paras. 308, 310, 312 and 313.

Paragraph 308

Foreigners residing regularly in the State party's territory account for 2.2 per cent of its total population. In view of the difficulties resulting from its particular geographical location and the specific shape of its territory which lead to a high influx of illegal immigrants, it is recommended that the State party take active measures to promote racial tolerance among all individuals and especially among law enforcement authorities.

Paragraph 310

The State party should ensure that the local authorities take more resolute action to prevent and punish racially motivated acts of violence against Roma and other persons of foreign origin.

Paragraph 312

While noting that domestic legislation regarding article 4 of the Convention is appropriate and contains a comprehensive definition of racial discrimination, the Committee, concerned about allegations that racist organizations were not properly punished, requests the State party to examine thoroughly such allegations.

Paragraph 313

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The Government's indication that the number of incidents of racist violence has decreased is noted, but concern remains about incidents of this nature, in particular those that have recently occurred during football matches. The Government's efforts in this respect are supported and the State party is urged to maintain a firm policy towards the perpetrators of such violence.

- Sri Lanka, CERD, A/56/18 (2001) 56 at paras. 332, 334 and 336.

Paragraph

The restrictions placed on civil and political rights under the Prevention of Terrorism Act and Emergency Regulations and their allegedly discriminatory application with regard to Tamils are of concern. While the recent amendments to the Emergency Regulations are commended and it is noted that the Emergency Regulations lapsed on 4 June 2001, it remains of concern that a state of emergency has been intermittently in effect in different parts of the country since 1983. It is hoped that the situation in the country will improve so that the state of emergency can be lifted.

Paragraph 334

The fact that a large number of Tamils of Indian origin, particularly plantation workers, and their descendants have still not been granted citizenship and that many of them even continue to be stateless is of concern. Tamils without Sri Lankan citizenship are allegedly discriminated against and do not fully enjoy their economic, social and cultural rights. It is recommended that early and effective measures be taken to solve this problem and these persons should not be threatened with repatriation.

Paragraph 336

The State party is reminded of its obligation to conduct exhaustive and impartial investigations into allegations of human rights violations involving racial discrimination and bring those responsible to justice. The State party should continue to disseminate knowledge of human rights instruments as well as international humanitarian law among security forces and law enforcement officers.

- Trinidad and Tobago, CERD, A/56/18 (2001) 58 at paras. 347-350 and 352.

Paragraph 347

The State party has taken significant steps which will contribute to combatting racial discrimination, including the passage of the Equal Opportunities Act, No. 39 of 2000, the Judicial Review Act, No. 60 of 2000 and other pertinent legislation. The proposed steps to strengthen the powers of the Ombudsman, including to enable him to apply to the High Court for the enforcement of his recommendations, is welcomed. The recent introduction of public interest litigation by the Judicial Review Act should further assist in the effective work of the Ombudsman.

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Paragraph 348

The State party's assertion of the absence of racial discrimination in its territory is not accepted by the Committee and the State party should reconsider this stand.

Paragraph 349

The absence of specific legislative, administrative and other measures implementing article 4 of the Convention, especially article 4 (b) prohibiting racist organizations is of concern. The opinion expressed by the delegation that criminalizing dissemination of ideas based on racial superiority or hatred, as well as racist organizations, could have adverse effects is noted, but the obligations of the State party in accordance with the Convention are underlined and the preventive role of such legislation is emphasized. In this connection, the attention of the State party is drawn to general recommendations VII and XV on the compatibility of the prohibition of the dissemination of ideas based upon racial superiority or hatred with the right to freedom of opinion and expression. The statement of the delegation that the State party is prepared to re-examine its position in accordance with its obligations under the Convention is welcomed, and the State party is urged to give due consideration to adopting the necessary legislation in compliance with article 4, particularly article 4 (b), of the Convention as a matter of priority.

Paragraph 350

The absence of complaints by victims of racial discrimination could possibly be an indication of a lack of awareness of available legal remedies. It is therefore essential to inform the public of the availability of all legal remedies.

Paragraph 352

It is of concern that the Police Complaints Authority, which receives complaints about the conduct of police officers and monitors their investigation, has indicated that racial discrimination is not a category of complaint which is examined, owing to the small number of such complaints. The assurances of the delegation that the Police Complaints Authority will be given clear instructions to identify complaints of racial discrimination as a separate category and to report to the higher authorities the results of investigations into cases of racial discrimination is welcomed.

- Ukraine, CERD, A/56/18 (2001) 61 at paras. 364, 369-372 and 375.

Paragraph 364

The number of provisions in domestic legislation, in particular article 37 of the Constitution, article 66 of the Criminal Code and the provisions of the National Minorities Act, prohibiting the dissemination of racial and ethnic hate propaganda and the creation of organizations and political parties that are based upon racial hatred or discrimination is noted. The fact that legal action has been taken against publications and organizations for fomenting anti-Semitism and inter-ethnic hatred is also noted.

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Paragraph 369

That national legislation does not contain sufficient provisions prohibiting discrimination on the grounds of race or ethnic or national origin in conformity with the requirements of the Convention is of concern. All appropriate legislative measures should be taken to ensure that the provisions of the Convention are fully reflected in domestic law. The importance of adequately prohibiting and penalizing acts of racial segregation and discrimination whether they are committed by individuals or associations is emphasized.

Paragraph 370

In particular, the State party should review its legislation in order to ensure that it meets fully the requirements of article 4.

Paragraph 371

The State party should adopt effective measures, pursuant to article 5 of the Convention, guaranteeing equal enjoyment of the rights enumerated in those provisions to all ethnic groups within Ukraine, without distinction based on race, colour, descent or national or ethnic origin.

Paragraph 372

Institutions are not sufficiently utilized to enforce laws against racial discrimination and provide remedies and recourse measures.

Paragraph 375

The oral statement of the delegation that many nationals of a certain African country are involved in drug trafficking in Ukraine is disturbing. It is strongly recommended that the State party take actions to counter any tendency to target, stigmatize or stereotype, which could lead to racial profiling of particular population groups by police and immigration officers as well as in the media and society at large.

- United States of America, CERD, A/56/18 (2001) 64 at paras. 388-399.

Paragraph 388

Recent measures, including the launching in 1997 of the “Initiative on Race,” the establishment of the Minority Business Development Agency under the Department of Commerce in order to redress racial and ethnic discrimination in the industrial market, as well as the efforts made to eliminate the practice of racial profiling, are welcomed and the continuation of such initiatives is encouraged.

Paragraph 389

The continuous increase in the number of persons belonging to, in particular, the African-American and Hispanic communities in fields of employment previously predominantly occupied by Whites is a positive development. The efforts made to promote the employment of persons from minority

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groups within the police force are particularly welcomed.

Paragraph 390

Concern is expressed over the absence of specific legislation implementing the provisions of the Convention in domestic laws, and it is recommended that the State party undertake the necessary measures to ensure the consistent application of the provisions of the Convention at all levels of government.

Paragraph 391

Concern is expressed about the State party's far-reaching reservations, understandings and declarations entered at the time of ratification of the Convention. The implication of the reservation on the implementation of article 4 of the Convention is of particular concern. According to general recommendations VII and XV, the prohibition of dissemination of all ideas based upon racial superiority or hatred is compatible with the right to freedom of opinion and expression, given that a citizen's exercise of this right carries special duties and responsibilities, among which is the obligation not to disseminate racist ideas. The State party should review its legislation in view of the new requirements of preventing and combatting racial discrimination, and adopt regulations extending the protection against acts of racial discrimination, in accordance with article 4 of the Convention.

