

# EQUALITY AND DISCRIMINATION - RACIAL DISCRIMINATION

## IV. CONCLUDING OBSERVATIONS, CONTINUED

### CERD

- Austria, CERD, A/57/18 (2002) 15 at paras. 28, 29, 32, 33 and 36.

28. The Committee is concerned at the wording of article 1, paragraph 1, of the Federal Constitutional Act implementing the Convention, which stipulates that the legislature and the executive shall refrain from any distinction on the "sole" ground of race, colour, or national or ethnic origin. In the Committee's view, this may be regarded as representing a narrower prohibition of discrimination than is provided in the Convention. The Committee recalls that multiple discrimination, for example discrimination based simultaneously on race and sex, falls within the scope of the Convention, and that such phenomena are addressed in the final documents of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. Therefore, while noting that an amendment to this provision is currently under consideration, the Committee reiterates its previous invitation to the State party (CERD/C/304/Add.64, para. 11) to consider the possibility of deleting the word "sole" from article 1, paragraph 1, of the Federal Constitutional Act, taking into consideration general recommendation XXV of the Committee.

29. Concerning articles 2 and 4 of the Convention, the Committee is of the view that the legislation in place to combat racism is not totally adequate to combat discrimination effectively. While noting the existence of provisions in criminal legislation aimed at combating racism, as well as recognizing racist or xenophobia motivations as aggravating circumstances for crimes, the Committee reiterates its recommendation ([CERD/C/304/Add.64], para. 11) to the State party to introduce general legislation prohibiting racial discrimination in all its forms.

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32. The Committee is concerned about the significant number of allegations which have been brought to its attention which reflect the existence of racist and xenophobic attitudes among some sections of the population. It is further concerned about allegations of racist incidents involving police officers and other State employees. In the light of general recommendation XIX, the Committee encourages the State party to continue to monitor all tendencies which may give rise to racial or ethnic segregation and to endeavour to combat the negative consequences of such tendencies. The Committee further recommends that the State party strengthen existing educational measures for civil servants who deal with issues involving foreigners. Efforts should be made to recruit more members of minority groups into the public administration, in particular law enforcement.

33. The Committee is concerned at the considerable number of asylum-seekers without identity documents who have been denied public assistance from the Federal Care and Maintenance Programme and who must therefore rely on private assistance and other

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agencies for survival. The Committee recommends that the State party ensure the provision of basic and equal assistance to all asylum-seekers, without distinction as to race or ethnic and national origin.

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36. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention...

- Belgium, CERD, A/57/18 (2002) 17 at paras. 42-45, 49, 51-53, 56, 57 and 60.

42. With regard to article 4 of the Convention the Committee notes with appreciation the State party's efforts in the field of legislative reform, especially the amendment to article 150 of the Constitution, which transfers jurisdiction over acts motivated by racism and xenophobia committed through the media to lower instance criminal courts. It also welcomes the imposition of financial sanctions on anti-democratic political parties that disseminate racism and xenophobia.

43. The Committee notes with appreciation the work of the Centre for Equal Opportunity and the Struggle against Racism, and in particular the agreement reached between the postal authorities and the Centre with a view to preventing the distribution of material containing racist propaganda and xenophobic statements.

44. The Committee notes measures taken by the State party to counter the dissemination of racist statements on the Internet.

45. The Committee welcomes the measures taken by the State party to raise awareness of racism and racial discrimination, in particular in the army and among criminal justice officials. It also welcomes the measures taken to limit the information given by the judicial and police authorities to the press regarding the ethnic origin and the nationality of the alleged offenders.

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49. The Committee notes that a draft general law on racial discrimination is under consideration by the Parliament and encourages the State party to adopt it as soon as possible.

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51. The Committee is concerned that there is no legislation prohibiting racist organizations and propaganda activities. It is also concerned about the increasing influence of xenophobic ideology on political parties, especially in Flanders. In this context, the Committee requests the State party to give more information on the application of the 1998 Law on withdrawing financial support to such political parties that incite racism or racial hostility, or disseminate racial propaganda. Taking into account the mandatory nature of article 4 of the Convention,

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the Committee also recommends that the State party enact legislation that declares illegal and prohibits any organization which promotes or incites to racism and racial discrimination and consider withdrawing its reservation to this article. In this context, the Committee draws the attention of the State party to its general recommendation XV.

52. The Committee expresses concern about reports according to which the legal provisions designed to prosecute and punish acts of racism and racial discrimination are not applied. It also expresses concern at the length of procedures for the investigation of complaints by victims of racial discrimination. The Committee recommends that the State party ensure that all acts of racism and racial discrimination are investigated and that the alleged perpetrators, if found guilty, be punished.

53. Concern was also expressed about several cases of racist incidents in police stations involving law enforcement officials, where the victims were immigrants and asylum seekers. The Committee is also concerned about reports that children belonging to ethnic minority groups have experienced verbal violence. The Committee recommends that State party take all necessary measures to prosecute racially motivated acts of violence by law enforcement officials and to prevent such verbal offences acts against members of minority groups, and continue its efforts to promote intercultural tolerance, understanding and respect.

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56. While noting the positive efforts undertaken by the State party in the field of education against racial discrimination, the Committee expresses concern about the absence or insufficiency of educational measures for some professional groups, such as judges, prosecutors, lawyers and civil servants. The Committee recommends 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 and training, in order to prevent racial discrimination.

57. While noting the satisfactory measures taken in the State party, especially by the Centre for Equal Opportunity and the Struggle against Racism, following the events of 11 September 2001 in the United States, in order to promote tolerance between religious communities, the Committee regrets occurrences of racial acts against persons belonging to ethnic minorities, especially those of Muslim faith...

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60. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention...

- Costa Rica, CERD, A/57/18 (2002) 21 at paras. 69, 70, 73, 77, 78, 83 and 85.

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69. The Committee notes with satisfaction that during the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the President of Costa Rica publicly apologized for past errors committed against Afro-Costa Ricans. It further welcomes the commemoration of the International Day for the Elimination of Racial Discrimination in schools, in accordance with paragraph 131 of the Durban Programme of Action.

70. The Committee welcomes the recent (January 2002) adoption of a resolution by the Office of the National Control of Propaganda prohibiting any radio broadcast or transmission, or any commercial product depicting bias against women, particularly black women.

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73. The Committee is concerned that under Costa Rican legislation racial discrimination is considered merely a misdemeanour subject to a financial penalty. The State party is invited to consider whether such penalties are commensurate with the gravity of the acts committed.

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77. The Committee expresses concern at alleged manifestations in the media of racism, xenophobia and intolerance against minority groups. The State party should support the adoption of a code of ethics for the media.

78. The Committee is also concerned at the living and working conditions of immigrants, most of them from Nicaragua, who may become victims of discrimination in terms of article 5 of the Convention. The Committee recommends that the State party continue its efforts to ensure the rights of the immigrant population as regards discrimination on the grounds of race or ethnic or national origin. In this context, the Committee notes that a new Immigration law is currently being considered by the Legislative Assembly...

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83. The Committee recommends that the State party continue to undertake educational campaigns to raise awareness of human rights, and in particular of issues concerning racism, xenophobia and intolerance in order to prevent and combat all forms of discrimination.

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85. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention...

- Croatia, CERD, A/57/18 (2002) 24 at paras. 98 and 100-102.

98. The Committee reiterates its concern regarding the lack of legal provisions to implement the State party's obligations under article 4 (b) of the Convention, notably the absence of legislative measures prohibiting incitement to racial discrimination and violence. Concern is also expressed about the adequacy of efforts by the State party to investigate and prosecute

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persons responsible for fomenting ethnic hatred, especially in the localities affected by war. In this connection, the Committee notes that there have been no convictions by the courts for incitement to racial discrimination and violence, despite the significant numbers of such allegations. The Committee recommends that the State party comply fully with the obligations under article 4 of the Convention and that necessary legislative measures be taken in order to give full effect to the provisions of that article and to declare illegal and prosecute incitement to ethnic hatred and racial violence.

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100. With respect to article 5 of the Convention, the Committee restates its concern regarding inconsistency between articles 8 and 16 of the Croatian Law on Citizenship, which appears to establish different criteria in granting citizenship to ethnic Croats as compared to other nationalities in Croatia. Concern is expressed that many former long-term residents of Croatia, particularly persons of Serb origin and other minorities, have been unable to regain residency status despite their pre-conflict attachment to Croatia. With respect to the acquisition of citizenship, the Committee again strongly urges that the State party undertake measures to ensure that all provisions of the Croatian Law on Citizenship are in conformity with article 5 of the Convention, and that the law is implemented in a non-discriminatory manner. The Committee also recommends that measures be taken to ensure that former long-term residents of Croatia are able to reclaim their status as citizens and/or residents on a non-discriminatory basis.

101. The Committee is concerned about repeated claims of discriminatory application of the right to equal treatment before the law, particularly in the area of property claims, where the courts reportedly continue to favour persons of Croat origin. The Committee also notes the large backlog of cases before the courts, which impedes access to justice. The Committee recommends that the State party reinforce its efforts to ensure non-discrimination in the application of the right to equal treatment before the law, particularly in the area of repossession of property...

102. While noting the efforts of the State party to introduce training for the police and judges, the Committee is concerned about the sufficiency of efforts to raise public awareness about the Convention, promote tolerance and discourage prejudice against certain minorities. The Committee recommends that the State party strengthen its efforts to familiarize the public with the Convention, in order to reduce the level of prejudice against certain minorities, and to promote tolerance. In this regard, the State party should reinforce its efforts to provide instruction on international human rights standards in all schools and organize training programmes for persons engaged in the administration of justice, including judges, lawyers and law enforcement officials.

- Denmark, CERD, A/57/18 (2002) 27 at paras. 110, 115, 118 and 120-122.

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110. The Committee appreciates the efforts made by Denmark to facilitate the implementation of article 2 of the Convention through the application of legal instruments, including section 266b of the Danish Criminal Code, and other measures to prohibit the dissemination of racist statements and propaganda and to prosecute offenders.

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115. The Committee is aware of reports of an increase in hate speech in Denmark. While it acknowledges the need for balance between freedom of expression and measures to eradicate racist abuse and stereotyping, the Committee recommends that the State party carefully monitor such speech for possible violations of articles 2 and 4 of the Convention. In this regard, the Committee invites the State party to take particular note of paragraphs 85 and 115 of the Durban Declaration and Programme of Action, respectively, which highlight the key role of politicians and political parties in combating racism, racial discrimination, xenophobia and related intolerance. Political parties are encouraged to take steps to promote solidarity, tolerance, respect and equality by developing voluntary codes of conduct so that their members refrain from public statements and actions that encourage or incite racial discrimination.

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118. The Committee commends the State party for having invested in its human rights institutions and in a number of non-governmental organizations, which have promoted human rights and served the needs of minority groups, but is concerned by plans to reduce the level of funds and the potential impact this would have on the NGOs concerned. In light of the recommendations of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to strengthen human rights national institutions and NGOs, the Committee urges the State party to ensure that the organizational restructuring of the Board of Ethnic Equality and the Centre for Human Rights will strengthen the overall work on human rights and in particular the protection of the rights of ethnic minorities...

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120. The Committee commends the State party for having instituted programmes, such as the language training programme for unemployed persons with insufficient knowledge of the Danish language; the strengthening of the Public Employment Services placement activities in relation to refugees and immigrants; and the "ice-breaker" programme. However, despite overall improvements, it is concerned about the disproportionately high level of unemployment among foreigners, particularly groups of immigrants of non-European and non-North American descent. The State party is reminded that although it is not obliged to provide work permits to foreign residents, it should guarantee that foreigners who are entitled to a work permit are not discriminated against in their access to employment.

121. The Committee is concerned about reports of a considerable increase in reported cases of widespread harassment of people of Arab and Muslim backgrounds since 11 September 2001. The Committee recommends that the State party monitor this situation carefully, [and] take decisive action to protect the rights of victims and deal with perpetrators...

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122. The Committee is concerned about the introduction of new more stringent asylum and refugee regulations, and encourages the State party to maintain its standards and ensure that all cases of asylum-seekers are decided on merit and without discrimination.

- Jamaica, CERD, A/57/18 (2002) 30 at paras. 131 and 132.

131. The Committee reminds the State party that it has difficulties in accepting the mere assertion made by States parties as to the absence of racial discrimination in their territory. The Committee also reminds the State party that the absence of complaints by victims of racial discrimination could indicate a lack of awareness of available legal remedies. It encourages the State party to reconsider its position concerning racial discrimination in its territory and to implement effective measures to address direct and indirect discrimination. Moreover, the Committee recommends that the State party take appropriate measures to inform the public of the availability of legal remedies for victims of racial discrimination...

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132. The Committee is concerned about the absence in the State party of specific legislative, administrative and other measures which aim to give effect to article 4 of the Convention, especially article 4 (b), prohibiting racist organizations. The Committee underlines the obligations of the State party under the Convention and reiterates its view as to the preventive role of such measures. In this connection, the Committee also draws the attention of the State party to its general recommendation VII and general recommendation XV, affirming 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 Committee urges the State party to give due consideration to adopting the necessary legislation to comply with article 4, particularly article 4 (b), of the Convention as a matter of priority.

- Liechtenstein, CERD, A/57/18 (2002) 33 at paras. 147, 150, 154 and 157.

147. The Committee expresses satisfaction with measures undertaken by the State party to address the phenomenon of right-wing extremism, which was reported to be on the increase in Liechtenstein. Those measures include the establishment of an expert group within the police force and the creation of an inter-agency coordinating group (KOR) for this phenomenon.

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150. The Committee notes that, while a police treaty between the State party and its neighbouring countries (Austria and Switzerland) provides for police cooperation concerning right-wing groups which may promote racial discrimination and xenophobia and their activities, there does not seem to be particular training of law enforcement officers in this field. The Committee recommends that the State party attempt to develop such training courses for law enforcement officers, as this would increase the State party's capacity to

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combat all forms of racial discrimination effectively.

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154. With regard to the right to adequate housing, the Committee is concerned that discrimination on racial grounds in the allocation of housing is said to occur, albeit infrequently.

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157. The Committee invites the State party to undertake specific efforts to disseminate the Convention in German so that the population may become more aware of issues of racial discrimination, racism and xenophobia.

- Lithuania, CERD, A/57/18 (2002) 35 at paras. 166, 171 and 175-178.

166. The Committee notes with satisfaction that a new criminal code, which includes a number of new articles establishing responsibility for crimes of racial discrimination, is shortly to enter into force.

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171. Concern was expressed about the denial of citizenship under article 13 of the Law on Citizenship to persons affected by HIV/AIDS, who may belong to groups vulnerable to racism and racial discrimination.

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175. The Committee expresses concern in relation to information regarding the discriminatory treatment of Afghan asylum-seekers, and the disregard of basic procedural guarantees. Having taken into account the assurances given by the delegation concerning legislative provisions in this regard, the Committee nevertheless recommends that the State party ensure equal treatment for all asylum seekers, including Afghan nationals, in refugee determination proceedings. The Committee recommends that educational rights and assistance in administrative matters be granted to children of asylum-seekers, including those of Afghan nationality.

176. The Committee is further concerned about xenophobic tendencies towards Chechen asylum-seekers and refugees and requests the State party to take preventive and educational measures in this regard. The Committee recommends that the State party ensure the enjoyment of social rights, particularly to adequate housing and health, to all asylum-seekers and refugees in need without regard to their legal status.

177. The Committee is concerned about information relating to expressions of racial hatred by politicians and the media. In this regard, the Committee stresses that the new criminal code should satisfy the requirements of article 4 of the Convention, especially paragraphs (a) and (b).

178. The Committee notes that the Parliamentary ombudsmen have received no complaints



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alleging discrimination by civil servants against persons on the ground of national origin, and that no criminal cases based on racial discrimination have been brought to court since 1995. The Committee recommends that awareness on these issues be raised among the police and the judiciary. The Committee requests the State party to include in its next periodic report detailed statistics relating to acts of racial discrimination, as well as information on the cases when action by the public prosecutor is compulsory. The Committee underlines that assistance to the victims in this regard should extend beyond financial assistance.

- Qatar, CERD, A/57/18 (2002) 38 at paras. 190-193.

190. The Committee again expresses its concern over the repeated affirmations by the State party that it has no need to take action to implement articles 2, 3 and 4 of the Convention because there is no racial discrimination in Qatar. It wishes to point out that States parties are required under the Convention to take legislative, judicial, administrative and other measures to give effect to its provisions, even in the apparent absence of racism.

191. While noting that the Provisional Constitution, as well as provisions of the Islamic Shariah, the principal source of Qatar legislation, prohibit acts of racial discrimination, the Committee is of the opinion that the mere statement of the general principle of non-discrimination in the Constitution is not a sufficient response to the requirements of the Convention. The Committee recommends that the State party adopt legislation that meets the requirements of articles 2, 3 and 4 of the Convention. In this connection, the Committee draws attention to its general recommendations I, II, VII and XV, and emphasizes the preventive value of legislation expressly prohibiting racial discrimination and racist propaganda...

192. As regards the right to equal treatment before the courts, the Committee takes note of the details provided by the delegation on the judicial reforms under way with a view to the establishment of a single jurisdiction for the enforcement of new legislation in areas including civil, commercial and penal law. It would like to know whether, given the current state of legislation, non-citizens and non-Muslims who suffer discrimination and who are entitled to bring proceedings before a civil court can also bring their cases before the Islamic Shariah courts. The Committee also wishes to know to what extent the Convention can be invoked before the civil and Shariah courts, and what rules of the Shariah answer to the requirements of the Convention...

193. The Committee notes the information provided by the delegation on the conditions governing the acquisition of the nationality of Qatar. It is nonetheless concerned at the distinction made in article 3 of Act No. 3/1963, as amended by Act No. 3/1969, between nationals of Arab countries and others as regards the length of time they must reside in Qatar before they can submit an application for naturalization. The Committee requests the State

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party to consider the possibility of modifying this provision in order to conform to article 5 (d) (iii) of the Convention...

- Republic of Moldova, CERD, A/57/18 (2002) 41 at paras. 211, 212, 222, 223 and 225.

211. The Committee notes that the State party is going through a difficult period of transition and is facing serious economic and social challenges. Further, the State cannot exercise its jurisdiction on part of its territory, the region of Transnistria, because of the ethnic conflict. The Committee is concerned about the impact of the conflict on the implementation of the Convention.

212. The Committee welcomes the ratification by the State party of numerous international human rights instruments which are relevant to issues relating to the elimination of racial discrimination.

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222. With regard to article 7 of the Convention, the Committee recommends that the State party continue and extend its educational and cultural programmes, in order to raise public awareness of issues of racism and racial discrimination...The Committee also recommends that the State party ensure that minorities and ethnic groups in its territory receive information and education in their respective languages.

223. The Committee notes reports according to which, after the tragic events of 11 September 2001 in the United States, a parliamentary inquiry was conducted into the alleged existence of terrorists among students of Arab origin at the International Independent University of Moldova. The State party should ensure that actions taken should follow due process of law and that they avoid any suspicion of racial profiling.

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225. The Committee is concerned at reports of police violence against persons belonging to minority groups, in particular the Roma population. The Committee recommends that the State party take all necessary measures to prevent and punish excessive use of force by law enforcement officials against minorities. Steps should also be taken for the education and sensitization of law enforcement officials about the provisions of the Convention. Due account should be taken of general recommendation XIII, according to which law enforcement officials should receive training to ensure that, in the performance of their duties, they respect and protect the human rights of all persons without distinction as to race, colour, or national or ethnic origin.

- Saint Vincent and the Grenadines, CERD, A/57/18 (2002) 45 at paras. 239 and 241.

239. The Committee reiterates its concern that the initial report of St. Vincent and the

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Grenadines did not comply with the requirements of article 9 of the Convention as it consisted of a single paragraph asserting that there was no form of racial discrimination practised in the country and that protection from such discrimination was provided in the basic clauses of the Constitution. In this connection, the Committee takes note of reports regarding the human rights situation in St. Vincent and the Grenadines, including alleged discrimination against certain minorities such as the Amerindians and Asians. Reports further indicate that these groups are over represented at the lower-income levels of the State economy and that members of some minorities consider that they have been discriminated against by the majority.

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241. The Committee draws the attention of the State party to the provisions of the Declaration and Programme of Action of the World Conference against Racism, according to which the International Convention on the Elimination of All Forms of Racial Discrimination is the principal international instrument for the elimination of racism, racial discrimination, xenophobia and related intolerance and States are urged to cooperate with the Committee in order to promote the effective implementation of the Convention.

### *See also:*

- Turkmenistan, CERD, A/57/18 (2002) 49 at para. 266.
- Switzerland, CERD, A/57/18 (2002) 46 at paras. 244 and 248-254.

244. The Committee welcomes the progress made by the State party since the consideration of its initial report (CERD/C/270/Add.1) in significantly advancing the implementation of the provisions of the Convention. In this context, it welcomes the fact that the New Federal Constitution, which entered into force in January 2000, incorporates the principle that all human beings are equal before the law (art. 8).

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248. The Committee expresses satisfaction at the establishment of a fund of 15 million Swiss francs aimed at financing projects to combat racism, which include the creation of nation-wide network of advisory centres for victims of racial discrimination. It further welcomes the creation of a Service to Combat Racism aimed, *inter alia*, at coordinating measures to combat racism, anti-Semitism, xenophobia and extremism within the federal administration and the cantons.

249. The Committee wishes to emphasize that despite the federal structure of the State party, which may render more difficult the full application of the State party's obligations under the Convention in all parts of its territory, the Federal Government has the responsibility of ensuring the implementation of the Convention on its entire territory and must ensure that cantonal authorities are aware of the rights set out in the Convention and take the necessary measures in order to respect them.

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250. The persistence of hostile attitudes towards black people, Muslims and asylum-seekers in Switzerland is of utmost concern to the Committee. The Committee recommends that the State party continue its efforts to prevent and combat such attitudes, including through information campaigns and education of the general public. Further, in the light of its general recommendation XIX, the Committee encourages the State party to continue monitoring all tendencies which may give rise to racial or ethnic segregation and endeavour to combat the negative consequences of such tendencies.

251. The Committee is concerned at expressions of xenophobic and racist attitudes in naturalization procedures, particularly those subject to popular vote. It is also concerned that according to legislation still in force decisions taken in accordance with such procedures are not subject to legal review. The Committee is of the view that the right to appeal against decisions, in particular arbitrary or discriminatory ones, in matters relating to naturalization has to be made an integral part of the policy on naturalization, currently in the process of being amended. Further, the State party should endeavour to avoid statelessness, particularly of children, on its territory, bearing in mind article 38 (3) of the new Federal Constitution, which stipulates that the Confederation "shall facilitate the naturalization of stateless children".

252. While welcoming the position of the Federal Council according to which segregated schooling would be contrary to the Federal Constitution, the Convention on the Rights of the Child and the International Convention on the Elimination of all forms of Racial Discrimination, the Committee expresses concern about recent moves towards the establishment of separate classes for foreign pupils in some cantons. It is the view of the Committee that segregated schooling may only in exceptional circumstances be considered as being in conformity with article 2 in conjunction with article 5 (e)(v) of the Convention.

253. Allegations of police abuse and excessive use of force against persons of foreign origin during arrest or in the course of deportations are also of concern. The Committee notes that many cantons do not have independent mechanisms for investigation of complaints regarding violence and abuse by the police, and that sanctions against responsible officers have been rare. The State party should ensure that independent bodies with authority to investigate complaints against police officers are established in all cantons. Efforts should also be made to recruit members of minority groups into the police and to provide sensitization and training of police officers on issues of racial discrimination.

254. While commending the important work undertaken by the Federal Commission against Racism, the Committee notes that the Commission has limited powers of action. The State party is invited to strengthen the powers and means of the Federal Commission against Racism. The present exercise to consider setting up a national human rights institution should take note of the criteria for setting up such institutions established by the General Assembly in its resolution 48/134 (the Paris Principles).

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- Turkmenistan, CERD, A/57/18 (2002) 49 at paras. 263 and 264.

263. The Committee expresses deep concern about grave allegations of human rights violations in Turkmenistan, both in civil and political, as well as social, economical and cultural domains...

264. In particular, the Committee is concerned about alleged discrimination affecting persons belonging to minorities in the fields of employment and education, as well as with respect to the freedom of thought, conscience and religion. The Committee received information alleging that the State party's present policy of promotion of Turkmen identity leads to discrimination against persons not of Turkmen ethnicity.

- Armenia, CERD, A/57/18 (2002) 50 at paras. 276, 277 and 283.

276. The Committee reiterates its concern that the Penal Code currently in force, specifically article 69, is not in compliance with article 4 of the Convention. While noting the statement by the delegation that the new penal code is expected to enter into force in 2003, the Committee remains concerned that the drafting of new articles 220 *et seq.* of the new code may not fully address all elements of article 4, in particular as regards the prohibition of organizations which promote and incite racial discrimination. The Committee recommends that prior to its coming into force the State party review the new penal code according to its constitutional provisions in the light of the provisions of the Constitution as well as the provisions of article 4 of the Convention so as to ensure that the new penal code gives effect to all its requirements.

277. ...The Committee reminds the State party that 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. The State party is requested to supply the relevant provisions in the national legislation and to inform the public of the availability of all legal remedies. The Committee is concerned that no reply was received from the delegation with regard to allegations of discrimination against Yezidis by police and local authorities and lack of response by police to crimes committed against this minority by other citizens...

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283. While noting that the State party, through its policy and legislation, does not engage in any discriminatory acts against refugees, some concern has been expressed that under article 25 of the Law on Refugees, restrictive measures are applied against asylum-seekers other than ethnic Armenians who fled Azerbaijan between 1988-1992 and that these measures may lead to discrimination on the basis of ethnic origin. The Committee welcomes the delegation's statement as to the possibility of reviewing the relevant provision.

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- Botswana, CERD, A/57/18 (2002) 53 at paras. 298, 300, 301, 303-305 and 307.

298. In the view of the Committee, the Constitution and the laws adopted in Botswana do not seem to respond fully to the requirements of the Convention. It recommends that the State party to ensure that the Convention is comprehensively incorporated into domestic law. The Committee also reminds the State party that the adoption of programmes and strategies to ensure the practical implementation of the Convention is necessary.

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300. The Committee expresses concern that sections 3 and 15 of the Constitution do not fully respond to the requirements of article 1 of the Convention. In particular, section 15 permits many derogations from the prohibition of racial discrimination, for instance on the basis of laws, such as the Tribal Territories Act, which were in force before the coming into force of the Constitution. The Committee recommends that the State party review these provisions.

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

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303. The Committee notes with concern that, in spite of the significant economic growth achieved in Botswana, 47 per cent of the population remain below the poverty line and that no special and concrete measures have been taken to ensure the adequate development and protection of marginalized ethnic groups. The Committee recommends that the State party identify further the specific needs of persons belonging to minorities and indigenous peoples and adopt special measures to enhance the equal enjoyment of human rights among the various sectors of the population.

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

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

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307. The Committee is concerned at reported cases of intimidation by local police in Gaborone against the Wayeyi people, and recommends that thorough inquiries be conducted into these cases. The Committee recommends that human rights education programmes for law enforcement officers be undertaken, especially in matters relating to the elimination of racial discrimination...

- Canada, CERD, A/57/18 (2002) 56 at paras. 324, 326, 328, 333, 335, 336, 338 and 339.

324. The Committee welcomes the amendment to the Criminal Code (sect. 718.2) introducing racial discrimination as an aggravating circumstance.

...

326. The Committee reiterates that the principal responsibility for the implementation of the Convention lies with the Federal Government of Canada. The Committee is concerned that the Federal Government cannot compel the provincial and territorial governments to align their laws with the requirements of the Convention. Noting in this connection the inter-provincial consultative procedure in which the federal authorities are appropriately involved, the Committee expresses the hope that this procedure will be intensified so that proper implementation of the Convention is ensured at all levels.

...

328. The Committee reiterates its concern about references to "visible minorities" in Canadian anti-discrimination policy, since this term, which basically refers to non-white persons, does not appear to cover fully the scope of article 1 of the Convention.

...

333. The Committee reiterates its concern about the high rate of incarceration of, violence against, and deaths in custody of Aboriginals and people of African and Asian descent...

...

335. The Committee expresses concern about information on patterns of racial discrimination affecting people of African and Asian descent and at expressions of prejudice in the media against such people, as well as against foreigners and refugees. It is further concerned that the State party focuses on the prohibition of activities conducted by racist organisations rather than on the prohibition of such organizations, as required by article 4 (b) of the Convention...

336. The Committee notes with concern that current immigration policies, in particular the

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present level of "right of landing fee", may have discriminatory effects on persons coming from poorer countries. The Committee is also concerned about information that most foreigners who are removed from Canada are Africans or of African descent. The Committee recommends that greater attention be given to the possible discriminatory effect of Canadian immigration policies.

...

338. The Committee notes with concern that, in the aftermath of the events of 11 September 2001, Muslims and Arabs have suffered from increased racial hatred, violence and discrimination. The Committee therefore welcomes the statement of the Prime Minister in the Ottawa Central Mosque condemning any acts of intolerance and hatred against Muslims, as well as the reinforcement of Canadian legislation to address hate speech and violence. In this connection, the Committee requests the State party to ensure that the application of the Anti-terrorism Act does not lead to negative consequences for ethnic and religious groups, migrants, asylum-seekers and refugees, in particular as a result of racial profiling.

339. The Committee notes a significant discrepancy between the number of complaints relating to racial discrimination brought before Canadian human rights commissions and the relatively small number of positive admissibility decisions. It recommends that the State party ensure the efficiency and accessibility of the complaint system, in conformity with article 6 of the Convention.

- Estonia, CERD, A/57/18 (2002) 60 at paras. 349 and 357.

349. The Committee welcomes the enactment of the new Penal Code which contains provisions relating to the criminalization of incitement to racial hatred and violation of equality.

...

357. The Committee remains concerned by the situation of the Russian minority residing in Estonia, *inter alia* in relation to issues under article 5 of the Convention, especially economic, social, and cultural rights, including the right to employment, health care, and education. The Committee is particularly concerned about double discrimination against women based on gender and on national or ethnic origin.

- Hungary, CERD, A/57/18 (2002) 63 at paras. 371, 372, 374-377 and 385.

371. The Committee...welcomes the introduction of new provisions into the Criminal Code through Act XVII of 1996, in particular article 174/B penalizing violence against members



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of national, ethnic or racial minorities and religious groups...

372. The Committee...welcomes the positive elements incorporated in Section 93 of Act LXIX of 1993 on the Law on Minor Offences dealing with discrimination against employees; in Act XVI of 2001 on the amendment of the Labour Code defining, in particular, "indirect discrimination" and affirming the principle of affirmative action; in Act I of 1996 on Radio and Television Broadcasting, aiming at preventing hate speech and discrimination on racial, national and ethnic grounds; as well as in Act CXXXIX of 1997 on Asylum, as amended, abrogating geographical restrictions concerning asylum-seekers.

...

374. While noting the above efforts, the Committee expresses concern at persisting intolerance and discrimination especially in relation to the Roma minority, as well as at xenophobic manifestations against immigrants, refugees and asylum seekers.

375. Noting that the Government of Hungary is working on a comprehensive anti-discrimination law, the Committee encourages the State party to complete its efforts as soon as possible, taking into account the United Nations Model National Legislation for the Guidance of Governments in the Enactment of Further Legislation against Racial Discrimination, as well as the Committee's general recommendations, in particular general recommendation XXVII concerning discrimination against Roma.

376. Further to the decision No. 12/1999 (V.21) of the Hungarian Constitutional Court, which annulled part of section 269 of the Criminal Code punishing incitement to hatred, the State party committed itself to enacting the necessary provisions to prohibit hate speech. The Committee expresses concern that the existing legislation does not cover all aspects of article 4 of the Convention. The Committee recalls its general recommendations VII and XV, which stress, *inter alia*, the mandatory character of this provision and recommends the adoption of further amendments to the Hungarian Criminal Code to encompass all those aspects, including the prohibition of organizations and activities mentioned in article 4 (b) of the Convention.

377. The Committee also recommends that the State party pursue and extend training programmes for judges and prosecutors aiming at sensitizing them to discrimination issues.

...

385. The Committee expresses concern about discriminatory practices against persons belonging to the Roma minority in respect of access to public places such as restaurants, bars and cafés. The Committee recommends that the State party continue to intensify its efforts to combat such behaviour and raise the awareness of the population about all aspects of racial discrimination.

- Mali, CERD, A/57/18 (2002) 66 at paras. 398, 401 and 402.

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398. The Committee notes with concern the social and cultural inequalities that continue to affect rural populations. It regrets that the present report does not provide information on access to development for the various ethnic groups or on the distribution of wealth among those groups, in particular nomadic peoples.

...

401. The Committee notes that, despite the detailed information provided on the constitutional and legislative instruments prohibiting racial discrimination at the national level, the report gives no examples of their practical implementation or of the opportunity of invoking the Convention directly before the domestic courts.

402. The Committee notes with concern the lack of information concerning complaints, prosecutions or judgements relating to offences of racial discrimination. The Committee recalls that the absence of complaints or prosecutions for acts of racism in a country is not necessarily a positive sign, for no State is immune to manifestations of racism.

- New Zealand, CERD, A/57/18 (2002) 69 at paras. 416, 418, 421, 422, 425 and 428.

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

...

418. The Committee notes with satisfaction the provisions of the Human Rights Amendment Act 2001, which amalgamates the New Zealand Human Rights Commission and the office of the Race Relations Conciliator and provides for a single complaints system for the determination of human rights complaints as well as for the possibility of challenging government action before the Human Rights Review Tribunal and the courts.

...

