
INDIGENOUS PEOPLES

AND

UNITED NATIONS HUMAN RIGHTS TREATY BODIES:

A COMPILATION OF TREATY BODY JURISPRUDENCE

1993 - 2004

September 2005



Forest Peoples Programme

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Preface

This document contains a compilation of jurisprudence developed by the United Nations human rights treaty bodies pertaining to indigenous peoples. It has been produced primarily to support the negotiations around the draft UN Declaration on the Rights of Indigenous Peoples, which are presently taking place in a working group of the UN Commission on Human Rights. It certainly has other uses and we hope that indigenous peoples and organizations find it a useful tool.

The jurisprudence compiled herein is from the period 1993-2004 as this is the period commencing with the International Year of the World's Indigenous Peoples through to the end of the first International Decade of the World's Indigenous People. While we have tried to locate and include all jurisprudence from this period, the document is not complete and some jurisprudence is missing.

Part I contains the compilation of the jurisprudence. Please aware that the jurisprudence is excerpted from larger treatments of country situations so that only those sections that either directly refer to indigenous peoples or otherwise are known to be about indigenous peoples are included. Part II contains two matrices: the first, categorizes the jurisprudence by topic or issue; the second, organizes the jurisprudence by country.

We would like to especially thank the Indigenous Peoples and Law Programme at the University of Arizona for their invaluable assistance with the subject and country matrices.

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PART I -- JURISPRUDENCE

I. The Committee on the Elimination of Racial Discrimination

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1. Statement by the Committee to the World Summit on Sustainable Development: 01/11/2002. A/57/18 (Chapter XI)(D.).

A. Concluding Observations

1. Argentina: CERD/C/65/CO/1, August 2004

8. The Committee is concerned about the absence of statistical data on the demographic composition of the population in the State party's report.

The Committee recalls that such information is necessary for an assessment of the implementation of the Convention as well as for the monitoring of policies in favour of minorities and indigenous peoples. The Committee requests that the State party publish the results of the 2001 census, which, *inter alia*, took into account information on membership of indigenous peoples, and complete the complementary 2003 survey on indigenous peoples as soon as possible. Furthermore, in the light of paragraph 8 of the reporting guidelines and General Recommendations No. 4 and 24, the Committee recommends that the State party include in its next periodic report information on the demographic composition of the population, including information on indigenous peoples and minorities, such as Afro-Argentines and Roma.

16. The Committee is concerned about the State party's failure to enact the necessary legislation to implement ILO Convention 169 on Indigenous and Tribal Peoples. The Committee further notes reported difficulties in recognizing the legal personality of indigenous peoples, the inadequate protection in practice of indigenous peoples' ownership and possession of ancestral lands and the consequential impairment of indigenous peoples' ability to practise their religious beliefs.

In the light of its General Recommendation 23, the Committee urges the State party to: fully implement ILO Convention 169; adopt, in consultation with indigenous peoples, a general land tenure policy and effective legal procedures to recognize indigenous peoples' titles to land and demarcate territorial boundaries; adopt measures to safeguard indigenous rights over ancestral lands, especially sacred sites, and compensate indigenous peoples for land deprivation; ensure access to justice as well as recognize effectively the legal personality of indigenous peoples and their communities in their traditional way of life, and respect the special importance for the culture and spiritual values of indigenous peoples of their relationship with the land.

17. The Committee remains concerned about the insufficient information provided by the State party on the representation of indigenous peoples and minorities in the civil service at the federal, provincial and municipal levels, the police, judicial system, Congress, and other public institutions.

The Committee requests the State party to include in its next periodic report detailed information on the representation of indigenous peoples and minority groups in the public administration.

18. The Committee takes note that the Co-ordinating Council of Argentine Indigenous Peoples envisaged by Act No. 23,302 to represent indigenous peoples in the National Institute of Indigenous Affairs, has still not been established.

The Committee recalls its General Recommendation 23 on the rights of indigenous peoples which calls upon State parties to ensure that no decisions directly relating to their rights and interests are taken without their informed consent and urges the State party to ensure that the Council is established as soon

as possible and that sufficient funds are allocated for the effective functioning of the Council and the Institute.

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

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

20. The Committee reiterates its concern about the State party's failure to provide information on the extent to which indigenous peoples enjoy economic, social and cultural rights, particularly in the light of the recent economic and social crisis. It also reiterates its concern at the lack of a social security system which takes into account the specific needs of indigenous peoples.

The Committee reiterates its request to the State party to include detailed information on these issues in its next periodic report, including measures taken to ensure the effective enjoyment of economic, cultural and social rights.

2. Sweden: 10/05/2004. CERD/C/64/CO/8.

6. The Committee is encouraged by the initiatives taken by the State party to increase knowledge of the Sami people among the general society, including the initiation of an information campaign.

12. While the Committee welcomes the appointment in 2002 of the Boundary Commission to formulate proposals for the definition of the boundaries for Sami reindeer-breeding areas by the end of 2004 as an important step towards securing the rights of the Sami people, it remains concerned that issues related to Sami land rights remain unresolved.

In the light of general recommendation XXIII on the rights of indigenous peoples, the Committee encourages the State party to ensure that the Boundary Commission fulfils its task within the scheduled time. Consequently, it also recommends that the State party introduce adequate legislation, in consultation with the Sami people, regarding the findings of the Boundary Commission, in order to remove the legal uncertainty relating to Sami land rights.

13. The Committee notes that the State party has so far not been in a position to ratify the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization. In this connection, it takes note of the State party's observation

that in order for ratification to be possible, it is necessary to define at least the outer boundaries for reindeer husbandry more clearly than at present.

The Committee invites the State party to accelerate all preliminary work in order to proceed with the ratification of the Convention as swiftly as possible.

14. The Committee notes the allegations that in cases of land disputes between Sami and non-Sami in courts of law, the interests of the non-Sami frequently override those of the Sami, and that the latter are allegedly not provided with financial means to support litigation in respect of their rights to land.

The Committee requests that the State party provide information on this issue, as well as information on the outcome of cases related to these claims and the compensation granted, if any.

3. Brazil: 12/03/2004. CERD/C/64/CO/2.

9. The Committee notes with satisfaction the entry into force in August 2003 of ILO Convention 169 concerning Indigenous and Tribal Peoples in Independent Countries.

12. 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, and provide information on the implementation of measures taken, in particular those provided by the second National Human Rights Programme and the National Affirmative Action Programme.

13. 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. Furthermore, the Committee invites the State party to provide information on the measures taken to address this issue.

14. The Committee takes note that a new Statute of Indigenous Peoples (Estatuto da Sociedades Indígenas) is currently being elaborated in the National Congress.

The Committee recommends that the State party provide an update of developments in this regard.