Paragraph 392

The position of the State party with regard to its obligation under article 2, paragraph 1 (c) and (d), to bring an end to all racial discrimination by any person, group or organization, is that the prohibition and punishment of purely private conduct lie beyond the scope of governmental regulation, even in situations where the personal freedom is exercised in a discriminatory manner and this is of concern. The State party should review its legislation so as to render liable to criminal sanctions the largest possible sphere of private conduct which is discriminatory on racial or ethnic grounds.

Paragraph 393

Attention is drawn to the Government's obligations under the Convention and, in particular, to article 1, paragraph 1, and general recommendation XIV, to undertake to prohibit and to eliminate racial discrimination in all its forms, including practices and legislation that may not be discriminatory in purpose, but in effect. All appropriate measures should be taken to review existing legislation and federal, state and local policies to ensure effective protection against any form of racial discrimination and any unjustifiably disparate impact.

Paragraph 394

The incidents of police violence and brutality are noted with concern, which include cases of deaths as a result of excessive use of force by law enforcement officials, particularly affecting minority groups and foreigners. The State party should take immediate and effective measures to ensure the appropriate training of the police force with a view to combatting prejudices which may lead to racial

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discrimination and ultimately to a violation of the right to security of persons. Firm action should also be taken to punish racially motivated violence and ensure the access of victims to effective legal remedies and the right to seek just and adequate reparation for any damage suffered as a result of such actions.

Paragraph 395

It is noted with concern that the majority of federal, state and local prison and jail inmates are members of ethnic or national minorities, and that the incarceration rate is particularly high with regard to African-Americans and Hispanics. The State party should take firm action to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equal treatment before the courts and all other organs administering justice. Noting the socio-economic marginalization of a significant part of the African-American, Hispanic and Arab populations, it is further recommended that the State party ensure that the high incarceration rate is not a result of the economically, socially and educationally disadvantaged position of these groups.

Paragraph 396

It is noted with concern that, according to the Special Rapporteur of the United Nations Commission on Human Rights on extrajudicial, summary or arbitrary executions, there is a disturbing correlation between race, both of the victim and the defendant, and the imposition of the death penalty, particularly in states like Alabama, Florida, Georgia, Louisiana, Mississippi and Texas. The State party is urged to ensure, possibly by imposing a moratorium, that no death penalty is imposed as a result of racial bias on the part of the prosecutors, judges, juries and lawyers or as a result of the economically, socially and educationally disadvantaged position of the convicted persons.

Paragraph 397

The political disenfranchisement of a large segment of the ethnic minority population who are denied the right to vote by disenfranchising laws and practices based on the commission of more than a certain number of criminal offences, and also sometimes by preventing them from voting even after the completion of their sentences, is of concern. The right of everyone to vote on a non-discriminatory basis is a right contained in article 5 of the Convention.

Paragraph 398

While noting the numerous laws, institutions and measures designed to eradicate racial discrimination affecting the equal enjoyment of economic, social and cultural rights, concern is expressed about persistent disparities in the enjoyment of, in particular, the right to adequate housing, equal opportunities for education and employment, and access to public and private health care. The State party should take all appropriate measures, including special measures according to article 2, paragraph 2, of the Convention, to ensure the right of everyone, without discrimination as to race, colour, or national or ethnic origin, to the enjoyment of the rights contained in article 5 of the Convention.

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Paragraph 399

With regard to affirmative action, the position taken by the State party that the provisions of the Convention permit, but do not require States parties to adopt affirmative action measures to ensure the adequate development and protection of certain racial, ethnic or national groups is noted with concern. It is emphasized that the adoption of special measures by States parties when the circumstances so warrant, such as in the case of persistent disparities, is an obligation stemming from article 2, paragraph 2, of the Convention.

- Viet Nam, CERD, A/56/18 (2001) 68 at paras. 411, 414 and 415.

Paragraph 411

The efforts of the State party to rebuild and renew the social and economic structure of Vietnamese society through its Strategy Plan for Social Economic Stabilization and Development are commended. A growing economy should contribute to the easing of racial and ethnic tensions.

Paragraph 414

The Committee, considering that no country is free from racial discrimination, encourages the State party to give closer attention to article 1 of the Convention and to consider the situation in the country in accordance with the broad definition given therein of racial discrimination.

Paragraph 415

Article 87 of the Criminal Code and article 10, paragraph 2, of the Law on the Press do not encompass the whole scope of application of article 4 of the Convention. Specific legislation should be adopted in accordance with article 4 of the Convention.

- Liberia, CERD, A/56/18 (2001) 70 at paras. 433-436 and 439-441.

Paragraph 433

It is of concern that national legislation does not contain explicit provisions prohibiting discrimination on the grounds of race or ethnic or national origin, in conformity with the requirements of the Convention.

Paragraph 434

All appropriate legislative measures should be taken to ensure that the provisions of the Convention are fully reflected in domestic law. The importance of adequately prohibiting and penalizing acts of racial segregation and discrimination, whether they are committed by individuals or associations, is emphasized.

Paragraph 435

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Effective measures should also be adopted, pursuant to the provisions of the Convention, guaranteeing equal enjoyment of the rights enumerated in those provisions to all ethnic groups within the State party.

Paragraph 436

Grave concern is expressed about the numerous reported instances of discrimination based on ethnicity. Reports of extrajudicial killings, allegations of torture and rape, and the lack of accountability of perpetrators, including government security forces, for these abuses are of particular concern.

Paragraph 439

The State party is urged to take immediate and effective measures aimed at bringing to justice the perpetrators of human rights abuses during the civil war which targeted members of certain ethnic groups.

Paragraph 440

The State party should guarantee swift and thorough investigation and prosecution of acts of violence against persons belonging to ethnic and racial groups.

Paragraph 441

With regard to article 6 of the Convention, the State party should facilitate access to ensure the effectiveness of courts and administrative bodies in enforcing the right of racial and ethnic groups to be free from discrimination.

ICCPR

- Croatia, ICCPR, A/48/40 vol. I (1993) 81 at paras. 360 and 362.

Paragraph 360

The preamble to the Constitution, whereby the Republic of Croatia is defined as "the national state of the Croat nation and a state of members of other nations and minorities" is of concern. Concern was expressed about long-standing discrimination against, and harassment of, ethnic Serbs residing within Croatia. In particular, the circulation of lists of persons grouped on the basis of their ethnic origin was to be deplored. Purges had been permitted of the public services and the police had become identified with ultra right nationalism. Members of the military were often seen in public, including in Bosnia and Herzegovina, wearing Fascist emblems. Serbs had been removed from their jobs in the press and there had been widespread arrests and disappearances. Persons were being held in deplorable conditions in places of detention in Bosnia and Herzegovina, which were under the control of the Croatian army or local Croatian military factions who received the backing of the Republic of Croatia. The international responsibility of the Republic of Croatia was engaged in

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relation to these events.