421. The Committee notes with satisfaction that the Sentencing Act 2002 provides, in section 9(1)(h), that where an offender commits an offence wholly or partly because of hostility towards a group of persons with common characteristics such as race or colour, this must be taken into account as an aggravating factor by the court in the sentencing process.

422. While noting the programmes and projects initiated by the State party...the Committee remains concerned about the continuing disadvantages that Maori, Pacific Island people and other ethnic communities face in the enjoyment of social and economic rights, such as the rights to employment, housing, social welfare, and health care. The State party is invited to devote priority attention to this issue and to continue to encourage active and effective

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participation by Maori in the search for solutions such as the Maori Mental Health Strategic Framework adopted in May 2002, with a view to further reducing these disadvantages.

...

425. The Committee takes note of the operation of Sections 131 and 134 of the Human Rights Act, according to which the institution of criminal proceedings against those accused of incitement to racial hatred is subject to the consent of the Attorney-General. Observing that the institution of such proceedings is rare, the State party is invited to consider ways and means of facilitating the institution of proceedings in this field.

...

428. The Committee has noted the recent interpretation of the concepts of “affirmative action” and “equality” by the former Complaints Review Tribunal in relation to section 73 of the Human Rights Act, and by the High Court, in relation to section 65 of the Human Rights Act. While it lacks detailed information about the two cases referred to in the report of the State party, it considers that the State party appears to take a narrower view of the scope of special measures than is provided for in articles 1 and 2 of the Convention.

- Senegal, CERD, A/57/18 (2002) 72 at para. 444.

444. The Committee recommends that the State party supplement its legislation in order to give effect to article 4 of the Convention, bearing in mind the Committee's general recommendation XV, which is relevant in this context.

- Yemen, CERD, A/57/18 (2002) 74 at paras. 454, 458, 460-462, 464 and 466.

454. The Committee welcomes the State party's willingness to cooperate with United Nations bodies and NGOs in the field of human rights, including on issues relating to racial discrimination, and the progress made by Yemen in opening up a dialogue with civil society.

...

458. The Committee expresses concern about the fact that the national legislation of Yemen does not contain explicit provisions prohibiting discrimination on the grounds of race or ethnic and national origin, in conformity with the provisions of the Convention.

...

460. The Committee is not satisfied with the claim by the State party that there is no racial discrimination in Yemen. It recommends that the State party take effective measures to prevent racial discrimination and give full effect to the provisions of the Convention.

461. The Committee expresses concern at the absence of an explicit penal provision in the State party's legislation in respect of the mandatory provision prohibiting the dissemination and promotion of racial discrimination and violence formulated in article 4 of the Convention. The Committee recommends that the State party revise its Penal Code in order

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to introduce specific legislation and implement the provisions of article 4.

462. While noting that the State party has provided information under article 5 of the Convention despite the reservations lodged, the Committee invites the State party to continue to provide specific information on how this article is implemented and to consider formally withdrawing those reservations.

...

464. The Committee notes the information given by the delegation regarding the conditions governing the acquisition of Yemeni nationality. The Committee recommends that the State party take effective measures to ensure the right to acquire nationality for non-citizens, including for non-Muslims and children of mixed couples, without any discrimination.

...

466. In connection with the implementation of article 7 of the Convention, the Committee suggests that the State party consider intensifying human rights education and training of law enforcement officers, teachers, social workers and public servants, and draws attention to its general recommendation XIII in that regard.

- Côte d'Ivoire, CERD, A/58/18 (2003) 19 at paras. 23, 29, 30, 32-34, 36-38 and 41.

23. The Committee welcomes the State party's commitment to prosecute any media which incite hatred or racial discrimination.

...

29. The Committee, recalling article 1, paragraph 3, of the Convention, notes with concern that the misuse for political ends of Nationality Code Act No. 61-415 of 14 December 1961, as amended by Act No. 72-852 of 21 December 1972, has given rise to discriminatory practices. The Committee also notes that the misuse for xenophobic purposes of the concept of "*ivoirité*", which does not appear in the Constitution, has been a key factor in the current crisis. The Committee recommends that the Nationality Code be implemented in conformity with the provisions of the Convention.

30. The Committee expresses its concern about information relating to the racial and xenophobic violence that ended in mass graves in various regions of the country and encourages the State party to continue its efforts to prevent a repetition of such violence and to punish the persons responsible for it.

...

32. The Committee notes with concern that the misinterpretation of election laws has given rise to tensions between ethnic and religious groups and recommends that these laws be reviewed in the light of the provisions of the Convention relating to the right of all citizens to take part in the country's political life.

33. In general, with regard to the provisions of the Constitution (particularly article 35) and

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the nationality legislation that has been called into question in the context of the crisis in Côte d'Ivoire, the Committee recommends that the State party take account of existing realities on the ground, in particular the coexistence of different ethnic groups, in order to guarantee that these provisions are more fully implemented.

34. Noting with concern that some of the national media have used propaganda to incite war and encourage hatred and xenophobia, the Committee recommends that the State party continue its efforts to take the necessary measures to put an end to this practice.

...

36. The Committee recommends that the State party continue its efforts to adopt legislation or regulations which define the respective spheres of competence of the National Human Rights Commission and the Ombudsman's Office, spell out the procedure for bringing cases before them and determine whether their decisions are binding. More specifically, the Committee invites the State party to strengthen the guarantees of independence of these bodies so that their activities will be effective and credible, particularly for the purposes of mediation. To this end, the State party should take the appropriate measures to inform the public of the remedies available to the victims of acts of discrimination or xenophobia.

37. The Committee recommends that the State party take all necessary steps to educate officials, political leaders and the public about, and make them aware of, the provisions of the Convention. Due account must be taken of general recommendation XIII, according to which law enforcement officials should receive training to ensure that, in the performance of their duties, they respect and protect the human rights of all persons without distinction as to ethnic origin or religion.

38. The Committee invites the Government, political parties, civil society and the armed forces to honour the State party's commitments under the Convention in order to restore peace and security and to maintain a frank and constructive dialogue with the population of Côte d'Ivoire, as is done by the Forum for National Reconciliation.

...

41. The Committee urges the State party to strengthen the measures guaranteeing the contribution of civil society organizations to the promotion of inter-ethnic harmony...

- Ecuador, CERD, A/58/18 (2003) 22 at paras. 49-51, 55-57, 59-61, 63, 64 and 66.

49. The Committee notes with satisfaction that the 1998 Constitution, as well as other legal provisions, guarantee special measures of protection for indigenous and Afro-Ecuadorian people and criminalize racial discrimination against these and other ethnic minorities...

50. The Committee welcomes the adoption of several action plans within the framework of the State party's National Human Rights Plan, in particular those on the rights of black

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persons and on the rights of foreigners, migrants, refugees and stateless and displaced persons, as well as the State party's efforts to promote the adoption of other action plans, in particular on the rights of indigenous peoples.

51. The Committee welcomes the creation by the State party of an Ombudsman's Office with special units for indigenous and Afro-Ecuadorian affairs, and of a Commission for Public Coordination of Human Rights.

...

55. The Committee expresses its concern about the lack of consistent statistical data on the ethnic composition of the Ecuadorian population. While it recognizes the difficulties in establishing criteria for defining the different ethnic groups, the Committee emphasizes that such data are necessary to ensure the application of special legislation in favour of these groups.

56. The Committee recommends that the national institutions responsible for the advancement of the rights of indigenous and Afro-Ecuadorian people, in particular the Council for the Development of Ecuadorian Nationalities and Peoples (CODENPE), the Council for Afro-Ecuadorian Development (CODAE) and the Ombudsman's Office, be further strengthened...The Committee also recommends that the State party strengthen, through adequate funding and other appropriate means, the recently established Commission of Public Coordination of Human Rights.

57. The Committee notes that, despite constitutional and legal guarantees, indigenous and Afro-Ecuadorian people, as well as members of other ethnic minorities are, *de facto*, still discriminated against. It urges the State party to ensure the practical application of the constitutional and legal provisions which outlaw racial discrimination and to guarantee special protection measures in favour of indigenous and Afro-Ecuadorian people, as well as members of other ethnic minorities, in particular through the national courts and other competent bodies such as the Ombudsman.

...

59. While welcoming the sincerity with which the State party recognizes the existence of *de facto* discrimination against indigenous people, Afro-Ecuadorians and members of other minorities, the Committee is concerned that a disproportionately high percentage of persons belonging to ethnic minority groups often do not enjoy equal access to the labour market, land and means of agricultural production, health services, education and other facilities and, accordingly, a disproportionately high percentage of members of these groups live in poverty. The Committee urges the State party to intensify its efforts to raise the living standards of these groups, with a view to ensuring their full enjoyment of the economic, social and cultural rights enumerated in article 5 of the Convention...

60. With regard to the important problem of illiteracy among indigenous and Afro-Ecuadorian people, the Committee recommends that the State party take measures to

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increase the number of bilingual teaching personnel, in particular from among these communities...

61. The Committee notes that women belonging to ethnic minorities are subject to double discrimination, based on their ethnic origin as well as their gender...In formulating the action plan on the rights of women, the State party should address the problem of double discrimination against women belonging to ethnic minorities as well as their lack of political representation in Ecuador, in line with the Committee's General Recommendation XXV on gender-related dimensions of racial discrimination.

...

63. The Committee is concerned about the lack of confidence on the part of members of ethnic minorities in the Ecuadorian judicial system. The state party is requested to report on the cause of this lack of confidence, and on whether the current reform of the judicial system has made it more efficient and more easily accessible to the poor.

64. The Committee recommends that the State party disseminate widely information on the available domestic remedies for acts of racial discrimination, on the legal avenues for obtaining compensation in cases of discrimination and on the individual complaint procedure under article 14 of the Convention.

...

66. The Committee is concerned at the reports on discrimination and hostility suffered by migrants and calls on the State party to intensify its efforts in designing and implementing educational campaigns to combat racial discrimination within all sectors of society.

- Fiji, CERD, A/58/18 (2003) 25 at paras. 73, 75, 79, 81, 82, 84-87, 90-92 and 95.

73. The Committee recognizes the challenges faced by Fiji in respect of its historical legacies, in particular the political, social and economic consequences of the deployment of numerous labourers from India, the establishment of an ethnically stratified labour market and the creation of an economic system during colonial rule which separated rather than united Fiji's different communities.

...

75. The Committee notes the State party's intention to promote stability in the multi-ethnic and multicultural Fijian society, to restore and rebuild confidence among its citizens and communities and to strengthen the foundation for economic growth and prosperity for all in Fiji. It welcomes the creation of a Ministry of Reconciliation to help unite all Fijians.

...

79. The Committee appreciates the 2002 Agreed Statement by the Prime Minister and the Parliamentary Leader of the Fiji Labour Party urging their respective parties to refrain from making racial statements during parliamentary sessions.

...

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81. The Committee notes with concern that the State party formulated, upon accession, declarations and reservations relating to articles 2, 3, 4, 5 and 6 of the Convention. The Committee suggests that the Fijian authorities review those reservations, which are inherited from colonial times, with a view to withdrawing them, taking into account paragraph 75 of the Durban Plan of Action. The State party should ensure that the specific protection and enhancement of indigenous Fijians' rights comply with international standards relating to the prohibition of racial discrimination.

82. The Committee is deeply concerned about the damage to race relations caused by the 1987 and 2000 *coups d'état* in Fiji. It encourages the State party to address perceptions that the State party continues to politicize culture, identity and ethnicity in order to maintain indigenous Fijian hegemony.

...

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

85. The Committee notes that despite reports that levels of poverty among all Fijian nationals, including Indo-Fijians and Banabans, have worsened over the years, the State party's affirmative action programmes, as adopted under the Social Justice Act of 2001 and the 50/50 by year 2020 plan, mainly target indigenous Fijians and Rotumans. The Committee strongly recommends that the State party ensure that its poverty alleviation programmes benefit all poor Fijian citizens, irrespective of their ethnic origin, to avoid undue stress on already strained ethnic relations. It also recommends that the adoption of any affirmative action programme be preceded by consultations involving all ethnic communities.

86. The Committee is concerned about current perceptions amongst some Fijians that the State party is not paying enough attention to the issue of reconciling the different population groups in Fiji. It encourages the State party to explicitly promote a national identity that unites rather than divides indigenous and Indo-Fijians, as well as other communities, and to



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include this objective in its development plans.

87. The Committee expresses concern about the underrepresentation of Indo-Fijians and other ethnic minorities in the police, the army and other public services in general, and recommends that specific programmes be adopted to ensure appropriate representation of all ethnic communities in these services...

...

90. The Committee is concerned that, according to some information, hate speech and assertions of the supremacy of indigenous Fijians occur regularly. The Committee recommends that the State party adopt all necessary measures to put an end to the dissemination of doctrines of superiority based on ethnic origin, which are socially unjust and dangerous, as well as in breach of the Convention...

91. The Committee notes that the word “person” in the relevant provisions of the Penal Code concerning sedition and in the Public Order Act concerning incitement to racial antagonism also includes organizations, and would like to receive further details on this matter. The Committee notes, however, that the legislation provides for sentences such as imprisonment and fines, but not for the prohibition of racist organizations. While taking note of the State party’s declaration on article 4 of the Convention, the Committee considers that the State party’s legislation does not fully comply with article 4. The Committee recommends that the State party adopt specific and unambiguous legislation relating to the prohibition of racist organizations. The Committee is furthermore concerned that the State party has expressed, in its periodic report, its reluctance to prohibit racist organizations in order to preserve the freedoms of expression and association, and refers the State party to its general recommendation XV (42) of 17 March 1993 on article 4.

92. The Committee is concerned about information relating to racist attacks and acts of religious intolerance against Indo-Fijians, in particular during the 1987 and 2000 coups...

...

95. While welcoming the assurance given by the State that schools are not racially separated in Fiji, the Committee wishes to receive more information on the consequences and the practical implementation of the Education (Establishment and Registration of Schools) Regulation, which states that “while a registered or recognized school may, when selecting pupils for admission give preference to pupils of a particular race or creed, no admission shall be denied solely on grounds of race or religion”. The Committee also wishes to know whether the State party enhances and financially supports multiracial schools...

- Ghana, CERD, A/58/18 (2003) 30 at paras. 108, 111-114, 117 and 121.

108. The Committee notes with satisfaction the important role played by the CHRAJ [Commission for Human Rights and Administrative Justice] in the protection of human

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rights, particularly the right to be protected from racial discrimination and intolerance, as well as the activities carried out in the field of human rights education and tolerance by both the CHRAJ and the National Commission for Civic Education (NCCE). The decentralized set-up of the CHRAJ and its ongoing cooperation with civil society are noted with satisfaction; the Committee considers that these are good ways to reach out to people and to secure better implementation of the Convention.

...

111. The Committee is concerned that the existence of ethnic discrimination persists as an undercurrent in Ghanaian society and that, according to a 1997 survey, 25 per cent of respondents felt discriminated against due to their tribal origins. The Committee recommends that high priority be given to the eradication of discriminatory practices and racial prejudices in Ghana, through the strengthening of education in general and of human rights education programmes in particular, the criminalization of acts of racial discrimination and effective punishment.

112. The Committee is particularly concerned about the occurrence of sporadic violent ethnic conflicts in Ghana and welcomes the efforts undertaken by the State party in this regard. It notes, in particular, the role of traditional and religious leaders in the resolution of conflicts relating to land and chieftaincy or involving customary law...

113. The Committee expresses its concern about the existence of certain negative traditional practices that, according to the report, discriminate against people on racial or ethnic grounds, in particular in cases of interracial or inter-ethnic marriages...

114. While noting the legislative and other measures adopted to eradicate practices that are harmful to the health and dignity of women, the Committee is concerned that some practices, in particular female genital mutilation, degrading treatment of widows and the Trokosi system, still occur, and wishes to be further informed of their ethnic dimensions. The Committee encourages the State party to continue its efforts in this field and refers the State party to its general recommendation XXV (56) of 20 March 2000 on gender-related dimensions of racial discrimination.

...

117. The Committee welcomes the frankness with which the State party has stated that the existing legislation does not meet the requirements of article 4, paragraphs (a), (b) and (c), of the Convention. The Committee notes that the Criminal Code is currently being reviewed and revised, and encourages the State party to accelerate this process and to ensure that the new legislation will comply fully with article 4...

...

121. The Committee is concerned about the existing educational gap between populations of certain geographic areas of the country, which has an ethnic dimension. The Committee encourages the Ghanaian authorities to pursue and increase the efforts already undertaken to remedy this situation...

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- Morocco, CERD, A/58/18 (2003) 33 at paras. 140, 141 and 147.

140. Noting that the draft revision of the Penal Code has still not been completed, the Committee repeats its request to the State party to bring the Code into line with article 4 of the Convention.

141. ...The Committee reminds the State party that the mere absence of complaints and legal action by victims of racial discrimination may be mainly an indication of the absence of relevant specific legislation, or of a lack of awareness of the availability of legal remedies, or of insufficient will on the part of the authorities to prosecute. The Committee requests the State party to ensure that appropriate provisions are available in the national legislation and to inform the public about all legal remedies in the field of racial discrimination.

...

147. The Committee notes the submission in November 2002 to the House of Representatives of two bills: one relating to “foreigners” entry into and residence in the Kingdom of Morocco, illegal immigration and emigration, and the other to terrorism, and draws the State party’s attention to the statement on racial discrimination and measures to combat terrorism adopted by the Committee on 8 March 2002 (A/57/18, chap. XI, sect. C.).

### *See also:*

- Tunisia, CERD, A/58/18 (2003) 47 at para. 255.

- Poland, CERD, A/58/18 (2003) 35 at paras. 156, 158-160, 162 and 163.

156. The Committee notes with satisfaction that the mandate of the Office of the Plenipotentiary for Equal Gender Status will be expanded to cover all forms of discrimination, including discrimination based on race or ethnicity.

...

158. The Committee, while noting the State party’s efforts to prohibit, through legislation, all dissemination of ideas based on racial superiority or hatred and incitement to racial hatred, reminds the State party of its obligation under article 4 to prohibit all organizations and activities, including those of the mass media, which promote and incite racial discrimination. It suggests that the State party strengthen its efforts to implement existing legislation in this regard.

159. The Committee is concerned that some cases of incitement to racial hatred have been dismissed with reference to their low degree of damage to society. The Committee expresses the view that, according to the Convention, all such cases are very harmful to society.

160. The Committee is concerned about reports of racially motivated harassment and

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discrimination against Jews, Roma and persons of African and Asian origin which have not been properly investigated by the law enforcement agencies. The Committee recommends that the State party intensify its efforts to combat and punish all such cases, especially through the strict application of relevant legislation and regulations providing for sanctions. It further recommends that law enforcement bodies be given adequate training and instructions on how to address complaints of racially motivated crimes and that similar training be provided to the judiciary.

...

162. The Committee welcomes the State party's efforts to implement the comprehensive programme to guarantee the rights of the Roma population in the Malopolska region and encourages the State party to extend the programme to other regions of the country, taking into account general recommendation XXVII (57) of 16 August 2000 concerning discrimination against Roma. It further recommends that the State party pay particular attention to the rights to housing and to employment of the Roma population...

163. The Committee notes efforts to meet the specific educational needs of Roma children, but is concerned that in some cases these efforts have led to segregated classes having a lower standard of education than the Polish counterparts. The Committee recommends that new programmes integrate Roma children into mainstream schools as far as possible, in order to avoid discrimination, and that the State party recruit more teachers and teaching assistants from the Roma minority...

- Russian Federation, CERD, A/58/18 (2003) 38 at paras. 172, 173, 178, 181, 182, 184, 192, 193 and 195.

172. The Committee notes with appreciation the concrete measures taken by the State party against extreme nationalist and racist organizations.

173. The Committee welcomes the adoption in 2001 of a special federal programme entitled "Shaping an attitude of tolerance and preventing extremism in Russian society, 2001-2005".

...

178. The Committee notes with concern the absence of a definition of racial discrimination in domestic legislation. While laws may protect against discrimination without employing the actual term "discrimination", the Committee encourages the State party to consider introducing into relevant laws an explicit prohibition of racial discrimination as defined in article 1 of the Convention.

...

181. The Committee is concerned at reports of racially selective inspections and identity checks targeting members of specific minorities, including those from the Caucasus and Central Asia and Roma. The Committee recommends that the State party take immediate steps to stop the practice of arbitrary identity checks by law enforcement authorities. These

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steps should include the education and sensitization of police and law enforcement personnel to ensure that, in the performance of their duties, they respect and protect the human rights of all persons without distinction as to race, colour, or national or ethnic origin.

182. The Committee is concerned about numerous reports that residence registration is used as a means of discriminating against certain ethnic groups, and that the lack of residence registration is used to deny a number of political, economic and social rights. While welcoming the fact that courts in the State party have declared such practices unconstitutional, the Committee recommends that the State party ensure that, in the implementation of the residence registration system, the standards laid down in federal law and supported by decisions of the Constitutional and Supreme Courts are strictly applied.

...

184. While appreciating the particular history of Cossacks in the Russian Federation, the Committee is concerned at reports that some Cossack organizations have engaged in acts of intimidation and violence against ethnic groups. According to information received by the Committee, these organizations, which function as paramilitary units and are used by local authorities to carry out law enforcement functions, enjoy special privileges, including State funding. In this regard, the Committee recommends, in accordance with article 2 (b) of the Convention, that the State party ensure that no support is provided to organizations which promote racial discrimination and that it prevent Cossack paramilitary units from carrying out law enforcement functions against ethnic groups.

...

192. While acknowledging the efforts made to confront the scourge of terrorism, the Committee is concerned about reports that members of particular groups, notably Chechens, are singled out by law enforcement officials. In this regard, the Committee draws the State party's attention to its statement of 8 March 2002 in which the Committee underlines the obligation of States to "ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, decent, or national or ethnic origin" (A/57/18, chap. XI, sect. C, para. 5).

193. The Committee is concerned about reports that racist materials targeting minority groups and perpetuating negative stereotypes are disseminated in the national media. The Committee recommends that the State party monitor the situation closely...

...

195. The Committee is concerned about the incidence of violent racist attacks against ethnic minorities by, among others, skinheads and neo-Nazis. In this regard, the Committee recommends that the State party strengthen its efforts to prevent racist violence and protect members of ethnic minorities and foreigners, including refugees and asylum-seekers...

- Saudi Arabia, CERD, A/58/18 (2003) 41 at paras. 209-211, 213, 215 and 217.

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209. The broad and imprecise nature of the State party's general reservation raises concern as to its compatibility with the object and purpose of the Convention. The Committee encourages the State party to review the reservation with a view to formally withdrawing it.

210. While noting that the Basic Law, and provisions of Royal Decrees, regulations and codes, as well as the Islamic Shariah, guarantee equality, the Committee is of the opinion that the mere statement of the general principle of non-discrimination in these laws is not a sufficient response to the requirements of the Convention. The Committee recommends that the State party adopt legislation that meets the requirements of articles 2, 3 and 4 of the Convention. In this connection, the Committee draws attention to its general recommendations I, II, VII and XV, and emphasizes the preventive value of legislation expressly prohibiting racial discrimination and racist propaganda.

211. Moreover, the Committee emphasizes that guarantees of non-discrimination laid down in law, without mechanisms to monitor their application, do not on their own ensure the enjoyment of non-discrimination...

...

213. The Committee recommends that the State party institute training programmes on human rights and understanding among ethnic groups for law enforcement officials, including policemen, military and prison staff, and members of the judiciary.

...

215. The Committee is concerned about reports that persons of some racial or ethnic origins are unable to manifest their religious beliefs in the State party...

...

217. The Committee is concerned about allegations of substantial prejudice against migrant workers, in particular those coming from Asia and Africa. The Committee invites the State party to report on the situation, in particular, of women domestic workers and draws the attention of the State party to its general recommendation XXV on gender-related dimensions of racial discrimination.

- Slovenia, CERD, A/58/18 (2003) 45 at para. 233.

233. The Committee is encouraged by the recent steps taken by the State party with a view to further implementing the Convention, such as the adoption of specific anti-discrimination legislation, *inter alia*, the Act on Media 2001, the Resolution on Migration Policy 2002, the Act amending the Local Government Act 2002, the Exercising of the Public Interest in Culture Act 2002 and the Employment Act 2002).

- Tunisia, CERD, A/58/18 (2003) 47 at paras. 250, 251 and 254.

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250. The Committee commends the efforts made by the State party in the area of human rights education, including its advocacy of the principles of tolerance and respect in accordance with article 7 of the Convention, and welcomes the establishment of a national commission for human rights education.

251. The Committee welcomes the measures taken in the economic and social sphere, which have resulted in economic growth and a significant reduction of poverty. The Committee notes with interest the establishment of a National Solidarity Fund to combat poverty and marginalization, as well as the creation of a National Solidarity Bank, and appreciates the results they have achieved so far. The Committee also notes the progress already achieved towards ensuring equality between women and men in Tunisian society, as well as the observance of religious freedom, inasmuch as they impact on the promotion of non-discrimination based on ethnic origin. The Committee encourages the State party to continue along this path.

...

254. The Committee does not accept any State party's assertion that there is no racial discrimination in the State party, and recommends that Tunisia avoid such generalizations in future reports. Noting that new penal laws punish racial discrimination and incitement to racial hatred as extensions of the law that penalizes terrorism, the Committee is concerned about the association of racial discrimination and terrorism. The Committee also remains concerned that the legislation of the State party does not seem to respond fully to the requirements of article 4 of the Convention. The Committee recommends that the State party review its domestic legislation in the light of general recommendation XV concerning the implementation of article 4 of the Convention, and that it adopt separate legislation on the offence of racial discrimination and the propagation of racial hatred.

- Uganda, CERD, A/58/18 (2003) 50 at paras. 266, 272, 274, 277 and 280.

266. The Committee notes with satisfaction that the State party enacted a new Constitution in 1995 which incorporates the basic provisions of the Convention, particularly the right to equality before the law and the prohibition of racial discrimination.

...

272. While noting with satisfaction the legislative measures and judicial mechanisms in place to ensure the return of property to persons of Asian origin, the Committee regrets that such measures have not been fully carried through, due mainly to insecurity in the country and the lack of adequate administrative measures...

...

274. The Committee...expresses concern about the absence of an explicit penal provision in the State party's legislation prohibiting organizations and propaganda activities that advocate racial hatred, as required by article 4 (b) of the Convention. The Committee recommends that the State party revise its Penal Code in order to implement fully the

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provisions of article 4.

...

277. The Committee expresses concern about allegations of abuses committed by Ugandan forces against members of particular ethnic groups in the Democratic Republic of the Congo. The Committee urges the State party to comply fully with Security Council resolutions 1304 (2000) and 1332 (2000).

...

280. While acknowledging the efforts that the Government has made to combat HIV/AIDS, the Committee is concerned about the rapid spread of this disease which affects the population throughout the country, particularly marginalized ethnic groups. The Committee recommends that the State party continue to develop strategies in this regard and that, in this context, due consideration be given to the specific situation of women.

- Albania, CERD, A/58/18 (2003) 53 at paras. 307, 311, 312, 314, 318 and 320.

307. The Committee notes that the State party has a tendency not to regard the particularly unfavourable situation in which certain minority groups in Albania live as one involving racial or ethnic discrimination, believing that the social and economic problems encountered by persons belonging to these minorities are the same as those with which the rest of the population has to deal.

The Committee recommends that the State party reconsider that approach and carry out analyses to determine whether and to what extent the unfavourable situation of some minorities is the result of racial or ethnic discrimination.

...

311. The Committee notes that, although efforts have been made to implement article 4 of the Convention, Albanian legislation still does not meet all the requirements of that provision.

The Committee recommends that the State party, declare as offences punishable by law any assistance to racist activities and the financing thereof, participation in racist organizations, acts of racial violence and incitement to such acts, and any refusal to provide goods or services on racist grounds. It also suggests that an aggravating circumstance of racism should be introduced in the Penal Code so that any offence based on racist grounds can be punished more severely.

312. The Committee is concerned about information that members of the Roma minority, especially the young, are generally regarded with suspicion and subjected to ill-treatment and the improper use of force by police officers.

The Committee recommends that the State party take measures to halt such practices and to



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increase law enforcement officials' sensitivity to and training in matters involving racial discrimination.

...

314. The Committee points out that the State party has not provided adequate information about the gender-related dimensions of racial discrimination.

The Committee draws the attention of the State party to its general recommendation XXV on gender-related dimensions of racial discrimination and recommends that it assess the extent of and prevent racial discrimination against women in general...

...

318. The Committee is concerned at reports of the problems encountered by Roma and members of the community who call themselves Egyptians in having access to places and services intended for public use.

The Committee invites the State party to adopt appropriate measures to guarantee that access to all places and services intended for public use is not denied to anyone on the grounds of race, colour, ancestry, or national or ethnic origin.

...

320. The Committee notes that very few complaints of racial discrimination have been dealt with by the People's Advocate and that no court decision has been issued on any complaint.

The Committee recommends that the State party verify that the lack of any such complaints is not the result of victims' lack of awareness of their rights, individuals' lack of confidence in the police and judicial authorities, or the authorities' lack of attention or sensitivity to cases of racial discrimination...

### *See also:*

- Latvia, CERD, A/58/18 (2003) 75 at para. 447
- Bolivia, CERD, A/58/18 (2003) 58 at paras. 338, 341 and 343.

338. The Committee regrets the paucity of information as to article 4 of the Convention and notes with concern the lack of legislative provisions punishing the dissemination of ideas based on racial superiority or hatred, as well as acts of violence or incitement to violence and the organizations promoting racial discrimination, as required under article 4 of the Convention.

In this regard, the Committee reiterates its previous recommendation urging the State party to fulfil its obligation to make all forms of racial discrimination, as specified in article 4 of the Convention, punishable by law.

...

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341. The Committee notes the lack of information regarding the Afro-Bolivian community which, according to the information received, accounts for around 31,000 individuals situated at the lower end of the socio-economic scale and who face severe disadvantages in health, life expectancy, education, income, literacy, employment and housing. The Committee further notes that there are no specific provisions making reference to this group in the domestic legislation.

The Committee recommends that the State party adopt measures with a view to ensuring to members of the Afro-Bolivian community the full enjoyment of the rights enumerated in article 5 of the Convention...

...

343. The Committee notes the lack of information on the legislative, judicial, administrative or other measures which give effect to the provision of article 6 of the Convention. The Committee reminds the State party that the mere absence of complaints and legal action by victims of racial discrimination may be mainly an indication of the absence of relevant specific legislation, or of a lack of awareness of the availability of legal remedies, or of insufficient will on the part of the authorities to prosecute.

The Committee requests the State party to ensure that appropriate provisions are available in national legislation and to provide the public with adequate information about all legal remedies in the field of racial discrimination...

- Cape Verde, CERD, A/58/18 (2003) 62 at paras. 362-364 and 366.

362. With respect to article 4 (a) of the Convention, the Committee is concerned about the lack of legal provisions to implement the State party's obligations, notably the absence of legislative measures punishing acts of racial discrimination and violence.

Noting the oral information provided by the delegation that a new Penal Code containing provisions on this issue will enter into force at the beginning of 2004, the Committee recommends that the State party fully comply with obligations under article 4 (a)...

363. The Committee notes with concern that immigrants from the Economic Community of Western African States (ECOWAS) are often referred to as "Mandjaco", a term which may have negative connotations. It also notes instances of discrimination against members of communities coming from ECOWAS countries on account of the involvement of some of them in antisocial practices such as drug-trafficking and prostitution.

The Committee recommends that the State party take appropriate measures to combat stereotyping of certain groups of immigrants...

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364. The Committee is concerned about the occurrence of trafficking in persons, affecting in particular foreigners and people of different race or ethnic origin, in the State party which, according to the information received, is used as a transit point by smugglers.

The Committee recommends that the State party monitor closely the phenomenon of trafficking in persons...

...

366. The Committee...requests the State party to ensure that appropriate provisions are available in national legislation and to inform the public about all legal remedies in the field of racial discrimination.

- Czech Republic, CERD, A/58/18 (2003) 65 at paras. 377, 380-383, 387 and 388.

377. The Committee is encouraged by the legislative efforts of the State party to give effect to the provisions of the Convention, in particular in the field of protection of national minorities, as well as the amendment to the Criminal Code adopted in 2002 and the amendments to the Civil Procedure Code reversing the burden of proof from the victim to the alleged offender.

...

380. While noting the efforts of the Government to elaborate a comprehensive anti-discrimination law, the Committee is concerned about the difficulties faced during this process.

The Committee encourages the State party to complete its efforts with regard to the comprehensive anti-discrimination law promptly and subsequently to ensure its effective enforcement. It urges the State party to incorporate in the new law the definition of discrimination as stipulated in article 1 (1) of the Convention.

381. While noting the efforts undertaken by the State party to counter racially motivated violence and discrimination, the Committee remains concerned at the continuance of acts of racially motivated violence and incitement to hatred and the persistence of intolerance and *de facto* discrimination, in particular with regard to the Roma minority.

The Committee recommends that the Government pursue and intensify its efforts to achieve more effective application of existing legislation.

382. Furthermore, the Committee notes that the State party has only declared punishable *active* participation in organizations promoting and inciting racial discrimination.

The Committee urges the State party to consider reviewing this provision and to declare punishable *any* participation in organizations that promote and incite racial discrimination,

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in accordance with article 4 (b) of the Convention.

383. The Committee is concerned about allegations of racially motivated ill-treatment, ineffective protection and discrimination against the Roma by law enforcement officials, especially the police. Furthermore, it has been suggested that allegations of abuse by law enforcement officials are not always promptly and impartially investigated. While noting the many initiatives taken in the field of training and education of the police, the Committee stresses that prompt and impartial investigations are paramount in countering discriminatory attitudes and practices. The Committee recommends that the State party intensify its efforts to end such discriminatory practices.