15. While the Committee takes note of the State Party's objective to complete the demarcation of indigenous lands by 2007 and considers it an important step towards securing the rights of indigenous peoples, it remains concerned at the fact that effective possession and use of indigenous lands and resources continues to be threatened and restricted by recurrent acts of aggression against indigenous peoples.

In the light of General Recommendation XXIII on the rights of indigenous peoples, the Committee recommends that the State party complete the demarcation of indigenous lands by 2007. Furthermore, the Committee recommends that the State party adopt urgent measures to recognize and protect, in practice, the right of indigenous peoples to own, develop, control and use their lands, territories and resources. In this connection, the Committee invites the State party to submit information on the outcome of cases of conflicting interests over indigenous lands and resources, particularly those where indigenous groups have been removed from their lands.

4. Suriname: 12/03/2004. CERD/C/64/CO/9.

8. The Committee notes with interest the State party's assurance that the number of Maroons and indigenous people who have senior positions in the community is increasing steadily, although there still is a great deal to be achieved.

11. The Committee is concerned that, more than 10 years after the 1992 Peace Accord, the State party has not adopted an adequate legislative framework to govern the legal recognition of the rights of indigenous and tribal peoples (Amerindians and Maroons) over their lands, territories and communal resources.

While noting the principle set forth in article 41 of the Constitution that natural resources are the property of the nation and must be used to promote economic, social and cultural development, the Committee points out that this principle must be exercised consistently with the rights of indigenous and tribal peoples.

It recommends legal acknowledgement by the State party of the rights of indigenous and tribal peoples to possess, develop, control and use their communal lands and to participate in the exploitation, management and conservation of the associated natural resources.

12. The Committee notes the efforts made by the State party, to some degree, to reconcile the State's title to the country's natural resources with the rights of indigenous and tribal peoples, in particular by means of the 1992 Peace Accord. It nevertheless observes that the Accord is not clear on this issue, and has not been put into effect.

The Committee recommends urgent action by the State party in cooperation with the indigenous and tribal peoples concerned to identify the lands which those peoples have traditionally occupied and used. It would welcome more detailed information on the membership, terms of reference, modes of operation and financial and human resources at the disposal of the Council for the Development of the Interior which, under the terms of the Peace Accord, is required to assist in the land demarcation process.

13. While also noting the State party's assertion that there are mechanisms guaranteeing that indigenous and tribal peoples are notified and consulted before any forestry or mining concessions within their lands are awarded, the Committee is disturbed at reports that consultation of that kind is rare.

It invites the authorities to check that the established mechanisms for notifying and consulting the indigenous and tribal peoples are working, and recommends the State party to strive to reach agreements with the peoples concerned, as far as possible, before awarding any concessions.

14. The Committee notes that, under the draft Mining Act, indigenous and tribal peoples will be required to accept mining activities on their lands following agreement on compensation with the concession holders, and that if agreement cannot be reached the matter will be settled by the executive, and not the judiciary. More generally, the Committee is concerned that indigenous and tribal peoples cannot as such seek recognition of their traditional rights before the courts because they are not recognized legally as juridical persons.

It recommends that indigenous and tribal peoples should be granted the right of appeal to the courts, or any independent body specially created for that purpose, in order to uphold their traditional rights and their right to be consulted before concessions are granted and to be fairly compensated for any damage.

15. The Committee notes with concern complaints by indigenous and tribal peoples in the interior about the deleterious effects of natural-resource exploitation on their environment, health and culture. It regrets that the State party does not seem to have attached the highest priority to dealing with the problem of mercury contamination in parts of the interior.

The Committee wishes to point out that development objectives are no justification for encroachments on human rights, and that along with the right to exploit natural resources there are specific, concomitant obligations towards the local population; it recommends adoption by the State party of a legislative framework which clearly sets forth the broad principles governing the exploitation of the land, including the obligation to abide by strict environmental standards. It recommends the State party to set up an independent body to conduct environmental impact surveys before any operating licenses are issued, and to conduct health and safety checks on small-scale and industrial gold-mining.

16. The Committee is disturbed at reports of growing sexual exploitation of children and the rape of girls belonging to indigenous and tribal peoples in regions where mining and forestry operations have developed.

It recommends that the State party take the necessary measures to ensure that those responsible are prosecuted.

17. The Committee is concerned at information about the spread of sexually transmitted diseases such as HIV/AIDS amongst indigenous and tribal people, in connection with the expansion of mining and forestry operations in the interior of the country.

It recommends that the State party introduce a plan of action to combat AIDS in the interior.

18. The Committee expresses surprise at the State party's statement that the Maroons and Amerindians have never officially complained about the effects of natural-resource exploitation.

It recommends that an information campaign be directed to the indigenous and tribal peoples, informing them what remedies are available for upholding their rights and interests, and that investigations take place whenever the State party receives reports that the rights of indigenous and tribal peoples have been flouted.

19. The Committee is disturbed at the continuing lack of health and education facilities and utilities available to indigenous and tribal peoples. It regrets that no

special measures have been taken to secure their advancement on the grounds that there are no available data suggesting that they need special protection.

The Committee recommends that greater efforts be undertaken by the State party, in particular as regards the education plan of action for the interior. It also recommends the inclusion in agreements with large business ventures - in consultation with the peoples concerned - of language specifying how those ventures will contribute to the promotion of human rights in areas such as education.

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

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

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

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

23. The Committee draws the State party's attention to its General Recommendation XXIII (1997) on the rights of indigenous peoples, and reminds it of the relevance of International Labour Organization Convention No. 169 concerning Indigenous and Tribal Peoples to Suriname's particular circumstances.

It would welcome further information on the general discussion of the substance of that Convention, which was mentioned in the 1992 Peace Accord, and the outcome. It encourages the State party to consider ratifying the Convention as quickly as possible.

30. 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 drafting a framework law on the rights of indigenous and tribal peoples that addresses the Committee's concerns set out above.

5. Nepal: 12/03/2004. CERD/C/64/CO/5.

2. The Committee welcomes the report submitted by the State party and the additional oral information provided by the delegation. The Committee appreciates the efforts made by the State party to respond to its observations made in 2000. The Committee further welcomes the fact that the State party's delegation included a member of the National Dalit Commission and a member of the National Academy for the

Nationalities and Indigenous People, and expresses its appreciation for the candid and constructive responses of the delegation to its questions asked during the dialogue.

4. The Committee welcomes the adoption of several action plans within the framework of the State party's Ninth and Tenth Plans, in particular the programmes for Dalits, nationalities and indigenous peoples of Nepal.

5. The Committee notes with satisfaction that a number of institutions have recently been established with the aim of promoting human rights and combating discrimination, including the National Dalit Commission, the National Committee for the Upliftment of the Depressed, the Oppressed and Dalits Community, the Academy to Uplift Nationalities and Indigenous Peoples, and the National Foundation for the Development of Indigenous Nationalities.