Paragraph 362

The Government of Croatia is urged to act vigorously against all manifestations of racial hatred. Public condemnation should be made of the circulation of lists of persons based on ethnicity and further appropriate action should be taken. Strong efforts should be made to identify undeclared places of detention and to ensure that only bona fide prisoners of war are held in properly notified camps operating in accordance with the Geneva Conventions of 1949 and the Covenant. Responsibility must be accepted for the acts of the military in other territories as well as in Croatia. Clear instructions should be issued to all military personnel as to their obligations under the Covenant. The foregoing had to be borne in mind in the context of support afforded, directly or indirectly, to local Croatian militia in Bosnia and Herzegovina. Those responsible for violations of human rights should be brought speedily before the courts. In that regard, the existing distinctions between military and civil jurisdictions should be reviewed so that military personnel might be tried and, if found guilty, punished under normal civil jurisdiction.

- Yugoslavia (Serbia and Montenegro), ICCPR, A/48/40 vol. I (1992) 87 at paras. 386 and 389.

Paragraph 386

Various concordant sources of information describe mass arrests, summary and arbitrary executions, enforced or involuntary disappearances, torture, rapes and looting committed by Serbian nationalists both in Croatia (Krajina) and in Bosnia and Herzegovina. It is reported that some 20 camps are controlled by these armed men and that they are holding thousands of civilians, women, children and elderly people in conditions unworthy of the respect due to the human person. Massive violence has been unleashed, *inter alia*, against Dubrovnik and Vukovar and is still being directed against Sarajevo. It is also observed that the means deployed and the interests involved demonstrated the existence of links between the nationalists and Serbia which invalidated the Federal Government's claim to be exempt from responsibility.

The purpose of these acts is to displace or eliminate Muslims, Croats or other nationalities and thus constitute ethnically homogeneous areas.

This situation is strongly deplored and it is regretted that the Federal Government refuses to acknowledge its responsibility for such acts on the grounds that they were committed outside its territory.

Paragraph 389

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The Federal Government is firmly urged to put an end to this intolerable situation for the observance of human rights, and to refrain from any support for those committing such acts, including in territory outside the Federal Republic of Yugoslavia (Serbia and Montenegro). The Government should show a clear political will and to effectively dissociate itself from the Serbian nationalist movements by totally repudiating their ideology and condemning their schemes. Unwavering firmness on this point would deprive the extremists of support that is essential to them. The Federal Government was invited to do its utmost to foster public awareness of the need to combat national hatred and to crack down forcefully on the perpetrators of violations of individual rights by bringing them to justice. The Federal Government should put an end to the repression of the Albanian population in the province of Kosovo and adopt all necessary measures to restore the former local self-government in the province.

- Japan, ICCPR, A/49/40 vol. I (1994) 23 at para. 106.

The continued existence in Japan of certain discriminatory practices against social groups, such as Korean permanent residents, members of the Buraku communities, and persons belonging to the Ainu minority is of concern. The requirement that it is a penal offence for alien permanent residents not to carry documentation at all times, while this does not apply to Japanese nationals, is not consistent with the Covenant. Moreover, persons of Korean and Taiwanese origin who serve in the Japanese Army and who no longer possess Japanese nationality are discriminated against in respect of their pensions.

- Romania, ICCPR, A/49/40 vol. I (1994) 28 at paras. 140, 145 and 146.

Paragraph 140

Concern is expressed at the continuing problems in Romania regarding discrimination against persons belonging to minorities and, in particular, offences committed as a result of incitement to ethnic or religious intolerance. This situation is especially threatening to vulnerable groups, such as the Roma (gypsies). It is of concern that the Government has not been sufficiently active in combating such discrimination or effectively countering incidents of violence committed against members of minority groups.

Paragraph 145

Further measures should be taken to protect persons belonging to minority groups and to enable them to exercise their rights under the Covenant, including participation at all levels in public institutions. More active steps should be taken to combat racist and xenophobic attitudes and promote tolerance and understanding among the various ethnic, religious and national groups in Romania. In this connection, a positive approach should be taken to counter negative attitudes in the media which are likely to reinforce racist attitudes among the public, particularly in regard to the Roma.

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Paragraph 146

The need for greater control over the police, particularly in the context of the recent authoritarian past from which Romanian society is emerging is emphasized. Determined and continuing efforts need to be undertaken to ensure that there is no element of racism in law enforcement, either in practice or in public perception. Further progress should be achieved in fully returning the police to civilian control. There should be intensive training and education programmes aimed at law enforcement officials as well as a determined effort to ensure adequate minority representation in the police force. Steps should also be taken to strengthen recourse procedures for victims of police abuse and ensure adequate follow-up to reports of abuse by thorough investigation and by applying criminal rather than merely administrative sanctions against offenders.

- Togo, ICCPR, A/49/40 vol. I (1994) 44 at para. 251.

The composition of the army, whose members are almost exclusively recruited from only one of the ethnic groups in Togo, depriving other groups of the opportunity for equitable participation is of concern. Such composition, whatever its historical background, together with the apparent lack of full and effective control by civilian authorities over the military and security forces is a particular cause of anxiety.

- Italy, ICCPR, A/49/40 vol. I (1994) 47 at para. 288.

Education and training programmes on multi-culturalism should be strengthened with a view to eliminating racial discrimination and advancing tolerance and understanding among peoples and races.

- United States of America, ICCPR, A/50/40 vol. I (1995) 52 at para. 270.

It is noted that, despite the existence of laws outlawing discrimination, there persist within society discriminatory attitudes and prejudices based on race or gender. Furthermore, the effects of past discriminations in society have not yet been fully eradicated. This makes it difficult to ensure the full enjoyment of the rights provided for under the Covenant to everyone within the State party's jurisdiction.

- United Kingdom of Great Britain and Northern Ireland, ICCPR, A/50/40 vol. I (1995) 72 at paras. 421, 425 and 433.

Paragraph 421

It is noted with concern that members of some ethnic minorities, including Africans and Afro-

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Caribbeans, are often disproportionately subjected to stop and search practices that may raise doubts under the non-discriminatory provisions of the Covenant, particularly its articles 3 and 26.

Paragraph 425

The levels of support offered for the protection of cultural and ethnic diversity within the United Kingdom is of concern. It is further noted with concern that many persons belonging to minorities frequently feel that acts of racial harassment are not pursued by the competent authorities with sufficient rigor and efficiency. It is also regretted that the lack of success in the adequate recruitment of ethnic minorities into the police. It is further believed that much remains to be done to effect changes in public attitudes and to combat and overcome racism.

Paragraph 433

Further action should be taken to tackle remaining problems of racial and ethnic discrimination and of social exclusion. A concerted campaign is called for, to address issues of research, juvenile and adult education, recruitment policies for the public and private sectors, legislative initiative and law enforcement.

- Sweden, ICCPR, A/51/40 vol. I (1996) 18 at paras. 86 and 95.

Paragraph 86

Despite efforts by the Government to eliminate racial and ethnic discrimination, the rise of racism and xenophobia within Swedish society and the high rate of racist crimes and the increase of racist behaviour among younger people is of concern.

Paragraph 95

Appropriate measures should be taken to fight the emergence of racist and xenophobic attitudes among some elements of Swedish society. The importance of educational campaigns in schools and at all levels of society and of media campaigns aimed at building a society where diverse cultures can coexist in a spirit of harmony and enrich one another is stressed.

- Spain, ICCPR, A/51/40 vol. I (1996) 27 at paras. 169 and 182.