It further recommends that the procedure relating to the investigation of complaints with respect to the work of the police be conducted and overseen by a body independent of the police and the Ministry of the Interior...

...

387. The Committee is encouraged by the preparation of the new Act on Legal Aid, which will facilitate access to justice of victims of discrimination. However, it is concerned at continued reports that judges in criminal proceedings are reluctant to issue findings that crimes are racially motivated. The Committee also regrets the lack of information on specific cases of victims of discrimination having obtained adequate reparation.

The Committee encourages the State party to establish promptly a legal aid system for alleged victims of racism...

388. The Committee welcomes the anti-racism campaigns conducted annually and the broad population targeted by them, and notes the numerous other initiatives of the State party to combat discriminatory attitudes and practices. Unfortunately, that negative attitudes towards minorities and refugees persist among public officials, in the media and among the general public, is a matter of concern to the Committee. Furthermore, the Committee is concerned that the judiciary, unlike the police, does not seem to be the object of sensitization and educational activities.

The Committee recommends that the State party continue and intensify its anti-racism campaigns and other efforts aimed at combating racial and ethnic stereotyping. It recommends that the State party, while pursuing public education campaigns, continue and diversify targeted training programmes for professionals, such as the police, judges and other public officials working with the Roma and other vulnerable groups.

- Finland, CERD, A/58/18 (2003) 69 at paras. 400, 402, 403, 406, 407, 409 and 410.

400. The Committee welcomes the adoption, on 22 March 2001, of a Plan of Action to

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combat ethnic discrimination and racism aiming to support and develop measures enhancing good inter-ethnic relations and preventing ethnic discrimination and racism in Finnish society. In this connection, the Committee also welcomes the appointment, on 1 September 2001, within the framework of the Plan of Action, of a Minority Ombudsman.

...

402. The Committee welcomes the approval in January 2003 of a government bill revising the Penal Code and including “racist motives” as aggravating circumstances of a crime. It also notes with satisfaction the introduction of a provision punishing participation in organizations which promote or incite racial discrimination.

403. The Committee equally notes with satisfaction that the Ministry of Labour is preparing a government bill whereby two important directives of the European Community, Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation, will be implemented.

...

406. The Committee is concerned about the significant number of allegations which have been brought to its attention reflecting the existence of racist and xenophobic attitudes among some sectors of the population, notably among the young.

The Committee encourages the State party to continue to monitor all tendencies which may give rise to racist and xenophobic behaviour and to combat the negative consequences of such tendencies. The Committee further recommends that the State party continue to promote at all levels of education general awareness of diversity and multiculturalism and put into practice effective measures to facilitate the integration of minority groups in Finnish society.

407. While the Committee takes note of the efforts undertaken by the State party in monitoring the spread of racist, discriminatory and xenophobic material on the Internet, it is concerned about the continued occurrence of this phenomenon.

The Committee recalls that article 4 of the Convention is applicable to the phenomenon of racism on the Internet and that the fundamental principle of respect for human dignity requires all States to combat dissemination of racial hatred and incitement to racial hatred. It recommends that the State party take appropriate measures to combat racist propaganda on the Internet...

...

409. With respect to article 5, the Committee is concerned about the difficulties faced by Roma in the fields of employment, housing and education, as well as about reported cases of discrimination in daily life such as denial of access to public places, restaurants or bars.

The Committee draws the attention of the State party to its general recommendation XXVII

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on discrimination against Roma and recommends that the State party take all necessary measures with a view to promoting tolerance and overcoming prejudices and negative stereotypes in order to avoid any form of discrimination against members of the Roma community.

410. The Committee notes that one of the reasons victims of acts of racial discrimination are reluctant to file a complaint before the competent authorities is the assumption that the complaint would not lead to any result.

The Committee recommends that the State party disseminate as widely as possible information on and raise public awareness of the domestic remedies available against acts of racial discrimination, the legal avenues for obtaining compensation in cases of discrimination and the individual complaint procedure under article 14 of the Convention.

- Islamic Republic of Iran, CERD, A/58/18 (2003) 72 at paras. 420, 422, 425 and 428-430.

420. The Committee takes note with satisfaction of the broad participation of people from provinces inhabited by ethnic groups in the council, presidential and parliamentary elections of 1998, 1999 and 2000, respectively.

...

422. The Committee takes note with satisfaction that the State party has enacted the necessary legislation, in accordance with article 4 (a), to eradicate all incitement to, or acts of, racial discrimination.

...

425. The Committee...reiterates the concern expressed in its previous concluding observations over the fact that the definition of racial discrimination contained in article 19 of the Constitution does not fully conform to article 1, paragraph 1, of the Convention.

The Committee invites the State party to consider reviewing the definition of racial discrimination contained in its domestic law in order to bring it into full conformity with article 1, paragraph 1, of the Convention.

...

428. The Committee takes note with concern of the reported discrimination faced by certain minorities, including the Bahá'ís, who are deprived of certain rights, and that certain provisions of the State party's legislation appear to be discriminatory on both ethnic and religious grounds.

The Committee recommends that the State party ensure that all persons enjoy their right to freedom of thought, conscience and religion, without any discrimination based on race, colour, descent or national or ethnic origin, in accordance with article 5 (d) of the Convention. The Committee recommends that the State party permit students of different

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origins to register in universities without being compelled to state their religion...

429. The Committee takes note that the Article 90 Commission of the Islamic Consultative Assembly and the Administrative Justice Tribunal have limited competence with respect to article 6 of the Convention.

The Committee recommends that the State party consider expanding the sphere of operation of those institutions in order to ensure effective protection and remedies against all acts of racial discrimination.

430. The Committee notes the lack of information on the implementation of article 6 of the Convention.

The Committee recommends that the State party consider whether the lack of any complaints is not the result of the victims' lack of awareness of their rights, the lack of confidence on the part of individuals in the police and judicial authorities, or the authorities' lack of attention or sensitivity to cases of racial discrimination...

- Latvia, CERD, A/58/18 (2003) 75 at paras. 440, 444, 446 and 454-456.

440. The Committee...welcomes the adoption of the new Law on Personal Identification Documents removing the requirement to record a person's ethnic origin, as recommended by the Committee in its previous concluding observations (CERD/C/304/Add.79, para. 24).

...

444. The Committee is concerned that the legal provisions defining racial discrimination are not in full conformity with article 1 (1) of the Convention. While acknowledging that amendments to the 2001 Labour Law are being prepared that will define indirect discrimination, the Committee notes that basing the finding of indirect discrimination on a quantitative condition is not in accordance with the Committee's general recommendation XIV. Furthermore, it notes that the relevant provisions of the Labour Law and the Criminal Law lack reference to certain grounds of discrimination enumerated in the Convention, and that these provisions do not fully cover civil, political, economic, social, cultural and other fields of public life, as required by the Convention.

The Committee recommends that the State party pursue its efforts with regard to the preparation of a comprehensive anti-discrimination law and of amendments to the Labour Law. It urges the State party to incorporate fully the definition of racial discrimination stipulated in article 1 (1) of the Convention, into its legislation.

...

446. The Committee is concerned that the law of the State party does not fully respond to the requirements of article 4 of the Convention. The Committee notes that the State party

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has failed to effectively prohibit all organized and other propaganda activities and to recognize participation in such activities as an offence punishable by law, in accordance with article 4 (b) of the Convention.

The Committee recommends that the State party review its domestic law in the light of its general recommendation XV concerning the implementation of article 4 of the Convention, and that it adopt specific legislation on organized and other propaganda activities that promote and incite racial discrimination, irrespective of the legal status of the group or organization.

...

454. The Committee regrets the lack of any information with respect to article 5 (f) of the Convention relating to the right of access to any place or service intended for use by the general public.

The Committee...recommends that the State party ensure that the relevant provisions are incorporated into the new anti-discrimination legislation which is currently being drafted.

455. While noting that the State party is in the process of improving its legislation with a view to providing effective protection and remedies against any acts of racial discrimination, including the right to seek reparation for discrimination, the Committee is concerned at the very low level of awareness among the population of such a possibility.

The Committee recommends that the State party intensify its efforts to adopt and improve legislation in this respect. The State party is further encouraged to publicize the availability of legal remedies with a view to reaching out to the most vulnerable segments of society.

456. The Committee is concerned at the persistence of negative racial and ethnic stereotypes and notes that educational and training activities undertaken by the State party may not have been sufficient to combat discriminatory attitudes and practices.

The Committee recommends that the State party pursue its efforts to combat prejudices and promote understanding and tolerance through a broad range of measures targeting both professionals working with and persons belonging to minority groups, as well as the general public. The Committee encourages the State party, through the broad-based participatory drafting process of the envisaged National Plan of Action to implement the Durban Declaration and Plan of Action, to create awareness with regard to the diverse issues relating to racial discrimination.

- Norway, CERD, A/58/18 (2003) 79 at paras. 467, 472-475, 477, 478 and 480.

467. The Committee welcomes the amendment to section 135 (a) of the Penal Code,



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adopted in December 2002, which explicitly states that racist symbols are covered by this provision.

...

472. While the Committee welcomes the proposed Act on protection against ethnic discrimination, which aims to provide wider protection against discrimination in various fields and introduces a rule on the shared burden of proof in civil cases, it notes that the proposed Act will only cover ethnic and not racial discrimination...

473. The Committee takes note of the amendments to the Aliens Act, which include provisions for the expulsion of persons charged with terrorist acts or where there are serious reasons to suspect a person of participating in such an act.

While acknowledging the State party's national security concerns, the Committee recommends that the State party seek to balance those concerns with its human rights obligations. In this regard, it draws the State party's attention to the Committee's statement of 8 March 2002 in which it underlines the obligation of States to "ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent, or national or ethnic origin".

474. The Committee is concerned that the strict interpretation of the scope of section 135 (a) of the Penal Code, which prohibits any utterance or other communication of racist ideas made publicly or otherwise disseminated among the public, may not cover all aspects of article 4 (a) of the Convention.

The Committee invites the State party to review the provisions of section 135 (a) of the Penal Code in the light of article 4 (a) of the Convention...

475. The Committee takes note of the State party's observation that a formal ban on organizations might not be very effective in combating racism, owing to the fact that the groups involved in most of the racist activities are loose networks and not formal organizations. In this respect, the Committee draws that State party's attention to its general recommendation XV according to which all provisions of article 4 of the Convention are of a mandatory character, including declaring illegal and prohibiting all organizations promoting and inciting racial discrimination.

The Committee recommends that the State party adopt the necessary legislation in order to ensure full compliance with article 4(b) of the Convention.

...

477. While the Committee acknowledges the frankness of the State party and its efforts to combat discrimination faced by minorities in relation to the housing and labour markets, it remains concerned about the persistence of such discrimination.

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The Committee encourages the State party to intensify its efforts in these fields, in accordance with article 5 (e) of the Convention, and trusts that provisions to combat discrimination in the housing and labour markets will be included in the proposed Act on protection against ethnic discrimination.

478. The Committee notes with concern that, although there have been few court cases concerning discrimination consisting in refusing access to places serving the general public such as bars, discos, nightclubs and restaurants, discrimination in this area continues to exist. In this respect, the Committee also notes that domestic courts can determine whether persons are refused entry to such places on racial grounds.

The Committee encourages the State party to include adequate provisions to combat discrimination in relation to access to places intended for use by the general public in the proposed Act on protection against ethnic discrimination.

...

480. With regard to article 7 of the Convention, the Committee notes with concern that courses focusing on racism and discrimination are not compulsory in the basic curriculum of the Police Academy.

The Committee draws the attention of the State party to its general recommendation XIII on the training of law enforcement officials in the protection of human rights, and invites the State party to consider reforming the Police Academy's education programme so as to ensure a better understanding of the norms and values in different cultures and to inform trainees about the obligations of the State party under the Convention.

- Republic of Korea, CERD, A/58/18 (2003) 83 at paras. 494 and 498.

494. While taking note that there are ongoing discussions in the State party concerning the drafting of a Discrimination Prohibition Law, the Committee nevertheless remains concerned that the legislation of the State party does not seem to respond fully to the requirements of article 4 of the Convention.

The Committee recommends that the State party review its domestic legislation in the light of general recommendation XV concerning the implementation of article 4 of the Convention and that it adopt specific legislation on the offence of racial discrimination and incitement of racial hatred in accordance with article 4.

...

498. The Committee recommends that the State party disseminate information widely and raise public awareness of the domestic remedies available against acts of racial discrimination, on the legal avenues for obtaining compensation in cases of discrimination and on the individual complaints procedure under article 14 of the Convention.

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- Saint Vincent and the Grenadines, CERD, A/58/18 (2003) 85 at paras. 508 and 511-513.

508. The Committee is concerned that sections 1 and 13 of the 1979 Constitution do not fully comply with article 1 of the Convention, as they do not expressly forbid discrimination based on descent and national or ethnic origin. The Committee is also concerned that exceptions and limitations to the principle of non-discrimination, provided for in particular by subsections 4, 6, 7 and 8 of article 13 of the Constitution, appear to be incompatible with the Convention.

The Committee recommends that the State party review its domestic law so that it complies fully with the Convention.

...

511. The Committee is concerned that no information has been provided by the State party on the economic, social and cultural situation of minority groups. It is further concerned that persons of Carib ancestry tend to be viewed as the base of the social pyramid and experience discrimination. In general, access to health care and educational opportunities depends on the level of family income.

...The enjoyment of economic, social and cultural rights, including access to public services, must be ensured for all without discrimination, in accordance with article 5 of the Convention.

512. The Committee is concerned that the Constitution does not contain reference to economic, social and cultural rights. The Committee further notes that section 16 of the Constitution has never been invoked with respect to alleged acts of racial discrimination.

The Committee recommends that the State party ensure, as provided in articles 5 and 6 of the Convention, the enjoyment by all of effective protection and remedies against acts of racial discrimination which violate human rights, including economic, social and cultural rights. The Committee further recommends that the State party consider whether the lack of complaints relating to racial discrimination before the High Court is not the result of the victims' lack of awareness of their rights, the lack of confidence on the part of individuals in the judicial authorities, or the authorities' lack of attention or sensitivity to cases of racial discrimination...

513. The Committee notes that information was provided by the State party on existing human rights associations in the country, but remains concerned about the reported weakness of civil society organizations in Saint Vincent and the Grenadines.

The Committee encourages the State party to facilitate the activities of non-governmental organizations, in particular in the areas of better enjoyment of human rights and of

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combating racial discrimination. The State party is encouraged to consult with such organizations during the preparation of the next periodic report.

- United Kingdom of Great Britain and Northern Ireland, CERD, A/58/18 (2003) 88 at paras. 523, 524, 528-540 and 544.

523. The Committee welcomes the Race Relations Amendment Act of 2000, which strengthens the 1976 Race Relations Act by outlawing discrimination in all public authority functions, including the police, as well as the Race Relations Act (Amendment) Regulations of 2003, which widen the definition of indirect discrimination and shift the burden of proof from the victim to the alleged offender.

524. The Committee commends the State party's efforts to address more stringently the issue of incitement to racial hatred, including the introduction of a mechanism whereby the Metropolitan Police will provide a central advice point for all forces in England and Wales in relation to possible offences of incitement to racial hatred, as well as the increase in the maximum penalty for incitement to racial hatred from two to seven years' imprisonment under the Anti-Terrorism, Crime and Security Act 2001.

...

528. The Committee commends the State party's efforts to prepare a National Plan of Action against Racism, in consultation with non-governmental organizations, in pursuance of the recommendations of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

529. The Committee takes note with satisfaction that St. Helena, the British Virgin Islands and the Cayman Islands will include a specific prohibition of racial and other discrimination as well as the necessary enforcement machinery in their Constitutions.

530. The Committee takes note of the State party's position regarding the non-inclusion of the full substance of the Convention within the State party's domestic legal order and that there is no obligation for States parties to make the Convention itself part of their domestic legal order. It is concerned that the State party's courts will not give legal effect to the provisions of the Convention unless the Convention is expressly incorporated into its domestic law or the State party adopts necessary provisions in its legislation.

The Committee recommends that the State party review its legislation in order to give full effect to the provisions of the Convention in its domestic legal order.

531. The Committee also reiterates its concern over the fact that the State party continues to uphold its restrictive interpretation of the provisions of article 4 of the Convention. It recalls that such interpretation is in conflict with the State party's obligations under article

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4 (b) of the Convention and draws the State party's attention to the Committee's general recommendation XV according to which the provisions of article 4 are of a mandatory character.

In the light of the State party's recognition that the right to freedom of expression and opinion are not absolute rights, and in the light of statements by some public officials and media reports that may adversely influence racial harmony, the Committee recommends that the State party reconsider its interpretation of article 4.

532. The Committee is concerned about the increasing racial prejudice against ethnic minorities, asylum-seekers and immigrants reflected in the media and the reported lack of effectiveness of the Press Complaints Commission in dealing with this issue. The Committee recommends that the State party consider further how the Press Complaints Commission can be made more effective and can be further empowered to consider complaints received from the Commission for Racial Equality as well as other groups or organizations working in the field of race relations.

...

533. The Committee remains concerned at reports of attacks on asylum-seekers. In this regard, the Committee notes with concern that antagonism towards asylum-seekers has helped to sustain support for extremist political opinions.

The Committee recommends that the State party adopt further measures and intensify its efforts to counter racial tensions generated through asylum issues, *inter alia* by developing public education programmes and promoting positive images of ethnic minorities, asylum-seekers and immigrants, as well as measures making the asylum procedures more equitable, efficient and unbiased.

534. While noting the rapid implementation in domestic law of the European Race Directive, the Committee is concerned that, unlike the Race Relations Act, the amending regulation does not cover discrimination on grounds of colour or nationality. The Committee is therefore concerned that the emerging situation may lead to inconsistencies in discrimination laws and differential levels of protection according to the categorization of discrimination (i.e. race, ethnic origin, colour, nationality, etc.), and create difficulties for the general public as well as law enforcement agencies.

The Committee recommends that the State party extend the amending regulations to cover discrimination on the grounds of colour and nationality. In this context, the Committee also recommends that the State party consider introducing a single comprehensive law, consolidating primary and secondary legislations, to provide for the same protection from all forms of racial discrimination, enshrined in article 1 of the Convention.

535. The Committee is concerned about the application of section 19 D of the Race

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Relations Amendment Act of 2000, which makes it lawful for immigration officers to “discriminate” on the basis of nationality or ethnic origin provided that it is authorized by a minister. This would be incompatible with the very principle of non-discrimination.

The Committee recommends that the State party consider re-formulating or repealing section 19 D of the Race Relations Amendment Act in order to ensure full compliance with the Convention.

536. The Committee is deeply concerned about provisions of the Anti-Terrorism Crime and Security Act which provide for the indefinite detention without charge or trial, pending deportation, of non-nationals of the United Kingdom who are suspected of terrorism-related activities.

While acknowledging the State party’s national security concerns, the Committee recommends that the State party seek to balance those concerns with the protection of human rights and its international legal obligations. In this regard, the Committee draws the State party’s attention to its statement of 8 March 2002 in which it underlines the obligation of States to “ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent, or national or ethnic origin”.

537. While the Committee welcomes the initiatives taken for further reforms within the police force, including enhanced representation of ethnic minorities, it recalls its previous concerns about the disproportionately high incidence of deaths in custody of members of ethnic or racial minority groups.

The Committee...encourages the State party to adopt measures conducive to integrating the different ethnic and racial representation within the police force.

538. The Committee is concerned that a disproportionately high number of “stops and searches” are carried out by the police against members of ethnic or racial minorities.

The Committee encourages the State party to implement effectively its decision to ensure that all “stops and searches” are recorded and to give a copy of the record form to the person concerned...

539. The Committee notes that the State party recognizes the “intersectionality” of racial and religious discrimination, as illustrated by the prohibition of discrimination on ethnic grounds against such communities as Jews and Sikhs, and recommends that religious discrimination against other immigrant religious minorities be likewise prohibited.

540. The Committee is concerned about reported cases of “Islamophobia” following the 11 September attacks. Furthermore, while the Committee takes note that the State party’s

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criminal legislation includes offences where religious motives are an aggravating factor, it regrets that incitement to racially motivated religious hatred is not outlawed.

The Committee recommends that the State party give early consideration to the extension of the crime of incitement to racial hatred to cover offences motivated by religious hatred against immigrant communities.

...

544. The Committee recalls its general recommendation XXIX, in which the Committee condemns descent-based discrimination, such as discrimination on the basis of caste and analogous systems of inherited status, as a violation of the Convention, and recommends that a prohibition against such discrimination be included in domestic legislation...

- Malawi, CERD, A/58/18 (2003) 93 at paras. 556-558, 560, 561, 566 and 568.

556. The Committee notes that the State party's Constitution prohibits discrimination, particularly on the grounds of race, colour, language, religion, nationality and ethnic origin, and allows for the adoption of legislation to address inequalities in society and to prohibit discriminatory practices. It welcomes the adoption of the Employment Act in 2000 which bans discrimination in the context of employment. The Committee is nevertheless concerned that no further legislation has been adopted to prevent and eliminate racial discrimination.

The Committee recalls that the inclusion of a general principle of non-discrimination in the Constitution is not a sufficient response to the requirements of the Convention. The Committee recommends that the State party adopt further legislation in order to meet the requirements of articles 2, 3, 4 and 5 of the Convention. In this connection, the Committee draws attention to its general recommendations I, II, VII and XV, and emphasizes the preventive value of legislation expressly prohibiting racial discrimination and racist propaganda...

557. The Committee recalls that, as stated in its general recommendation XX, article 5 of the Convention implies the existence and recognition of civil, political, economic, social and cultural rights and expresses its grave concern about reports of serious human rights violations. The Committee underlines that full respect for human rights is the necessary framework for the efficiency of measures adopted to combat racial discrimination.

The Committee recommends that the State party take the necessary measures to implement the Convention.

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

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

...

560. The Committee is concerned that, according to certain information, women continue to be victims of discriminatory practices.

The Committee draws the State party's attention to its general recommendation XXV on gender-related dimensions of racial discrimination and recommends that the State party assess and prevent racial discrimination against women in general.

561. The Committee is concerned that the current school curriculum does not include programmes to combat prejudices and to promote tolerance among ethnic groups, as required by article 7 of the Convention.

The Committee recommends that such programmes be included in the school curriculum.

...

566. The Committee draws the attention of the State party to the provisions of the Durban Declaration and Programme of Action, according to which the International Convention on the Elimination of All Forms of Racial Discrimination is the principal international instrument for the elimination of racism, racial discrimination, xenophobia and related intolerance and urging States to cooperate with the Committee in order to promote the effective implementation of the Convention.

...

568. The Committee requests that the State party give wide publicity to the Convention and to the present concluding observations, both in English and in Chichewa, and draw the attention of the Malawi Human Rights Commission to them.

- Bahamas, CERD, A/59/18 (2004) 10 at paras. 22, 27, 30, 31, 33 and 38-41.

22. The Committee welcomes the adoption in 2001 of the Employment Act containing a clause prohibiting racial discrimination.

...

27. The Committee notes with concern the reservations to the Convention entered by the State party, in particular the vague and general statement that the State party will not accept obligations going beyond constitutional limits or the obligation to introduce a judicial process beyond those prescribed under the Constitution.

The Committee encourages the State party to consider withdrawing all the reservations it



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entered upon acceding to the Convention.

...

30. The Committee regrets that the Bahamas has still not passed a law meeting the requirements of article 4 of the Convention, while noting that the State party does intend to modify its legislation to that effect.

The Committee encourages the State party to comply with the requirements of article 4 of the Convention. It also suggests including racial motivation as an aggravating factor in criminal law.

31. The Committee is concerned at reports of statements and press articles inciting racial discrimination against migrants, Haitians in particular, and actual discrimination against migrants in fields such as education and employment. It is disturbed to hear that the State party says it has not been told of such allegations.

The Committee recommends the State party to conduct an inquiry into these allegations and notify the Committee of the outcome. Where appropriate, the State party should take all necessary punitive, educational and other measures to put an end to such conduct.

...

33. The Committee takes note of the constitutional reform process now in progress but is concerned at the fact that the Constitution contains discriminatory provisions on the subject of women's rights to transmit their nationality to their children and foreign spouses.

It invites the State party to continue its efforts to remedy such discrimination, and draws its attention to the Committee's general recommendation XXV (2000) on gender-related dimensions of racial discrimination.

...

38. The Committee notes the existence of information suggesting that a policy of racial reconciliation between the black and white communities might still be necessary.

It advises the State party to step up its efforts in this connection...

39. The Committee notes the State party's assertion that there have been neither complaints nor court decisions on the subject of racial discrimination, and which is put forward as evidence of the absence of racial discrimination in the Bahamas.

The Committee urges the State party to investigate why there are no complaints of racial discrimination and whether, in particular, it may be because the country does not have a sufficient span of legislation to combat discrimination. The State party should also verify that the lack of such complaints is not the result of victims' lack of awareness of their rights, fear of reprisals, lack of confidence in the police and judicial authorities, or the authorities' lack of attention or sensitivity to cases of racial discrimination.

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40. The Committee is concerned at the absence of training of judges and judicial officers in combating racial discrimination, and the fact that the State party considers it enough to have non-Bahamian judges sitting on the country's highest courts.

The Committee advises the State party to provide training in combating racial discrimination, and in particular in the substance of the Convention, for judges and judicial officers.

41. The Committee is concerned that the substance of the Convention has not been brought to the attention of the public, on the grounds that the population is relatively homogeneous.

It recommends the State party to give the general public regular information on the substance of the Convention and step up its efforts to make people aware of the opportunities they have to appeal against instances of racial discrimination.

- Brazil, CERD, A/59/18 (2004) 14 at paras. 57, 58 and 63-65.

57. The Committee reiterates the concern expressed in its previous concluding observations (CERD/C/304/Add.11) about the persistence of deep structural inequalities affecting black and mestizo communities and indigenous peoples.

The Committee recommends that the State party intensify its efforts to combat racial discrimination and eliminate structural inequalities...

58. The Committee is concerned about *de facto* racial segregation faced by some black, mestizo and indigenous peoples in rural and urban areas, such as the commonly known "favelas", and regrets that the State party has not provided sufficient information in this regard.

In the light of its general recommendation XIX, the Committee reminds the State party that racial segregation may also arise without any initiative or direct involvement by the public authorities, and encourages the State party to continue monitoring all trends which may give rise to racial or ethnic segregation and to work for the eradication of the resulting negative consequences.

...

63. The Committee is concerned that, despite the widespread occurrence of offences of discrimination, the relevant domestic legal provisions against racist crimes are reportedly rarely applied.

The Committee...recommends that the State party improve the awareness and training programmes regarding the existence and treatment of racist crimes on the part of the persons

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engaged in the administration of justice, including judges, public prosecutors, lawyers and law enforcement officials.

64. The Committee is disturbed by the increase in the number of racist organizations, such as neo-Nazi groups, and the spread of racist propaganda on the Internet.

The Committee recommends that the State party clarify further the content and application of the relevant provisions of domestic law that address the existence and activity of racist organizations, as well as those that prohibit racist propaganda on the Internet.

65. The Committee reiterates the concern expressed in its previous concluding observations over the fact that illiterate citizens, who are found especially among the indigenous, black or mestizo groups, do not have the right to be elected to public office.

In light of article 5 (c) of the Convention, the Committee recommends that the State party adopt adequate measures to combat illiteracy and allow all citizens the enjoyment of all political rights, in particular the right to be elected to public office.

- Lebanon, CERD, A/59/18 (2004) 18 at para. 82.

82. While acknowledging the historical and political background of the system of confessionalism, as well as some steps taken towards its gradual elimination in accordance with the Taif agreement of 22 October 1989 and article 95 of the Constitution, the Committee notes the overall resistance and lack of progress in this regard. While recognizing the need to balance any steps with the maintenance of peace, the Committee remains concerned at the possible impact of this system on the full implementation of the Convention in the State party.

The Committee recommends that the State party undertake a continued effort to monitor and review the situation and to take appropriate measures, including educational and legal measures, towards the gradual elimination of the system of political confessionalism in the spirit of the Taif agreement and the constitutional amendments, taking into account public views and feelings.

- Libyan Arab Jamahiriya, CERD, A/59/18 (2004) 21 at paras. 101-104, 107 and 109.

101. The Committee notes that the State party, in its periodic report, categorically maintains that racial discrimination does not exist in the Libyan Arab Jamahiriya. It understands that, in the view of the State party, although incidents of racial discrimination may occur, there is no systematic racial discrimination on the part of the State party.

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The Committee recommends that the State party conduct studies with a view to effectively assessing and evaluating the occurrence of racial discrimination in the country, and review its assessment.

102. The Committee further notes the absence of comprehensive legislation to prevent and prohibit racial discrimination, in particular under article 4 of the Convention. It wishes to underline that, although the Convention prevails over the State party's domestic law, article 4 cannot be directly implemented, as it calls for the enactment of specific provisions setting out sanctions to be applied to offences strictly defined under the law.

The Committee recommends to the State party that it enact legislation responding to all requirements of article 4 of the Convention.

103. The Committee is deeply concerned about reported acts of violence, stemming from anti-Black sentiment in the population, which were perpetrated in September 2000 against African migrant workers and led to the death of many persons. The Committee regrets that no updated response was provided by the State party on the action taken to sanction those responsible and prevent the occurrence of such violence in the future.

The Committee requests that the State party submit detailed information about the number of persons who died and their nationality, the results of the inquiry made by the authorities, the prosecution of persons in relation to these events, and sentences, if any, that were pronounced. The Committee also wishes to receive information about the results of the measures previously announced by the State party in response to these events, in particular the creation of a committee to look into the events and to study all manifestations of xenophobia, as well as measures for the regularization of undocumented migrants.

104. The Committee is concerned that, according to some information, thousands of African migrant workers have been expelled since 2000.

The Committee...recommends that the State party ensure that the removal of non-citizens does not discriminate amongst them on the basis of ethnic or national origin.

...

107. The Committee is concerned at information that anti-Black sentiment and racially motivated acts against foreign workers have an adverse impact on their employment situation and terms and conditions of employment.

The Committee recommends that the State party ensure that foreign workers are not discriminated against in employment on the basis of their colour or their ethnic or national origin.

...

109. Noting that the State party has not provided information on the practical

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implementation of article 6 of the Convention, the Committee recommends that the State party raise the awareness of the population on their rights under the Convention, including their right to an effective remedy, and to sensitize the police and judicial authorities to the issue of racial discrimination.

- Nepal, CERD, A/59/18 (2004) 24 at paras. 127, 129-132 and 136.

127. The Committee remains deeply concerned at the persistence of the *de facto* caste-based discrimination and the culture of impunity that apparently permeates the higher strata of a hierarchical social system. In particular, it is concerned at information on the existence of segregated residential areas for Dalits, social exclusion of inter-caste couples, restriction to certain types of employment, and denial of access to public spaces, places of worship and public sources of food and water, as well as at allegations that public funds were used for the construction of separate water taps for Dalits.

The Committee recommends that the State party, as a matter of priority, take measures to prevent, prohibit and eliminate private and public practices that constitute segregation of any kind, and make determined efforts to ensure the practical and effective implementation of these measures...

...

129. The Committee regrets the lack of information on prosecutions launched and penalties imposed in cases of offences which relate to racial discrimination, and the role of the National Human Rights Commission and the National Dalit Commission in dealing with such cases. The Committee stresses the need for a determined enforcement of the criminal justice system, and reminds the State party that the absence of complaints and legal action by victims of racial discrimination may be the result of the absence of relevant specific legislation, or of a lack of awareness of the availability of legal remedies, or of insufficient will on the part of the authorities to prosecute...

130. The Committee is concerned at the allegations of ill-treatment and ineffective protection of and discrimination against Dalits and other vulnerable groups in society, by law enforcement officials, especially the police. The Committee stresses that prompt and impartial investigations are paramount in counteracting discriminatory attitudes and practices.

The Committee recommends that the State party intensify its efforts to end such discriminatory practices. It further recommends that the procedure relating to the investigation of complaints with respect to the work of the police be conducted and overseen by a body independent of the police.

131. The Committee notes the lack of information in the periodic report on the situation of

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women belonging to disadvantaged groups who are victims of multiple discrimination, and expresses concern over the situation of forced prostitution of girls and women of the Badi caste.

The Committee recommends that the State party consider issues of political representation, personal security, employment and education, in line with general recommendations XXV (2000) on gender-related dimensions of racial discrimination and XXIX (2002) on descent-based discrimination, in taking measures to eliminate multiple discrimination against women who belong to vulnerable groups...

132. While welcoming the State party's efforts to implement special measures to advance and protect persons subjected to discrimination, the Committee remains concerned over the underrepresentation of disadvantaged groups in government, legislative bodies and the judiciary.

The Committee urges the State party to engage in efforts to promote awareness among the general public, as well as among members of disadvantaged communities, of the importance of their active participation in public and political life. The Committee recommends that the State party continue to enforce special measures to guarantee to members of disadvantaged groups the right to participate in elections, to vote and stand for election, and to have due representation in government, legislative bodies and the judiciary.

...

136. The Committee notes that the Government broadcasts in several national languages. The Committee is concerned, however, with the lack of representation of disadvantaged groups in the State-owned media, and that issues such as racial discrimination and human rights receive little coverage by the media in general.

The Committee invites the State party to consider introducing special measures to ensure due representation in the mass media of members of disadvantaged groups, including Dalits.

- The Netherlands, CERD, A/59/18 (2004) 29 at paras. 145, 146 and 150-152.

145. The Committee welcomes the progress made towards the full implementation of article 4 of the Convention through the adoption of further amendments to the Criminal Code increasing the maximum penalties for structural forms of systematic racial discrimination.