13. The Committee regrets the general paucity of information regarding the implementation of the Convention in relation to the enjoyment of all human rights by the indigenous peoples of Nepal. The Committee is also concerned over allegations of forced relocation and violations of the indigenous peoples' right to own, develop, control and use their traditional homelands and resources in the name of wildlife preservation.

The Committee recommends that the State party take stricter measures to combat discrimination against indigenous peoples, in line with its General Recommendation XXIII on Indigenous Peoples. It requests the State party to include in the next report information on actions taken, especially on its efforts to reconcile indigenous peoples' land rights with the preservation of wildlife. It further invites the State party to consider acceding to ILO Convention No. 169.

6. Bolivia: 10/12/2003. CERD/C/63/CO/2.

6. The Committee notes with satisfaction that Bolivia is a party to a range of international human rights instruments, including International Labour Organization, Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

9. The Committee commends the State party's efforts aimed at ensuring that members of the indigenous peoples - which, according to the 2001 census, represent 61.8 per cent of the whole population - are free and equal in dignity and rights and free from any discrimination, including legal provisions aimed at recognizing the title to and ownership of land of indigenous groups and individuals as well as the right to exclusive benefit of renewable natural resources situated on their lands. In this respect, the Committee especially welcomes the establishment of the Agrarian Court.

11. The Committee also takes note with appreciation of the steps taken to give adequate recognition to indigenous languages.

13. While welcoming the State party's efforts aimed at ensuring the enjoyment and exercise of the rights of indigenous peoples through the adoption of constitutional, legal and institutional reforms, the Committee notes with concern the information

received on the issue of indigenous lands allegedly allotted to private companies, especially in the communities of Chiquitano, Beni and Santa Cruz.

The Committee invites the State party to implement consistently in practice the commendable legislation it adopted in order to recognize the fundamental rights of indigenous peoples and to improve their living conditions. In this regard, the Committee draws the attention of the State party to its general recommendation XXIII which, inter alia, calls upon States parties to recognize and protect the rights of indigenous peoples to own, develop, control and use their communal lands, territories and resources and, where they have been deprived of their lands and territories traditionally owned or otherwise inhabited or used without their free and informed consent, to take steps to return those lands and territories.

14. The Committee is also concerned about reports that human rights defenders providing assistance to members of indigenous groups in the context of land disputes continue to be threatened and harassed by police officers, especially in the region of Chapare.

The Committee recommends that the State party take all necessary measures for the protection of human rights defenders against any violence, threats, retaliation, de facto discrimination, pressure or any arbitrary action as a consequence of their activities. In this regard, 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, especially police officers, so that the standards of the Convention are fully implemented.

7. Finland: 10/12/2003. CERD/C/63/CO/5.

11. The Committee is of the opinion that the State party's approach to the definition of who may be considered a Sami and thus fall under the relevant legislation established in favour of the Sami, as illustrated by the Act on the Sami Parliament and the specific interpretation placed thereon by the Supreme Administrative Court, is too restrictive.

The Committee considers that by relying mainly, if not exclusively, on the criteria of the language spoken and the taxes levied on a person's ancestors, the State party is not taking into account to a sufficient degree the criterion of self-identification. Accordingly, the Committee suggests that the State party give more adequate weight to self-identification by the individual, as indicated in general recommendation VIII.

12. While the Committee notes the continuous efforts undertaken by the State party to solve the issue of Sami land rights, it regrets that the problem has not yet been resolved and that Finland has so far not adhered to International Labour Organization Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries. The Committee draws the State party's attention to general recommendation XXIII on the rights of indigenous peoples which, inter alia, calls upon States parties to recognize and protect the rights of indigenous peoples to own, develop, control and use their communal lands, territories and resources.

In this regard, the Committee refers to its previous concluding observations and again urges the State party to find an adequate settlement of the land dispute together with the Sami people, and recommends that it adhere to ILO Convention

No. 169 as soon as possible. Furthermore, the Committee requests that the State party provide additional information on this issue in its next periodic report.

8. Norway: 10/12/2003. CERD/C/63/CO/8.

18. The Committee is concerned that the recently proposed Finnmark Act will significantly limit the control and decision-making powers of the Saami population over the right to own and use land and natural resources in Finnmark County. The Committee draws the attention of the State party to its general recommendation XXIII on the rights of indigenous peoples which, inter alia, calls upon the State party to recognize and protect the right of indigenous peoples to own, develop, control and use their communal lands, territories and resources.

The Committee recommends that the State party find an adequate solution concerning the control and decision-making powers over the right to land and natural resources in Finnmark County in agreement with the Saami people.

9. Uganda: 02/06/2003. CERD/C/62/CO/11.

14. The Committee is concerned by reports of the difficult human rights situation of the Batwa people, particularly in relation to the enjoyment of their rights over lands traditionally occupied by them, and requests information on their situation in accordance with general recommendation XXIII.

10. Tunisia: 02/06/2003. CERD/C/62/CO/10.

8. The Committee notes that the State party did not provide information on the Berber (or Amazigh) population and on measures taken for the protection and promotion of their culture and language. In view of the absence of any reference to this group in the report, the Committee requests concrete information on their situation and recommends that increased attention be given to the situation of Berbers as a specific component of the Tunisian population.

11. Fiji: 02/06/2003. CERD/C/62/CO/3.

12. 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.

13. 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.

14. The Committee is deeply concerned that section 99 of the 1997 Constitution, which ensures power-sharing between ethnic communities through the creation of a multiparty Cabinet, is not currently being implemented. The Committee welcomes,

however, the assurances given by the State party that it will comply with the Supreme Court ruling to be issued later this year on this matter.

15. 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).

19. The Committee is concerned that the expiry of many leases of Native land has allegedly led to the "eviction" of numerous farmers, mainly Indo-Fijians, and that the resettlement programme of the State party appears to be insufficient. The Committee underlines the State's responsibility to provide assistance to "exited tenants", and recommends that it increase its efforts to compensate and resettle affected families. The Committee urges the State party to develop measures of conciliation between indigenous Fijians and Indo-Fijians over the land issue, with a view to obtaining a solution acceptable to both communities.

21. 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. The Committee wishes to receive, in the next periodic report, information relating to the effectiveness of the 2002 Agreed Statement relating to the prohibition of racial statements in Parliament, and to any other measures adopted to strongly oppose such statements in other public forums, including the media.

12. Ecuador: 21/03/2003. CERD/C/62/CO/2.

3 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. It also notes that the State party has adopted legislation which criminalizes the illegal smuggling of people across the country's borders under often inhumane conditions ("*coyoterismo*").

4. 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 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.

5. 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.

6. The Committee welcomes the introduction of a bilingual education system in Ecuador for teaching some 94,000 indigenous children in both Spanish and their own languages.

7. The Committee notes with satisfaction that the State party has ratified ILO Convention (No. 169) concerning Indigenous and Tribal Peoples in Independent Countries of 1989 and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990.