Paragraph 169

It is noted with concern that terrorist groups continue to perpetrate bloody attacks which result in loss of human life and affect the application of the Covenant in Spain. The re-emergence of racist and xenophobic theories and behaviour is also noted.

Paragraph 182

The necessary steps, including educational measures and information campaigns, should be taken to

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avert racist and xenophobic tendencies.

- Brazil, ICCPR, A/51/40 vol. I (1996) 45 at paras. 320 and 337.

Paragraph 320

The existence of racial and other discrimination against black and indigenous persons is of concern. It is noted that the Government has been pursuing a process of demarcation of indigenous lands in Brazil as a means of addressing the rights of the indigenous communities, but it is regretted that the process is far from complete.

Paragraph 337

Immediate steps should be taken to guarantee the rights of individuals belonging to racial minorities and indigenous communities, especially with regard to their access to quality health services and education. Such steps should ensure greater school enrolment and reduce the incidence of school drop-out. All necessary measures should be taken to ensure that the process of demarcation of indigenous lands be speedily and justly settled.

- Germany, ICCPR, A/52/40 vol. I (1997) 32 at para. 182.

Although programmes of education of young people and training of police officers concerning racism, anti-semitism and xenophobic attitudes have been started, it regrets that broader educational and training programmes in human rights values do not appear to have received the same level of support. It is also of concern that despite significant efforts by the Government, racism, xenophobia and anti-semitism still persist among certain segments of the population. Efforts to educate the youth and train the police that racism and xenophobia are violative of basic human dignity, contrary to fundamental values and constitutionally and legally impermissible should be intensified, and it is urged that such education and training be placed in the wider context of human rights education and training. The Federal and Läänder governments should introduce courses in human rights in schools, colleges and universities and also in police and defence academies with a view to strengthening a culture of respect for human rights.

- Slovakia, ICCPR, A/52/40 vol. I (1997) 58 at para. 376.

The Committee is concerned about reports that Roma people are often victims of racist attacks, without receiving adequate protection from law enforcement officers.

- Finland, ICCPR, A/53/40 vol. I (1998) 40 at paras. 256 and 264.

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Paragraph 256

Efforts to promote racial tolerance by the establishment of the Parliamentary Ombudsman, the Chancellor of Justice, the Ombudsman for Aliens, and the Advisory Board for Refugee and Migrant Affairs, as well as the implementation of a human rights curriculum in the schools are commended.

Paragraph 264

The continuing de facto discrimination against members of the Roma minority, especially in the area of private housing, employment and services, is regretted. Government agencies should be trained to intervene positively to help to overcome racist attitudes and to initiate proceedings where any pattern of discrimination is identified.

- Italy, ICCPR, A/53/40 vol. I (1998) 51 at para. 346.

All measures by way, for example, of legal constraint and education should be continued to eradicate incidents of racial intolerance.

- Belgium, ICCPR, A/54/40 vol. I (1999) 26 at para. 69.

The establishment of institutions aimed at monitoring the observance of human rights by State authorities is commended, including the Centre for Equality and Against Racism (Centre pour l'égalité et pour la lutte contre le racisme) and the committee to monitor the police services, with jurisdiction over all branches of the police force.

- Hong Kong Special Administrative Region (China), ICCPR, A/55/40 vol. I (2000) 40 at paras. 247 and 248.

Paragraph 247

That no legislative remedies are available to individuals in respect of discrimination on the grounds of race or sexual orientation is of concern.

Paragraph 248

Necessary legislation should be enacted to ensure full compliance with article 26 of the Covenant.

- Denmark, ICCPR, A/56/40 vol. I (2001) 34 at para. 73(15).

Denmark should ensure equality of treatment for ethnic minorities. In particular, in view of information that there continue to be occurrences of racial discrimination, for instance in restaurants

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and nightclubs, measures should be taken to prevent such discrimination.

- Czech Republic, ICCPR, A/56/40 vol. I (2001) 83 at paras. 83(9) and 83(11).

Paragraph 83(9)

It is of particular concern that a disproportionate number of Roma children are assigned to special schools designed for mentally disabled children, which would seem to indicate the use of stereotypes in the placement decisions in contravention of article 26 of the Covenant and which make it difficult, if not impossible, to secure admission to secondary schools (art. 26). Immediate and decisive steps should be taken to eradicate the segregation of Roma children in the educational system by ensuring that placement in schools is carried out on an individual basis and is not influenced by the child's ethnic group. Where needed, the State party should also provide special training to Roma and other minority children to secure, through positive measures, their right to education.

Paragraph 83(11)

The violence and harassment by some groups with respect to the Roma minority, and the failure on the part of the police and judicial authorities to investigate, prosecute and punish hate crimes remains of concern (arts. 2, 20, 26). All necessary measures should be taken to combat racial violence and incitement, provide proper protection to Roma and other minorities, and ensure adequate investigation and prosecution of cases of racial violence and incitement to racial hatred.

- Monaco, ICCPR, A/56/40 vol. I (2001) 89 at para. 84(13).

It is regretted that domestic legislation does not provide for any specific penalty for racial discrimination (article 26). Legislation should be adopted that provides for specific penalties for racial discrimination.

ICESCR

- Spain, ICESCR, E/1997/22 (1996) 27 at paras. 104 and 111.

Paragraph 104

It is noted with great concern the growth in the number of acts of discrimination and racism against foreigners in Spain, particularly directed at groups from North Africa, asylum seekers, illegal workers and the Romany (Gypsy) population.

Paragraph 111

All appropriate preventive and penal measures should be taken to combat effectively all forms of

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racial discrimination, which particularly affects groups from North Africa, asylum seekers, illegal workers and the Romany (Gypsy) population.

- Dominican Republic, ICESCR, E/1997/22 (1996) 44 at para. 226.

Black Dominicans are often subject to the same arbitrary police and administrative discrimination as temporary Haitian workers. Groups representing Blacks in the Dominican Republic also claim that the State violates their cultural rights by allowing the police and local communities to suppress Afro-American or African-identified cultural practices. They also assert that discrimination of this kind is encouraged at public schools and by employers in both the public and private sectors.

- Peru, ICESCR, E/1998/22 (1997) 33 at para. 144.

The insufficient fulfilment of the right to education of the indigenous and black populations is of concern. For example, about 22 per cent of Quechua-speaking persons in the State party, and among them 31 per cent of females over six years old, receive no schooling at any level. This situation has lately been aggravated as a result of the decline in government expenditures relative to gross domestic product.

- Dominican Republic, ICESCR, E/1998/22 (1997) 43 at paras. 213 and 230.

Paragraph 213

It is emphasized that, in order to combat and prevent racial discrimination in the enjoyment of economic, social and cultural rights, its existence must be recognized by the authorities. Without such recognition, no effective anti-discrimination policies can be put in place. The existence of racial discrimination does not necessarily entail institutionalized or legal discrimination.

Paragraph 230

Concrete and appropriate measures should be taken, such as information and education campaigns and the reform of the criminal law, in order to penalize acts of racial discrimination by public officials and private persons, and to prevent and combat such acts.

- Iraq, ICESCR, E/1998/22 (1997) 50 at para. 257.

Concern is expressed about reports of discrimination against members of certain minorities, especially Kurds, Marsh people, Assyrians, Shiite Muslims and Turkomans, with respect to their enjoyment of rights under the Covenant. Furthermore, it is noted with deep concern that the effect of the embargo

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is harsher on members of racial, ethnic or religious minorities, and that there exists discrimination in the allocation by the authorities of the limited resources available between rural and urban areas, and against the southern region with respect to the Marsh people.