146. The Committee welcomes the adoption of the bill of 10 February 2004 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and establishing a general framework for equal treatment in employment and occupation.

...

150. The Committee is concerned about the occurrence in the State party of racist and

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xenophobic incidents, particularly of an anti-Semitic and “Islamophobic” nature, and of manifestations of discriminatory attitudes towards ethnic minorities.

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

151. While the Committee notes with satisfaction the State party’s efforts aimed at combating racist propaganda and the spread of racist and xenophobic material on the Internet, including the forthcoming ratification of the Council of Europe Convention on Cybercrime and its Additional Protocol, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems, it is concerned at the sharp increase in the number of complaints received by the Dutch Complaints Bureau for Discrimination on the Internet (MDI).

The Committee encourages the State party to continue its efforts to combat this contemporary manifestation of racial discrimination...

152. The Committee regrets that no reference is made in the report to article 3 of the Convention in relation to racial segregation and continues to express concern at the situation of *de facto* school segregation in some parts of the country.

In the light of its general recommendation XIX on the prevention, prohibition and eradication of racial segregation and apartheid, the Committee recalls that racial segregation can also arise without any initiative or direct involvement by the public authorities and encourages the State party to continue monitoring all trends which may give rise to racial or ethnic segregation and take measures to minimize the resulting negative consequences...

- Spain, CERD, A/59/18 (2004) 32 at paras. 165, 169, 170 and 174.

165. The Committee commends the introduction of the concept of Crimes Against Humanity under article 607 *bis* of the Penal Code as well as the inclusion among the elements of such crimes of acts committed, *inter alia*, for racial or ethnic reasons. It also notes with satisfaction the introduction under article 174 of the Penal Code of discriminatory motive as an element in the crime of torture.

...

169. While the Committee notes the continuous efforts undertaken by the State party to

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combat racial discrimination, including the recent creation of the Spanish Observatory for Racism and Xenophobia, it is concerned about the occurrence of racist and xenophobic incidents and the re-emergence of discriminatory attitudes, especially towards Gypsies, North Africans, Muslims and Latin Americans.

The Committee encourages the State party to continue monitoring all tendencies which may give rise to racist and xenophobic behaviour and to combat the negative consequences of such tendencies. The Committee further recommends that the State party continue to promote at all levels of education general awareness of diversity and multiculturalism and put into practice effective measures to facilitate the integration of minority groups in Spanish society.

170. Concern is also expressed about allegations received of instances of police misbehaviour towards ethnic minorities or persons of non-Spanish origin, including abusive and insulting speech, ill-treatment and violence.

The Committee draws the State party's attention to its general recommendation XIII on the training of law enforcement officials in the protection of human rights and recalls that law enforcement officials should receive intensive training to ensure that in the performance of their duties they respect and protect human dignity and maintain and uphold the human rights of all persons without distinction as to race, colour or national or ethnic origin.

...

174. With respect to article 5 of the Convention, while the Committee notes with satisfaction the extensive measures taken by the State party in order to improve the overall situation of Gypsies, it is concerned about the difficulties still faced by a large part of them in the fields of employment, housing and education, as well as about reported cases of discrimination in daily life.

The Committee draws the attention of the State party to its general recommendation XXVII on discrimination against Roma (Gypsies) and recommends that the State party take all necessary measures with a view to promoting tolerance and overcoming prejudices and negative stereotypes in order to avoid any form of discrimination against members of the Roma (Gypsy) community.

- Suriname, CERD, A/59/18 (2004) 36 at paras. 184 and 186.

184. The Committee notes with satisfaction that, under the constitutional arrangements in force in the State party, the Convention takes priority over domestic legislation.

...

186. The Committee notes with satisfaction that the State party's criminal law is broadly consistent with the requirements of article 4 (a) of the Convention.



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- Sweden, CERD, A/59/18 (2004) 41 at paras. 214, 215, 218-221, 225 and 226.

214. The Committee welcomes the adoption of a series of legislative measures undertaken by the State party to combat racial discrimination, including:

(a) The new Prohibition of Discrimination Act, which entered into force on 1 July 2003. The Committee takes note with satisfaction that the new Act broadens the scope of protection against ethnic discrimination, requires the complainant to establish only a *prima facie* case of discrimination and extends the field of supervision of the Ombudsman against Ethnic Discrimination;

(b) The new Group Proceedings Act, which entered into force on 1 January 2003, providing the possibility, in specific circumstances, of instituting class action suits in cases of alleged discrimination;

(c) The amendments to the Fundamental Law on Freedom of Expression, which came into force in January 2003, which facilitates the bringing of legal action in cases of racial agitation;

(d) The new Act on Citizenship, which came into force on 1 July 2001, accepting the possibility of dual citizenship and facilitating the acquisition of Swedish citizenship for children of foreign background.

215. The Committee takes note with satisfaction of the creation in 2003, with State funding, of the Centre against Racism and Related Intolerance, consisting of more than 100 nongovernmental organizations working in the field of racial discrimination.

...

218. While the Committee takes note with satisfaction of the State party's efforts to combat hate crimes, it is concerned about allegations that few of these reported crimes have led to prosecutions and that the relevant domestic legal provisions are rarely applied.

The Committee recommends that the 2002 instruction addressed to public prosecutors by the Office of the Prosecutor General to give priority to these kinds of crimes be actively implemented and that the relevant criminal law provisions be effectively applied...

219. While the Committee welcomes the new Equal Treatment of Students in Higher Education Act, which entered into force on 1 March 2002 and which contains prohibitions on direct and indirect ethnic discrimination against students and applicants in the field of higher education, it takes note that the Act is reportedly not being implemented with respect to some Swedish universities.

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The Committee invites the State party to provide an assessment of the implementation of the new Act.

220. The Committee takes note of the fact that the State party continues to uphold its interpretation of the provisions of article 4 of the Convention, maintaining that criminal acts committed by the members or supporters of a racist organization may be prohibited and penalized by law, but not the existence of, and participation in, racist organizations.

The Committee draws the State party's attention to its general recommendation XV according to which all provisions of article 4 of the Convention are of a mandatory character, including declaring illegal and prohibiting all organizations promoting and inciting racial discrimination, as well as recognizing participation in such organizations as an offence punishable by law. Accordingly, the Committee recommends that the State party reconsider its position and adopt the necessary legislation in order to ensure full compliance with article 4 (b) of the Convention.

221. While the Committee acknowledges with satisfaction the initiatives taken by the State party to improve the situation of the Roma, such as the establishment of a Council for Roma Issues in 2002 as an advisory body to the Government, it remains concerned about the difficulties still faced by a large part of the Roma community in areas such as employment, housing and education.

The Committee draws the attention of the State party to its general recommendation XXVII on discrimination against Roma and encourages the State party to intensify its efforts to implement national strategies and programmes in these areas, including the biennial strategic programme of the Ombudsman against Ethnic Discrimination, with a view to improving the situation of the Roma and their protection against discrimination.

...

225. The Committee takes note of the Special Control of Foreigners Act, which allows the Government to expel a foreigner if this is deemed necessary to the security of Sweden or if there are reasons to suspect that he or she will commit or participate in crimes involving violence, threats or coercion for political purposes, without the possibility of appealing against such decisions.

While acknowledging the State party's national security concerns, the Committee reminds the State party of the need to balance those concerns with its human rights obligations. In this regard, it draws the State party's attention to the Committee's statement on terrorism and human rights of 8 March 2002 in which it underlines the obligation of States to "ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent, or national or ethnic origin". The Committee invites the State party to reconsider the Act to the extent that it provides for the possibility of expulsion without a right of appeal...

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226. While the Committee is encouraged by the State party's affirmation that Sweden is a country of immigration and that integration policies to counteract the social exclusion experienced by some persons born abroad are a priority, it remains concerned at the persistence of discriminatory attitudes faced by persons of immigrant origin in certain areas, such as the labour market, housing and access to public services.

The Committee encourages the State party to pursue and strengthen its efforts in these areas, in accordance with article 5 (e) and (f) of the Convention.

- Argentina, CERD, A/59/18 (2004) 45 at paras. 239, 245 and 251.

239. The Committee regrets the lack of adequate information in the State party's report on complaints regarding acts of racial discrimination and the corresponding legal action taken by, and on behalf of, victims, including alleged complaints of violent racist attacks and acts of police brutality committed on racial grounds.

The Committee...recalls its general recommendation XIII on the training of law enforcement officials in the protection of human rights and encourages the State party to improve the training of law enforcement officials so that the standards of the Convention are fully implemented.

...

245. The Committee is concerned about incidents of incitement to racial hatred and racist propaganda in the media, including on the Internet.

The Committee recalls that article 4 of the Convention is applicable to the phenomenon of racism in the media, including on the Internet, and that the fundamental principle of respect for human dignity requires all States to combat dissemination of racial hatred and incitement to racial hatred. It recommends that the State party take appropriate measures to combat racist propaganda in the media...

...

251. The Committee remains concerned at the slow pace of the proceedings relating to the 1992 and 1994 attacks in Buenos Aires on the Israeli Embassy and the Argentine-Jewish Mutual Association.

The Committee recommends that, in accordance with article 6 of the Convention, these proceedings be completed by the State party as a matter of urgency so as to comply with its obligation to ensure the right to just and adequate reparation and compensation for damage suffered as a result of human rights violations.

- Belarus, CERD, A/59/18 (2004) 50 at paras. 263, 264, 268, 270 and 271.

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263. The Committee draws the attention of the State party to racist and xenophobic incidents in Belarus.

The Committee encourages the State party to continue to monitor all tendencies that give rise to racist and xenophobic behaviour and to combat the negative consequences of such tendencies. The Committee also recommends that the State party intensify its efforts to ensure to everyone within its jurisdiction effective protection and remedies against acts of racial discrimination.

264. The Committee expresses concern over the dissemination of racist, discriminatory and xenophobic, in particular, anti-Semitic propaganda on the Internet, while acknowledging the efforts undertaken by the State party to curtail such phenomena.

While reminding the State party of its obligation to respect the right to freedom of opinion and expression when implementing article 4 of the Convention in the context of the Committee's general recommendation XV, the Committee recommends to the State party that it strengthen its efforts to combat racist propaganda on the Internet....

...

268. While taking note of the legislative provisions providing for the right to effective protection and remedies in the State party, the Committee reiterates its concern over the lack of specific information and statistics on cases where the relevant provisions of domestic legislation concerning racial discrimination were applied.

...The Committee reminds the State party that the mere absence of complaints and legal action by victims of racial discrimination may be largely an indication of the absence of relevant specific legislation, a lack of awareness of the availability of legal remedies, or insufficient will by the authorities to prosecute. It is therefore essential to provide for the relevant provisions in national legislation and to inform the public of the availability of all legal remedies in the field of racial discrimination. The Committee also encourages the State party to continue its efforts to foster independence of the judiciary in the light of the findings of the special rapporteur on the independence of the judges and lawyers following his mission to Belarus in 2001 (see E/CN.4/2001/65/Add.1).

...

270. The Committee again expresses its regret that the State party has not provided sufficient information on measures taken to educate law enforcement officials, members of political parties and media professionals on the provisions of the Convention.

The Committee encourages the State party to expand and strengthen the existing efforts in human rights education beyond the school system in order to promote understanding and tolerance among all racial and ethnic groups in society. In this regard, particular attention should be paid to general recommendation XIII, according to which law enforcement

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officials should receive intensive training to ensure that, in the performance of their duties, they respect and protect the human rights of all persons without distinction as to race, colour or national or ethnic origin.

271. The Committee...expresses concern over the restrictions placed by the authorities on civil society organizations, including organizations working to combat racial discrimination.

The Committee underlines the importance of the role of civil society in the full implementation of the Convention and recommends that the State party remove all legal, practical and administrative obstacles to the free functioning of civil society organizations that contribute to promoting human rights and combating racial discrimination...

- Kazakhstan, CERD, A/59/18 (2004) 54 at paras. 285, 286, 290, 294, 296 and 298.

285. The Committee notes that there is no specific legislation in the State party regarding racial discrimination.

The Committee is of the view that specific domestic law regarding racial discrimination, implementing the provisions of the Convention, as well as a legal definition of racial discrimination that complies with the provisions of the Convention, would be a useful tool to combat racial discrimination in the State party.

286. While taking note of the constitutional and other provisions prohibiting propaganda regarding racial or ethnic superiority, the Committee is concerned about the insufficiency of specific penal provisions concerning article 4 (a) of the Convention in the domestic legislation of the State party.

The Committee recommends that the State party adopt legislation, in the light of the Committee's general recommendation XV, to ensure full and adequate implementation of article 4 (a) of the Convention.

...

290. The Committee notes that the ethnic representation in State institutions does not correspond to the proportion of the different ethnic communities represented in the population of the State party.

The Committee recommends that the State party...adopt practical measures to ensure that ethnic minorities have equal access to those institutions.

...

294. While acknowledging the efforts made by the State party to confront the scourge of terrorism with a national counter-terrorism programme, the Committee is concerned about the lack of information on the impact of this programme on the principle of non-

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discrimination.

The Committee draws the State party's attention to its statement of 8 March 2002 in which it stressed the obligation of States to ensure that measures taken in the struggle against terrorism did not discriminate in purpose or effect on grounds of race, colour, descent, or national or ethnic origin...

...

296. The Committee notes the absence of court cases regarding racial discrimination in the State party and that only two complaints of racial discrimination were brought before the Commission on Human Rights in 2000 and 2001.

The Committee recommends that the State party ensure that the paucity of complaints is not the result of victims' lack of awareness of their rights or limited financial means, or their lack of confidence in the police and the judicial authorities, or to the authorities' lack of attention or sensitivity to cases of racial discrimination. The Committee urges the State party to ensure that appropriate provisions are available in the national legislation regarding effective protection and remedies against violation of the Convention and to disseminate as widely as possible among the public information on the legal remedies available.

...

298. The Committee...expresses concern over the restrictions placed by the authorities on civil society organizations, including organizations working to combat racial discrimination.

The Committee underlines the importance of the role of civil society in the full implementation of the Convention and recommends that the State party remove all legal, practical and administrative obstacles to the free functioning of civil society organizations that contribute to promoting human rights and combating racial discrimination...

- Madagascar, CERD, A/59/18 (2004) 58 at paras. 315, 316, 319, 320 and 322.

315. The Committee notes that there is no definition of racial discrimination in the legal domestic order. It also notes that several laws contain provisions concerning non-discrimination which do not expressly specify race, colour and descent as prohibited grounds.

The Committee recommends that the State party should include a definition of racial discrimination in its legislation, drawing upon the elements contained in article 1 of the Convention. The State party should complete its legislation in order to prohibit racial discrimination in the same way as other forms of discrimination.

316. The Committee notes that incitement to tribal and racial hatred occurs sporadically and that acts of racial violence have been committed against members of the Indian/Pakistani

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community.

The Committee recommends that additional measures be taken to prevent such acts, and that the perpetrators should be brought to justice in accordance with relevant domestic legislation, promulgated pursuant to article 4 of the Convention...

...

319. The Committee notes with concern that some regions of the country are harder hit than others by the low level of economic development, with lower literacy rates and life expectancy in particular, even if the lack of technical and financial resources objectively contributes to these disparities.

The Committee points out that the principle of non-discrimination is not subject to the availability of resources, and calls on the State party to ensure that existing resources are distributed fairly among the various regions of the country. As indirect discrimination is forbidden under the Convention, the Committee draws the attention of the State party to the ethnic dimension that these inequalities could have, and invites it to adopt special measures that could be necessary under article 2, paragraph 2, of the Convention.

320. The Committee regrets that despite the abolition of slavery and the caste system in 1896, discrimination against the descendants of slaves persists.

The Committee recommends that the State party take the necessary steps to put an end to discrimination based on descent, including the steps enumerated in its general recommendation XXIX...

...

322. The Committee recalls that the fact that victims of racial discrimination do not bring cases before the courts may be the result of, *inter alia*, the limited resources available to them, their lack of awareness of their rights, or the authorities' lack of attention or sensitivity to cases of racial discrimination.

The State party should take steps to inform the population about their rights as regards efforts to combat racial discrimination and should make it easier for victims to gain access to justice, in particular through the effective application of a system of legal aid. It should also strengthen training for law enforcement personnel, the legal profession and customary chiefs in this regard.

- Mauritania, CERD, A/59/18 (2004) 61 at paras. 337, 339-344, 350 and 352.

337. The Committee notes that only the Labour Code contains a definition of racial discrimination that is close to the definition given in article 1 of the Convention.

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The State party should incorporate in its domestic law a definition of racial discrimination that is applicable in every sphere of social life and that reproduces all the elements in article 1 of the Convention, including discrimination based on descent.

...

339. The Committee, while taking note of orders No. 91-023 and No. 091-024 of 25 July 1991 on freedom of the press and on political parties, respectively, notes with concern that the State party's legislation does not fully meet the requirements of article 4 of the Convention, in that the provisions of the Criminal Code do not expressly address racial or ethnic discrimination.

The Committee recommends that the State party fill this gap in its legislation, including by providing that racially motivated offences be considered an aggravating circumstance in the commission of an offence.

340. The Committee regrets the lack of information on the implementation of Order No. 091-024 of 25 July 1991, which prohibits political parties from identifying with a race, an ethnic group, a region, a tribe, or a brotherhood. It is concerned at reports that the Order has sometimes been improperly applied to certain political parties.

The Committee recommends that the State party guarantee respect for the freedoms of expression and association in its implementation of article 4 (a) and (b) of the Convention...

341. The Committee remains concerned about allegations concerning the very low proportions of black Moors and black Africans in the army, the police, the administration, Government and other State institutions.

The State party...should in any case ensure that the various sectors of the Mauritanian population are effectively represented in State institutions and that they have equal access to public service.

342. The Committee notes with concern that vestiges of the caste system persist in Mauritania. While welcoming the fact that slavery was abolished by a law dated 9 November 1981, it remains concerned about information on the persistence of slavery-like practices, which constitute serious instances of discrimination based on descent. It is concerned that no implementing orders have been issued subsequent to the 1981 law and that there is no provision in criminal law that expressly punishes slavery.

The Committee draws the State party's attention to its general recommendation XXIX concerning racial discrimination based on descent...It strongly recommends that the State party launch, in cooperation with non-governmental organizations and religious leaders, a wide-ranging information and public-awareness campaign to put an end to slavery-like practices. The State party should ensure that the perpetrators of such practices, which are



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already prohibited by law, are systematically prosecuted in the courts, including in cases where they have seized the property of deceased former slaves.

343. The Committee notes that the information on the adoption of practical measures designed specifically to combat slavery-like practices remains inadequate.

Taking note of the delegation's statement that the anti-poverty programme is helping to eradicate the legacy of slavery, the Committee considers that other actions specifically targeting the populations concerned should be taken. The State party should conduct a study, in cooperation with civil society, to determine the economic and social situation of the descendants of slaves, including how many of them have title to land.

344. The Committee notes with concern that, according to some reports, several thousand black Mauritanian refugees remain in Mali and Senegal. It remains concerned at reports that many of the refugees who have returned to Mauritania have not recovered their property or their jobs.

The Committee recommends that the State party take practical measures to encourage the return of black Mauritanian refugees remaining in Mali and Senegal and their full reintegration into Mauritanian society...

...

350. The Committee notes that no case of racial discrimination has been brought before the national courts and is concerned that victims' opportunities to obtain a remedy are inadequate. It recalls that the fact that victims of racial discrimination do not complain to a court is not necessarily a positive indicator, and can be the result of, *inter alia*, the limited resources available to victims, their lack of awareness of their rights, their lack of confidence in the police and the judicial authorities, or the authorities' lack of attention or sensitivity to cases of racial discrimination.

The Committee recommends, in particular, that the State party conduct an independent and impartial inquiry when allegations of discrimination and slavery-like practices are brought to its attention. The State party should inform the victims of all remedies available to them, facilitate their access to justice, guarantee their right to just and adequate reparation, and publicize the relevant laws.

...

352. The Committee regrets that it did not receive sufficient information on the training of judges, lawyers and law enforcement officers, in particular, training to combat discrimination, including discrimination based on descent, and to combat the vestiges of slavery.

The Committee recommends that the State party adopt a specific strategy in this respect.

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- Portugal, CERD, A/59/18 (2004) 66 at paras. 364-370.

364. The Committee...notes with satisfaction the prohibition, as a result of the fourth revision of the Constitution, of racist organizations (organizations adopting a fascist ideology having already been banned).

365. The Committee notes the absence of statistical data on the ethnic composition of the population owing to the State party's legislation, which prohibits the collection of data and statistics on race and ethnicity.

The Committee is of the opinion that, if progress in eliminating racial discrimination based on race, colour, descent, and national and ethnic origin is to be monitored, some indication is needed of the number of persons who could suffer discrimination on these grounds. The Committee therefore recommends that, in line with paragraph 8 of the reporting guidelines, the State party provide information on the use of mother tongue as indicative of ethnic differences, together with information derived from targeted social surveys performed on a voluntary basis and in full respect of the privacy and anonymity of the individuals concerned.

366. While noting the efforts undertaken by the State party to counter racially motivated violence and discrimination, the Committee continues to be concerned that racially motivated acts and incitement to hatred continue to occur and that intolerance and *de facto* discrimination, in particular towards ethnic minorities, persist. Furthermore, the Committee is concerned about the activities of the National Renovation Party, which targets immigrants in its manifestos and campaigns.

The Committee recommends that the Government pursue and intensify its efforts to eradicate all incitement to, and acts of, racial discrimination. In this respect, in light of its general recommendation XXX, the Committee recommends that the State party introduce in its criminal law a provision to the effect that committing an offence with racist motivation or aim constitutes an aggravating circumstance...

367. The Committee expresses concern about allegations it has received of instances of police misconduct towards ethnic minorities or persons of non-Portuguese origin, including excessive use of force, ill-treatment and violence.

The Committee recommends that the State party investigate thoroughly, impartially and effectively all allegations of ill-treatment, violence or excessive use of force by police officers, bring those responsible to justice and provide adequate remedies and compensation to the victims. Furthermore, in light of its general recommendation XIII, the Committee recommends that the State party continue to provide intensive training to law enforcement officials so as to ensure that in the performance of their duties they respect and protect

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human dignity and maintain and uphold the human rights of all persons without distinction as to race, colour, descent, or national or ethnic origin.

368. The Committee notes that immigrants from Central and Eastern Europe are reportedly more easily accepted and integrated into Portuguese mainstream society than other immigrants, especially Africans. The Committee expresses concern that this phenomenon of “two-speed” integration may result in *de facto* discrimination against certain groups of immigrants.

The Committee recommends that the State party take all possible measures to promote and ensure the enjoyment of equal opportunities to all immigrants in the country, irrespective of their origin.

369. The Committee is concerned about the relative isolation of some groups of immigrants and members of ethnic minorities in marginalized neighbourhoods or areas and their difficult situation in respect of housing conditions.

The Committee encourages the State party to continue taking measures to avoid the marginalization of some groups of immigrants and members of ethnic minorities in ghetto-like neighbourhoods and guarantee the equal enjoyment of the right to adequate housing to all.

370. While the Committee notes the measures taken by the State party to improve the situation of Roma/gypsies, it remains concerned about the difficulties faced by many members of this community in the fields of employment, housing and education, as well as reported cases of discrimination in daily life. The Committee also invites the State party to take more effectively into account, in all programmes and projects planned and implemented and in all measures adopted, the situation of Roma/gypsy women, who are often victims of double discrimination.

The Committee urges the State party to continue taking special measures in accordance with article 2, paragraph 2, of the Convention to ensure the adequate protection of Roma/gypsies and to promote equal opportunities for the full enjoyment of their economic, social and cultural rights.

- Slovakia, CERD, A/59/18 (2004) 70 at paras. 381-384 and 386.

381. The Committee...welcomes:

(a) The amendment to article 127 of the Constitution, introducing a constitutional complaint procedure;

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(b) The entry into force of the Anti-Discrimination Law on 1 July 2004;

(c) Act No. 253/2001 and Act No. 421/2004, amending the Criminal Code by, respectively, adding membership of an ethnic group to the elements of racially motivated crimes and criminalizing offences committed through the Internet;

(d) The numerous activities undertaken by the Government Plenipotentiary for Roma minority affairs in promoting and coordinating programmes and projects aimed at achieving equal status for citizens belonging to the Roma community...

382. While the Committee notes with appreciation the continuous efforts undertaken to combat racial discrimination and related violence, including the setting up of a commission to deal with racially motivated violence and of the Racism and Xenophobia Monitoring Centre, it remains concerned about the occurrence of racially motivated crimes and incidents in the country.

The Committee encourages the State party to continue monitoring all tendencies that may give rise to racist and xenophobic behaviour and to combat the negative consequences of such tendencies. The Committee also recommends that the State party intensify its efforts to ensure to everyone within its jurisdiction effective protection against any act of racial discrimination, as well as the right to seek just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination. In this respect, the State party should ensure that victims of racist crimes are afforded wider access to free legal assistance.

383. The Committee shares the delegation's concern that discriminatory attitudes and feelings of hostility towards members of the Roma community are deep-rooted and widespread throughout the country.

The Committee wishes to recall its general recommendation XXVII on discrimination against Roma and recommends that the State party continue to endeavour, by encouraging a genuine dialogue, to improve relations between Roma communities and non-Roma communities with a view to promoting tolerance and overcoming prejudices and negative stereotypes. The Committee also invites the State party to take more effectively into account, in all programmes and projects planned and implemented and in all measures adopted, the situation of Roma women, who are often victims of double discrimination.

384. While the Committee notes with satisfaction the efforts of the State party in respect of the training of law enforcement officials, it expresses concern about allegations of discriminatory behaviour by the police towards members of minority groups, in particular Roma, including acts of ill-treatment and violence.

The Committee recommends that the State party intensify its action to halt this phenomenon

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and set up an independent monitoring mechanism to carry out investigations into allegations of police misconduct.

...

386. While the Committee recognizes the efforts made in the field of employment - including the recent adoption of the amended Labour Code, which prohibits discrimination in its section 13 - it is alarmed by *de facto* discrimination against Roma as well as by the very high rate of unemployment among members of the Roma community.

The Committee recommends that the legislation prohibiting discrimination in employment and all discriminatory practices in the labour market be fully implemented in practice and that further measures be taken, in particular by focusing on professional training, to reduce unemployment among the Roma community.

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

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

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

- Saint Lucia, CERD, A/59/18 (2004) 86 at para. 452.

452. The Committee is concerned by reports of the alleged inclusion in certain school textbooks of racist passages concerning the Bethechilokono people.

It urges the State party to delete all racist content from school textbooks, to take measures to punish those who make such references, to provide education that will eliminate racial prejudices and to promote understanding and tolerance among different racial and ethnic groups.

- Australia, CERD, A/60/18 (2005) 13 at paras. 29, 32-35, 39, 40, 42 and 45.

29. The Committee, while noting the explanations provided by the delegation, reiterates its

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concern about the absence of any entrenched guarantee against racial discrimination that would override the law of the Commonwealth (Convention, art. 2).

The Committee recommends to the State party that it work towards the inclusion of an entrenched guarantee against racial discrimination in its domestic law.

...

32. The Committee notes that Australia has not withdrawn its reservation to article 4 (a) of the Convention. It notes with concern that the Commonwealth, the State of Tasmania and the Northern Territory have no legislation criminalizing serious acts of racial hatred or incitement to racial hatred.

The Committee reiterates its recommendation that the State party make efforts to adopt appropriate legislation with a view to giving full effect to the provisions of, and to withdrawing its reservation to, article 4 (a) of the Convention...

33. The Committee notes with concern reports that prejudice against Arabs and Muslims in Australia has increased and that the enforcement of counter-terrorism legislation may have an indirect discriminatory effect against Arab and Muslim Australians (arts. 4 and 5).

The Committee welcomes the national consultations on eliminating prejudice against Arab and Muslim Australians...It recommends that the State party increase its efforts to eliminate such prejudice and ensure that enforcement of counter-terrorism legislation does not disproportionately impact on specific ethnic groups and people of other national origins.

34. The Committee is concerned at reports of biased treatment of asylum-seekers by the media (art. 4).

The Committee recommends that the State party take resolute action to counter any tendency to target, stigmatize, stereotype or profile non-citizens, including asylum-seekers, on the basis of race, colour, descent, or national or ethnic origin, especially by the media and the society at large. In this regard, it draws the attention of the State party to its general recommendation XXX on non-citizens.

35. The Committee notes with concern that it has proved difficult for complainants, under the Racial Discrimination Act, to establish racial discrimination in the absence of direct evidence, and that no cases of racial discrimination, as distinct from racial hatred, have been successfully litigated in the Federal courts since 2001 (arts. 4 and 6).

The Committee, having taken note of the explanations provided by the delegation, invites the State party to envisage regulating the burden of proof in civil proceedings involving racial discrimination so that once an alleged victim has established a *prima facie* case that he or she has been a victim of such discrimination, it shall be for the respondent to provide

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evidence of an objective and reasonable justification for differential treatment.

...

39. While noting the improvement in the enjoyment by the indigenous peoples of their economic, social and cultural rights, the Committee is concerned over the wide gap that still exists between the indigenous peoples and others, in particular in the areas of employment, housing, health, education and income (art. 5).

The Committee recommends that the State party intensify its efforts to achieve equality in the enjoyment of rights and allocate adequate resources to programmes aimed at the eradication of disparities. It recommends in particular that decisive steps be taken to ensure that a sufficient number of health professionals provide services to indigenous peoples, and that the State party set up benchmarks for monitoring progress in key areas of indigenous disadvantage.

40. The Committee, having taken note of the explanations provided by the State party, reiterates its concern about provisions for mandatory sentencing in the Criminal Code of Western Australia. The Committee is concerned at reports of the disparate impact of this law on indigenous groups, and reminds the State party that the Convention prohibits direct as well as indirect discrimination (art. 5).

The Committee recommends that the State party take appropriate measures to achieve abrogation of such legislation, following the example of the Northern Territory. The Committee further stresses the role and responsibility of the Federal Government in this regard under the Convention.

...

42. The Committee notes with concern reports of alleged discrimination in the grant of visas against persons from Asian countries and Muslims, and further notes the assurances given by the delegation that no such discrimination occurs (art. 5).

...The Committee reiterates that States parties should ensure that immigration policies do not have the effect of discriminating against persons on the basis of race, colour, descent, or national or ethnic origin.

...

45. The Committee, while acknowledging the efforts undertaken by the State party to achieve reconciliation and having taken note of the 1999 Motion of Reconciliation, is concerned about reports that the State party has rejected most of the recommendations adopted by the Council for Aboriginal Reconciliation in 2000 (art. 6).

The Committee encourages the State party to increase its efforts with a view to ensuring that a meaningful reconciliation is achieved and accepted by the indigenous peoples and the population at large. It reiterates its recommendation that the State party consider the need to address appropriately the harm inflicted by the forced removal of indigenous children.

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- Azerbaijan, CERD, A/60/18 (2005) 18 at paras. 58, 60, 61 and 63-66.

58. The Committee notes the position of the State party that, despite the negative effects of the conflict in the Nagorny-Karabakh region, persons of Armenian origin do not experience discrimination in Azerbaijan. However, the Committee is concerned that, according to reports, incidents of racial discrimination against Armenians occur, and that a majority of the Armenians residing in Azerbaijan prefer to conceal their ethnic identity in order to avoid being discriminated against (Convention, art. 2).

The Committee encourages the State party to continue to monitor all tendencies that give rise to racist and xenophobic behaviour and to combat the negative consequences of such tendencies. In particular, the Committee recommends to the State party that it conduct studies with a view to effectively assessing and evaluating occurrences of racial discrimination, in particular against ethnic Armenians.

...

60. The Committee expresses its concern that asylum-seekers, refugees, stateless persons, displaced persons and long-term residents residing in Azerbaijan experience discrimination in the areas of employment, education, housing and health (art. 5).

The Committee urges the State party to continue taking necessary measures in accordance with article 5 of the Convention to ensure equal opportunities for full enjoyment of their economic, social and cultural rights by asylum-seekers, refugees, stateless persons, displaced persons and long-term residents of Azerbaijan. The Committee...draws the attention of the State party to its general recommendation XXX on discrimination against non-citizens.

61. The Committee observes that, while the State party generally endeavours to comply with the standards of the Convention relating to the Status of Refugees, some asylum-seekers are excluded by the refugee determination procedure of the State party. The Committee is concerned that persons who are not formally recognized as refugees may still require subsidiary forms of protection, given that they are unable to return to their countries for compelling reasons such as existing situations of armed conflict. The Committee also expresses concern about information on cases of *refoulement* of refugees (art. 5 (b)).

The Committee requests the State party to ensure that its asylum procedures do not discriminate in purpose or effect between asylum-seekers on the basis of race, colour or ethnic or national origin, in line with section VI of its general recommendation XXX. The Committee recommends that the State party consider adopting subsidiary forms of protection guaranteeing the right to remain for persons who are not formally recognized as refugees but who may still require protection, and to continue its cooperation with UNHCR. The Committee further recommends that the State party, when proceeding with the return of asylum-seekers to their countries, respect the principle of *non-refoulement*.



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...

63. The Committee notes with concern the State party's explanation that despite the legislative provisions providing for the right to effective protection and remedies, no cases invoking the relevant provisions of the Criminal Code concerning racial discrimination have been brought before the courts (art. 6).

...The Committee reminds the State party that the mere absence of complaints and legal action by victims of racial discrimination may be largely an indication of the absence of relevant specific legislation, a lack of awareness of the availability of legal remedies, or insufficient will by the authorities to prosecute. It is therefore essential to provide for the relevant provisions in national legislation and to inform the public of the availability of all legal remedies in the field of racial discrimination.