10. 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 interlinkages and delimitation of responsibilities between the numerous institutions working in this field should be explained in the State party's next report. The Committee also recommends that the State party strengthen, through adequate funding and other appropriate means, the recently established Commission for Public Coordination of Human Rights.

11. 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.

12. Serious concern is expressed about reported instances of excessive use of force by the police and armed forces against indigenous people, particularly in the context of political demonstrations and civil unrest. The Committee recommends that the State party ensure that such acts are avoided and, in this connection, recommends that the State party include human rights education in the professional training of police and armed forces, as well as prison staff, and requests it to report on any measures taken in this regard.

13. 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. The State party is requested to include in its next report precise figures as well as some key indicators relating to the enjoyment

of economic, social and cultural rights by the different ethnic groups, disaggregated by urban/rural population, age and gender.

14. With regard to the important problem of illiteracy among indigenous and Afro-Ecuadorian people, the Committee recommends that the State party take measures to increase the number of bilingual teaching personnel, in particular from among these communities. The State party's next report should contain precise data as to the percentage of the indigenous, Afro-Ecuadorian and other minority populations having access to primary, secondary and university education, as well as on access by these groups to programmes in their language on the radio, on television and in other mass media.

16. As to the exploitation of the subsoil resources of the traditional lands of indigenous communities, the Committee observes that merely consulting these communities prior to exploiting the resources falls short of meeting the requirements set out in the Committee's general recommendation XXIII on the rights of indigenous peoples. The Committee therefore recommends that the prior informed consent of these communities be sought, and that the equitable sharing of benefits to be derived from such exploitation be ensured. Detailed information on land titles of indigenous communities, as well as on remedies available to indigenous people claiming compensation for the environmental depletion of their traditional lands, should be included in the State party's next periodic report.

13. Morocco: 21/03/2003. CERD/C/62/CO/5.

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

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

15. While noting the replies provided by the delegation, the Committee requests the State party to take appropriate steps to put an end to the administrative practice of prohibiting the entering of Amazigh first names in the civil register.

16. The Committee is concerned at reports that members of Amazigh associations have suffered violations of the right to freedom of assembly and association.

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

18. The Committee notes that the State party has expressed a willingness to provide information on socio-economic indicators relating to the situation of the Amazigh, Blacks Sahraouis and other minorities and would like to see such information included in the State party's next report.

14. Russian Federation: 21/03/2003. CERD/C/62/CO/7.

6. The Committee welcomes the adoption of a number of laws that aim at protecting the rights of indigenous peoples. The Committee also notes with satisfaction the statement by the State party's delegation that preparatory work for the ratification of ILO Convention No. 169 has been accelerated.

20. The Committee is concerned about the difficult situation facing indigenous peoples in the State party. In this regard, the Committee requests that the State party provide, in its next periodic report, information on the results obtained through the implementation of laws and federal programmes to protect the rights of indigenous peoples. In particular, the Committee requests information on the establishment of traditional subsistence territories under federal law and on the impact of the Land Code of 2001 on the property rights of indigenous peoples.

15. Botswana: 01/11/2002. A/57/18, paras.292-314.

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.

302. The Committee is concerned at expressions of prejudice against the Basarwa/San people, including by public officials. It recommends that information be provided in the next periodic report on the practical implementation of article 4 of the Convention, in particular on the number of complaints received and cases prosecuted under the Penal Code or any other law relevant to the issue of racial discrimination, as well as on sentences for those found guilty of acts of racial discrimination and remedies provided to the victims.

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 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.

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.

16. Canada: 01/11/2002. A/57/18,paras.315-343.

321. The Committee further notes with satisfaction the Statement of Reconciliation made by the Federal Government expressing Canada's profound regret for the historic injustices committed against Aboriginal people, in particular within the residential school system. The Committee further welcomes the commitment of the State party to building a new partnership with Aboriginal people and the adoption of numerous programmes for their benefit.

329. The Committee notes with concern that the process of implementing the recommendations adopted in 1996 by the Royal Commission on Aboriginal Peoples has not yet been completed. The Committee regrets that no in-depth information was provided by the periodic reports on this matter, and requests that the State party indicate in detail in its next periodic report which recommendations of the Royal Commission were responded to and in what way.

330. The Committee expresses concern about the difficulties which may be encountered by Aboriginal peoples before the courts in establishing Aboriginal title over land. The Committee notes in this connection that to date no Aboriginal group has proven Aboriginal title, and recommends that the State party examine ways and means to facilitate the establishment of proof of Aboriginal title over land in procedures before the courts.

331. The Committee views with concern the direct connection between Aboriginal economic marginalization and the ongoing dispossession of Aboriginal people from their land, as recognized by the Royal Commission. The Committee notes with appreciation the assurance given by the delegation that Canada would no longer require a reference to extinguishment of surrendered land and resource rights in any land claim agreements. The Committee requests that in the next periodic report, information be provided on the significance and consequences of limitations imposed on the use by Aboriginal people of their land.

332. The Committee is concerned that some aspects of the Indian Act may not be in conformity with rights protected under article 5 of the Convention, in particular the right to marry and to choose one's spouse, the right to own property and the right to inherit, with a specific impact on Aboriginal women and children. The Committee recommends that the State party examine those aspects, in consultation with Aboriginal peoples, and provide appropriate information on this matter in its next periodic report.

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, and recommends that the next periodic report contain information on the efficacy of programmes adopted with a view to reducing these phenomena and on the results of any inquiries undertaken.

334. The Committee is concerned with the high number of incidents of discrimination targeting Aboriginals and people belonging to minorities in the field of employment. The Committee recommends that the State party submit more detailed information on the results achieved to eradicate racial discrimination in the field of employment, including management positions, at federal, provincial and territorial levels and in the public and private sectors, and provide the Committee with disaggregated data, as well as an assessment of the activities of the employment equity review tribunals.

17. New Zealand: 01/11/2002. A/57/18, paras.412-434.

416. The Committee welcomes the information that the "fiscal envelope" policy, which limited both the total funds available for the settlement of claims with Maori and for the settlement of all historical claims, was abandoned in 1996 in favour of a programme of "fair and equitable" settlements. The Committee is encouraged by the progress that has since been made on the settlement of historical Maori grievances and claims with individual *iwi* (tribes), including components of financial compensation and formal apology on behalf of the Crown.

417. 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 correctional 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.

420. The Committee welcomes the introduction of amendments to the electoral roll system, in particular the Maori electoral option, which have contributed to an appreciable increase in the representation of Maori in Parliament.

421. The Committee welcomes the State party's policies and initiatives designed to improve the status and use of the Maori language, including the increases supply of services in the Maori language, including in education and State broadcasting.