- United Kingdom of Great Britain and Northern Ireland, ICESCR, E/1998/22 (1997) 56 at paras. 295, 302 and 314.

Paragraph 295

There continues to exist to a significant degree *de facto* discrimination against women, Blacks and other ethnic minorities. A substantially higher rate of unemployment among Blacks and other ethnic minorities is noted as is their disproportionate numbers in lower-paid jobs. Alarm is expressed that the rate of unemployment among Catholics in Northern Ireland is approximately twice that of Protestants and is substantially above the national rate.

Paragraph 302

Concern is expressed at the plight of the approximately 13,000 children permanently excluded from school and at the fact that a disproportionate number of these children are of African-Caribbean origin.

Paragraph 314

Uniform defined criteria should be formulated for school exclusions. The State party should report on what government programmes, if any, exist to facilitate the insertion of excluded young people into alternative training or apprenticeship programmes.

- Saint Vincent and The Grenadines, ICESCR, E/1998/22 (1997) 72 at para. 422.

With respect to the general provisions of the Covenant, concern is expressed that there are occurrences of racial discrimination in the State party and that members of certain minorities, such as the Amerindians and Asians, form a disproportionate part of the lower-income levels.

- The Netherlands, ICESCR, E/1999/22 (1998) 37 at paras. 179 and 189.

Paragraph 179

Racial discrimination can be seen to exist in labour matters, contributing to some extent to unemployment among immigrants.

Paragraph 189

The Government should continue its endeavours to root out racial discrimination in the labour market

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with a view to facilitating the integration of immigrants and their families into the national life.

- Germany, ICESCR, E/1999/22 (1998) 54 at paras. 317 and 334.

Paragraph 317

The plight of the Sinti and Roma (Gypsies) in Germany and their enjoyment of their rights to housing, education and employment is of concern. The continued discrimination against the Gypsies calls for immediate remedial policies and measures.

Paragraph 334

More adequate assistance should be provided to persons with HIV/AIDS, without any discrimination on the basis of race, origin, nationality or gender.

- Finland, ICESCR, E/2001/22 (2000) 73 at paras. 440 and 452.

Paragraph 440

It is regretted that despite the many initiatives taken by the State party to combat racial discrimination, racist attitudes prevail among the population, perpetuating discrimination against minorities and foreigners, especially in employment.

Paragraph 452

The State party is urged to continue and strengthen its efforts to combat racism and xenophobia.

- Belgium, ICESCR, E/2001/22 (2000) 77 at paras. 471 and 482.

Paragraph 471

It is of deep concern that there is no specific legislation which outlaws acts of xenophobia and racism, and in particular the activities of right-wing racist political parties, which are increasingly present on the political scene, especially in Flanders.

Paragraph 482

The State party should adopt measures to ensure that xenophobia, racism and activities of racist organizations, groups or political parties are outlawed, with a view to complying with the principle of non-discrimination, set forth in article 2.2 of the Covenant.

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- Hong Kong Special Administrative Region (China), ICESCR, E/2002/22 (2001) 39 at paras. 177 and 192.

Paragraph 177

The failure to extend the prohibition of race discrimination to the private sector is of concern.

Paragraph 192

The failure to prohibit race discrimination in the private sector constitutes a breach of the obligations under article 2 of the Covenant. The authorities are called upon to extend the prohibition of race discrimination to the private sector.

- Bolivia, ICESCR, E/2002/22 (2001) 52 at para. 285.

The State party is urged to take remedial action against the marginalization of, and discrimination against, indigenous populations in all sectors of society.

- Togo, ICESCR, E/2002/22 (2001) 57 at paras. 316 and 323.

Paragraph 316

The occurrence of societal discrimination on the basis of ethnicity by all ethnic groups is a matter of grave concern, particularly the discrimination between southerners and northerners, which is evident in private sector hiring, buying patterns, and the *de facto* ethnic segregation in urban neighbourhoods. These north-south tensions have regularly been the cause of eruptions of violence of a clearly inter-ethnic character.

Paragraph 323

It is recommended that the State party address the persistence of discrimination, particularly in relation to women and girls, and between the various ethnic minorities living in Togo, with a view to eliminating such discrimination by adopting appropriate legislative and administrative measures, developing non-discrimination policies and by taking effective steps to enforce such measures and policies.

- Ukraine, ICESCR, E/2002/22 (2001) 78 at paras. 493 and 503.

Paragraph 493

The *de facto* discrimination against ethnic minorities, such as the Crimean Tartars and Roma, and the harassment of foreigners of African origin by law enforcement officials, is a matter of concern.

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Paragraph 503

Legal provisions should be strengthened with respect to the prohibition of discrimination in accordance with article 2 (2) of the Covenant, in particular on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Recalling the Code of Conduct for Law Enforcement Officials, all necessary steps should be taken to prevent incidents of racially motivated ill-treatment and ensure that timely and thorough investigations and effective prosecutions are carried out.

CEDAW

- Israel, CEDAW, A/52/38/Rev.1 part II (1997) 87 at paras. 161, 162, 174 and 176.

Paragraph 161

Concern is expressed over the fact that non-Jewish women had worse living conditions than Jewish women. They received a lower level of education, participated less in the government service and occupied limited decision-making posts.

Paragraph 162

Concern is also expressed over the fact that non-Jewish women enjoyed poorer health, resulting in very high maternal and infant mortality rates. There were also fewer employment opportunities available to them.

Paragraph 174

All necessary measures should be taken to ensure peace with the full participation of all women, Jewish and Christian, Muslim and Druze alike. This was necessary to create an environment where women could enjoy their rights fully and so that equality of opportunities in economic and social development, especially of rural women, could be assured.

Paragraph 176

Measures to guarantee the exercise of human rights of non-Jewish women, including those living in the rural areas, particularly in relation to health, education and employment, should be intensified. Special measures should be taken to close the gap between Arab and Jewish schools and address the higher drop-out rates of Arab and Bedouin girls. Adequate resources should be allocated for school facilities and education opportunities, including scholarships. Further, the participation of Arab women in the civil service and in decision-making posts should be increased.

- Australia, CEDAW, A/52/38/Rev.1 part II (1997) 111 at para. 397.

The continuing adverse situation of Aboriginal and Torres Strait Islander women is of concern. Major

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causes of concern included a higher incidence of maternal mortality, lower life expectancy, reduced access to the full range of health services, a high incidence of violence, including domestic violence, and high unemployment rates. Their situation, as well as that of migrant women, was further compromised by an apparent rise in racism and xenophobia.

- Germany, CEDAW, A/55/38 part I (2000) 29 at paras. 317 and 318.

Paragraph 317

Concern is expressed at the incidences of xenophobic and racist attacks in the State party. The vulnerabilities that foreign women can face on the multiple grounds of sex, ethnicity and race, are noted.

Paragraph 318

The Government is called upon to improve the collection of data and statistics disaggregated by sex and race/ethnicity of victims of violence motivated by xenophobia and racism, to put in place adequate protection mechanisms and to ensure that foreign women victims of such attacks are made aware of their rights and have access to effective remedies.

- Finland, CEDAW, A/56/38 part I (2001) 29 at paras. 305 and 306.