64. The Committee regrets the lack of information on measures taken by the State party to enhance better understanding, respect and tolerance among different ethnic groups living in Azerbaijan, in particular, on programmes adopted, if any, to ensure intercultural education (art. 7).

The Committee recommends that the State party adopt measures to promote intercultural understanding and education between ethnic groups...

65. The Committee, while noting the information provided by the delegation, remains of the view that measures taken to educate the public, law enforcement officials, members of political parties and media professionals on the provisions of the Convention could be strengthened (art. 7).

The Committee encourages the State party to expand and strengthen existing efforts regarding human rights education. Furthermore, particular attention should be paid to general recommendation XIII, according to which law enforcement officials should receive specific training to ensure that, in the performance of their duties, they respect and protect the human rights of all persons without distinction as to race, colour, descent or national or ethnic origin.

66. The Committee notes the lack of sufficient information on efforts taken by the State party to involve non-governmental organizations in the preparation of the periodic report and is concerned about the ability of civil society organizations, including organizations working to combat racial discrimination, to operate freely.

The Committee underlines the importance of the role of civil society in the full implementation of the Convention and recommends to the State party that it promote the free functioning of civil society organizations that contribute to promoting human rights and combating racial discrimination. Furthermore, the Committee encourages the State party to

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consult with civil society groups working in the area of combating racial discrimination in the elaboration of its next periodic report.

- Bahrain, CERD, A/60/18 (2005) 22 at paras. 79, 81 and 83-86.

79. The Committee expresses its concern over the representations made by the State party that there is no racial discrimination in Bahrain.

The Committee, considering that no country is free from racial discrimination, reminds the States party that it is required under the Convention to take legislative, judicial, administrative and other measures to give effect to its provisions, even in the apparent absence of racial discrimination.

...

81. The Committee notes that the Basic Law and royal decrees, regulations and codes adopted by the State party merely state the general principle of non-discrimination, which is not a sufficient response to the requirements of the Convention.

The Committee recommends that the State party incorporate in its domestic law a definition of racial discrimination that includes the elements set forth in article 1 of the Convention.

...

83. The Committee is concerned over the lack of integrationist multiracial organizations and movements in the State party and in particular over the banning of the Bahrain Centre for Human Rights.

In the light of article 2 (e) of the Convention, the Committee requests that the State party permit such organizations and movements and create an enabling environment for such organizations, and encourages it to maintain dialogue with all civil society organizations, including those critical of its policies.

84. The Committee remains concerned at the situation of migrant workers, in particular regarding their enjoyment of economic, social and cultural rights.

In light of article 5 (e) (i) and of general recommendation XXX on non-citizens, the Committee urges the State party to take all necessary measures to extend full protection from racial discrimination to all migrant workers and remove obstacles that prevent the enjoyment of economic, social and cultural rights by these workers, notably in the areas of education, housing, employment and health...

85. The Committee is concerned about allegations of substantial prejudice against women migrant domestic workers, in particular those coming from Asia, especially as regards their working conditions, and about the fact that these women do not benefit from the protection

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of the Labour Code.

In light of its general recommendation XXX and of its general recommendation XXV on gender-related dimensions of racial discrimination, the Committee requests the State party to take effective measures to prevent and redress the serious problems commonly faced by female domestic workers, including debt bondage, passport retention, illegal confinement, rape and physical assault, and to report on measures taken for the protection of their rights.

86. The Committee notes with concern the reportedly disparate treatment of and discrimination faced by members of some groups, in particular the Shia, that may be distinguishable by virtue of their tribal or national origin, descent, culture or language; the Committee is especially concerned about apparently disparate opportunities that are afforded to such groups.

The Committee recommends that the State party ensure that everyone, without distinction as to race, colour, or national or ethnic origin, enjoys the rights to work and to health and social security, adequate housing and education in accordance with article 5 (e) (i), (iii), (iv) and (v) of the Convention.

- France, CERD, A/60/18 (2005) 26 at paras. 98, 100, 106, 111, 113, 115, 117 and 119.

98. The Committee welcomes the measures taken to prevent the spread of racist messages on the Internet, in particular the adoption of the Act of 21 June 2004.

...

100. The Committee also welcomes the fact that, since the adoption of its ruling dated 1 June 2002, the Criminal Division of the Court of Cassation has allowed the practice of discrimination testing as a form of evidence in the area of racial discrimination, and encourages the State party to promote more frequent recourse to it.

...

106. While taking note of the Act of 1 August 2003 on general principles and planning for cities and urban renewal, the Committee remains concerned at the unfavourable situation faced by immigrants and population groups of immigrant origin in the field of housing.

The Committee calls on the State party to strengthen its policy for the integration of immigrants and population groups of immigrant origin, especially in the field of housing, and draws its attention to the Committee's general recommendation XIX on article 3 of the Convention and general recommendation XXX on discrimination against non-citizens. The Committee invites the State party to follow the recommendations in this area as set out in the report of the Court of Audit...

...

111. The Committee shares the concerns expressed by the delegation relating to the increase

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in racist, anti-Semitic and xenophobic acts.

The Committee encourages the State party to apply more effectively the existing provisions designed to combat such acts; to grant adequate compensation to victims; to create greater awareness on the part of law enforcement personnel; and to step up its efforts in the field of education and training of teachers in tolerance and cultural diversity.

...

113. While the Committee views as encouraging the efforts being made by the State party to create awareness among members of the security forces and other public officials of efforts to combat discrimination, it is concerned at allegations of persistent discriminatory behaviour towards the members of certain ethnic groups on the part of such personnel.

The Committee recommends to the State party that it should take the necessary preventive measures to halt racist incidents involving members of the security forces. It should also ensure that impartial investigations are carried out into all these complaints, and that any punishments imposed are proportionate to the gravity of the acts committed.

...

115. While the Committee notes the State party's efforts to transpose into domestic law European Council directive 2000/43/CE of 29 June 2000, implementing the principle of equal treatment between persons irrespective of their racial or ethnic origin, it is concerned at the fact that the concept of indirect discrimination is applied only in matters of employment and housing.

The Committee recommends to the State party that it should take all necessary legislative steps to ensure the general application of the concept of indirect discrimination.

...

117. The Committee notes shortcomings in the teaching of the languages of certain ethnic groups - particularly Arabic, Amazigh or Kurdish - in the education system.

The Committee encourages the State party to promote the teaching of the languages of these groups in the education system, as proposed by the Stasi Commission in its report.

...

119. The Committee recommends to the State party that it should widely distribute information on available domestic remedies against acts of racial discrimination, the legal means available for obtaining compensation in the event of discrimination, and the procedure governing individual complaints under article 14 of the Convention, which France has accepted.

- Ireland, CERD, A/60/18 (2005) 30 at paras. 135, 140-142 and 144.

135. While noting the continuous efforts undertaken by the State party to combat racial

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discrimination and related intolerance, the Committee remains concerned that racist and xenophobic incidents and discriminatory attitudes towards ethnic minorities are still encountered in the country (art. 2).

The Committee encourages the State party to continue to combat prejudice and xenophobic stereotyping, especially in the media, and fight prejudice and discriminatory attitudes. In this context, the Committee recommends that the State party introduce in its criminal law a provision that makes committing an offence with a racist motivation or aim an aggravating circumstance allowing for a more severe punishment.

...

140. The Committee notes the reported occurrence of discriminatory treatment against foreign nationals entering Ireland during security checks at airports (art. 5).

The Committee encourages the State party to review its security procedures and practices at entry points with a view to ensuring that they are carried out in a non-discriminatory manner.

141. While welcoming the efforts of the State party with regard to the human rights training of the national police force, the establishment of a Garda Racial and Intercultural Office and the appointment of Garda Ethnic Liaison Officers, the Committee expresses concern about allegations of discriminatory behaviour by the police towards members of minority groups and regrets that data on complaints of racial discrimination against the police have not been provided in the report (arts. 5 (b) and 6).

The Committee...recommends that the State party intensify its sensitization efforts among law enforcement officials, including the setting up of an effective monitoring mechanism to carry out investigations into allegations of racially motivated police misconduct.

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

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

...

144. Recalling its general recommendation VIII on the principle of self-identification, the

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Committee expresses concern at the State party's position with regard to the recognition of Travellers as an ethnic group. The Committee is of the view that the recognition of Travellers as an ethnic group has important implications under the Convention (arts. 1 and 5).

Welcoming the open position of the State party in this respect, the Committee encourages the State party to work more concretely towards recognizing the Traveller community as an ethnic group.

- Lao People's Democratic Republic, CERD, A/60/18 (2005) 35 at paras. 163, 166-172, 175 and 176 .

163. The Committee notes with concern that the Convention is not incorporated in domestic legislation and that the question of its rank in the internal legal order has not been settled (art. 2).

The Committee invites the State party to take the necessary steps to ensure the effective application of the Convention in domestic law.

...

166. The Committee notes the absence of legislative provisions criminalizing acts of violence and incitement to violence on racial grounds.

The Committee invites the State party to adopt legislation to fully implement the provisions of article 4 of the Convention.

167. The Committee takes note of the statement by the State party that racial discrimination does not exist in its territory and understands the State party to mean by that statement that it does not engage in systematic discrimination.

The Committee recalls its customary reservations regarding a general declaration of this nature, since, in its opinion, no State party is free from racial discrimination in its territory.

168. The Committee notes that, as the State party has acknowledged, poverty strikes the ethnic groups in the remotest areas hardest (arts. 2 and 5).

The Committee recalls that the Convention prohibits not only intentional and systematic acts of racial discrimination but also discrimination that is not the direct result of a deliberate effort by the Government to prevent part of its population from enjoying its rights. In the Committee's view, the low level of economic, social and cultural development of certain ethnic groups as compared with the rest of the population might be an indication of *de facto* discrimination. It therefore recommends to the State party that it conduct studies with a view

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to assessing and evaluating in concrete terms the extent to which racial discrimination exists in the country and to ascertain its principal causes...

169. The Committee takes note of the delegation's explanations regarding the reluctance of the authorities to classify ethnic groups in the Lao People's Democratic Republic as minorities or indigenous peoples (arts. 1, 2 and 5).

The Committee recommends to the State party that it recognize the rights of persons belonging to minorities and indigenous peoples as set out in international law, regardless of the name given to such groups in domestic law. It invites the State party to take into consideration the way in which the groups concerned perceive and define themselves. The Committee recalls that the principle of non-discrimination requires that the specific characteristics of ethnic, cultural and religious groups be taken into consideration.

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

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

171. The Committee notes with concern that, according to certain reports, a major obstacle to the education and vocational training of persons belonging to ethnic groups is the fact that education is provided only in Lao. Language barriers are also apparently responsible for the many problems encountered in obtaining access to social services (art. 5).

The Committee recommends to the State party that it take all possible measures to ensure that persons belonging to ethnic groups receive education and vocational training in their mother tongue and that it increase its efforts to ensure that they learn Lao.

172. The Committee is disturbed by reports of the infringement of the freedom of religion of members of religious minorities, in particular Christians, who are also often members of ethnic minorities.

The Committee recommends to the State party that it ensure that all persons enjoy their right

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to freedom of thought, conscience and religion, without discrimination, in accordance with article 5, subparagraph (d), of the Convention.

...

175. The Committee notes the statement by the State party that there have been no complaints or judicial decisions relating to racial discrimination (art. 6).

The Committee calls upon the State party to investigate this situation in order to determine whether it is due to the absence of legal remedies for combating racial discrimination, an incomplete understanding by victims of their rights, the fear of reprisals, a lack of confidence in the police and justice officials, or a lack of attention or awareness on the part of these authorities in matters involving racial discrimination.

176. The Committee notes with concern that the State party claims that it is unable to introduce human rights education programmes in schools. It is also concerned at reports that law enforcement officials continue to have minimal awareness of human rights issues as set out in the law, the Constitution and international instruments (art. 7).

The Committee recommends to the State party that it introduce, if necessary with the assistance of the international community, education programmes in schools on human rights and combating racial discrimination, and that it increase its efforts to provide training to law enforcement officials.

- Luxembourg, CERD, A/60/18 (2005) 40 at paras. 186, 187, 191, 194-198 and 200.

186. The Committee welcomes the Act of 19 July 1997, which supplements the Criminal Code by making racism a more serious offence and criminalizing revisionism and other acts based on discrimination.

187. The Committee notes with satisfaction the current incorporation into Luxembourg law of Council Directive 2000/43/CE of 19 June 2000, implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and establishing a general framework for equal treatment in employment and occupation.

...

191. The Committee commends the establishment of an Advisory Commission on Human Rights, a Complaints Office within the Permanent Special Commission against Racial Discrimination, advisory commissions for foreigners in the communes, and the appointment of an ombudsman.

...

194. While noting the State party's efforts to tighten up its laws and strengthen its institutions combating racial discrimination, the Committee notes that racist and xenophobic incidents, in particular against Arabs and Muslims, and discriminatory attitudes towards



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ethnic minorities are still encountered.

The Committee encourages the State party to continue to combat prejudice and xenophobic stereotypes, in the media especially, and fight prejudice and discriminatory attitudes. It recommends that the authorities adopt a strategy for making the public at large better aware of the existence and purpose of the institutions established to combat racial discrimination.

195. The Committee is concerned at the fact that racist and xenophobic propaganda is to be found on Internet sites.

The Committee encourages the State party to combat this contemporary form of racial discrimination, which is covered by the principles of the Convention... It also suggests that the State party ratify the Council of Europe Convention on Cybercrime and its Additional Protocol concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems.

196. The Committee notes with satisfaction the efforts made by the State party to combat offences motivated by racial hatred. It also welcomes the bill reversing the burden of proof in civil cases in favour of victims of racial discrimination. However, it notes that prosecutions in this area have been few in number.

The Committee encourages the State party to ensure that prosecutors and magistrates do prosecute racist offences under the relevant criminal laws, and apply the requisite criminal penalties. It also suggests that racist motives should be defined as a general aggravating circumstance for offences, and that derogations to the ban on discrimination such as those currently allowed under article 457-5 of the Criminal Code should be limited...

197. While noting the action taken in response to the requirements of article 4 of the Convention, the Committee observes that the State party still upholds its interpretation of that article, *viz.* that criminal acts committed by members or supporters of a racist organization may be prohibited or punished by law, but not the existence of, or participation in, racist organizations.

The Committee draws the State party's attention to its general recommendation XV, according to which all provisions of article 4 of the Convention are of a mandatory character, including declaring illegal and prohibiting any organization promoting or inciting discrimination, as well as recognizing participation in such an organization as an offence punishable by law. Accordingly, the Committee recommends that the State party reconsider its position.

198. While recognizing the steps taken by the State party to combat racial discrimination, the Committee notes that certain vulnerable groups, such as non-nationals, refugees and

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asylum-seekers, are not afforded sufficient protection.

In the light of its general recommendation XXX, the Committee proposes action specifically to guarantee the equal enjoyment of the right to adequate housing for citizens and non-citizens, especially by avoiding segregation in housing and ensuring that housing agencies refrain from engaging in discriminatory practices.

...

200. The Committee is concerned at allegations of discriminatory or vexatious conduct towards non-nationals on the part of officials working in various national or local authorities.

While aware of the information provided by the State party about human rights training for State employees, the Committee encourages the State party to include within the training a specific focus on the problems of racism and discrimination, and to ensure that all officials who come into contact with minority groups receive training of this type.

- Barbados, CERD, A/60/18 (2005) 43 at paras. 211, 213, 215-217, 219 and 220.

211. The Committee...notes with satisfaction the pilot education programme which has included African Heritage Studies, Citizenry, Family life and conversational foreign languages in several primary and secondary schools.

...

213. While welcoming the recommendation of the Constitutional Review Commission that gender be included in the Constitution as a ground for non-discrimination and the establishment of a Constitution Committee which has begun redrafting the Constitution with the intention of, *inter alia*, including a definition of racial discrimination which would protect individuals against discriminatory actions by private persons and entities, the Committee is concerned about the lack of a legal definition of racial discrimination in line with article 1 of the Convention in its domestic legislation.

The Committee recommends to the State party that it adopt a definition of racial discrimination that includes the elements contained in article 1 of the Convention.

...

215. The Committee is concerned over the lack of social movements that promote integrationist multiracial values in the State party and in particular that the report was not made more widely available to civil society before it was submitted.

In the light of article 2 (e) of the Convention, the Committee requests that the State party create an enabling environment for integrationist multiracial organizations, and encourages the State party to maintain dialogue with civil society organizations.

216. The Committee expresses concern at the “invisible crypto-racism” mentioned in the

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report which arises as a result of the separation of black and white communities and which is rooted in social relations at the interpersonal level.

The Committee reminds the State party of its general recommendation XIX according to which *de facto* racial segregation can arise without any initiative or direct involvement by the public authorities. The Committee thus encourages the State party to monitor all trends which can give rise to such segregation, to work for the eradication of any negative consequences that ensue...

217. The Committee notes with concern that, due to its general character, paragraph 1 of the reservation by the State party affects the application of a number of provisions of the Convention, in particular articles 2, 4, 5 and 6. Furthermore, paragraph 2 of the reservation restricts the interpretation of a key provision for the effective application of the Convention, namely article 4.

The Committee recommends that the State party consider withdrawing its reservation and enact legislation to give full effect to article 4 of the Convention, as well as to provide for effective remedies according to article 6.

...

219. While taking note of the State party's observation that education in Barbados is "socially guaranteed", the Committee expresses concern that the right to education as well as other economic and social rights are not adequately protected in domestic law.

The Committee recommends to the State party that it ensure equal enjoyment of economic and social rights including the right to education contained in article 5 (e) of the Convention.

220. The Committee expresses concern at the closure of the Centre for Multiethnic Studies at the Barbados campus of the University of the West Indies which was tasked to research race and ethnicity in the Caribbean.

The Committee encourages the State party to consider reopening the Centre.

- Georgia, CERD, A/60/18 (2005) 46 at paras. 239, 245, 246 and 250.

239. While taking note of the introduction of section 1 of article 142 of the Criminal Code regarding acts of racial discrimination, the Committee is concerned over the insufficiency of specific penal provisions implementing article 4 (a) and (b) of the Convention in the domestic legislation of the State party (art. 4).

The Committee recommends that the State party adopt legislation, in the light of its general recommendation XV, to ensure a full and adequate implementation of article 4 (a) and (b)

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of the Convention in its domestic legislation, in particular declaring an offence punishable by law the dissemination of ideas based on racial superiority or hatred and any assistance to racist activities, including financing, as well as declaring illegal organizations and propaganda activities which promote and incite racial discrimination and recognizing, as an offence punishable by law, participation in such organizations or activities.

...

245. While noting the new legal measures adopted regarding refugees, the Committee remains concerned that some refugees and asylum-seekers of particular ethnicities have been forcibly returned to countries where there are substantial grounds for believing that they may suffer serious human rights violations (art. 5).

The Committee recommends...urges the State party to ensure, in accordance with article 5 (b) of the Convention, that no refugees are forcibly returned to a country where there are substantial grounds for believing that they may suffer serious human rights violations. The Committee encourages the State party to ratify the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.

246. Religious questions are of relevance to the Committee when they are linked with issues of ethnicity and racial discrimination. In this connection, and while acknowledging the effort made by the State party to fight ethno-religious violence, the Committee remains concerned about the situation of ethno-religious minorities, such as the Yezidi-Kurds (art. 5).

The Committee recommends that the State party...adopt the bill on freedom of conscience and religion designed to protect those minorities against discrimination and, in particular, against acts of violence.

...

250. While noting with appreciation that the Convention may be invoked directly before the national courts, the Committee notes the lack of information on complaints of racial discrimination, the absence of court cases regarding racial discrimination in the State party and the need for further dissemination of the Convention amongst State authorities (arts. 6 and 7).

The Committee recommends that the State party ensure that the lack of court cases on racial discrimination is not the result of victims' lack of awareness of their rights or limited financial means, individuals' lack of confidence in the police and judicial authorities, or the authorities' lack of attention or sensitivity to cases of racial discrimination. The Committee urges that the State party ensure that appropriate provisions are available in national legislation regarding effective protection and remedies against violation of the Convention and disseminate to the public information on the legal remedies available against those violations as widely as possible. Further, the Committee also recommends that the State party take measures to sensitize police and judicial officers about the Convention.

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- Iceland, CERD, A/60/18 (2005) 51 at paras. 261, 264, 265, 269 and 272.

261. The Committee notes with appreciation that the Supreme Court of Iceland, in a judgement dated April 2002, confirmed the conviction of an individual under article 233 (a) of the General Penal Code for having publicly assaulted a group of people on account of their nationality, colour and race.

...

264. While recognizing that there are no serious social conflicts within Icelandic society, the Committee nevertheless considers that the State party should adopt a more proactive approach in preventing racial discrimination or related intolerance (art. 2).

The Committee recalls that the notion of prevention is inherent in many provisions of the Convention and encourages the State party to take direct measures to prevent racial discrimination in all spheres of life and, to that effect, consider the possibility of adopting comprehensive anti-discrimination legislation providing, *inter alia*, for effective remedies against racial discrimination in civil and administrative proceedings.

265. The Committee notes that direct funding for the Icelandic Human Rights Centre has been cut in the national budget for 2005 and that funds previously earmarked for the Centre have been reallocated to human rights projects in general (art. 2, para. 1 (e)).

The Committee invites the State party to maintain its level of cooperation with non-governmental organizations combating racial discrimination, including helping to ensure the adequate funding and independence of such organizations, bearing in mind that, according to article 2, paragraph 1 (e), of the Convention, each State party undertakes to encourage, where appropriate, integrationist multiracial organizations and movements.

...

269. The Committee is concerned at reported cases where access to public places such as bars, discotheques, etc. has been denied on racist grounds, and notes the absence of court judgements under article 180 of the General Penal Code prohibiting such discriminatory acts (art. 5 (f)).

The Committee recalls the right of all individuals to access public places without discrimination and recommends that the State party regulate the burden of proof in civil proceedings involving denial of access to public places based on race, colour, descent, and national or ethnic origin so that once an individual has established a *prima facie* case that he or she has been a victim of such denial, it shall be for the respondent to provide evidence of an objective and reasonable justification for the differential treatment.

...

272. The Committee encourages the State party to consider ratifying the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness and

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to complete the ratification process of the Additional Protocol to the Convention on cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems.

- Nigeria, CERD, A/60/18 (2005) 54 at paras. 282, 285, 287, 289-295, 299 and 300.

282. The Committee welcomes the establishment of the National Inter-religious Council and of the Institute for Peace and Conflict to promote inter-ethnic, intercommunal and interreligious harmony...

...

285. While noting the concerns of the State party that identification of its population by ethnicity or religion may lead to national disunity, the Committee is concerned that the State party has submitted no precise figures on the ethnic composition of the population, and points out that such information is necessary to assess how the Convention is applied in practice.

The Committee invites the State party to complete the next census as soon as possible and to include indicators disaggregated by ethnicity, religion and gender on the basis of voluntary self-identification, which will make it possible to determine the situation of groups falling within the definition of article 1 of the Convention. In this connection, the Committee draws the attention of the State party to its general recommendation IV (1973) on reporting by States, as well as to paragraph 8 of its reporting guidelines.

...

287. The Committee regrets the paucity of information in the State party's report on the rights of non-citizens temporarily or permanently residing in Nigeria, including refugees, stateless persons, displaced persons and migrant workers. Furthermore, the Committee notes that the guarantees against racial discrimination contained in section 42 of the Constitution do not extend to non-citizens (arts. 1 and 2).

In the context of the current constitutional review and the drafting of an Anti-Discrimination Bill by the Parliament, the Committee invites the State party to consider extending the scope of its domestic legislation so as to protect non-citizens from racial discrimination... In this regard, the Committee draws the attention of the State party to its general recommendation XXX (2004) on non-citizens.

...

289. The Committee is seriously concerned that despite attempts to foster national unity, prejudices and feelings of hostility among some ethnic groups persist in Nigeria, including active discrimination by people who consider themselves to be the original inhabitants of their region against settlers from other states. The Committee is particularly concerned at the persistence of inter-ethnic, intercommunal and interreligious violence in the country stemming from these hostile sentiments as well as at disputes over commercial interests and

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resource control, which have claimed thousands of lives and led to the displacement of a significant proportion of the population (art. 2).

The Committee encourages the State party to continue monitoring all initiatives and tendencies that may give rise to racist and xenophobic behaviour, and to combat the negative consequences of such tendencies. The Committee recommends that the State party carefully monitor the negative impact of its efforts to promote national unity through regional and state action and, in particular, the effects on relations between and among ethno-religious groups. The Committee recommends that the State party endeavour, by encouraging genuine dialogue, to improve relations between different ethnic and religious communities with a view to promoting tolerance and overcoming prejudices and negative stereotypes. It invites the State party to conduct studies with a view to effectively assessing and evaluating occurrences of racial discrimination.

290. While noting that the 1958 Osu Abolition Law legally abolished work- and descent-based discrimination, the Committee remains concerned about persistent allegations that members of the Osu and other similar communities are still subjected to social exclusion, segregation and mistreatment, as well as discrimination in employment and marriage (arts. 2, 3 and 5).

The Committee draws the State party's attention to its general recommendation XXIX (2002) concerning racial discrimination based on descent...It strongly recommends that the State party develop, in cooperation with non-governmental organizations and religious leaders, effective programmes to prevent, prohibit and eliminate private and public practices that constitute segregation of any kind, including a wide-ranging information and public-awareness campaign to put an end to these practices.

291. The Committee expresses deep concern about numerous reports of ill-treatment, use of excessive force and extrajudicial killings as well as arbitrary arrests and detentions by law enforcement officials in attempts to quell incidents of intercommunal, inter-ethnic and interreligious violence. The Committee is particularly disturbed at reports of serious acts of violence targeting members of particular ethnic groups in reprisal for attacks on security forces, including the October 2001 incident in Benue State. While the Committee takes note of the establishment of numerous bodies to investigate these incidents, including panels of enquiry, it is concerned that most of the investigations have failed to produce prosecutions and sentences commensurate with the gravity of the crimes committed, leading to the appearance of impunity (arts. 2, 4 and 5).

The Committee recommends that the State party intensify its action to halt this phenomenon and requests that it submit detailed information about the number of persons who died and their ethnic affiliations, the prosecution of persons in relation to these events, and the sentences, if any, that were pronounced. The Committee urges the State party to make

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public the results of all investigations previously announced in response to these events and to sanction those responsible.

292. The Committee expresses concern about the absence of an explicit penal provision in the State party's legislation prohibiting organizations and propaganda activities that advocate racial hatred, as required by article 4 (b) of the Convention (art. 4).

In the light of its general recommendation XXX (2004), the Committee recommends that the State party introduce in its criminal law a provision to the effect that committing an offence with racist motivation or aim constitutes an aggravating circumstance...

293. The Committee is concerned about the persistence of discrimination against persons belonging to various ethnic groups in the fields of employment, housing and education, including discriminatory practices by people who consider themselves to be the original inhabitants of their region against settlers from other states. While noting the efforts taken by the State party to improve the representation of different ethnic groups in the public service, most notably by the Federal Character Commission, the Committee remains concerned about the reports of continuing practices of patronage and traditional linkages based on ethnic origin, leading to the marginalization of certain ethnic groups in Government, legislative bodies and the judiciary (arts. 2 and 5).

The Committee recommends that the State party continue to promote equal opportunities for all persons without discrimination in order to ensure their full enjoyment of their rights, in accordance with article 2, paragraph 2, and article 5 of the Convention. In this connection, the Committee urges the State party to strengthen its Affirmative Action Plans in favour of underrepresented or marginalized groups, including women, in its employment policies with regard to the public service...

294. The Committee is deeply concerned about the adverse effects on the environment of ethnic communities through large-scale exploitation of natural resources in the Delta Region and other River States, in particular, the Ogoni areas. It is concerned at the State party's failure to engage in meaningful consultation with the concerned communities, and about the deleterious effects of the oil production activities on the local infrastructure, economy, health and education. In this regard, the Committee also notes with concern that the Land Use Act of 1978 and the Petroleum Decree of 1969 are contrary to the provisions of the Convention. Furthermore, the Committee is alarmed at the reports of assaults, use of excessive force, summary executions and other abuses against members of local communities by law enforcement officers as well as by security personnel employed by petroleum corporations (arts. 2 and 5).

In the light of general recommendation XXIII (1997) on the rights of indigenous peoples, the Committee urges the State party to take urgent measures to combat "environmental



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racism” and degradation. In particular, it recommends that the State party repeal the Land Use Act of 1978 and the Petroleum Decree of 1969 and the adoption of a legislative framework which clearly sets forth the broad principles governing the exploitation of the land, including the obligation to abide by strict environmental standards as well as fair and equitable revenue distribution. The Committee reiterates that along with the right to exploit natural resources there are specific, concomitant obligations towards the local population, including effective and meaningful consultation. It further urges the State party to conduct full and impartial investigations of cases of alleged human rights violations by law enforcement officials and by private security personnel, institute proceedings against perpetrators and provide adequate redress to victims and/or their families.

295. In the light of the “intersectionality” of ethnic and religious discrimination, the Committee remains concerned that members of ethnic communities of the Muslim faith, in particular, Muslim women, can be subjected to harsher sentences than other Nigerians. While noting the explanations provided by the delegation that all persons have the freedom to make their own choice with regard to the application of statutory, customary or religious law, the Committee notes that concerned persons may not necessarily be in a position to exercise individual choice in the matter (art. 5 (a)).

The Committee reminds the State party that all persons shall have the right to equal treatment before the courts and all other organs administering justice, and draws the attention of the State party to its general recommendation XXV (2000) on gender-related dimensions of racial discrimination.

...

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

The Committee recommends that the State party strengthen measures to promote understanding, tolerance and friendship between ethnic groups, including comprehensive public education campaigns and intercultural education in school curricula...

300. The Committee, while noting the information provided by the delegation, reiterates its previous concern that measures taken to educate the public, law enforcement officials, members of political parties and media professionals on the provisions of the Convention remain insufficient (art. 7).

The Committee encourages the State party to expand and strengthen existing efforts regarding human rights education. Furthermore, particular attention should be paid to general recommendation XIII (1993), according to which law enforcement officials should receive specific training to ensure that, in the performance of their duties, they respect and

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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.

- Turkmenistan, CERD, A/60/18 (2005) 61 at paras. 309, 315, 317-320, 322-324, 326, 327 and 333.

309. The Committee notes with deep concern the major contradictions between, on the one hand, consistent information from both intergovernmental and non-governmental sources relating to the existence of grave violations of the Convention in Turkmenistan, and, on the other hand, the sometimes categorical denials by the State party. The Committee stresses that the consideration of reports is designed to institute a constructive and sincere dialogue, and encourages the State party to increase its efforts to that end.

...

315. The Committee notes with concern the lack of consistent data relating to the ethnic composition of the population. It notes that the proportion of national and ethnic minorities in Turkmenistan seems to have significantly diminished between 1995 and 2005, but finds it difficult to interpret these figures, which may have resulted, at the same time, from an assimilation policy conducted by the State party, the emigration of many members of minority groups, and the alleged distortion of statistics by the State party so as to diminish the importance of minorities on its territory.

The Committee requests the State party to provide consistent information on the ethnic composition of its population.

...

317. The Committee is deeply concerned about reported instances of hate speech against national and ethnic minorities, including statements attributed to high-ranking government officials and public figures supporting an approach to Turkmen ethnic purity, which is reported to have a significant detrimental impact on the population given the severe restrictions on freedoms of opinion and expression impeding opposition to such discourses. The Committee is further concerned that such speech is inconsistent with the fundamental principle of racial and ethnic equality underlying the Convention (art. 4).

The Committee urges the State party to abide by its obligation under article 4 (c) of the Convention not to permit public authorities or public institutions, national or local, to promote or incite racial discrimination...

318. The Committee is deeply concerned by consistent information relating to the policy of “Turkmenization” conducted by the State party, and implemented through various measures in the field of employment, education and political life (arts. 2 and 5).

The Committee recalls that policies of forced assimilation amount to racial discrimination

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and constitute grave violations of the Convention. It urges the State party to respect and protect the existence and cultural identity of all national and ethnic minorities within its territory. The Committee wishes to receive detailed information on the measures adopted to that end, including those aimed at addressing the situation of the Baluchi minority, the existence of which as a distinct cultural community is reported to be at risk.

319. The Committee is concerned that, according to some information, and in the light of paragraph 2(e) of General Assembly resolution 59/206 of 22 December 2004, national and ethnic minorities face severe restrictions on their participation in the labour force, in particular in public sector employment. It is particularly disturbed about reports relating to the removal of many non-ethnic Turkmen from State employment and to “third generation tests” imposed on persons wishing to access higher education and public sector employment (arts. 2 and 5).

The Committee invites the State party to verify whether “third generation tests” exist and to ensure the right to work without discrimination based on national or ethnic origin...

320. The Committee notes with deep concern information that the State party has internally forcibly displaced populations, targeting in particular ethnic Uzbeks, to inhospitable parts of Turkmenistan. It is further concerned about reported restrictions on freedom of movement imposed through internal travel documents and special permits to travel to internal border regions, which have a particular impact on persons belonging to national and ethnic minorities (arts. 2 and 5).

The Committee requests the State party not to forcibly displace populations and to re-examine its policy in this regard...The Committee further recommends to the State party that it lift restrictions on freedom of movement having a disproportionate impact on members of national minorities.

...

322. The Committee notes that, in 2003, the bilateral agreement between the Russian Federation and Turkmenistan on dual citizenship was repealed by the State party. It notes with concern that persons who chose Russian citizenship were allegedly required to leave the country rapidly (arts. 2 and 5).