424. While noting the programmes and projects initiated by the State party mentioned above, 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 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 continues to be concerned at the low representation of Maori women in a number of key sectors and their particular vulnerability to domestic violence. It encourages the State party to work towards reducing existing disparities through appropriate strategies.

426. While noting the measures that have been taken by the State party to reduce the incidence and causes of crime within the Maori and Pacific Island communities, the Committee remains concerned at the disproportionately high representation of Maori and Pacific Islanders in correctional facilities. The State party is invited to ensure appropriate funding for the measures envisaged or already initiated to address the problem.

432. The Committee notes the extensive work currently under way to review constitutional arrangements for Tokelau. It encourages the State party to ensure that, while giving due attention to the culture and customs of the people of Tokelau, human rights obligations are woven appropriately into any new constitutional arrangements.

18. Denmark: 21/05/2002. CERD/C/60/CO/5.

8. With respect to Greenland, the Committee welcomes the establishment of the Commission on Self-Government, *inter alia*, to submit proposals for amending the Home Rule Act. The transaction of the International Convention on the Elimination of All Forms of Racial Discrimination into the Greenlandic language is also welcomed.

18. The Committee reiterates its previous concern regarding the delay in resolving the claims of the Inughuit with respect to the Thule Air Base. The Committee notes with serious concern claims of denials by Denmark of the identity and continued existence of the Inughuit as a separate ethnic or tribal entity, and recalls its general recommendation XXIII on indigenous peoples general recommendation VIII on the application of article 1 (self-identification) and general recommendation XXIV concerning article 1 (international standard). The Committee recommends that the State party include information in its next periodic report concerning these issues.

19. Costa Rica: 20/03/2002. CERD/C/60/CO/3.

5. The Committee notes the adoption in May 1999 of article 76 of the Constitution, according to which the State shall ensure that the national indigenous languages are safeguarded.

11. The Committee is concerned at the situation of indigenous people, in particularly:

(a) Information according to which indigenous people living in remote regions suffer, *inter alia*, from lack of health care, education, drinking water and electricity;

- (b) Problems of ownership of land; that land has reportedly been appropriated by migrants and transnational enterprises;
- (c) Difficulties faced by indigenous people in obtaining public funds for the improvement of their living standards;
- (d) The fact that infant mortality among indigenous communities is reportedly three times higher than the national average.

The Committee invites the State party to continue to pay due attention to the specific needs of this population. It recommends that the State party undertake the necessary measures to protect indigenous lands from being invaded and to enable the restitution of those lands that have been occupied by non-indigenous persons.

12. The Committee takes note of the fact that the draft Act for the Autonomous Development of the Indigenous Peoples, aimed at granting full autonomy to indigenous peoples and recognizing their right to enjoy their own cultures, as well as the right to administer their territories, was withdrawn in the Legislative Assembly. The Committee notes that in June 2001, a draft act, similar in content to the draft Act for the Autonomous Development of the Indigenous Peoples, was presented in the Legislative Assembly. The Committee requests the State party to provide information about developments in this regard.

13. The Committee notes with concern the shortcomings of the State party in its activities on behalf of indigenous peoples, as reported by the Office of the Ombudsman, in particular the failure on the part of the authorities to maintain communication with the indigenous population and the absence of specific government plans for them. In this context, the Committee wishes to refer to its general recommendation XXIII, in which it calls upon States parties to ensure that members of indigenous peoples have equal rights in respect of effective participation in public life and that no decisions directly relating to their rights and interests are taken without their informed consent.

20. Sri Lanka: 14/09/2001. A/56/18,paras.321-342.

335. The situation of the country's indigenous people, the Veddas, and the creation of a national park on their ancestral forestland is of concern. In this context attention is drawn to the Committee's general recommendation XXIII calling upon States parties to recognize and protect the rights of indigenous peoples to own, develop, control and use their communal lands, territories and resources.

21. Viet Nam: 15/08/2001. A/56/18,paras.408-428.

417. Bearing in mind the allegations of forced sterilization of mountain ethnic minority women and their rejection by the State party's delegation, the Committee would welcome information from the State party on the impact of its population-planning policies on the enjoyment of reproductive rights by persons belonging to such minorities.

418. The Committee encourages the State party to continue its efforts to ensure that members of ethnic minorities, in particular minorities in mountain regions, enjoy equal protection of their rights.

421. The Committee is further concerned about the alleged population transfer to territories inhabited by indigenous groups, disadvantaging them in the exercise of their social, economic and cultural rights. The Committee requests further information on the matter.

22. United States of America: 14/08/2001. A/56/18,paras.380-407.

384. The Committee notes the persistence of the discriminatory effects of the legacy of slavery, segregation, and destructive policies with regard to Native Americans.

400. The Committee notes with concern that treaties signed by the Government and Indian tribes, described as "domestic dependent nations" under national law, can be abrogated unilaterally by Congress and that the land they possess or use can be taken without compensation by a decision of the Government. It further expresses concern with regard to information on plans for expanding mining and nuclear waste storage on Western Shoshone ancestral land, placing their land up for auction for private sale, and other actions affecting the rights of indigenous peoples. The Committee recommends that the State party ensure effective participation by indigenous communities in decisions affecting them, including those on their land rights, as required under article 5 (c) of the Convention, and draws the attention of the State party to general recommendation XXIII on indigenous peoples which stresses the importance of securing the "informed consent" of indigenous communities and calls, inter alia, for recognition and compensation for loss. The State party is also encouraged to use as guidance the ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries.

23. Sweden: 01/05/2001. CERD/C/304/Add.103.

12. While the Committee notes the new legislation which gives individuals the right to use the Sami language in legal and administrative proceedings, it stresses that this right is recognized only in respect of some geographic regions. It is recommended that the State party consider the extension of these rights to all Sami territory.

13. Concern is expressed over the issue of land rights of the Sami people, in particular hunting and fishing rights which are threatened by, inter alia, the privatization of traditional Sami lands. The Committee recommends that the Government introduce legislation recognizing traditional Sami land rights and reflecting the centrality of reindeer husbandry to the way of life of Sweden's indigenous people. The Committee further recommends that the State party ratify ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries.

24. Finland: 01/05/2001. CERD/C/304/Add.107.

11. The Committee regrets that the question of land ownership of the Sami has not yet been resolved and that Finland has not acceded to Convention (No. 169) concerning Indigenous and Tribal Peoples in Independent Countries of the International Labour Organization. Furthermore, it expresses its concern about activities authorized by State bodies in Sami reindeer-breeding areas which may threaten Sami culture and their traditional way of life. The Committee urges the State party to pursue its efforts, together with the Sami people, towards the adequate resolution of the land dispute, giving due consideration in this respect to general recommendation XXIII, and

requests the State party to provide full information on this issue in the next periodic report.