Paragraph 305

Concern is expressed at the continuing discrimination against immigrant and minority women living in Finland, particularly Roma and Sami women, who suffer from double discrimination, based on both their sex and ethnic background.

Paragraph 306

Studies should be undertaken on the participation of minority women in society and effective measures should be taken to eliminate discrimination against them and strengthen efforts to combat racism and xenophobia in Finland.

- Guyana, CEDAW, A/56/38 part II (2001) 60 at paras. 174 and 175.

Paragraph 174

Concern is expressed about the situation of rural women and Amerindian women, and the lack of information thereon.

Paragraph 175

The Government is encouraged to give full attention to the needs of rural women and Amerindian

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women and to ensure that they benefit from policies and programmes in all areas, in particular access to decision-making, health, education and social services.

- The Netherlands, CEDAW, A/56/38 part II (2001) 63 at paras. 205-207.

Paragraph 205

Despite the efforts made, there is continuing discrimination against immigrant, refugee and minority women who suffer from multiple discrimination, based both on their sex and on their ethnic background, in society at large and within their communities, particularly with respect to education, employment and violence against women. Concern is also expressed about manifestations of racism and xenophobia.

Paragraph 206

Effective measures should be taken to eliminate discrimination against immigrant, refugee and minority women, both in society at large and within their communities. The Government is urged to respect and promote the human rights of women over discriminatory cultural practices, and take effective and proactive measures, including awareness-raising programmes and programmes to sensitize the community to combat patriarchal attitudes and practices and stereotyping of roles and to eliminate discrimination and violence against women in immigrant and minority communities. The Government is also urged to eliminate xenophobia and racism in the Netherlands by strengthening its efforts to combat the activities of racist and xenophobic groups based in the country.

Paragraph 207

There is concern about the lack of information on the *de facto* situation of women of ethnic and minority communities in respect to their access to education, employment and health services. There is also concern about the limited information on their freedom from violence, including female genital mutilation, domestic violence and honour crimes, as well as other discriminatory practices, such as polygamy, early marriage and forced pregnancy.

- Sweden, CEDAW, A/56/38 part II (2001) 76 at paras. 356 and 357.

Paragraph 356

Taking note of the efforts of the Government to combat discrimination, concern is expressed about the continuing discrimination against immigrant, refugee and minority women, including in education and employment, and at the gender-based discrimination and violence that they face in their own communities. Concern is also expressed about discrimination against Sami and Roma women.

Paragraph 357

Effective measures should be taken to eliminate discrimination against immigrant, refugee and

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minority women and to strengthen efforts to combat xenophobia and racism in Sweden. The State party is also encouraged to be more proactive in its measures to prevent discrimination against immigrant, refugee and minority women, both within their communities and in society at large, to combat violence against them and to increase their awareness of the availability of social services and legal remedies.

CAT

- Italy, CAT, A/50/44 (1995) 21 at para. 154.

The persistence of cases of ill treatment in prisons by police officers is of concern. A dangerous trend towards some racism is noted, since the victims are either from foreign countries or belong to minorities.

- United Kingdom of Great Britain and Northern Ireland, CAT, A/51/44 (1996) 12 at para. 64.

The allegations of discrimination in the treatment of Black citizens in the United Kingdom by police and immigration authorities is of concern.

- Finland, CAT, A/55/44 (2000) 12 at para. 55.

In order to reinforce the Convention's objectives to ensure the proper investigation of incidents which may amount to a breach of Article 16 of the Convention, the State party should declare illegal and prohibit organizations which promote and incite racial discrimination, as well as the dissemination of ideas based on racial superiority or hatred.

- Czech Republic, CAT, A/56/44 (2001) 46 at para. 113.

Concern is expressed over instances of racism and xenophobia in society are matters of concern, including the increase in racially motivated violence against minority groups, as well as the increase in groups advocating such conduct.

CRC

- Denmark, CRC, CRC/C/38 (1995) 30 at para. 198.

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Measures to teach about children's and human rights could be used as a tool to advocate further the purposes of the European Youth Campaign, and the parallel Nordic campaign, to combat racism, xenophobia, anti-Semitism and intolerance.

- United Kingdom of Great Britain and Northern Ireland, CRC, CRC/C/38 (1995) 35 at para. 230.

Race relations legislation should be introduced in Northern Ireland as a matter of urgency and the Committee is encouraged by the information presented by the delegation of the State party regarding the Government's intention to follow up on this matter.

- Yugoslavia (Serbia and Montenegro), CRC, CRC/C/50 (1996) 17 at para. 90.

Information concerning the hostile sentiments apparently broadcast by certain mass media is a concern. Tendencies in the media which may lead to the incitement of hatred against certain ethnic and religious groups are worrisome.

- Croatia, CRC, CRC/C/50 (1996) 31 at paras. 188 and 201.

Paragraph 188

The efforts pursued by the Government, in cooperation with non-governmental organizations, with a view to raising public awareness on the rights of the child are welcomed. In this connection, the Committee welcomes the European Youth Campaign being undertaken under the auspices of the Council of Europe to combat racism, xenophobia, anti-Semitism and intolerance.

Paragraph 201

The State-controlled mass media should play an active role in the efforts to secure tolerance and understanding between different ethnic groups. The broadcasting of programmes which would run counter to this objective should come to an end.

- Myanmar, CRC, CRC/C/62 (1997) 25 at paras. 148 and 168.

Paragraph 148

The national identity card which explicitly mentions the religion and the ethnic origin of each citizen, including children, is of concern. The fact that the Citizenship Act establishes three different categories of citizenship and therefore some categories of children and their parents might be

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stigmatized and/or denied certain rights is also of concern.

Paragraph 168

The categorization of citizens, as well as the mention on the national identity card of the religion and the ethnic origin of citizens, including children, should be abolished.

- Syrian Arab Republic, CRC, CRC/C/62 (1997) 32 at para. 209.

The right to be registered and to acquire a nationality should be guaranteed to all children under the Syrian Arab Republic's jurisdiction without discrimination of any kind, irrespective, in particular, of the child's or his or her parents' or legal guardians' race, religion or ethnic origin.

- Ireland, CRC, CRC/C/73 (1998) 14 at para. 88.

The International Convention against All Forms of Racial Discrimination should be considered for ratification.

See also:

- Democratic People's Republic of Korea, CRC, CRC/C/79 (1998) 13 at para. 85.

- Honduras, CRC, CRC/C/87 (1999) 26 at para. 126.

All necessary measures should be taken to protect children belonging to indigenous and ethnic groups against discrimination and to guarantee their enjoyment of their rights.

- Nicaragua, CRC, CRC/C/87 (1999) 54 at para. 228.

Economic, social and regional disparities, including between urban and rural areas, should be reduced to prevent discrimination against the most disadvantaged groups of children, such as the girl child, children with disabilities, children belonging to indigenous and ethnic groups, children living in and/or working on the streets and children living in rural areas. Educational campaigns should also be undertaken to raise awareness of discrimination on the grounds of gender and ethnic origin with a view to its elimination.

- Venezuela, CRC, CRC/C/90 (1999) 10 at para. 45.

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Effective measures should continue to be taken to reduce economic and social disparities. Measures to prevent discrimination against the most disadvantaged groups of children, including girls, children belonging to indigenous and other ethnic groups, children with disabilities, children born out of wedlock and children living and/or working in the streets, should be reinforced.