The Committee, stressing that deprivation of citizenship on the basis of national or ethnic origin is a breach of the obligation to ensure non-discriminatory enjoyment of the right to nationality, urges the State party to refrain from adopting any policy that directly or indirectly leads to such deprivation. The Committee draws the attention of the State party to its general recommendation XXX on non-citizens...

323. The Committee, while stressing the complex relationship between ethnicity and religion in Turkmenistan, notes with concern information that members of religious groups

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do not fully enjoy their rights to freedom of religion and that some religious confessions remain unregistered. It notes, however, the relaxation of registration rules in 2004.

The Committee recalls the State party's obligation to ensure that all persons enjoy their right to freedom of religion, without any discrimination based on national or ethnic origin, in accordance with article 5 (d) of the Convention. The State party should accordingly respect the right of members of registered and unregistered religions to freely exercise their freedom of religion, and register religious groups who wish to be registered...

324. The Committee appreciates the announcement made by the State party that it will grant citizenship to about 16,000 refugees who have been residing in Turkmenistan for some years, and permanent resident status to 3,000 other refugees (art. 5).

The Committee encourages the State party to continue the naturalization process without discrimination based on ethnic origin. It recommends, in particular, that the same treatment be granted to refugees of Turkmen, Uzbek, or other ethnic origin such as those coming from Afghanistan...

...

326. The Committee notes that the "Ruhnama" reportedly dominates the school curriculum in Turkmenistan. The Committee is concerned about the content of this text, and would appreciate receiving a copy (art. 7).

The Committee recommends that the State party ensure that school curricula foster understanding, tolerance, and friendship among nations and ethnic groups.

327. The Committee notes that, since independence, no case of racial discrimination has been referred to the courts. According to some information, members of national and ethnic minorities who suffer racial discrimination do not complain to courts because they fear reprisals and lack confidence in the police and the judicial authorities, and because of the authorities' lack of impartiality and of sensitivity to cases of racial discrimination (art. 6).

The Committee recommends to the State party that it inform victims of their rights, including remedies available to them, facilitate their access to justice, guarantee their right to just and adequate reparation, and publicize the relevant laws. The State party should ensure that its competent authorities proceed to a prompt and impartial investigation on complaints of racial discrimination, or whenever there are reasonable grounds to believe that racial discrimination has been committed on its territory. Judges and lawyers, as well as law enforcement personnel, should be trained accordingly.

...

333. The Committee invites the State party to take advantage of the technical assistance available under the advisory services and technical assistance programme of the Office of the United Nations High Commissioner for Human Rights for the purpose of reviewing its

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laws and policies in a way that addresses the Committee's concerns set out above. In view of the situation in Turkmenistan, the Committee strongly recommends to the State party that it extend an invitation to the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to visit its territory.

- United Republic of Tanzania, CERD, A/60/18 (2005) 67 at paras. 345, 346, 356 and 357.

345. While noting that article 13 of the Constitution prohibits racial discrimination and that article 9 of the Constitution ensures that State organs must ensure equality, the Committee is concerned about the absence of specific legislation on racial discrimination in the State party (arts. 1 and 2).

The Committee recommends that the State party adopt specific legislation on racial discrimination implementing the provisions of the Convention, including a legal definition of racial discrimination in line with article 1 of the Convention.

346. Bearing in mind that the State party has a dualist legal system, the Committee remains concerned about the fact that the Convention has not been incorporated in domestic law and that the position as to its direct applicability in the State party is unclear (art. 2).

The Committee strongly recommends that the State party envisage incorporating the Convention into its domestic legal order.

...

356. The Committee regrets the insufficiency of detailed information regarding the independence, competencies and effectiveness of the Commission for Human Rights and Good Governance. The Committee notes that, since the establishment of the Ombudsman in 1966, no complaints about racial discrimination have been brought to this institution (art. 6).

The Committee recommends...that the State party widely disseminate information on the existence of this institution, especially on its capacity to investigate violations of human rights.

357. The Committee notes the lack of information on complaints of racial discrimination and the absence of court cases regarding racial discrimination (arts. 6 and 7).

The Committee recalls that the absence of cases may be due to the victims' lack of information about the existing remedies, and therefore recommends that the State party ensure that appropriate provisions are available in national legislation regarding effective protection and remedies against violation of the Convention and that the public at large is appropriately informed about their rights and the legal remedies available against their

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violation...

- Venezuela (Bolivarian Republic of), CERD, A/60/18 (2005) 71 at paras. 366, 367, 372, 374, 375, 377, 379 and 380.

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

367. The Committee notes with satisfaction that federal and State legislation recently adopted by the State party follows the basic principles of the Constitution and builds on its guarantees of racial and ethnic non-discrimination.

...

372. The Committee welcomes the fact that article 31 of the Constitution recognizes the right to address petitions to the international human rights treaty bodies, and that in 2003 the State party made the optional declaration provided for in article 14 of the Convention thus responding to a request of the Committee, and hopes that the public is being appropriately informed about the possibilities and procedures under the mentioned article of the Convention.

...

374. The Committee notes with satisfaction that one of the objectives of the Radio and Television Social Responsibility Act of 2004 is to promote tolerance among peoples and ethnic groups.

375. The Committee notes with satisfaction progress in the interaction between the Government and non-governmental organizations representing Afro-descendants and, as one of the expressions of this interaction, the designation of 10 May as Afro-Venezuelan Day.

...

377. The Committee notes that the identity document issued to indigenous persons in accordance with the Regulations under the Organization Act on the Identification of Indigenous Persons includes the name of the ethnic group, the people and community to which such persons belong.

The Committee requests the State party to ensure that, in accordance with its general recommendation VIII, the identity document for indigenous persons be based upon self-identification by the individual concerned.

...

379. Bearing in mind the State party's efforts, the Committee reiterates its concern at the

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persistence of profound structural social and economic inequalities which have an impact on the enjoyment of human rights, particularly economic and social rights, and affect Afro-descendants and indigenous peoples.

The Committee encourages the State party to step up its efforts to improve the economic and social rights situation of Afro-descendants and indigenous people, such as the right to housing, the right to health and sanitation services, the right to work and the right to adequate nutrition, in order to combat racial discrimination and eliminate structural inequalities.

380. The Committee notes with great concern that between 1995 and 2003, 61 persons, most of whom were indigenous or Afro-descendants, were murdered in land conflicts, presumably by private armed groups (*sicarios*), and that this problem has worsened since 2001.

The Committee requests the State party to take efficient and urgent measures to end this violence, which mainly affects indigenous peoples and Afro-descendants, including the establishment of an independent monitoring mechanism to investigate such incidents in order to ensure that they do not go unpunished.

- Zambia, CERD, A/60/18 (2005) 75 at paras. 397, 399, 403, 404, 406 and 407.

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

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

...

399. The Committee is concerned in particular that, under article 11 of the Constitution, the right of everyone not to be discriminated against is applicable to a limited list of mainly civil and political rights, and that the Directive Principles of State Policy, also included in the Constitution, do not contain any non-discrimination clause with regard to economic, social and cultural rights. It further regrets the lack of precise information regarding legislation prohibiting racial discrimination in the enjoyment of civil, political, economic, social and

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cultural rights, and its implementation in practice (arts. 1, 2 and 5).

The Committee recommends to the State party that it guarantee the right of everyone not to be discriminated against in the enjoyment of civil, political, economic, social, and cultural rights...

...

403. The Committee notes with concern that *de facto* racial discrimination by non-State actors poses daily challenges to the State party (arts. 4 and 5).

The Committee urges the State party to develop strategies to tackle this issue, in cooperation with the Zambian Human Rights Commission and other stakeholders.

404. The Committee reiterates its concern that the provisions of article 4 (b) of the Convention have not yet been fully incorporated in domestic law.

The Committee recommends that the State party recognize participation in organizations promoting and inciting racial discrimination as a punishable offence.

...

406. The Committee notes that complaints of racial discrimination have failed before institutions such as the Zambian Human Rights Commission and the Industrial Relations Court, because of the impossibility of proving racial discrimination (art. 6).

The Committee recommends that complaints of racial discrimination be fully dealt with, including when they are coupled with complaints of violation of other rights, such as labour rights. It also recommends that full attention be paid to the possible existence of indirect discrimination, which is prohibited under the Convention. Further, it encourages the State party to envisage regulating the burden of proof in civil proceedings involving racial discrimination so that once a person has established a *prima facie* case that he or she has been a victim of such discrimination, it shall be for the respondent to provide evidence of an objective and reasonable justification for the differential treatment.

407. While welcoming the efforts pursued by the State party in the field of human rights education, the Committee remains concerned that most people living in Zambia are not aware of their rights and thus find it difficult to seek redress if their rights are violated. The Committee further recalls that the fact that victims of racial discrimination rarely report on such matters to the appropriate authorities can also be the result of, *inter alia*, the limited resources available to victims, their lack of confidence in the police and the judicial authorities, or the authorities' lack of attention or sensitivity to cases of racial discrimination (art. 6).

The State party should strengthen its efforts to raise the awareness of people on their rights, inform the victims of all remedies available to them, facilitate their access to justice, and



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train judges, lawyers, and law enforcement personnel accordingly.

### ICCPR

- United Kingdom of Great Britain and Northern Ireland, ICCPR, A/57/40 vol. I (2002) 36 at paras. 75(5) and 75(11)-75(13).

(5) The Committee...welcomes the extension of the Race Relations Act to cover all public bodies...

...

(11) Although the Committee appreciates the introduction of new criminal offences of racially aggravated violence, harassment or criminal damage, it is deeply disturbed by the recent repeated violent outbreaks of serious race and ethnicity-based rioting and associated criminal conduct in some major cities. These incidents seriously affected the enjoyment of rights under articles 9 and 26 of many persons of different ethnic groups.

(a) The State party should continue to seek to identify those responsible for these outbreaks of violence, and to take appropriate measures under its law. It should also work to facilitate dialogue between communities and between community leaders, and to identify and remedy the causes of racial tension in order to prevent such incidents in the future.

(b) The State party should also consider facilitating inter-political party arrangements to ensure that racial tension is not inflamed during political campaigns.

(12) The Committee is disturbed at the sharply increased number of racist incidents within the criminal justice system, particularly those reported as having been committed by police and prison staff against inmates. Racist violence between prisoners inappropriately located together has also resulted in serious violations of prisoners' rights under the Covenant, including at least one case of murder.

The State party should encourage the transparent reporting of racist incidents within prisons and ensure that racist incidents are rapidly and effectively investigated. It should ensure that appropriate disciplinary and preventive measures are developed to protect those persons who are particularly vulnerable. To this end, the State party should pay particular attention to improving the representation of ethnic minorities within the police and prison services.

(13) Although the Committee appreciates that a number of improvements over the reporting period in the representation of ethnic minorities in various walks of public life, as well as the extension in the Race Relations (Amendment) Act 2000 of a positive duty to certain public bodies to promote racial equality, the Committee remains concerned at the disproportionately low levels of participation by members of minority groups in government

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and the civil service, particularly the police and prison service.

The State party should take appropriate measures to ensure that its public life better reflects the diversity of its population.

- Switzerland, ICCPR, A/57/40 vol. I (2002) 44 at para. 76(8).

(8) The Committee is concerned that incidents of racial intolerance have increased. While commending the continuous efforts made by the Federal Commission against Racism to combat anti-Semitism, racism and xenophobia, it notes that the Commission does not have the power to initiate legal action to combat racial incitement and discrimination.

The State party should ensure rigorous enforcement of its laws against racial incitement and discrimination. It should consider broadening the mandate of the Federal Commission against Racism, or creating an independent human rights mechanism with the power to initiate legal action (articles 2 and 20 of the Covenant).

- Sweden, ICCPR, A/57/40 vol. I (2002) 57 at paras. 79(12)-79(14).

(12) While it understands the security requirements relating to the events of 11 September 2001, and takes note of the appeal of Sweden for respect for human rights within the framework of the international campaign against terrorism, the Committee expresses its concern regarding the effect of this campaign on the situation of human rights in Sweden, in particular for persons of foreign extraction. The Committee is concerned at cases of expulsion of asylum-seekers suspected of terrorism to their countries of origin. Despite guarantees that their human rights would be respected, those countries could pose risks to the personal safety and lives of the persons expelled, especially in the absence of sufficiently serious efforts to monitor the implementation of those guarantees (two visits by the embassy in three months, the first only some five weeks after the return and under the supervision of the detaining authorities) (articles 6 and 7 of the Covenant). The Committee also stresses the risk of violations of fundamental rights of persons of foreign extraction (freedom of expression and privacy), in particular through more frequent recourse to telephone tapping and because of an atmosphere of latent suspicion towards them (articles 13, 17 and 19 of the Covenant).

(a) The State party must ensure that measures taken under the international campaign against terrorism are fully in conformity with the Covenant. The State party is requested to ensure that the concern over terrorism is not a source of abuse;

(b) In addition, the State party should maintain its practice and tradition of observance of

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the principle of *non-refoulement*. When a State party expels a person to another State on the basis of assurances as to that person's treatment by the receiving State, it must institute credible mechanisms for ensuring compliance by the receiving State with these assurances from the moment of expulsion; and

(c) The State party is also requested to undertake an educational campaign through the media to protect persons of foreign extraction, in particular Arabs and Muslims, from stereotypes associating them with terrorism, extremism and fanaticism.

(13) The Committee expresses its concern at reports of persistent manifestations of racism and xenophobia, whether refusal of access to public places because of ethnicity or difficulties for foreigners in the job market (articles 19 and 26 of the Covenant).

The State party must make a sustained effort to improve the application of laws punishing racially motivated crimes, the integration into society of members of minority groups and the dissemination of a culture of tolerance, in particular as part of primary and secondary education.

(14) The Committee is deeply concerned at the existence and considerable activism of neo-Nazi organizations and by the production and distribution of so-called "white power" music preaching the superiority of the white race (article 20 of the Covenant).

The State party should take steps to review its policy towards the establishment and operation of racist, xenophobic and, especially, neo-Nazi organizations. It should also review its attitude towards the production and distribution of so-called "white power" music.

- Egypt, ICCPR, A/58/40 vol. I (2002) 31 at para. 77(18).

(18) The Committee is deeply concerned at the State party's failure to take action following the publication of some very violent articles against the Jews in the Egyptian press, which in fact constitute advocacy of racial and religious hatred and incitement to discrimination, hostility and violence.

The State party must take whatever action is necessary to punish such acts by ensuring respect for article 20, paragraph 2, of the Covenant.

- Slovakia, ICCPR, A/58/40 vol. I (2003) 52 at para. 82(17).

(17) The Committee reiterates the concern expressed in its previous concluding observations about reports that Roma are often victims of racist attacks, without receiving adequate

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protection from law enforcement officers. It further notes continued reports of statements by prominent politicians reflecting discriminatory attitudes *vis-à-vis* the Roma (arts. 2, 20, 26).

The State party should take all necessary measures to combat racial violence and incitement, provide proper protection to Roma and establish adequate mechanisms to receive complaints from victims and ensure adequate investigation and prosecution of cases of racial violence and incitement to racial hatred.

- Portugal, ICCPR, A/58/40 vol. I (2003) 56 at para. 83(8).

(8) The Committee is concerned about reported cases of disproportionate use of force and ill-treatment by the police, occurring particularly at the time of arrest and during police custody, and resulting, in some instances, in the death of the victims. Police violence against persons belonging to ethnic minorities appears to be recurrent...

(a) The State party should end police violence without delay. It should increase its efforts to ensure that education on the prohibition of torture and ill-treatment, as well as sensitization on issues of racial discrimination, are included in the training of law enforcement personnel. Efforts should also be made to recruit members of minority groups into the police.

...

- Israel, ICCPR, A/58/40 vol. I (2003) 64 at para. 85(20).

(20) The Committee is concerned by public pronouncements made by several prominent Israeli personalities in relation to Arabs that may constitute advocacy of racial and religious hatred constituting incitement to discrimination, hostility and violence.

The State party should take the necessary action to investigate, prosecute and punish such acts in order to ensure respect for article 20, paragraph 2, of the Covenant.

- Philippines, ICCPR, A/59/40 vol. I (2003) 15 at para. 63(18).

(18) While the Committee takes note of the constitutional provisions guaranteeing equal treatment of all persons before the law, the lack of legislation explicitly prohibiting racial discrimination is a matter of concern (arts. 3 and 26).

The Committee urges the State party to take the necessary steps to adopt legislation

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explicitly prohibiting discrimination, in accordance with articles 3 and 26 of the Covenant...The State party is further invited to strengthen human rights education to forestall manifestations of intolerance and *de-facto* discrimination.

- Russian Federation, ICCPR, A/59/40 vol. I (2003) 20 at paras. 64(20) and 64(24).

(20) While welcoming the State party's efforts to ban and prosecute groups propagating racist and xenophobic views, the Committee expresses its concern that the definition of "extremist activity" in the federal law of July 2002 "On Combating Extremist Activities" is too vague to protect individuals and associations against arbitrariness in its application.

The State party is encouraged to revise the above law with a view to making the definition of "extremist activity" more precise, to exclude any possibility of arbitrary application and give notice to persons concerned regarding actions for which they will be held criminally liable (arts. 15 and 19 to 22).

...

(24) The Committee is concerned at the increase of racially motivated violent attacks against ethnic and religious minorities, as well as about reports of racial profiling by law enforcement personnel. It notes with concern reports of xenophobic statements made by public officials.

The State party should take effective measures to combat racially motivated crimes. It should ensure that law enforcement personnel receive clear instructions and proper training with a view to protecting minorities against harassment. The State party is also encouraged to introduce specific legislation to criminalize racist acts as well as racially motivated statements made by those in public office (arts. 2, 20 and 26).

- Latvia, ICCPR, A/59/40 vol. I (2003) 25 at para. 65(21).

(21) The Committee is concerned about the social and economic situation of the Roma minority and its impact on the full enjoyment of their rights under the Covenant, as well as the potentially negative effect on them of the present regulations regarding the entry of ethnic origin in passports and identity documents. (arts. 2, 26 and 27).

The State party should take steps to remove obstacles to the practical enjoyment by the Roma of their rights under the Covenant, and, in particular, abolish the provisions allowing for entry of ethnic origin in passports and identity documents.

- Germany, ICCPR, A/59/40 vol. I (2004) 39 at paras. 68(16) and 68(20).

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(16) While appreciating the reduction in the number of complaints made public in recent years, the Committee expresses its concern about continuing reports of ill-treatment of persons by the police, including foreigners and members of ethnic minorities. It is concerned that despite the previous concluding observations of the Committee, the State party has not found ways to monitor the situation effectively and still lacks the necessary statistical information on police misconduct (art. 7).

(a) The State party should promptly, thoroughly and impartially investigate all allegations of police ill-treatment and, where appropriate, bring those responsible to justice.

(b) The State party should protect persons who bring complaints of ill-treatment against police officers against intimidation and provide full reparation, including fair and adequate compensation, and rehabilitation to victims and their families.

(c) The State party should improve monitoring of police misconduct by designating a central governmental agency to maintain and publish comprehensive statistics on ill-treatment and other relevant misconduct, including racist abuse, the measures taken in such cases and the results of investigations and disciplinary or penal proceedings. Furthermore, the State party should establish independent bodies throughout its territory to investigate complaints of ill-treatment by the police.

...

(20) While it takes note of the firm stance of Germany in favour of respect for human rights within the framework of the anti-terrorism measures it adopted subsequent to the events of 11 September 2001, the Committee expresses its concern regarding the effect of those measures on the situation of human rights in Germany, in particular for certain persons of foreign extraction, because of an atmosphere of latent suspicion towards them (arts. 17, 19, 22 and 26).

(a) The State party should ensure that anti-terrorism measures are in full conformity with the Covenant. The State party is requested to ensure that the concern over terrorism is not a source of abuse, in particular for persons of foreign extraction, including asylum-seekers.

(b) The State party is also requested to undertake an educational campaign through the media to protect persons of foreign extraction, in particular Arabs and Muslims, from stereotypes associating them with terrorism, extremism and fanaticism.

- Belgium, ICCPR, A/59/40 vol. I (2004) 56 at paras. 72(12) and 72(27).

(12) The Committee is concerned about the persistence of allegations of police violence, often accompanied by racial discrimination. According to certain reports, investigations are

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not always thorough and judgements, when handed down, are still mostly of a token nature (arts. 2 and 7).

The State party should put a stop to all police violence and step up its efforts to conduct more thorough inquiries. Actions alleging abuse or violence brought against members of the forces of law and order, and actions brought by the forces of law and order against alleged victims, should be routinely linked.

...

(27) The Committee notes with concern that a number of racist, xenophobic, anti-Semitic and anti-Muslim acts have taken place in Belgium. It is concerned that political parties urging racial hatred can still benefit from the public financing system, and observes that a bill designed to put an end to that situation is still being considered by the Senate (art. 20).

The State party should take all necessary steps to protect communities resident in Belgium against racist, xenophobic, anti-Semitic and anti-Muslim acts. It should have the above-mentioned bill passed as soon as possible, and consider sterner measures to prevent individuals and groups from seeking to arouse racial hatred and xenophobia, in pursuance of article 20, paragraph 2, of the Covenant.

- Liechtenstein, ICCPR, A/59/40 vol. I (2004) 61 at para. 73(9).

(9) While noting the measures taken by the State party to promote equality and integration of non-citizens, the Committee regrets that the principle of equality before the law for all the individuals under the State party's jurisdiction is only indirectly recognized in the Constitution. It is also concerned about the persistence of xenophobia and intolerance, especially against Muslims and people of Turkish origin (arts. 2 and 26).

The State party should consider amending the Constitution to ensure that the principle of equality before the law is guaranteed to all individuals under its jurisdiction. The State party should intensify its efforts to combat right-wing extremism and other expressions of xenophobia and religious intolerance.

- Serbia and Montenegro, ICCPR, A/59/40 vol. I (2004) 68 at paras. 75(23) and 75(25).

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

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

...

(25) While noting reports about the decrease in police violence against Roma, the Committee continues to be concerned at violence and harassment by racist groups, and inadequate protection against racially motivated acts afforded by law enforcement officers (arts. 2, 20, 26).

The State party should take all necessary measures to combat racial violence and incitement, provide proper protection to the Roma and other minorities, and establish mechanisms to receive complaints from victims and ensure investigation and prosecution of cases of racial violence and incitement to racial hatred, and ensure access to adequate remedies and compensation.

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

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

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

- Poland, ICCPR, A/60/40 vol. I (2004) 40 at para. 85(5).

(5) The Committee notes with satisfaction improvements made in the area of women's rights, in particular by the appointment of a Government Plenipotentiary on the Equal Status of Women and Men. It also welcomes the extension of the Plenipotentiary's competence to issues relating not only to discrimination on the basis of sex but also on grounds of race and ethnic origin, religion and beliefs, age and sexual orientation.



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- Greece, ICCPR, A/60/40 vol. I (2005) 60 at paras. 90(5), 90(9), 90(18) and 90(20).

(5) The Committee welcomes the recent adoption by Parliament of a law on the implementation of the principle of equal treatment irrespective of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation.

...

(9) The Committee is concerned about reported cases of disproportionate use of force by the police, including fatal shootings, and ill-treatment at the time of arrest and during police custody. Police violence against migrants and Roma appears to be recurrent. The Committee is equally concerned about the reported failure of the judicial and administrative systems to deal promptly and effectively with such cases and the leniency of the courts in the few cases where law enforcement officers have been convicted (arts. 2 and 7).

(a) The State party should end police violence without delay. It should increase its efforts to ensure that education on the prohibition of torture and ill treatment, as well as sensitization on issues of racial discrimination are included in the training of law enforcement personnel;

(b) The State party should ensure that all alleged cases of torture, ill treatment and disproportionate use of force by police officers are fully and promptly investigated, that those found guilty are punished under laws that ensure that sentences are commensurate with the gravity of the offence, and that compensation is provided to the victims or their families...

...

(18) The Committee is concerned that the Roma people remain disadvantaged in many aspects of life covered by the Covenant (arts. 26 and 27).

(a) The State party should intensify its efforts to improve the situation of the Roma people in a manner that is respectful of their cultural identity, in particular, through the adoption of positive measures regarding housing, employment, education and social services;

...

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

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

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- Syrian Arab Republic, ICCPR, A/60/40 vol. I (2005) 78 at paras. 94(18) and 94(19).

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

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

(19) The Committee has noted the information provided by the State party with regard to the stateless Kurds. The Committee remains concerned at the situation of the large number of Kurds treated as aliens or unregistered persons and the discrimination experienced by them. The Committee reminds the State party that the Covenant is applicable to all individuals subject to its jurisdiction (arts. 2 (1), 24, 26 and 27).

The State party should take urgent steps to remedy the situation of statelessness of Kurds in Syria and to protect and promote the rights of non-citizen Kurds. The Committee further urges the State party to allow Kurdish children born in Syria to acquire Syrian nationality.

### ICESCR

- Sweden, ICESCR, E/2002/22 (2001) 106 at paras. 712, 725 and 736.

712. The Committee notes with appreciation the sustained efforts of the State party to combat racism, xenophobia, anti-Semitism and other forms of intolerance in the country through a variety of measures. The Committee, in the light of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, in 2001, warmly welcomes the adoption of the National Action Plan to Combat Racism, Xenophobia, Homophobia and Discrimination, early in 2001.

...

725. The Committee expresses its concern about the increasing number of complaints concerning discrimination on ethnic grounds in the workplace.

...

736. The Committee encourages the State party to take additional measures to prevent discrimination against immigrants and refugees, especially in the workplace.

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- Croatia, ICESCR, E/2002/22 (2001) 125 at paras. 892-895, 898, 901, 903-905 and 911.

892. The Committee notes with concern that measures to promote ethnic harmony appear to be inadequate and are impeded by continued application of discriminatory laws, policies and practices. It is concerned by reports that private acts of discrimination and ethnically-motivated violence are frequently not adequately addressed by the competent authorities.

893. The Committee notes with concern that many displaced ethnic Serbs continue to face legal and administrative difficulties in attempting to repossess their former homes. The Committee is also concerned that while the process of repatriation and relocation of ethnic Serbs has begun showing signs of improvement, the results and the pace of their return and the settlement of their property and tenancy claims in relation to those of other displaced Croatians reveal that ethnic Serbs continue to face excessive obstacles to their return. The Committee is deeply disturbed that these obstacles have resulted in the violation of the rights of many Serbs under articles 2 and 11 of the Covenant.

894. The Committee expresses particular concern that the granting of citizenship under the Law on Croatian Citizenship (1991) has not been governed by fair and objective non-discriminatory criteria based on pre-war residence and connections to Croatia, and as a result has heavily favoured ethnic Croats. The Committee notes with concern that the inability to prove habitual residence negatively affects the possibility of obtaining Croatian nationality for persons from certain minority groups who left during the war and wish to return to Croatia.

895. The Committee is deeply concerned about the scale of unemployment in the State party, which creates conditions in which the right to work cannot be enjoyed by a considerable part of the population, particularly in those areas with large numbers of returnees. The Committee is also concerned about reports of discrimination in employment on the basis of gender, age and ethnic origin.

...

898. The Committee is alarmed at the large backlog of cases before the courts, estimated at 1 million cases in a country with a population of about 4.8 million people, which impedes access to justice. The Committee is also concerned that many court decisions that are favourable to minorities, particularly ethnic Serbs, are not implemented by the responsible enforcement agencies. The obstacles faced by many ethnic Serbs with regard to occupancy rights and the difficulty they encounter when seeking redress through the courts is illustrated, in particular, by Application No. 45943/99, *Rudan v. Croatia*, recently decided by the European Court of Human Rights. The facts of that case demonstrate the legal and administrative obstacles facing a Serb family appealing the unilateral termination of occupancy rights. Although the Court declared this case inadmissible *ratione temporis*, the Committee notes that the events detailed in that case have occurred since 1992, when the Covenant was in force in Croatia, and that the situation persists today.

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...

901. The Committee is concerned about the deterioration in the general standard of living in the State party, which has ensued in part from economic instability, high levels of unemployment, non-payment of salaries of many workers, the unrecovered pension payments made by Croatians prior to independence and the destruction during the war of vital infrastructure and settlements that have not yet been reconstructed. The Committee is concerned that some reconstruction efforts appear to have been disproportionately benefiting certain ethnic groups.

...

903. The Committee urges the State party to undertake a comprehensive review of the phenomenon of all forms of discrimination within the meaning of article 2 of the Covenant and the relevant provisions of other international human rights treaties to which the State is a party, particularly the International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenant on Civil and Political Rights. The Committee recommends that the necessary measures, including legislative reforms, be taken to ensure that the rights of all minority groups are enjoyed throughout the territory, without discrimination, in accordance with article 2 of the International Covenant on Economic, Social and Cultural Rights.

904. The Committee urges the State party to take effective measures to accelerate the return and reintegration into Croatian society of all Croatian refugees without discrimination, particularly of ethnic Serbs, by expediting the restitution of their housing, arranging for adequate alternative accommodation or providing them with compensation when restitution is not possible, as explained by the Committee in its General Comment No. 7 (1997) on the right to adequate housing (art. 11, para. 1, of the Covenant).

905. The Committee urges that the State party establish objective criteria for the granting of citizenship to those wishing to obtain citizenship, in particular to those who left during the war and wish to return to Croatia, irrespective of ethnic origin, and that the Law on Croatian Citizenship be amended accordingly. It further recommends that the State party ratify the 1961 Convention on the Reduction of Statelessness.

...

911. In view of the very large number of persons affected in the areas of occupancy rights, acquisition of citizenship and other matters resulting from the war and the aftermath of independence, the Committee is of the opinion that the burden on the court system could be significantly reduced by adopting non-discriminatory laws and by streamlining legal and administrative procedures accordingly.

- Poland, ICESCR, E/2003/22 (2002) 54 at paras. 354 and 376.

354. The Committee is deeply concerned about the recent increase in xenophobic

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manifestations and acts of violence against certain minorities, in particular Jews and Roma.

...

376. The Committee urges the State party to take legislative and other measures to ban and prosecute organizations which incite or promote racial discrimination.

- Brazil, ICESCR, E/2004/22 (2003) 28 at paras. 115, 127, 139 151 and 162.

115. The Committee...welcomes the progress made in combating racial prejudices and barriers, which is illustrated by the appointment of persons of Afro-Brazilian origin to positions of high public office, on the basis of their professional merits and qualifications.

...

127. The Committee is concerned about the widespread and deeply rooted discrimination against Afro-Brazilians, indigenous peoples and minority groups such as Gypsies and the Quilombo communities.

...

139. In spite of the efforts taken by the State party to reduce poverty, the Committee is concerned about the persistence of poverty in the State party, especially in the north-east, in rural areas and among Afro-Brazilians and disadvantaged and marginalized groups.

...

151. The Committee urges the State party to take all effective measures to prohibit discrimination on the basis of race, colour, ethnic origin or sex in all fields of economic, social and cultural life. It further recommends that the State party undertake urgent measures to ensure equal opportunity for Afro-Brazilians, indigenous peoples and minority groups such as Gypsies and the Quilombo communities, especially in the fields of employment, health and education...

...

162. The Committee urges the State party to take effective measures to combat the problem of poverty, including the setting up of a national anti-poverty strategy that would include economic, social and cultural rights. In this regard, the Committee refers the State party to its statement on poverty and the International Covenant on Economic, Social and Cultural Rights.<sup>7/</sup>

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### Notes

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<sup>7/</sup> *Official Records of the Economic and Social Council, 2002, Supplement No. 2 (E/2002/22-E/C.12/2001/17), annex VII).*

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- Israel, ICESCR, E/2004/22 (2003) 42 at paras. 247, 259, 261, 263-265, 275, 277 and 279-281.

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247. The Committee welcomes the steps undertaken by the State party to implement the Multi-Year Plan for the Development of Arab Sector Communities (2000), aimed at closing the gap between Jews and Arabs by promoting equality in the enjoyment of economic, social and cultural rights.

...

259. The Committee is deeply concerned about the continuing difference in treatment between Jews and non-Jews, in particular Arab and Bedouin communities, with regard to their enjoyment of economic, social and cultural rights in the State party's territory. The Committee reiterates its concern that the excessive emphasis upon the State as a "Jewish State" encourages discrimination and accords a second-class status to its non-Jewish citizens.<sup>15/</sup> This discriminatory attitude is apparent in the continuing lower standard of living of Israeli Arabs as a result, *inter alia*, of higher unemployment rates, restricted access to and participation in trade unions, lack of access to housing, water, electricity and health care and a lower level of education, despite the State party's efforts to close the gap. In this regard, the Committee expresses its concern that the State party's domestic legal order does not enshrine the general principles of equality and non-discrimination.

...

261. The Committee is particularly concerned about the status of "Jewish nationality", which is a ground for exclusive preferential treatment for persons of Jewish nationality under the Israeli Law of Return, granting them automatic citizenship and financial government benefits, thus resulting in practice in discriminatory treatment against non-Jews, in particular Palestinian refugees. The Committee is also concerned about the practice of restrictive family reunification with regard to Palestinians, which has been adopted for reasons of national security. The Committee reiterates its concern in this regard contained in its previous concluding observations.<sup>16/</sup>

...

263. The Committee expresses its concern about the general increase in unemployment in the State party, which rose from 6.7 per cent in 1996 to 10.5 per cent in 2002, as well as about the significant increase in unemployment of the non-Jewish sectors: 13.5 per cent for the Arab sector and more than 15 per cent for the Bedouin sector. The Committee also expresses concern about the rate of unemployment in the occupied territories, which is over 50 per cent as a result of the closures that have prevented Palestinians from working in Israel.