25. Argentina: 27/04/2001. CERD/C/304/Add.112.

3. The Committee notes that Argentina is still experiencing a difficult economic situation. In particular, this situation affects vulnerable population groups, such as indigenous groups, and immigrants from neighbouring countries, many of whom are undocumented. This economic situation also results in budgetary constraints for government agencies responsible for combating racial discrimination and taking measures in favour of the most vulnerable groups.

5. The Committee welcomes with satisfaction the measures designed to give greater autonomy to the National Institute of Indigenous Affairs, to build its capacity and to elaborate a national plan for indigenous peoples. It notes with interest the progress made thus far by the Institute in the context of the programme to transfer estate land to the indigenous communities that have traditionally occupied it.

6. The Committee welcomes Argentina's recent ratification of the Convention concerning Indigenous and Tribal Peoples in Independent Countries (International Labour Organization Convention No. 169).

7. The Committee notes that the Government's plans to hold an updated census which would, *inter alia*, take into account information on membership of indigenous groups, have not been sufficiently resourced. The Committee encourages the Government to take the measures necessary to hold the census as soon as possible.

8. The Committee notes the absence in the periodic report of detailed information concerning the representation of indigenous peoples in the civil service at the federal and provincial levels, the police, judicial system and Congress. It also notes the lack of information on the extent to which these segments of the population enjoy economic, social and cultural rights. The Committee reiterates its request to the State party to include in its next periodic report detailed information on the above-mentioned aspects.

9. The Committee notes with concern a statement made by the State party that the territories in which indigenous peoples have settled coincide with the areas with the highest index of unmet basic needs, and that the poverty and unemployment indices among indigenous populations and other vulnerable groups have risen as a result of the economic crisis. The Committee recommends that the State party take steps to alleviate this situation and that it keep the Committee informed thereon.

10. The Committee also notes with concern that, although progress has been made regarding consultation with indigenous peoples so that they may participate in decisions which affect them with a view to securing their agreement, there are still situations in which consultation and participation do not occur. The Committee recommends that the State party find ways and means to facilitate such participation.

11. The Committee further notes with concern the difficulties that arise in some cases of transferring estate land to indigenous peoples due, primarily, to the existence of

individual title deeds and to the conflict of jurisdiction between the national and the provincial governments. The Committee recalls the relevant provisions of its General Recommendation XXIII and recommends that steps be taken to overcome these difficulties.

12. The Committee notes with concern the lack of a social security system which takes into account the specific needs of indigenous peoples and recommends that steps be taken in that regard.

26. Japan: 27/04/2001. CERD/C/304/Add.114.

4. The Committee welcomes the legislative and administrative efforts made by the State party in order to promote the human rights and the economic, social and cultural development of some ethnic and national minorities, in particular (a) the 1997 Law for the Promotion of Measures for Human Rights Protection; (b) the 1997 Law for the Promotion of the Ainu Culture and for the Dissemination and Advocacy for the Traditions of the Ainu and the Ainu Culture;

5. The Committee notes with interest the recent jurisprudence recognizing the Ainu people as a minority people with the right to enjoy its unique culture.

17. The Committee recommends that the State party take steps to further promote the rights of the Ainu, as indigenous people. In this regard the Committee draws the attention of the State party to its General Recommendation XXIII (51) on the rights of indigenous peoples that calls, *inter alia*, for the recognition and protection of land rights as well as restitution and compensation for loss. The State party is also encouraged to ratify and/or use as guidance the Convention (No. 169) concerning Indigenous and Tribal Peoples in Independent Countries of the International Labour Organization.

27. Algeria: 27/04/2001. CERD/C/304/Add.113.

8. The Committee appreciates the recognition in the Algerian Constitution of the Islamic, Arab and the Amazigh components of Algerian identity and encourages the efforts to introduce teaching of the Amazigh language in schools.

9. Noting the absence of statistical data on the ethnic composition of Algerian society, the Committee recommends that the State party provide an estimate of the composition of the population as requested in paragraph 8 of the reporting guidelines and, in particular, information on social indicators reflecting the situation of ethnic groups, including the Amazigh community. In this connection, the Committee draws the attention of the State party to its General Recommendation VIII concerning the identification of members of particular racial and ethnic groups.

10. The Committee expresses its concern at the Law on the Generalization of the Arabic Language of 5 July 1998, prohibiting the use of languages other than Arabic in various fields. While noting the statement by the delegation that the Law on the Generalization of Arabic Language has not been applied in practice, the Committee urges the Government to review this law as a matter of priority, particularly in the context of the steps taken to promote the Amazigh language.

15. The Committee notes that despite the significant steps taken by the Government to preserve and promote the Amazigh identity through the setting up of a High Commission on Amazighness, no additional information has been given on this population group, on measures taken for the protection and promotion of its culture

and language, or on the activities of the High Commission on Amazighness. The Committee is concerned about reports of inadequate functioning of this Commission and requests additional, concrete information with regard to the functioning, membership and performance of the Commission in promoting Amazigh language and culture.

28. Bangladesh: 27/04/2001. CERD/C/304/Add.118.

4. The Committee welcomes affirmative action programmes undertaken to ensure the enjoyment of the rights contained in article 5 (e) of the Convention by the socially and economically disadvantaged groups, in particular the tribal population of the Chittagong Hill Tracts.

5. The Committee appreciates the signing of the 1997 Chittagong Hill Tracts Peace Accord and the implementation of certain of its provisions, such as: (a) the creation of the Chittagong Hill Tracts Ministry; (b) the establishment of the Chittagong Hill Tracts Regional Council; and (c) the establishment of a Land Commission for the settlement of land issues.

9. The Committee is concerned about reports of human rights violations by security forces present in the Chittagong Hill Tracts affecting the tribal population, including reports of arbitrary arrests and detentions, and ill-treatment. The Committee recommends that the State party implement effective measures to guarantee to all Bangladeshis, without distinction based on race, colour, descent, or national or ethnic origin, the right to security of person and protection by the State against violence or bodily harm.

10. Notwithstanding certain positive developments, the Committee is concerned about the slow progress in implementing the Chittagong Hill Tracts Peace Accord. The Committee urges the State party to intensify its efforts in this regard and recommends that the State party provide in its next report details regarding, *inter alia*, the work of the Chittagong Hill Tracts Regional Council, the effective results of the work of the Land Commission, the repatriation and rehabilitation of refugees and internally displaced persons in the Chittagong Hill Tracts, the work of the Special Task Force on Internally Displaced Persons, the resettlement of Bengali settlers outside the Chittagong Hill Tracts pursuant to the deliberations of the Land Commission, and the process of withdrawal of security forces from the Chittagong Hill Tracts.

29. Chile: 12/04/2001. CERD/C/304/Add.81.

3. The Committee commends the State party for openly recognizing the existence of racial discrimination on its territory and its historical links with conquest and colonialism. In this context, the Committee also welcomes article 1 of the Act No. 19.253 relating to the Protection, Advancement and Development of the Indigenous Inhabitants of Chile (1993 Indigenous Act) which "recognizes that Chile's indigenous inhabitants are the descendants of the human groups which have existed on the national territory since pre-Colombian times and which conserve their own ethnic manifestations, the land being for them the principal foundation of their existence and their culture".