- Russian Federation, CRC, CRC/C/90 (1999) 18 at para. 86.

The reports of the growth in the incidence of racism and xenophobia in the State party is of concern.

- Mexico, CRC, CRC/C/90 (1999) 34 at para. 177.

The measures implemented to protect the rights of children belonging to vulnerable groups need to be reinforced. Measures taken to reduce economic and social disparities, including between urban and rural areas, to prevent discrimination against the most disadvantaged groups of children, such as girls, children with disabilities, children belonging to indigenous and ethnic groups, children living and/or working on the streets and children living in rural areas, should be increased.

- India, CRC, CRC/C/94 (2000) 10 at paras. 62 and 63.

Paragraph 62

In light of article 2 of the Convention, concern is expressed about the existence of caste-based discrimination and discrimination against tribal groups, despite these practices being prohibited under the law.

Paragraph 63

In accordance with article 17 of the Constitution and article 2 of the Convention, it is recommended that the State party take steps to ensure states abolish the discriminatory practice of “untouchability”, prevent caste- and tribe-motivated abuse and prosecutes state and private actors who are responsible for such practices or abuses. Moreover, in compliance with article 46 of the Constitution, the State party is encouraged to implement, *inter alia*, affirmative measures to advance and protect these groups. The State party is encouraged to continue its efforts to carry out comprehensive public education campaigns to prevent and combat caste-based discrimination. In line with the Committee on the Elimination of Racial Discrimination (CERD/C/304/Add.13), the Committee stresses the importance of the equal enjoyment by members of these groups of the rights in the Convention, including access to health care, education, work, and public places and services, such as wells.

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- Sierra Leone, CRC, CRC/C/94 (2000) 24 at para. 147.

Concern is expressed at the extent to which ethnic and gender discrimination are witnessed in the State party, in spite of domestic legislation prohibiting such discrimination.

- Costa Rica, CRC, CRC/C/94 (2000) 37 at para. 224.

With regard to the implementation of article 2 of the Convention, concern is expressed at the manifestations of xenophobia and racial discrimination against immigrants, particularly children belonging to Nicaraguan families residing illegally in the State party's territory. The marginalization of children belonging to indigenous populations and to the Black Costa Rican ethnic minority is of concern. The State party should increase measures to reduce socio-economic and regional disparities and to prevent discrimination against the most disadvantaged groups of children, such as the girl child, children with disabilities, children belonging to indigenous and ethnic groups, children living in and/or working on the streets and children living in rural areas. It is recommended that the State party undertake educational campaigns to raise awareness in order to prevent and combat discrimination on the grounds of gender, ethnic and/or national origin. In this regard, the Committee endorses the recommendations made by the Human Rights Committee (CCPR/C/79/Add.107) and the Committee for the Elimination of Racial Discrimination (CERD/C/304/Add.71).

- Peru, CRC, CRC/C/94 (2000) 64 at para. 369.

Concern is expressed at the existing patterns of gender and racial discrimination; at the marginalization of children belonging to indigenous populations; and at the precarious situation of children from the rural highlands and the Amazonia region, especially regarding their limited access to education and health services. The State party should increase measures to reduce economic and social disparities, including between urban and rural areas, to prevent discrimination against the most disadvantaged groups of children, such as girls, children with disabilities, children belonging to indigenous and ethnic groups, children living in and/or working on the streets and children living in rural areas, and to guarantee their full enjoyment of all the rights recognized in the Convention.

See also:

- Colombia, CRC, CRC/C/100 (2000) 64 at paras. 354 and 355.
- Dominican Republic, CRC, CRC/C/103 (2001) 91 at paras. 503 and 504.

- South Africa, CRC, CRC/C/94 (2000) 81 at para. 447.

While noting that the law provides for compulsory education between the ages of 7 and 15 years,

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concern is expressed that primary education is not free. Concern is also expressed that inequality in access to education remains in some areas, particularly among Black children, girls and children from economically disadvantaged families, many of whom still do not attend school. The continued practice of discrimination in some schools, particularly against Black children in racially mixed schools, is a concern. With respect to the general situation of education, the following is noted with concern: the extent of overcrowding in some areas; high drop-out, illiteracy and repetition rates; lack of basic training materials; poorly maintained infrastructure and equipment; shortages of textbooks and other materials; insufficient number of trained teachers, particularly in traditionally Black communities; and low morale of teachers. Many children, especially in Black communities, do not enjoy the right to leisure, recreation and cultural activities. The State party is encouraged to continue its efforts to promote and facilitate school attendance, particularly among previously disadvantaged children, girls and children from economically disadvantaged families. In light of article 28 of the Convention, effective measures should be taken to ensure that primary education is available free to all. The State party should take additional measures to ensure non-discrimination within the school environment. Furthermore, effective measures should be taken to improve the quality of education and to provide access for all children within the State party. The State party is further urged to implement additional measures to encourage children to stay in school, at least during the period of compulsory education. In light of article 31, it is recommended that the State party take effective measures to ensure that children, especially those in Black communities, enjoy the right to leisure, recreation and cultural activities.

- Norway, CRC, CRC/C/97 (2000) 43 at para. 217.

Note is taken of the considerable efforts being made to combat trends towards intolerance of foreigners and to address the issues of racism and xenophobia, including through the involvement and participation of youth. The active role being taken by the State party within regional forums in encouraging similar approaches to such problems is welcomed.

- Cambodia, CRC, CRC/C/97 (2000) 64 at paras. 357 and 358.

Paragraph 357

With regard to article 2 of the Convention, the existing patterns of discrimination on the grounds of gender, ethnic origin, HIV/AIDS status and disability are of concern. In particular, concern is expressed that the State party's Constitution refers only to the rights of Khmer citizens.

Paragraph 358

The enjoyment by all children of all the rights enshrined in the Convention should be ensured without any distinction. Efforts need to be made to eliminate discrimination against children living and/or working on the streets and children belonging to minority groups, especially of Vietnamese origin.

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Furthermore, the Committee endorses the recommendations made to the State party by the Human Rights Committee in 1999 and by the Committee on the Elimination of Racial Discrimination in 1998 in this regard.

- Malta, CRC, CRC/C/97 (2000) 75 at paras. 420 and 421.

Paragraph 420

Concern is expressed at the alleged reports that expressions with racial connotations have been used by the State party's officials to refer to children belonging to immigrant families in an irregular situation.

Paragraph 421

Effective measures should be taken to combat and prevent acts of racial discrimination against children belonging to immigrant families.

- Burundi, CRC, CRC/C/100 (2000) 17 at paras. 111 and 112.

Paragraph 111

Deep concern is expressed at the gross violations of the right to be protected from discrimination and at the impact of discrimination upon children in the State party. It is noted that discrimination takes different forms including by ethnic origin, gender, geographical origin (within the country) and social status. The Committee notes that killings and other acts committed in the armed conflict, and which have affected children, have frequently been perpetrated on the basis of ethnic origin. Other forms of discrimination lead to concerns with regard to, *inter alia*, access to resources, inheritance of property, the right to a nationality and the access of girls to education. The State party does not appear to have taken fully into account either the provisions of article 2 or the Convention's other principles in its legislation and administrative and judicial practice as well as in programmes on behalf of children.