264. The Committee is concerned about the persisting inequality in wages of Jews and Arabs in Israel, as well as the severe underrepresentation of the Arab sector in the civil service and universities.

265. The Committee is concerned about the fact that it is extremely difficult for Palestinians living in the occupied territories and working in Israel to join Israeli trade unions or to establish their own trade unions in Israel.

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...

275. The Committee reiterates its recommendation that the State party take steps to ensure equality of treatment of all Israeli citizens in relation to all Covenant rights.<sup>20/</sup>

...

277. The Committee reiterates its recommendation that in order to ensure equality of treatment and non-discrimination, the State party undertake a review of its re-entry and family reunification policies for Palestinians.<sup>21/</sup>

...

279. The Committee recommends that the State party take effective measures to reduce the rate of unemployment, and pay particular attention to reducing the inequalities between the Jewish and non-Jewish sectors with respect to employment. The Committee further recommends that the State party ensure that workers living in the occupied territories are permitted to continue to work in Israel.

280. The Committee strongly recommends that the State party take measures to reduce the inequalities in wages between Jews and Arabs, in conformity with the principle of equal pay for work of equal value, as enshrined in article 7 of the Covenant.

281. The Committee recommends that the State party take steps to ensure that all workers working in Israel can exercise their trade union rights, in accordance with article 8 of the Covenant.

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### Notes

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<sup>15/</sup> [Official Records of the Economic and Social Council, 1999, Supplement No. 2 (E/1999/22-E/C.12/1998/26), chap. IV], para. 236.

<sup>16/</sup> [Official Records of the Economic and Social Council, 1999, Supplement No. 2 (E/1999/22-E/C.12/1998/26), chap. IV], para. 239, and *ibid.*, 2002, Supplement No. 2 (E/2002/22-E/C.12/2001/17), chap. IV, para. 705.

...

<sup>20/</sup> [Official Records of the Economic and Social Council, 1999, Supplement No. 2 (E/1999/22-E/C.12/1998/26), chap. IV], para. 260.

<sup>21/</sup> [Official Records of the Economic and Social Council, 1999, Supplement No. 2 (E/1999/22-E/C.12/1998/26), chap. IV], para. 262.

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- Republic of Moldova, ICESCR, E/2004/22 (2003) 49 at para. 324.

324. The Committee urges the State party to continue to reinforce its efforts to promote

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inter-ethnic dialogue and tolerance among the different ethnic groups living within its jurisdiction with a view to eliminating discrimination.

- Democratic People's Republic of Korea, ICESCR, E/2004/22 (2003) 71 at paras. 521 and 540.

521. The Committee notes with concern that the State party has not ratified the International Convention on the Elimination of All Forms of Racial Discrimination.

...

540. The Committee recommends that the State party ratify the International Convention on the Elimination of All Forms of Racial Discrimination.

- Spain, ICESCR, E/2005/22 (2004) 34 at paras. 231 and 248.

231. The Committee is concerned that the rise in the number of immigrants arriving in the State party over the last years has been accompanied by negative and hostile attitudes towards foreigners and the occurrence of xenophobic incidents.

...

248. The Committee recommends that the State party continue to monitor closely and to combat incidences of racism and xenophobia, and continue to promote intercultural understanding and tolerance among all groups in society.

- Ecuador, ICESCR, E/2005/22 (2004) 39 at paras. 279, 292, 297, 302, 317 and 323.

279. The Committee is deeply concerned about the *de facto* discrimination against the Afro-Ecuadorian population in all spheres of life...

...

292. The Committee is deeply concerned about the persistent and growing level of poverty in the State party, affecting primarily women, children, indigenous and Afro-Ecuadorian communities.

...

297. The Committee is concerned about the high rate of illiteracy and school dropouts in the State party. The Committee is particularly concerned in this regard about the situation of young girls and of indigenous and Afro-Ecuadorian children.

...

302. The Committee urges the State party to undertake immediate steps to ensure equal



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opportunities for Afro-Ecuadorians, particularly with regard to employment, housing, health and education...

...

317. The Committee encourages the State party to intensify its efforts and activities to combat poverty, including the setting up of an antipoverty strategy to improve the living conditions of the disadvantaged and marginalized groups...In this regard, the Committee refers the State party to its statement adopted on 4 May 2001 on poverty and the International Covenant on Economic, Social and Cultural Rights.

...

323. The Committee urges the State party to take all possible measures to combat illiteracy, particularly amongst the most disadvantaged and marginalized groups...

- Denmark, ICESCR, E/2005/22 (2004) 49 at paras. 387, 397 and 398.

387. The Committee is concerned that the rise in the number of immigrants and refugees arriving in Denmark over the last years has been met with increased negative and hostile attitudes towards foreigners. The Committee also expresses concern about the occurrence of xenophobic incidents in the State party.

...

397. The Committee welcomes the newly established mechanism within the Danish Institute for Human Rights to receive complaints from individuals in cases of discrimination based on race and encourages the State party to continue to take effective measures to strengthen the work of this Institute, *inter alia* through the allocation of adequate resources, and to consider expanding its competence so as to enable it to receive complaints of violations of a wider range of human rights, including economic, social and cultural rights.

...

398. The Committee recommends that the State party closely monitor the incidence of and combat racism and xenophobia, and continue to promote intercultural understanding and tolerance among all groups in society. The Committee further recommends that the State party take measures to ensure the effective implementation of the National Action Plan to promote equal treatment and diversity and to combat discrimination as a follow-up to the Durban Declaration and Programme of Action...

- Italy, ICESCR, E/2005/22 (2004) 54 at paras. 427, 436, 446 and 457.

427. Despite the measures adopted by the State party to combat racism and discrimination, the Committee remains concerned at the limited implementation of such measures, in particular at the fact no regional or local bodies have been established to monitor racism and discrimination, as envisaged in article 44 of Legislative Decree No. 286 of 25 July 1998.

...

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436. The Committee is concerned about the increasing difficulties faced by disadvantaged and marginalized groups, in particular immigrants and Roma, in renting or obtaining public housing, owing to discrimination.

...

446. The Committee recommends that the State party effectively implement the legislation and programmes adopted to combat racism and discrimination, including through the establishment of monitoring bodies in the whole territory, as envisaged in article 44 of Legislative Decree No. 286, providing them with adequate human and financial resources.

...

457. The Committee urges the State party to take all necessary corrective measures to combat discrimination in the housing sector against the disadvantaged and marginalized groups, particularly immigrants and the Roma.

- China, ICESCR, E/2006/22 (2005) 25 at paras. 143, 167 and 174.

143. The Committee is concerned that non-citizens, including asylum-seekers, refugees and stateless persons, are excluded from the constitutional guarantees to the enjoyment of rights and freedoms enshrined in the Covenant extended to all citizens in the State party. The Committee notes that some asylum-seekers are excluded by the refugee determination procedure of the State party, in particular those coming from the Democratic People's Republic of Korea, who are regarded by the State party as economic migrants and are thus compelled to return to their countries.

...

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

...

174. The Committee calls upon the State party to take the necessary steps to ensure that all persons under its jurisdiction enjoy economic, social and cultural rights enshrined in the Covenant without discrimination. In addition, the Committee urges the State party to ensure that its asylum procedures do not discriminate, in purpose or in effect, against asylum-seekers on the basis of race, colour or ethnic or national origin, as provided for under article 2, paragraph 2, of the Covenant. The Committee recommends that the State party consider adopting subsidiary forms of protection to guarantee the right to remain for persons who are not formally recognized as refugees but are seeking asylum and nevertheless require

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protection during that period, and granting UNHCR and humanitarian organizations access to them...

- China (Hong Kong Special Administrative Region), ICESCR, E/2006/22 (2005) 34 at paras. 207, 208, 219 and 220.

207. The Committee regrets that the Hong Kong Special Administrative Region has not implemented a number of the recommendations contained in its concluding observations of 2001.<sup>9/</sup> The Committee wishes to reiterate in particular its concern at the following issues:

(a) The absence in current anti-discrimination legislation of provisions relating to discrimination on the basis of race, sexual orientation and age;

...

208. The Committee is concerned that the protection provided in the proposed racial discrimination law will not cover migrants from the Mainland despite the widespread *de jure* and *de facto* discrimination against them on the basis of their origin. The Committee is also concerned that according to the proposals made by the Hong Kong Home Affairs Bureau, the new law will not affect the existing immigration legislation in the Hong Kong Special Administrative Region.

...

219. The Committee once again urges the Hong Kong Special Administrative Region to implement the Committee's relevant suggestions and recommendations contained in its concluding observations adopted in 2001,<sup>9/</sup> as well as in the current ones, and urges it to undertake whatever relevant concrete measures may be necessary towards their implementation.

220. The Committee strongly urges the Hong Kong Special Administrative Region to extend the protection afforded by the proposed racial discrimination law to internal migrants from the mainland, and to put a stop to the widespread discriminatory practices against them on the basis of their origin. The Committee further recommends that the relevant provisions of the existing immigration legislation governing entry into, period of stay, and departure from, the Hong Kong Special Administrative Region be amended to ensure full conformity and consistency with the new racial discrimination legislation.

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### Notes

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<sup>9/</sup> *Official Records of the Economic and Social Council, 2002, Supplement No. 2 (E/2002/22-EC.12/2001/17), chap. IV, paras. 189 to 210.*

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## **EQUALITY AND DISCRIMINATION - RACIAL DISCRIMINATION**

- Serbia and Montenegro, ICESCR, E/2006/22 (2005) 41 at paras. 272, 297, 300, 324 and 325.  

272. The Committee expresses its deep concern about reported incidents of inter-ethnic violence and racially motivated acts against ethnic minorities such as the Roma.

...

297. The Committee is deeply concerned that a high percentage of Roma children and children belonging to other minority groups, as well as refugee and internally displaced children, are not enrolled in school, drop out at an early stage, are being discriminated against at school, or are placed in schools for children with special needs.

...

300. The Committee urges the State party to investigate such incidents, to bring perpetrators to justice, and to take all necessary measures to raise awareness of the dimensions of ethnic discrimination and intolerance among local authorities and the general public.

...

324. The Committee urges the State party to take effective measures to promote school attendance by Roma children and children belonging to other minority groups, as well as refugee and internally displaced children, by increasing subsidies, scholarships and the number of teachers instructing in minority languages. It also urges the State party to eradicate ethnically discriminatory attitudes by taking effective measures in the fields of teaching, education, culture and information, in order to promote understanding, tolerance and mutual respect among all ethnic groups living on its territory.

325. The Committee recommends that the State party intensify its efforts to promote respect for the cultural values of ethnic communities in order to enhance mutual tolerance and understanding...
- Norway, ICESCR, E/2006/22 (2005) 48 at para. 332.  

332. The Committee welcomes the adoption of the Act of 3 June 2005 prohibiting ethnic, religious and other forms of discrimination.

## **CEDAW**

- Fiji, CEDAW, A/57/38 part I (2002) 9 at paras. 49 and 58.  

49. The Committee recommends that the Social Justice Act and the Blue Print be evaluated for their impact on both ethnicity and gender, to ensure respect for gender equality, and human rights in Fiji's multicultural plural society. The Committee urges the State party to introduce an effective monitoring mechanism to ensure that these programmes conform with fundamental rights guaranteed by the Constitution and the Convention's concept of

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temporary special measures, and contributes to the elimination of discrimination against all Fijian women.

...

58. The Committee notes with concern the high incidence of ethnic and gender-based violence against women in periods of civil unrest. It is concerned that, despite the State party's positive initiatives to address gender-based violence, there are high levels of domestic violence and sexual abuse of girls and women...

- Denmark, CEDAW, A/57/38 part II (2002) 120 at paras. 323 and 324.

323. The Committee is concerned at the closure of the Danish Board for Ethnic Equality, which had been established in June 1997, *inter alia*, to provide advice on the question of discrimination and ethnic equality for the Danish Parliament, the Government, the central and local administration and private organizations, and the Danish National Centre for Research and Information on Gender Equality, which had been established in May 2000 under the Act on Gender Equality. The Committee notes that some of the work of the former Centre will be done without State funding under different institutional arrangements.

324. The Committee recommends that the State party reconsider its decision to close these two institutions and continue, in all circumstances, to earmark funds for their activities if those will be undertaken under other institutional arrangements, to enable them to continue their independent contribution to the achievement of gender equality in the State party.

- Canada, CEDAW, A/58/38 part I (1003) 53 at paras. 357 and 358.

357. While appreciating the federal Government's various anti-poverty measures, the Committee is concerned about the high percentage of women living in poverty, in particular elderly women living alone, female lone parents, aboriginal women, older women, women of colour, immigrant women and women with disabilities, for whom poverty persists or even deepens, aggravated by the budgetary adjustments made since 1995 and the resulting cuts in social services. The Committee is also concerned that those strategies are mostly directed towards children and not towards these groups of women.

358. The Committee urges the State party to assess the gender impact of anti-poverty measures and increase its efforts to combat poverty among women in general and the vulnerable groups of women in particular.

- Norway, CEDAW, A/58/38 part I (2003) 61 paras. 413 and 414.

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413. While acknowledging the adoption in 2001 of the State party's plan of action against racism and discrimination, the Committee expresses concern about the multiple discrimination faced by migrant, refugee and minority women with respect to access to education, employment and health care and exposure to violence.

414. The Committee urges the State party to take effective measures to eliminate discrimination against migrant, refugee and minority women and to further strengthen its efforts to combat xenophobia and racism. It also urges the State party to be proactive in its measures to prevent discrimination against these women, both within their communities and in society at large, and to increase their awareness of the availability of social services and legal remedies. The Committee recommends that the State party ensure that a gender dimension is included in legislation against ethnic discrimination.

- Brazil, CEDAW, A/58/38 part II (2003) 93 at paras. 92, 98, 99, 110, 111, 124 and 125.

92. The Committee commends the State party on its Federal Constitution of 1988 that enshrines the principle that men and women have equal rights and duties; prohibits discrimination in the labour market by reason of sex, age, colour or marital status...

...

98. The Committee expresses concern about the wide gap between the constitutional guarantees of equality between women and men and the present *de facto* social, economic, cultural and political situation of women in the State party, which widened with respect to women of African descent and indigenous women.

99. The Committee requests the State party to ensure full implementation of the Convention and constitutional guarantees through comprehensive legislative reform to provide for *de jure* equality and to establish a monitoring mechanism to ensure that the laws are fully implemented. It recommends that the State party ensure that those who are responsible for implementing such laws at all levels be made fully aware of their content.

...

110. The Committee is concerned about the impact of poverty on Brazilian women of African descent, indigenous women, female heads of household and other socially excluded or marginalized groups of women and about their disadvantaged position with respect to access to education, health, basic sanitation, employment, information and justice.

111. The Committee urges the State party to ensure that its poverty eradication measures give priority attention to Brazilian women of African descent, indigenous women, female heads of household and other socially excluded or marginalized groups of women through adequately funded programmes and policies addressing their specific needs.

...

124. The Committee is concerned about discrimination against women in the labour market,

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where women earned significantly less than men in all states, irrespective of their skills or education. It is concerned that the poor conditions of employment of women, in general, including vertical and horizontal segregation, are compounded by race and ethnicity...

125. The Committee recommends that measures be taken to guarantee implementation of article 11 of the Convention and the application of relevant International Labour Organization conventions, in particular those on non-discrimination in employment and equal remuneration for equal work and work of equal value for women and men. It recommends that measures be taken to eliminate occupational segregation, in particular through education and training...

- France, CEDAW, A/58/38 part II (2003) 116 at paras. 275 and 276.

275. The Committee is concerned about the continuing discrimination against immigrant, refugee and minority women who suffer from multiple forms of discrimination based on sex and on their ethnic or religious background, in society at large and within their communities...

276. The Committee urges the State party to take effective measures to eliminate discrimination against immigrant, refugee and minority women, both in society at large and within their communities. It urges the State party to respect and promote the human rights of women over discriminatory cultural practices, and take effective and proactive measures, including awareness-raising programmes to sensitize the community to combat patriarchal attitudes and stereotyping of roles and to eliminate discrimination against women in immigrant and minority communities...

- Ecuador, CEDAW, A/58/38 part II (2003) 122 at paras. 303 and 304.

303. Although the Committee welcomes the establishment of the National Council for Women by executive decree in 1997, it is concerned at the lack of a law institutionalizing the Council and regulating its normative capability, operations and financing. It is also concerned that this body does not have an explicit mandate allowing it to guarantee, and require from the different sectors of government, the enforcement of laws, plans and programmes for gender equality...The Committee is also concerned that the participation of civil society organizations in the Council could be weakened and that movements of indigenous women and women of African descent are still not represented.

304. The Committee urges the State party to strengthen the regulatory and normative role of the National Council for Women by adopting a law institutionalizing and regulating its activities and giving it a more active role in monitoring the enforcement of standards to

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promote gender equality, and to allocate to it the financial resources necessary for its operation and the exercise of its functions...The Committee encourages the State party to ensure the participation of civil society in the Council and to promote the participation of movements of indigenous women and women of African descent.

- New Zealand, CEDAW, A/58/38 part II (2003) 138 at paras. 425 and 426.

425. Taking note of the efforts made by the State party to combat discrimination against refugee and migrant women in New Zealand, the Committee expresses concern at the continuing discrimination suffered by immigrant, refugee and minority women and girls, based on their ethnic background, particularly with respect to education, health, employment, violence against women, and in regard to permanent residence status.

426. The Committee urges the State party to take effective measures to eliminate discrimination against refugee, migrant and minority women and girls, and to strengthen its efforts to combat xenophobia and racism in New Zealand. It also encourages the State party to be more proactive in its measures to prevent discrimination against these women and girls 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, and to provide for their needs with respect to education, employment and health care...

- Nepal, CEDAW, A/59/38 part I (2004) 34 at paras. 204 and 205.

204. While recognizing that education is a national priority of the State party and that substantial progress has been made, including a decline in the overall illiteracy rate, the Committee is concerned about the continuing significant gap between the literacy rates of women and men...The Committee is also concerned that educational opportunities are fewer for women in rural areas and for women of different castes and ethnic groups.

205. The Committee urges the State party to intensify its efforts to address the literacy gap between men and women so that the goals established in the National Plan on Education in regard to equality in education can be achieved, particularly in rural areas and among disadvantaged castes and ethnic groups...

- Germany, CEDAW, A/59/38 part I (2004) 62 at paras. 394 and 395.

394. The Committee is concerned about the situation of migrant and minority women, including Sinti and Roma women, who suffer from multiple forms of discrimination based on sex, ethnic or religious background and race, and at the vulnerability of some of these



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women to trafficking and sexual exploitation. The Committee regrets the lack of specific information provided in the reports with regard to their access to health, employment and education, as well as various forms of violence committed against them and, in particular, data and information about forced marriages. The Committee is also concerned about the situation of some foreign women domestic workers in the households of diplomats.

395. The Committee urges the State party to take effective measures to eliminate discrimination against migrant and minority women, both in society at large and within their communities, and to respect and promote their human rights, through effective and proactive measures, including awareness-raising programmes. The Committee recommends that the State party continue to undertake research on the situation of migrant and minority women and girls...The Committee also recommends that the State party intensify efforts to protect the human rights of foreign women domestic workers in diplomatic households.

- Dominican Republic, CEDAW, A/59/38 part II (2004) 141 at paras. 300 and 301.

300. The Committee takes note of the draft immigration bill which has been submitted to the National Congress; however, it remains concerned about the discriminatory nature of the definition of nationality, which directly affects one of the most vulnerable groups in the country, namely Dominican women and girls of Haitian descent. The Committee fears that this definition could hamper their access to education and other basic services. It is also concerned about the discriminatory rule that foreigners who marry Dominican women are not automatically granted Dominican nationality, as is the case when a Dominican man marries a foreigner.

301. The Committee urges the State party to promote discussion of the draft immigration bill and to ensure that it complies with article 9 of the Convention through elimination of all the provisions that discriminate against Dominican women and girls of Haitian descent, or any foreigners who find themselves in a similar situation, and against Dominican women who marry foreigners...

- Lao People's Democratic Republic, CEDAW, A/60/38 part I (2005) 16 at paras. 92-97.

92. While noting that 80 per cent of the population lives in rural areas, the Committee is deeply concerned about the pervasive poverty and underdevelopment of women, especially in rural and ethnic minority communities. The Committee is also concerned that ethnic minority women, having no alternative sources of income, depend on the production of opium poppies for their livelihood...

93. The Committee urges the State party to accelerate its plan to eradicate poverty among

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women, especially rural and ethnic minority women, by more actively seeking international assistance and at the same time by applying gender perspectives in all development programmes and fully integrating women into decision-making on those programmes, as well as in their implementation processes. The Committee also urges the State party to step up its efforts to provide ethnic minority women who depend on opium poppy production with alternative and sustainable means of livelihood...

94. Despite some progress, the Committee is alarmed at the still very high illiteracy rate of women, 40 per cent, and the large discrepancy between male and female literacy rates and between urban and rural women's education. The Committee is especially concerned at the extremely low literacy rate among ethnic minority women...

95. The Committee urges that the State party immediately take all appropriate measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 on temporary special measures, to reduce the illiteracy rate of women and to provide education, both formal and informal, to women, including ethnic minority women, especially in rural areas...

96. While noting improvement during the past few years, the Committee is seriously concerned about the very high maternal and infant mortality rates and the high fertility rate, especially among women in rural and remote areas and among ethnic minorities. The Committee is concerned about the lack of health-care facilities and medical professionals in rural villages and remote areas as well as the lack of awareness among women and adolescents regarding reproductive health and family planning, including the use of contraceptives and birth spacing.

97. The Committee recommends that the State party accelerate the implementation of its national population policy, focusing on expanding its network of health-care facilities and personnel throughout the nation and reaching out to rural and remote areas, *inter alia* to the benefit of ethnic minority women; that it enhance its educational programmes, not only for women, but also for men and adolescents, on reproductive health and family planning; and that it make contraceptives easily available.

- Turkey, CEDAW, A/60/38 part I (2005) 58 at paras. 371 and 372.

371. The Committee is concerned at the high rate of female illiteracy and the lower enrolment and completion rates of girls and women at all levels of education, and that these discrepancies are further aggravated by urban-rural, regional and ethnic differences...It is also concerned that women and girls whose mother tongue is not Turkish may face multiple forms of discrimination in access to and achievement in education. The Committee is also concerned about the impact on girls and women of the ban on wearing headscarves in

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schools and universities...

372. The Committee recommends that the State party take proactive measures to decrease the high rate of female illiteracy and to strengthen girls' and women's access to all levels of education and teaching and to actively encourage diversification of educational and professional choices for women and men. The Committee recommends that such measures include the use of temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25. The Committee calls on the State party to implement further targeted policies and programmes to overcome educational disadvantages faced by girls and women belonging to diverse ethnic groups and those whose mother tongue is not Turkish, particularly in rural areas, as well as to address regional disparities. The Committee requests the State party to monitor and assess the impact of the ban on wearing headscarves and to compile information on the number of women who have been excluded from schools and universities because of the ban...

### CAT

- Spain, CAT, A/58/44 (2002) 29 at paras. 61 and 65.

61. Of particular concern are the complaints concerning the treatment of immigrants, including sexual abuse and rape, allegedly on racist or xenophobic grounds. The Committee notes that Spain has become an important gateway to Europe for immigrants, and that this has meant a significant increase in the country's foreign population. In this context the omission from the definition of torture in article 174 of the Penal Code of torture "based on discrimination of any kind", notwithstanding the fact that, under the Code, racism is deemed to be an aggravating factor in any offence, takes on particular importance.

...

65. The Committee recommends that the State party should continue to take measures to prevent racist or xenophobic incidents.

- Slovenia, CAT, A/58/44 (2003) 44 at paras. 115 and 116.

115. The Committee expresses concern about the following:

...

(d) Allegations of excessive use of force by the police, especially against members of ethnic minorities, continue. The Committee regrets the fact that disaggregated statistical data in this respect are not available from the State party;

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...

116. The Committee recommends that the State party:

...

(d) Strengthen existing efforts to reduce occurrences of ill-treatment by police and other public officials, in particular that which is ethnically motivated, and, while ensuring protection of individual privacy, devise modalities for collecting data and monitoring the occurrence of such acts in order to address the issue more effectively...

- Croatia, CAT, A/59/44 (2004) 38 at paras. 77 and 78.

77. The Committee is concerned about the following:

(a) In connection with torture and ill-treatment which reportedly occurred during the 1991-1995 armed conflict in the former Yugoslavia:

...

(ii) Allegations that double standards were applied at all stages of the proceedings against Serb defendants and in favour of Croat defendants in war crime trials;

...

(f) The alleged failure of the State party to prevent and fully and promptly investigate violent attacks by non-State actors against members of ethnic and other minorities;

...

78. The Committee recommends that the State party:

(a) Take effective measures to ensure impartial, full and prompt investigations into all allegations of torture and other cruel, inhuman or degrading treatment, the prosecution and punishment of the perpetrators as appropriate and irrespective of their ethnic origin, and the provision of fair and adequate compensation for the victims;

...

(l) Ensure the protection of members of ethnic and other minorities, *inter alia* by undertaking all effective measures to prosecute and punish all violent acts against these individuals, establishing programmes to raise awareness, prevent and combat this form of violence, and including this issue in the training of law enforcement officials and other relevant professional groups;

...

- Czech Republic, CAT, A/59/44 (2004) 42 at paras. 86 and 87.

86. The Committee expresses concern about the following:

(a) The persistent occurrence of acts of violence against the Roma and the alleged reluctance

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on the part of the police to provide adequate protection and to investigate such crimes, despite efforts made by the State party to counter such acts;

...

87. The Committee recommends that the State party:

(a) Exert additional efforts to combat racial intolerance and xenophobia and ensure that the comprehensive anti-discrimination legislation being discussed include all relevant grounds covered by the Convention;

(b) Take measures to establish an effective, reliable and independent complaint system to undertake prompt and impartial investigations into all allegations of ill-treatment or torture by the police or other public officials, including allegations of racially motivated violence by non-State actors, in particular any that have resulted in deaths, and to punish the offenders;

(c) Strengthen existing efforts to reduce occurrences of ill-treatment by the police and other public officials, including those which are ethnically motivated, and, while ensuring protection of an individual's privacy, devise modalities of collecting data and monitoring the occurrence of such acts in order to address the issue more effectively;

...

- Argentina, CAT, A/60/44 (2004) 12 at paras. 34 and 35.

34. The Committee expresses its concern at the following:

...

(g) Allegations of torture and ill-treatment of certain other vulnerable groups, such as members of the indigenous communities, sexual minorities and women;

...

35. The Committee recommends that the State party take all necessary steps to prevent acts of torture and ill-treatment in the territory of the State of Argentina, and in particular that it:

...

(f) Take specific steps to safeguard the physical integrity of the members of all vulnerable groups;

...

- Greece, CAT, A/60/44 (2004) 20 at paras. 47 and 48.

47. The Committee notes that many of the concerns it expressed during the consideration of the third periodic report (A/56/44, para. 87) have not been adequately addressed, and will be reiterated in the present concluding observations. Consequently, the Committee expresses

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its concern at:

...

(j) Ill-treatment of Roma by public officials in situations of forced eviction or relocation. The fact that these may be carried out pursuant to judicial orders cannot serve as a justification for ill-treatment, numerous allegations of which have been reported by national and international bodies alike;

...

48. The Committee recommends that the State party:

(a) Strengthen existing efforts to reduce occurrences of ill-treatment, including that which is racially motivated, by police and other public officials. While ensuring protection of individual privacy, the State party should devise modalities for collecting data and monitoring the occurrence of such acts in order to address the issue more effectively. The Committee recommends that the State party continue to take measures to prevent incidents of xenophobic and discriminatory behaviour;

...

- Finland, CAT, A/60/44 (2005) 32 at para. 71.

71. Amongst the many positive developments, the Committee notes in particular:

...

(c) The measures taken by the State party to implement the Committee's previous recommendations concerning:

...

(ii) The prohibition of organizations that promote and incite racial discrimination;  
and

(iii) The prohibition of the dissemination of ideas based on racial superiority or hatred;

...

(h) The creation of a new Office of Minority Ombudsman in 2001 to replace the Ombudsman for Aliens, with wider powers under the Minority Ombudsman Act and Aliens Act, including the ability to act for asylum-seekers and deportees;

...

### CRC

- Greece, CRC, CRC/C/114 (2002) 25 at paras. 125, 126, 158 and 159.

125. While noting the State party's legislation against xenophobia and hate speech, the

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Committee remains deeply concerned:

(a) At the discrimination, including some societal discrimination and instances of xenophobia, against, among others, children from distinct ethnic, religious, linguistic or cultural groups within the State party;

...

126. The Committee recommends that the State party:

(a) Urgently strengthen its efforts to end all forms of discrimination affecting children, as provided in article 2 of the Convention, including through the strengthening of the implementation of anti-discrimination laws and the possibilities for children and their parents who have been victims of discrimination to seek recourse through the judicial system;

...

(c) Implement measures to ensure equal access to services such as education and health, welfare and other social services for all children without distinction, including children from distinct ethnic, religious, linguistic or cultural groups;

(d) Introduce public awareness and sensitivity campaigns on tolerance and respect for the other.

...

158. Acknowledging the many activities of the State party towards improving access to education and the quality of education and introducing multicultural teaching, the Committee remains concerned about a variety of problems that still exist, such as:

...

(b) Reports of xenophobia among teachers and students;

(c) The high overall drop-out rate and the very high drop-out rates among rural and Roma children;

...

(f) The poor quality of education in many schools that teach in languages other than Greek, including the use of outdated textbooks and late term starting dates; the very high estimated illiteracy rates among Roma children; the low proportion of children from distinct ethnic, religious, linguistic or cultural groups who attend secondary school and that some children, particularly from these groups, are accepted in school only as auditors and not permitted to gain academic credit for their studies;

...

159. The Committee recommends that the State party:

...

(b) Ensure the access to education for all children in the State party, including increasing the enrolment and reducing the drop-out rates, giving particular attention to children in rural communities, children from Roma and other distinct ethnic, religious, linguistic or cultural

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groups, and children from disadvantaged backgrounds, including through the use of information campaigns targeting parents and local authorities;

...

(d) Encourage and support increases in the numbers of children from distinct ethnic, religious, linguistic or cultural groups attending secondary school;

(e) Expand the practice of recruiting second teachers who speak languages other than Greek to cover all relevant schools and major languages;

...

(g) Continue and strengthen existing programmes of training and information for all teachers on multicultural concerns, with a view to the effective integration into the State party's school system of children from all distinct ethnic, religious, linguistic or cultural groups and other backgrounds;

...

- Belgium, CRC, CRC/C/118 (2002) 29 at paras. 109 and 110.

109. The Committee welcomes the Decree of March 2000 expanding the mandate of the Centre for Equal Opportunities and Opposition to Racism to include all forms of discrimination, including grounds of gender, sexual orientation, birth, civil status, ill health, age and disability. The Committee is concerned at racist incidents against minorities; the disparities in the enjoyment of economic and social rights, particularly health and education, experienced by poor children, non-Belgian children, including unaccompanied minors, and disabled children.

110. In accordance with article 2 of the Convention, the Committee recommends that the State party:

(a) Take all appropriate measures, such as comprehensive public education campaigns, to prevent and combat negative societal attitudes, and implement the recommendations of the Committee on the Elimination of Racial Discrimination (March 2002);

(b) Take all necessary measures to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination;

(c) Continue to prioritize and target resources and social services to children belonging to the most vulnerable groups;

...

- Switzerland, CRC, CRC/C/118 (2002) 78 at paras. 325 and 326.



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325. While acknowledging the prohibition of discrimination in the Constitution (art. 8), the Committee is concerned at the *de facto* discrimination against foreign children and at incidents of racial hatred and xenophobia that can have a negative effect on the development of children. The Committee is also concerned that some of the cantonal disparities in practices and services provided and in the enjoyment of the rights by children may amount to discrimination.

326. In light of article 2 and other related articles of the Convention, the Committee recommends that the State party carefully and regularly evaluate existing disparities in the enjoyment by children of their rights and undertake on the basis of that evaluation the necessary steps to prevent and combat discriminatory disparities. It also recommends that the State party strengthen its administrative measures to prevent and eliminate *de facto* discrimination against foreign children or children belonging to minorities.

- Saint Vincent and the Grenadines, CRC, CRC/C/118 (2002) 101 at paras. 430 and 431.

430. The Committee is concerned that:

(a) The Constitution of Saint Vincent and the Grenadines does not fully reflect the provisions of article 2 of the Convention and, in particular, does not specifically prohibit discrimination on the grounds of language, national, ethnic or social origin, property, disability, birth or other status;

(b) With reference, *inter alia*, to the findings of the Committee on the Elimination of Racial Discrimination, there are occurrences of racial discrimination affecting children, including the children of some minorities, such as the Amerindians and Asians, who form a disproportionate proportion of the population with lower-income levels;

...

431. The Committee recommends that the State party:

(a) Amend its legislation, including the Constitution, to ensure that it fully corresponds with the provisions of article 2 of the Convention and to ensure the full implementation of non-discrimination provisions, giving special attention to children infected or affected by HIV/AIDS, to children with disabilities and to racial discrimination;

...

- United Kingdom of Great Britain and Northern Ireland, CRC, CRC/C/121 (2002) 23 at paras. 133, 134, 139 and 140.

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133. While welcoming the decline in infant mortality rates and the new focus on children in the planning of the national health service, the Committee remains concerned at persisting inequalities in health and access to health services, including mental health services, across the State party linked to socio-economic status and ethnicity (e.g. the high rates of infant mortality among the Irish and Roma travellers), at the relatively low rate of breastfeeding and at the persistence of female genital mutilation despite its illegality.