5. The Committee welcomes the initiatives taken by the State party to promote the rights of its indigenous population: including the enactment of the 1993 Indigenous Act; the subsequent setting up and activities of the Indigenous Development

Corporation; the important steps taken by the State party to ensure the right to land of the indigenous population through land purchase and transfer to indigenous communities, and the setting up of a special judicial system for the indigenous population which recognizes custom as a mode of proof and which allows for legal conciliation of, in particular, land disputes.

6. The Committee notes that further steps have been taken towards reform of the domestic legislation, in particular the proposed amendments to the Constitution to strengthen the legal status of the indigenous population, and the draft reform of the Penal Code which is currently under discussion in the Congress and which is designed to penalize acts of discrimination on the grounds of race, or national or ethnic origin. In this context the Committee also welcomes the intention of the State party to ratify ILO Convention No. 169 on Indigenous and Tribal Peoples (169).

7. The Committee notes with satisfaction that the State party, following the previous concluding observations of the Committee, has made the declaration under article 14 of the Convention recognizing the Committee's competence to examine complaints of persons who claim to be victims of violations by the State party of the rights set forth in the Convention.

8. In relation to article 7 of the Convention, the Committee notes the 1997 educational reform and the efforts of the State party to introduce teaching about human rights and their implementation in the school curriculum. The Committee also welcomes the State party's cooperation with the Office of the United Nations High Commissioner for Human Rights and the hosting of a workshop in 1997 on the possible establishment of a permanent forum for indigenous peoples in the United Nations system.

10. The Committee expresses its concern at the absence of specific legislation to enforce some of the provisions of the Convention. The Committee, taking note that the 1993 Indigenous Act contains a specific article declaring intentional discrimination against indigenous persons an offence punishable by law, and that the National Security Act prohibits fascist organizations, recalls the proposals for reform of the Constitution and the Penal Code, but remains concerned about the current absence of a comprehensive legislation in full accordance with articles 2, paragraph 1 (d) and 4, of the Convention.

11. The Committee is concerned about land disputes which occurred during the period under examination between the Mapuche population and national and multinational private companies, resulting in tension, violence, clashes with law enforcement officials and, allegedly led to arbitrary arrests of members of the indigenous population.

13. The Committee commends the State party for having recognized its part in the discrimination experienced by the indigenous population, recalls its general recommendation XXIII and requests that the State party consider the issue of a formal apology, as well as ways to ensure compensation to all those concerned, a policy which, *inter alia*, will significantly contribute to the process of reconciliation in the society as a whole.

14. As part of the ongoing legislation reform process, the Committee recommends that the Constitution be amended to incorporate a prohibition of racial discrimination and that the scope of the Indigenous Act be extended to cover discrimination in effect in accordance with article 1, paragraph 1, of the Convention.

16. The Committee recommends that the State party use all effective means to raise the awareness of its people about the rights of indigenous peoples and national or ethnic minorities. It encourages the State party to continue to provide instruction on human rights standards in schools and organize training programmes for, in particular, law enforcement officials, in the light of general recommendation XIII.

17. In its forthcoming report, the State party should include detailed information relating to the following: the work and activities of the Indigenous Development Corporation; the system of land distribution; the judicial system in place for the indigenous population; the situation of migrant workers, the implementation of articles 4 and 5 of the Convention and, ongoing legislative reforms.

30. Australia: 19/04/2000. CERD/C/304/Add.101.

5. The Committee notes with appreciation the many measures adopted by the State party during the period under review (1992-1998) in the area of racial discrimination, including those adopted to implement the recommendations of the Royal Commission into Aboriginal Deaths in Custody. The Committee welcomes the numerous legislative measures, institutional arrangements, programmes and policies that focus on racial discrimination, as comprehensively detailed in the tenth, eleventh and twelfth reports, including the launching of a "New Agenda for Multicultural Australia" and the implementation of the "Living in Harmony" initiative.

8. The Committee notes that, after its renewed examination in August 1999 of the provisions of the Native Title Act as amended in 1998, the devolution of power to legislate on the "future acts" regime has resulted in the drafting of state and territory legislation to establish detailed "future acts" regimes which contain provisions further reducing the protection of the rights of native title claimants that is available under Commonwealth legislation. Noting that the Commonwealth Senate on 31 August 1999 rejected one such regime, the Committee recommends that similarly close scrutiny continue to be given to any other proposed state and territory legislation to ensure that protection of the rights of indigenous peoples will not be reduced further.

9. Concern is expressed at the unsatisfactory response to decisions 2 (54) (March 1999) and 2 (55) (August 1999) of the Committee and at the continuing risk of further impairment of the rights of Australia's indigenous communities. The Committee reaffirms all aspects of its decisions 2 (54) and 2 (55) and reiterates its recommendation that the State party should ensure effective participation by indigenous communities in decisions affecting their land rights, as required under article 5 (c) of the Convention and General Recommendation XXIII of the Committee, which stresses the importance of securing the "informed consent" of indigenous peoples. The Committee recommends to the State party to provide full information on this issue in the next periodic report.

10. The Committee notes that the Parliamentary Joint Committee on Native Title and the Aboriginal and Torres Strait Islander Land Fund is conducting an inquiry into "Consistency of the Native Title Amendment Act 1998 with Australia's international obligations under the Convention on the Elimination of All Forms of Racial Discrimination (CERD)". It is hoped that the results will assist the State party to re-evaluate its response to decisions 2 (54) and 2 (55). The Committee requests the State party, in accordance with the provisions of article 9, paragraph 1, of the Convention, to transmit the report of the Joint Parliamentary Committee's inquiry to the Committee when it is tabled.

11. The establishment of the Aboriginal and Torres Strait Islander Commission (ATSIC) and of the Aboriginal and Torres Strait Islander Social Justice Commissioner within the Human Rights and Equal Opportunity Commission (HREOC) were welcomed by the Committee. Concern is expressed that changes introduced and under discussion regarding the functioning of both institutions may have an adverse effect on the carrying out of their functions. The Committee recommends that the State party give careful consideration to the proposed institutional changes, so that these institutions preserve their capacity to address the full range of issues regarding the indigenous community.

12. While acknowledging the significant efforts that have taken place to achieve reconciliation, concern is expressed about the apparent loss of confidence by the indigenous community in the process of reconciliation. The Committee recommends that the State party take appropriate measures to ensure that the reconciliation process is conducted on the basis of robust engagement and effective leadership, so as to lead to meaningful reconciliation, genuinely embraced by both the indigenous population and the population at large.