Paragraph 112

The State party is urged to make every effort to end all discriminatory practices, to ensure equal respect for the rights of all children in the State party and to reinforce and ensure the implementation of existing laws related to non-discrimination. It is recommended that the State party commission and publish an independent study on the different types and causes of discrimination which affect children in the State party, with the aim of contributing to public discussion and the identification of solutions. The State party is urged to restate its commitment to protect children from discrimination and to work with national and international partners to end discrimination. The State party is further urged to use promotion of and training on child rights as a means of ending discrimination and to prosecute persons who violate non-discrimination provisions of the law.

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- Slovakia, CRC, CRC/C/100 (2000) 100 at paras. 562-569.

Paragraph 562

Children belonging to the Roma minority experience *de facto* discrimination *vis-à-vis* several provisions of the Convention, particularly the right to the highest attainable health (art. 24), the right to an adequate standard of living (art. 27) and the right to education (art. 28).

Paragraph 563

All necessary measures should be taken to ensure that all children within the jurisdiction enjoy all the rights set out in the Convention without discrimination, in accordance with article 2. The Committee endorses the recommendations made by the Committee on the Elimination of Racial Discrimination in its concluding observations (CERD/C/57/CRP.3/Add.4), and its general recommendation XXVII on discrimination against Roma, and recommends that the State party implement them.

Paragraph 564

That the right of the child to be protected from discrimination by all appropriate measures is not implemented in conformity with article 2 of the Convention as the State party has not taken affirmative actions for the benefit of certain vulnerable groups of children, especially Roma. Roma children need more help and support in order to enjoy the right to development on an equitable basis with other children.

Paragraph 565

The implementation of article 2 of the Convention should be reviewed in this respect. The State party should monitor and react to cases of discrimination against children in all sectors of society in a more effective manner.

Paragraph 566

It is noted that the 1999 Strategy envisages an analysis of the existing situation concerning discrimination on ethnic grounds against the Roma including, if necessary, amendments to relevant laws or the drafting of new laws.

Paragraph 567

The State party should consider as an affirmative action the review of its legislation on a provisional basis with the aim of including the right of the Roma and their children to benefit from the development policies mentioned in the Strategy.

Paragraph 568

Noting the relevant provisions of the Penal Code, concern is expressed at the persistence of acts of violence by groups, particularly skinheads, directed towards Roma and their children and other ethnic minorities, and at continuous allegations that the police and prosecutors have failed to investigate acts

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of racially motivated violence promptly and effectively, and have been reluctant to identify a racial motive behind such attacks. The numbers of indictments and convictions are low relative to the number of incidents reported. Perpetrators of racial crimes often receive light sentences.

Paragraph 569

The State party should continue carrying out timely and thorough investigations and effective prosecutions against racist organizations. The State party is encouraged to continue to expand throughout the State preventive programmes to curb racially motivated violence directed towards Roma and their children and other ethnic minorities. Clear guidelines and instructions for police and prosecuting authorities should be developed to assist them in identifying such crimes, and ensure timely and effective investigation, and prosecution of racially motivated attacks, including cases of police misconduct.

- Comoros, CRC, CRC/C/100 (2000) 110 at paras. 620 and 621.

Paragraph 620

With regard to article 2 of the Convention, patterns of discrimination on grounds of gender, religion, ethnic origin, disability and birth or other status (e.g., children born out of wedlock) are of concern.

Paragraph 621

The State party should increase its efforts to ensure the implementation of the principle of non-discrimination and its full compliance with article 2 of the Convention and address those cases which continue to occur affecting all vulnerable groups, and particularly girls, children with disabilities and children born out of wedlock.

- Latvia, CRC, CRC/C/103 (2001) 9 at paras. 50 and 51.

Paragraph 50

It is of concern that the principle of non-discrimination is not fully implemented for non-citizen children, children belonging to minorities, including Roma children, poor or dysfunctional families, children with disabilities and children living in rural areas, especially with regard to their access to adequate health and educational facilities. In this context, the State programme for the improvement of the condition of children in the country for 1999 is noted with interest. The requirement to record ethnic origin in passports is noted with concern.

Paragraph 51

Disaggregated data should be collected to enable monitoring of discrimination against all children, in particular those belonging to the above-mentioned vulnerable groups, with a view to developing measures to put an end to any form of discrimination. The Committee further reiterates the

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recommendation of the Committee on the Elimination of Racial Discrimination to reconsider the requirement to record ethnic origin in passports (A/54/18, para. 407).

- Liechtenstein, CRC, CRC/C/103 (2001) 19 at paras. 102 and 103.

Paragraph 102

Concern is expressed about incidents of racial hatred that can have a negative effect on the development of children.

Paragraph 103

The State party should renew its campaign, held in 1995, against racism, xenophobia and related intolerance with the view, *inter alia*, to preventing prejudices and hostilities towards foreigners among children and adolescents.

- Lesotho, CRC, CRC/C/103 (2001) 57 at paras. 349 and 350.

Paragraph 349

The State party has legislation to regulate domestic adoptions. However, it is noted that there is *de jure* discrimination against prospective parents who are African. In addition, the procedures are often slow and cumbersome. It is noted that the State party has no legislation, policies or institutions to regulate inter-country adoptions. The lack of monitoring with respect to both domestic, including customary law adoptions, and inter-country adoption is also a matter for concern.

Paragraph 350

In the light of article 21 of the Convention, the State party should introduce effective and non-discriminatory regulatory and monitoring procedures with respect to both domestic and inter-country adoptions, in order to guarantee the protection of the rights of children in this regard. The State party is encouraged to consider acceding to the 1993 Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption.

- Democratic Republic of the Congo, CRC, CRC/C/108 (2001) 31 at paras. 171 and 172.

Paragraph 171

Deep concern is expressed at the practices of discrimination which continue to affect profoundly many children in the State party, including ethnic and gender discrimination.

Paragraph 172

It is strongly recommended that the State party urgently identify and address the different causes of

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discrimination and end all practices of discrimination which affect respect for the Convention.

- Côte d'Ivoire, CRC, CRC/C/108 (2001) 59 at paras. 309 and 310.

Paragraph 309

While noting that discrimination is prohibited under the Constitution, the persistence of discrimination in the country is of concern. Of particular concern is the occurrence of discrimination against non-citizen children, children with disabilities, children born out of wedlock, children from ethnic minorities, Muslim children, and girls; particularly the low participation rate of girls in education.

Paragraph 310

In light of article 2 of the Convention, concerted efforts should be made at all levels to address discrimination, notably discrimination based on gender, disability, religion, and national, ethnic or social origin, through a review and reorientation of policies, including increased budgetary allocations for programmes targeting the most vulnerable groups. The State party should also ensure effective law enforcement, undertake studies and launch comprehensive public information campaigns to prevent and combat all forms of discrimination, where needed within the framework of international cooperation.

See also:

- Lebanon, CRC, CRC/C/114 (2002) 11 at paras. 52 and 53.

- Bhutan, CRC, CRC/C/108 (2001) 85 at paras. 450 and 451.

Paragraph 450

The disparities in the enjoyment of rights experienced by children belonging to the most vulnerable groups are of concern (e.g. children living in remote areas, belonging to other ethnic groups, with disabilities, from economically disadvantaged households, etc.).

Paragraph 451

The State party should make greater efforts to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, in accordance with article 2 and prioritize and target social services for children belonging to the most vulnerable groups.