134. The Committee recommends that the State party take all appropriate measures to reduce inequalities in health and access to health services, to promote breastfeeding and adopt the International Code for Marketing of Breast-milk Substitutes, and to enforce, through educational and other measures, the prohibition of female genital mutilation.

...

139. ...The Committee is concerned at the still high rate of temporary and permanent exclusion from school affecting mainly children from specific groups (ethnic minorities, including black children, Irish and Roma travellers, children with disabilities, asylum-seekers, etc.), and the sharp differences in educational outcomes for children according to their socio-economic background and to other factors such as gender, disability, ethnic origin or care status...

140. In light of articles 2, 12, 28 and 29 of the Convention, and in line with its previous recommendations ([CRC/C/15/Add.34], para. 32), the Committee recommends that the State party:

...

(b) Take appropriate measures to reduce temporary or permanent exclusion, ensure that children throughout the State party have the right to be heard before exclusion and to appeal against temporary and permanent exclusion, and ensure that children who are excluded do continue to have access to full-time education;

(c) Take all necessary measures to eliminate the inequalities in educational achievement and in exclusion rates between children from different groups and to guarantee all children an appropriate quality education;

...

- Poland, CRC, CRC/C/121 (2002) 120 at paras. 520 and 521.

520. The Committee notes with concern that the principle of non-discrimination is not adequately implemented with respect to certain vulnerable groups of children, including children of the Roma and other ethnic minorities, children living in institutions, children with disabilities, children of poor families and children with HIV/AIDS. In particular, the Committee is concerned about their limited access to adequate health, education and other social services and about reports of racially motivated violence in which police have failed

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to protect the victims.

521. The Committee recommends that the State party increase its efforts to ensure implementation of existing laws guaranteeing the principle of non-discrimination and full compliance with article 2 of the Convention, and to adopt a proactive and comprehensive strategy to eliminate discrimination on any grounds and against all vulnerable groups.

- Estonia, CRC, CRC/C/124 (2003) 9 at paras. 45 and 46.

45. The Committee is concerned that the current discriminatory attitudes towards linguistic minority communities (e.g. the Russian-speaking community), non-citizens, especially those without legal status, and other disadvantaged groups may restrict, directly or indirectly, the rights guaranteed under the Convention to children belonging to those groups. In particular, the Committee is concerned:

(a) That there are no legislative provisions defining crimes with a racist element as racially motivated crimes, or for racist motivation to be taken into account by the courts as a factor when pronouncing sentence. In this regard, the Committee is concerned at the effectiveness of measures to guarantee the security of children who may be victims of racist acts;

...

46. The Committee recommends that the State party:

(a) Take effective measures, including enacting or rescinding legislation where necessary, to ensure that all children enjoy all the rights set out in the Convention without discrimination, in accordance with article 2;

(b) Study the effectiveness of the measures taken to counter all forms of discrimination;

(c) Consider the adoption of provisions to criminalize and punish racially motivated acts;

(d) Carry out comprehensive public education campaigns to prevent and combat negative societal attitudes in this regard.

- Italy, CRC, CRC/124 (2003) 36 at paras. 161, 162, 184 and 185.

161. The Committee notes the establishment of several observatories on discrimination in the State party as well as the provisions on discrimination contained in Law 40/98 (Regulations on Immigration and Rules on the Conditions of the Foreigner). Nonetheless, the Committee is concerned at racist incidents involving minorities, the use of hate speech in public presentations, and the disparities in the enjoyment of economic and social rights,

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particularly in the fields of health, social welfare, education and housing, experienced by poor children, Roma children, non-Italian children, including unaccompanied minors, and disabled children.

162. In accordance with article 2 and other related articles of the Convention and in line with its previous recommendations ([CRC/C/15/Add.41], paras. 17 and 18), the Committee recommends that the State party:

(a) Take all appropriate measures, such as comprehensive public education campaigns, to prevent and combat negative societal attitudes, and implement the recommendations of the Committee on the Elimination of Racial Discrimination (A/56/18, paras. 298 and 320);

(b) Strengthen its efforts to incriminate and take appropriate penal sanctions against any act of racism, racial discrimination, xenophobia and related intolerance;

(c) Carefully and regularly evaluate existing disparities in the enjoyment by children of their rights and undertake, on the basis of this evaluation, the necessary steps to prevent and eliminate discrimination through proactive measures;

...

184. The Committee welcomes the adoption of Act 9/99, which extends the duration of compulsory education from 8 to 10 years, and the various programmes to improve teacher training, but remains concerned at the high rate of drop-out in upper secondary education, the variations in educational outcomes for children according to their cultural and socio-economic background and to other factors such as gender (more girls than boys obtain a secondary education diploma), disability and ethnic origin...

185. The Committee recommends that the State party:

...

(b) Take all necessary measures to eliminate the inequalities in educational achievement between girls and boys and among children from different social, economic or cultural groups and to guarantee quality education to all children;

...

- Czech Republic, CRC, CRC/C/124 (2003) 78 at paras. 360 and 362.

360. ...[T]he Committee is concerned at the ill-treatment and abuse committed against children in the family, the school and other institutions as well as by public officials in the streets and in places of detention, particularly in the context of a form of popular justice for an alleged crime such as theft. The Committee is further concerned that certain groups of children, such as Roma, are specifically targeted, and that a very small portion of reported cases of suspicion of abuse and neglect are investigated...

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...

362. The Committee recommends that the State party take action to address ill-treatment and abuse committed against children in the family, in schools, in the streets, in institutions and in places of detention through, *inter alia*:

(a) Enacting legislation to adequately protect minorities from racially motivated attacks;

...

(e) Implementing training programmes to promote respect for children belonging to minority groups, in particular Roma children, and monitoring the treatment of children in both basic and special schools in order to ensure the protection of the physical and psychological integrity of all children while in the care of school officials;

...

- Iceland, CRC, CRC/124 (2003) 109 at paras. 482 and 483.

482. Owing to the growing number of people of foreign origin in Iceland, the Committee welcomes efforts by the State party to address their needs (e.g. through the adoption of the 2003 law on foreigners, the appointment of a special representative in the State police, publications on cultural tolerance for health professionals, and the establishment of an intercultural centre in Reykjavik). Nevertheless, it is concerned that further efforts need to be taken to proactively address issues of racism that may arise with the growing numbers of immigrants in Iceland.

483. The Committee recommends that the State party:

(a) Guarantee all children within its jurisdiction all the rights contained in the Convention, in accordance with article 2;

(b) Develop comprehensive and coordinated policies to address the developing phenomenon of immigration, including public information campaigns to promote tolerance, as well as monitor and collect data on racially motivated acts;

(c) Study the situation of immigrant children in the municipalities, especially in the school system, and the effectiveness of measures taken to facilitate their integration;

...

- Cyprus, CRC, CRC/C/132 (2003) 21 at paras. 115 and 116.

115. The Committee is encouraged by positive developments, as noted by the Committee on the Elimination of Racial Discrimination (CERD) in August 2001, with respect to

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legislative reform. However, the Committee reiterates the concern of CERD relating to the lack of legal provisions expressly outlawing racial discrimination by private persons in education and employment. Furthermore, the Committee is concerned that certain factors linked to discriminatory attitudes may persist, in particular those related to acquisition of nationality, children born out of wedlock and Cypriot children of Turkish origin...

116. The Committee recommends that the State party consider reviewing legislation, and amending it where necessary, with a view to ensuring that all children are accorded equal rights without discrimination based on their ethnic origin, sex, or other grounds...

- Sri Lanka, CRC, CRC/C/132 (2003) 48 at paras. 252 and 253.

252. The Committee notes with concern that societal discrimination persists against vulnerable groups of children, including children with disabilities, adopted children, children displaced by conflict, children infected with and affected by HIV/AIDS, and children of ethnic and religious groups.

253. The Committee recommends that the State party amend its legislation and increase its efforts to ensure the implementation of existing laws guaranteeing the principle of non-discrimination and full compliance with article 2 of the Convention, and to adopt a proactive and comprehensive strategy to eliminate discrimination on any grounds and against all vulnerable groups.

- Jamaica, CRC, CRC/C/132 (2003) 86 at paras. 417 and 418.

417. The Committee is concerned that:

(a) The Constitution of Jamaica does not fully reflect the provisions of article 2 of the Convention and, in particular, does not specifically prohibit discrimination on the grounds of the child's or his or her parents' or legal guardian's language, religion, ethnic or social origin, property, disability, birth or other status;

(b) With reference, *inter alia*, to the concerns of the Committee on the Elimination of Racial Discrimination (CERD/C/60/CO/6), the State party does not pay enough attention to the problems of racial discrimination within the State party;

...

418. The Committee recommends that the State party amend its legislation, including the Constitution, to ensure that it fully corresponds to the provisions of article 2 of the Convention and to ensure the full implementation of non-discrimination provisions, giving special attention to children infected with or affected by HIV/AIDS, children with

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disabilities, equality between boys and girls and racial discrimination.

- San Marino, CRC, CRC/C/133 (2003) 9 at paras. 34 and 35.

34. While noting that discrimination is prohibited under the Declaration of Citizens' Rights and of the Fundamental Principles of the San Marino Constitutional Order, the Committee remains concerned that no criminal law provisions exist to combat racism and discrimination.

35. The Committee recommends that the State party:

(a) Make greater efforts to ensure that all children within its jurisdiction enjoy all rights set out in the Convention without discrimination, in accordance with article 2;

(b) Adopt and implement provisions in order to combat racism and discrimination;

...

- Canada, CRC, CRC/C/133 (2003) 34 at paras. 71 and 72.

71. The Committee notes positive developments with respect to measures to promote and protect cultural diversity and specific legislative measures regarding discrimination, including the Multiculturalism Act, in particular as it bears upon the residential school system, the Employment Equity Act, and the amendment to the Criminal Code introducing racial discrimination as an aggravating circumstance (see also the 2002 annual report of the Committee on the Elimination of Racial Discrimination (CERD) (A/57/18), paras. 315-343). However, the Committee joins CERD in its concerns, in particular as they relate to children, such as those relating to the Indian Act, to the extent of violence against and deaths in custody of Aboriginals and people of African and Asian descent, to existing patterns of discrimination and expressions of prejudice in the media and to the exclusion from the school system of children of migrants with no status, and remains concerned at the persistence of de facto discrimination against certain groups of children (see also *ibid.*, paras. 332, 333, 335 and 337).

72. The Committee recommends that the State party continue to strengthen its legislative efforts to fully integrate the right to non-discrimination (article 2 of the Convention) in all relevant legislation concerning children, and that this right be effectively applied in all political, judicial and administrative decisions and in projects, programmes and services that have an impact on all children, in particular children belonging to minority and other vulnerable groups such as children with disabilities and Aboriginal children. The Committee further recommends that the State party continue to carry out comprehensive public

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education campaigns and undertake all necessary proactive measures to prevent and combat negative societal attitudes and practices...

- New Zealand, CRC, CRC/C/133 (2003) 27 at paras. 155 and 156.

155. The Committee welcomes the development of bilingual education for Maori; however, it notes with concern the persistent disparities in enrolment and dropout rates among children of different ethnic groups. The Committee is also concerned that the policy on exclusions, as well as increasing hidden costs of education are limiting access to education, particularly for Maori children, pregnant girls, children with special educational needs, lower-income families, non-citizens and new immigrants.

156. The Committee recommends that the State party:

(a) Ensure that all children in the State party have access to free primary education;

...

(c) Take effective measures to address disparities in enrolment and dropout rates between ethnic groups, including by strengthening programmes for bilingual education;

...

- Brunei Darussalam, CRC, CRC/C/133 (2003) 34 at paras. 350 and 351.

350. The Committee is concerned at the disparities in the enjoyment of all rights covered by the Convention by children practising religions other than Islam and by non-national children. The Committee is further concerned that race is indicated on identity cards, as this may lead to *de facto* discrimination.

351. The Committee recommends that the State party take all necessary measures to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, in accordance with article 2.

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

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



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

- Georgia, CRC, CRC/C/133 (2003) 111 at paras. 584 and 585.

584. The Committee welcomes the ratification by the State party of the International Convention on the Elimination of All Forms of Racial Discrimination. However, while the Committee is cognizant of the ethnic and religious diversity and tolerance in Georgia, it remains concerned at the increasing instances of direct or indirect discrimination and intolerance and the lack of an adequate response, as noted by the Council of Europe's European Commission against Racism and Intolerance (ECRI).

585. The Committee encourages the State party to take measures to combat racism, xenophobia, discrimination and intolerance by, *inter alia*, ensuring follow-up to the recommendations of the United Nations treaty bodies and ECRI, in particular as they relate to children. The Committee recognizes the important role of education in this respect and encourages the State party to continue to support education in languages of the minorities as well as education in their mother tongue for the ethnic Georgian population not having access to it.

- Indonesia, CRC, CRC/C/137 (2004) 8 at paras. 71 and 72.

71. The Committee is concerned that the current adoption legislation discriminates between groups of different ethnic origins...

72. The Committee recommends that the State party:

(a) Amend the current legislation on adoption so as to ensure that it conforms to articles 2 and 3 of the Convention;

...

- Germany, CRC, CRC/C/137 (2004) 51 at paras. 274 and 275.

274. While acknowledging the prohibition of discrimination in the Basic Law (art. 3), the

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Committee is concerned at the *de facto* discrimination against foreign children and at incidents of racial hatred and xenophobia that have a negative effect on the development of children. The Committee is also concerned that some of the Land disparities in practices and services provided and in the enjoyment of rights by children may amount to discrimination.

275. In accordance with article 2 of the Convention, the Committee recommends that the State party carefully and regularly evaluate existing disparities in the enjoyment by children of their rights and undertake on the basis of that evaluation the necessary steps to prevent and combat discriminatory disparities. It also recommends that the State party strengthen its administrative and judicial measures to prevent and eliminate *de facto* discrimination against foreign children or children belonging to minorities.

- The Netherlands (Netherlands and Aruba), CRC, CRC/C/137 (2004) 63 at paras. 345 and 346.

345. The Committee notes the significant efforts made by the State party to address racial discrimination, which have also been recognized in detail by the Committee on the Elimination of Racial Discrimination in its concluding observations (CERD/C/304/Add.104) on the thirteenth and fourteenth periodic reports of the Netherlands. However, the Committee is concerned that societal prejudices and discrimination persist in society, in particular, against children of ethnic minorities and refugee and asylum-seeking children, and that in some localities and schools in the Netherlands there is *de facto* segregation between ethnically Dutch families and families of foreign origin. In Aruba, the Committee is concerned about discrimination against children of migrant families, in particular, in accessing services...

346. The Committee recommends that the State party increase its efforts to ensure the implementation of existing laws guaranteeing the principle of non-discrimination and full compliance with article 2 of the Convention, and to adopt a proactive and comprehensive strategy to eliminate discrimination on any grounds and against all vulnerable groups. The Committee requests the State party to pay particular attention to eliminating negative stereotype of refugee and asylum-seeking children in the Netherlands and to address the root causes of *de facto* segregation in schools and localities. It further recommends that the State party ensure that children of migrant families in Aruba have equal access to education, health and other services...

- Rwanda, CRC, CRC/C/140 (2004) 36 at paras. 191 and 192.

191. The Committee takes note of the introduction of the new system of birth certificate and identity card, which does not refer to ethnic origin. However, the Committee is concerned

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about the slow progress made in this regard.

192. The Committee recommends that the State party strengthen its effort to ensure that all children are provided with new birth certificates and identity cards.

- Liberia, CRC, CRC/C/140 (2004) 67 at paras. 334 and 335.

334. The Committee is very concerned that the granting of citizenship to children born in the State party is restricted on the basis of colour or racial origin by the provisions contained in article 27 of the Constitution and the Alien and the Nationalization Law, which are contrary to article 2 of the Convention on the Rights of the Child.

335. The Committee recommends that the State party amend its Constitution and citizenship laws to eliminate discrimination on the basis of colour or racial origin.

- Myanmar, CRC, CRC/C/140 (2004) 81 at paras. 408, 409, 453 and 454.

408. While noting the progress achieved by the State party in registering children at birth, the Committee remains concerned at the large number of children whose births have not been registered. The Committee is further concerned that religion and ethnic origin are specified on the identity card and is deeply concerned that the Citizenship Act establishes three different categories of citizenship, possibly resulting in some categories of children and their parents being discriminated against, stigmatized and/or denied certain rights.

409. In light of article 7 of the Convention, the Committee urges the State party to strengthen its efforts to reform its civil registration system to ensure that all children are registered at birth without discriminatory conditions, through, *inter alia*, conducting awareness-raising campaigns and a review of the existing registration system. It is also encouraged to consider facilitating birth registration procedures through mobile units for remote areas. In line with its previous recommendations ([CRC/C/15/Add.9,] paras. 28 and 34), the Committee recommends that the State party abolish the categories of citizens, as well as the statement on the national identity card of the religion and ethnic origin of citizens, including children.

...

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

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and development, to enjoy their own culture and to be protected from discrimination.

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

- Dominica, CRC, CRC/C/140 (2004) 101 at paras. 506 and 507.

506. The Committee acknowledges the various measures undertaken with regard to the Carib Indian children. However, the Committee is concerned about the limited enjoyment of their rights; particularly with regard to their access to education and health owing to widespread poverty.

507. The Committee recommends that the State party continue and strengthen its efforts to improve the enjoyment of the rights of Carib Indian children, in particular by effective measures to reduce poverty in the Carib Indian Territory.

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

639. The Committee welcomes information provided in the State party's report that all children in France are equal before the law and have a right to freedom of religion, expression in their own language in private affairs and right to cultural activities. However, the Committee remains concerned that equality before the law may not be sufficient to ensure equal enjoyment of rights by certain minority groups, such as the Roma, among others, who may face *de facto* discrimination. The Committee regrets that the State party has not considered reviewing its position and withdrawing its reservation to article 30 of the Convention.

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

- Brazil, CRC, CRC/C/143 (2004) 10 at paras. 37, 54 and 55.

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37. The Committee notes with extreme concern the dramatic inequalities based on race, social class, gender and geographic location which significantly hamper progress towards the full realization of the children's rights enshrined in the Convention.

...

54. The Committee welcomes the fact that the Constitution of 1988 criminalizes acts of racism by not giving the right to bail or prescription and by subjecting them to imprisonment. The Committee notes the recent measures adopted by the federal Government, including the cultural diversity programme and Civil Code Law 10.406/02, which regulates the citizenship of the Brazilian Indian, since it abolishes the previous status of being a relatively "incapable" citizen. However, the Committee is concerned that discrimination is still present against some ethnic groups, such as Brazilians of African descent, in some cultural and social practices and by the persistent level of unequal social development in regions, specifically in the North and Northeast regions, which in many instances amount to discrimination.

55. The Committee urges the State party to take adequate measures to ensure the implementation of existing laws and policies guaranteeing the principle of non-discrimination and full compliance with article 2 of the Convention, and to adopt a comprehensive strategy to eliminate discrimination on any grounds and against all vulnerable groups, including all necessary special measures to address the rather persistent inequalities that exist against some ethnic groups such as Brazilian of African descent in the State party. The Committee further recommends that the State party continue to carry out comprehensive public education campaigns and undertake all necessary proactive measures to prevent and combat negative societal attitudes and practices.

- Croatia, CRC, CRC/C/143 (2004) 36 at paras. 188-190, 237 and 238.

188. The Committee acknowledges the various efforts undertaken by the State party to follow up its previous recommendations but remains concerned at the *de facto* discrimination against ethnic and national minorities and Roma and foreign children, and at incidents of harassment and expressions of hatred, which have a negative effect on the development of children. The Committee joins the Committee on the Elimination of Racial Discrimination in its concern as it relates to the lack of legal provisions prohibiting incitement to racial discrimination and violence, and about the adequacy of efforts to investigate and prosecute persons responsible for fomenting ethnic hatred (see CERD/C/60/CO/4, para. 12).

189. The Committee reiterates its recommendation that the State party should take measures aimed at developing a culture of tolerance in the society at large through all possible channels, including the schools, the media and the law.

190. In accordance with article 2 of the Convention, the Committee recommends that the

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State party carefully and regularly evaluate existing disparities in the enjoyment by children of their rights and undertake on the basis of that evaluation the necessary steps to prevent and combat discriminatory disparities. It also recommends that the State party strengthen its administrative and judicial measures to prevent and eliminate de facto discrimination against children belonging to minorities, especially Roma and foreign children.

...

237. The Committee notes the measures undertaken by the State party to improve domestic legislation with regard to minority rights, e.g. the Constitutional Law on the Rights of National Minorities, but remains concerned that these legal instruments are not effectively implemented. It is also concerned about continuing problems of ethnic discrimination and intolerance, particularly concerning the Roma and other minority groups, e.g. Serbs and Bosniaks.

238. The Committee reiterates its recommendation that the State party should take effective measures to encourage the protection of the rights of children belonging to minority groups and eliminate the impunity enjoyed by those who harass these groups. It also recommends that the State party undertake special measures to stimulate a process of reconciliation and confidence-building, including wide-ranging educational and awareness-raising campaigns.

- Kyrgyzstan, CRC, CRC/C/143 (2004) 50 at paras. 298 and 299.

298. While welcoming the adoption of the Law on Refugees in 2002 and the more favourable policies towards refugees, the Committee remains concerned that certain practices do not allow persons below 18 to have their own documentation, and at reports that in some cases asylum-seekers are not being allowed to register their claims for refugee status because of their ethnic background...

299. The Committee recommends that the State party review its regulations and practices concerning refugees in order to eliminate all discriminatory elements between adults and minors as well as between refugees of different ethnic backgrounds...

- Sweden, CRC, CRC/C/146 (2005) 8 at paras. 42 and 43.

42. The Committee welcomes the measures taken by the State party to combat racism, especially as it pertains to children, and to ensure that education of children is directed to the development of respect for civilizations different from his/her own and of friendship among all peoples, in accordance with article 29 (1) of the Convention. However, the Committee is concerned about reports of racism, especially in schools, and of racist organizations recruiting children from the age of 13.

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43. The Committee recommends that the State party continue strengthening the measures taken to combat racism and xenophobia, including in the field of education.

- Albania, CRC, CRC/C/146 (2005) 19 at paras. 98 and 99.

98. The Committee welcomes the many legislative amendments providing for equal rights to all children, including giving children equal inheritance rights without discrimination based on their status at birth. However, the Committee is concerned that discrimination persists in particular with respect to ethnic minorities, including Roma children, disabled children and children living in remote areas many of whom have reduced access to support and protection. The Committee regrets the lack of information on the efforts made by the State party to counter these forms of discrimination while noting statements that this is primarily a result of mentality and attitudes rather than lack of related legislation...

99. The Committee urges the State party to undertake concerted actions to develop and implement policies aimed at countering the various forms of discrimination in the country. This would include revision of existing legislation, introduction of comprehensive anti-discrimination legislation and conducting educational campaigns to address discrimination against the Roma and other minorities, as well as discrimination on grounds such as disability, sex, birth status or others.

- Luxembourg, CRC, CRC/C/146 (2005) 36 at paras. 175, 176, 186 and 187.

175. The Committee is...concerned at the discriminatory attitudes and the emergence of racism, xenophobia and related intolerance towards the Muslim community and other minorities and at their impact on children belonging to these groups.

176. The Committee recommends that the State party increase its efforts to ensure implementation of existing laws guaranteeing the principle of non-discrimination and full compliance with article 2 of the Convention, and adopt a proactive and comprehensive strategy to eliminate discrimination on any grounds and against all vulnerable groups.

...

186. While the Committee appreciates the measures taken by the State party to prevent and combat child pornography on the Internet, as well as the introduction of article 384 of the Criminal Code punishing the possession of pornographic material involving children, it remains concerned about the exposure of children to violence, racism and pornography, especially through the Internet.

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187. The Committee recommends that the State party continue to take all appropriate measures to effectively protect children from being exposed to violence, racism and pornography through mobile technology, video movies, games and other technologies, including the Internet. The Committee further suggests that the State party develop programmes and strategies to use mobile technology, video advertisements and the Internet as a means for raising awareness among both children and parents of information and material injurious to the well-being of children.

- Austria, CRC, CRC/C/146 (2005) 47 at paras. 242, 243, 253 and 254.

242. The Committee notes the positive efforts made by the State party to address racial discrimination, which have also been recognized by the Committee on the Elimination of Racial Discrimination in its concluding observations (CERD/C/60/CO/1). However, the Committee is concerned at the discriminatory attitudes and manifestations of neo-Nazism, racism, xenophobia and related intolerance towards migrant communities and those of certain ethnic backgrounds, and at their impact on children belonging to these groups, as well as towards refugee and asylum-seeking children.

243. The Committee recommends that the State party increase its efforts to ensure the implementation of existing laws guaranteeing the principle of non-discrimination and full compliance with article 2 of the Convention, and adopt a proactive and comprehensive strategy to eliminate discrimination on any grounds and against children belonging to vulnerable groups.

...

253. While welcoming the State party's efforts to protect children from harmful media influence, the Committee shares the concern of the State party that the existing legal instruments for the limitation of the dissemination of racist, violent and violence-inducing images, texts and games through the Internet and mass media as well as video computer games need to be reviewed and extended.

254. The Committee recommends that the State party continue and strengthen its efforts to protect children from harmful information. It further recommends that the State party provide parental education and raise the awareness of children to effectively protect children against violence on the Internet, television and computer games and encourage international cooperation in this respect.

- Bahamas, CRC, CRC/C/146 (2005) 77 at paras. 398 and 399.

398. The Committee is concerned that societal discrimination persists against vulnerable groups of children, including children living in poverty, Haitian immigrant children and



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children with disabilities...

399. The Committee recommends that the State party:

(a) Strengthen, in the current process of reforming the Constitution, the existing provisions on non-discrimination and ensure observance of the principle of non-discrimination in full compliance with article 2 of the Convention;

(b) Adopt further appropriate legislation (e.g. a separate law on non-discrimination);

(c) Adopt a proactive and comprehensive strategy to eliminate discrimination on any grounds and against all vulnerable groups.

- Nigeria, CRC, CRC/C/146 (2005) 135 at paras. 693 and 694.

693. While noting that discrimination is prohibited under the Constitution, and that the drafting of an Anti-Discrimination Bill is under way, the Committee regrets the absence of concrete information on the actual enjoyment of the principle of non-discrimination by children in Nigeria. The Committee reiterates its previous concern that children belonging to vulnerable groups, including girls, children living in poverty, children born out of wedlock, children with disabilities and children belonging to minority groups continue to face serious and widespread discrimination. The Committee is also concerned that the State party regards unnecessary any initiatives to prevent and combat racial discrimination given its position that social and ethnic tension, racism and xenophobia are minimal in the State party.

694. The Committee recommends that the State party increase its efforts to ensure implementation of existing laws guaranteeing the principle of non-discrimination, and to adopt appropriate legislation, where necessary, to ensure that all children within its jurisdiction enjoy all rights set out in the Convention without discrimination, in accordance with article 2.

- Bosnia and Herzegovina, CRC, CRC/C/150 (2005) 49 at paras. 227, 228, 277 and 278.

227. The Committee is concerned that discrimination on grounds of ethnicity, political affiliation, national origin, social status, status as internally displaced persons or returnees, residence in rural areas and gender or disability continues to be widespread. The Committee also expresses concern at the information that - despite some improvements - the media sometimes contribute to stigmatization and social exclusion by conveying stereotyped messages and distrust of people belonging to minority and/or ethnic groups.

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228. In accordance with article 2 of the Convention, the Committee recommends that the State party carefully and regularly evaluate existing disparities in the enjoyment by children of their rights and undertake on the basis of that evaluation the necessary steps to prevent and combat all discriminatory disparities. It also recommends that the State party strengthen its administrative and judicial measures to prevent and eliminate *de facto* discrimination against children, in particular children with disabilities, Roma children and children belonging to ethnic and/or religious minorities or other nationalities. The State party is also encouraged to develop, in consultation with the media, a code of conduct with a view to eliminating stereotyping and stigmatization of minority and/or ethnic groups in the media.

...

277. While the Committee welcomes the Law on the Protection of National Minorities, adopted by Parliament of Bosnia and Herzegovina on 1 April 2003, as well as the establishment of the Roma Committee, it remains concerned about the fact that continuing problems of ethnic discrimination and intolerance, including instances of violence and of daily discrimination, have a huge impact on the full enjoyment of the rights enshrined in the Convention by children belonging to ethnic minorities, especially Roma.

278. The Committee recommends that the State party take effective measures to protect the full enjoyment of the rights of children belonging to ethnic minority groups and undertake special measures to stimulate a process of reconciliation and confidence-building, including wide-ranging educative and awareness-raising campaigns.

- Nepal, CRC, CRC/C/150 (2005) 66 at paras. 316-318.

316. While noting that discrimination is prohibited under the Constitution and other relevant legislation, as well as the various efforts undertaken by the State party to eliminate discrimination, the Committee reiterates its deep concerns about the widely prevailing *de facto* discrimination against girls and children belonging to the most vulnerable groups such as the *Dalit* community, children belonging to indigenous or ethnic minority groups, refugee and asylum-seeking children, street children, children with disabilities and children living in rural areas. The Committee notes with grave concern that as a consequence of prevailing discriminatory attitudes, children belonging to vulnerable groups are particularly likely to fall victim to abuse and exploitation.

317. With reference, *inter alia*, to the concerns of the Committee on the Elimination of Racial Discrimination (CERD/C/64/CO/5) regarding the persistent *de facto* caste-based discrimination against *Dalit* in education, employment, marriage, access to public places including water sources and places of worship, the Committee expresses serious concern about the harmful effects of this prevailing form of discrimination on the physical, psychological and emotional well-being of the *Dalit* children in the State party.

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318. The Committee recommends that the State party increase its efforts to ensure implementation of existing laws guaranteeing the right to non-discrimination, and to adopt appropriate legislation, where necessary, to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, in accordance with article 2. In this regard, the Committee urges the State party to prioritize and target social services for children belonging to the most vulnerable groups, and to take all effective measures to ensure their protection from exploitation. The Committee encourages the State party to launch comprehensive public information campaigns to prevent and combat all forms of discrimination.

- Ecuador, CRC, CRC/C/150 (2005) 91 at paras. 414, 415, 443-446, 459 and 460.

414. The Committee reiterates the concern voiced by the Committee on the Elimination of Racial Discrimination (CERD/C/62/CO/2, para. 11) that, despite constitutional and legal guarantees, indigenous and Afro-Ecuadorian people, as well as members of other ethnic minorities are, *de facto*, still discriminated against...

415. The Committee urges the State party to take adequate measures to ensure practical application of the constitutional and legal provisions guaranteeing the principle of non-discrimination and the full compliance with article 2 of the Convention and to strengthen and effectively implement its national strategies to eliminate discrimination on any grounds and against all vulnerable groups.

...

443. The Committee joins the concern expressed by the Committee on Economic, Social and Cultural Rights (see E/C.12/1/Add.100, para. 26) with regard to the persistent and growing level of poverty in the State party, particularly affecting children, including indigenous and Afro-Ecuadorian children.

444. The Committee recommends that the State party increase its effort to provide vulnerable and marginalized children, including indigenous and Afro-Ecuadorian children, with material assistance and support programmes, particularly with regard to nutrition, clothing and housing in accordance with article 27 of the Convention.

445. The Committee acknowledges the remarkable improvement made in the field of education, including the forthcoming implementation of bilingual education. The Committee also takes note of the system of measurement of academic achievements (APRENDO). However, the Committee is concerned at the low level of government investment in education, the poor equipment for schools, the limited access to educational facilities for street children and the regional disparities in the full enjoyment of the right to education.

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446. The Committee recommends that the State party:

...

(b) Increase enrolment in primary and secondary education, reducing socio-economic, ethnic and regional disparities in the access and full enjoyment of the right to education;

...

459. The Committee takes note of the various measures undertaken by the State party with regard to indigenous children, including the implementation of the bilingual intercultural education system. However, the Committee remains concerned about the limited enjoyment of rights by indigenous children, particularly with regard to access to education and health due to widespread poverty. It is also concerned that indigenous children:

(a) Begin to work in agricultural and domestic activities at 5 years of age for boys and 4 years for girls;

(b) Are subjected to punishment, including forms of public shaming; and

(c) Are often victims of sexual abuse.

460. The Committee recommends that the State party take all necessary measures to protect the rights of indigenous children against discrimination and to guarantee their enjoyment of the rights enshrined in domestic law and in the Convention. In this regard, the Committee refers the State party to its recommendations adopted following its day of general discussion on the rights of indigenous children at its thirty-fourth session in 2003. The Committee further recommends that the State party provide indigenous communities, including children with sufficient information regarding birth registration procedures, child labour, HIV/AIDS, child abuse and neglect, including corporal punishment.

- Norway, CRC, CRC/C/150 (2005) 105 at paras. 482 and 483.

482. Despite the ongoing measures of the State party in this area, the Committee is concerned about the discrimination faced by some children in schools and society on the basis of their religious or ethnic backgrounds.

483. In the light of article 2 of the Convention, the Committee recommends that the State party continue to intensify its efforts to prevent and eliminate all forms of *de facto* discrimination against children.

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- Nicaragua, CRC, CRC/C/150 (2005) 132 at paras. 665 and 666.

665. The Committee notes with concern that, despite constitutional recognition of indigenous customary rights, indigenous communities still suffer from institutional neglect, historic abandonment and indiscriminate pillaging of natural resources, especially in the Caribbean region.

666. The Committee recommends that the State party pursue measures to effectively address the gap in life opportunities of indigenous children, and take adequate measures in order to provide protection for the rights of indigenous children as protected in the Constitution, taking due account of the recommendations adopted by the Committee at its day of general discussion on the rights of indigenous children in September 2003.