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

15. The Committee notes with grave concern that the rate of incarceration of indigenous people is disproportionately high compared with the general population. Concern is also expressed that the provision of appropriate interpretation services is not always fully guaranteed to indigenous people in the criminal process. The Committee recommends that the State party increase its efforts to seek effective measures to address socio-economic marginalization, the discriminatory approach to law enforcement and the lack of sufficient diversionary programmes.

16. The Committee expresses its concern about the minimum mandatory sentencing schemes with regard to minor property offences enacted in Western Australia, and in

particular in the Northern Territory. The mandatory sentencing schemes appear to target offences that are committed disproportionately by indigenous Australians, especially juveniles, leading to a racially discriminatory impact on their rate of incarceration. The Committee seriously questions the compatibility of these laws with the State party's obligations under the Convention and recommends to the State party to review all laws and practices in this field.

18. The Committee acknowledges the efforts being made to increase spending on health, housing, employment and education programmes for indigenous Australians. Serious concern remains at the extent of the continuing discrimination faced by indigenous Australians in the enjoyment of their economic, social and cultural rights. The Committee remains seriously concerned about the extent of the dramatic inequality still experienced by an indigenous population that represents only 2.1 per cent of the total population of a highly developed industrialized State. The Committee recommends that the State party ensure, within the shortest time possible, that sufficient resources are allocated to eradicate these disparities.

31. Colombia: 20/08/99. CERD/C/304/Add.76.

3. The Committee welcomes in particular the candor with which the State party report recognizes that Afro-Colombian and indigenous communities continue to be the victims of systemic racial discrimination, which has resulted in their marginalization, poverty and vulnerability to violence.

4. The Committee notes with satisfaction that the 1991 Colombian Constitution includes non-discrimination provisions addressing the rights of minority communities, including formal recognition of the rights of indigenous and Afro-Colombian communities to claim title to certain ancestral lands. The Constitution also recognizes and seeks to protect the cultural and ethnic diversity of the nation.

5. The Committee welcomes the initiatives taken by the Government of Colombia, including multi-year development programmes for the support of indigenous and Afro-Colombian communities and the establishment of a new inter-agency human rights commission under the authority of the Vice-President of Colombia to coordinate the State party's policy and plan of action on human rights and international humanitarian law.

10. Concern is expressed at reports indicating that violence in Colombia has been largely concentrated in areas where indigenous and Afro-Colombian communities live; that increasingly these communities have been targeted by armed groups; and that the Government's tactics in fighting the drug trade have led to a further militarization of these regions, creating an atmosphere that is conducive to human rights violations and the destruction of cultural autonomy and identity.

11. Taking note also of indications that a climate of impunity has infected all levels of the judicial sector and that few human rights cases have been successfully prosecuted within civilian courts, the Committee expresses concern that this climate of impunity may severely impact the rights of indigenous and Afro-Colombian communities, as these minority communities are subjected disproportionately to violations of international human rights and humanitarian norms.

12. Serious concern is expressed at reports that more than 500 indigenous leaders have been assassinated in the last 25 years and that leaders of the Afro-Colombian community have come under similar attack. While all parties to the conflict have contributed to this level of violence, the Committee notes that paramilitary groups operating in the country are reportedly responsible for a majority of the abuses.

13. It is noted that indigenous and Afro-Colombian communities are under-represented in State institutions, including in the legislature, the judiciary, government ministries, the military, and the civil and diplomatic services.

14. Emphasizing that the widespread violence which plagues Colombia has led to one of the world's largest populations of internally displaced persons, and that both the Afro-Colombian and indigenous communities have been particularly affected, the Committee expressed concern that measures by the Colombian Government to assist the displaced have been limited and that some internally displaced persons have been forced to return to regions where minimal conditions of safety could not be guaranteed.

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

16. Concern is expressed that development and resource exploration programmes on land subject to the property rights of indigenous and Afro-Colombian communities have been pursued without sufficient consultation with the representatives of these communities and without sufficient concern for the environmental and socio-economic impact of these activities.

19. Concern is expressed that development programmes for the support of indigenous and Afro-Colombian communities have not been and are not expected to be fully implemented owing to financial limitations.

20. The Committee is also concerned that few land titles have been allocated under legislative programmes recognizing the property rights of indigenous and Afro-Colombian communities and that bureaucratic obstacles appear to have complicated the process.

23. The Committee recommends that the State party implement affirmative and effective measures to ensure increased employment opportunities for minority and indigenous communities in both the public and private sectors and to advance the social, political, economic, and educational status of historically marginalized communities.

25. The Committee urges the State party to take comprehensive steps to protect the security and promote the well-being of Colombia's large internally displaced population, consisting mainly of persons of the indigenous and Afro-Colombian communities and, as a matter of extreme priority, to guarantee the security of

indigenous and Afro-Colombian community leaders and human rights defenders across the country who have sought to protect the rights of those communities.

32. Peru: 13/04/99. CERD/C/304/Add.69.

5. It takes note with interest that Peru supports Agenda 21, adopted at the United Nations Conference on Environment and Development, one chapter of which deals with the role of indigenous communities and environmental preservation. Peru also took part in the establishment of a Special Commission on Indigenous Affairs in Amazonia and supported the creation of the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean.

6. The Committee takes note of the agreement reached with the International Labour Organization on the setting up of a special programme for the protection of indigenous communities, under which complaints concerning violations of human rights can be investigated and prosecuted.

8. The Committee expresses satisfaction at the establishment of the Office of the Ombudsman and of its programme of activities for the indigenous population.

12. The Committee notes with concern the close relationship between socio-economic underdevelopment and the phenomena of ethnic or racial discrimination against part of the population, chiefly the indigenous and peasant communities. In this respect, the Committee regrets the absence in the periodic report of information on the socio-economic indicators relevant to the situation of populations of indigenous, peasant or African origin. It nevertheless notes that the report acknowledges shortcomings in areas such as housing and health.

18. The Committee takes note of reports that the indigenous population, the members of which often have no identity papers and are illiterate, is thus deprived of the possibility of exercising its civic and political rights.

19. The Committee takes note of the information on major shortcomings in the health services provided for the rural population in the Andes and in Amazonia, and of the allegations of forced sterilization of women belonging to indigenous communities. It also takes note of reports that there is a difference of almost 20 years between the life expectancy of people of indigenous origin and that of the rest of the population.

20. With regard to the right to employment, the Committee takes note with concern of the reports that access to jobs and promotions is often influenced by racial criteria, while certain minor or disparaged jobs are left to persons of indigenous or African origin.

22. The Committee is concerned about reports that the 1993 Constitution no longer totally guarantees that the communal property of indigenous populations is inalienable and unavailable for use.

23. With regard to the right to education, the Committee regrets the absence of information in the report on the number of children from communities of indigenous, peasant or African origin not attending school.

33. Finland: 07/04/99. CERD/C/304/Add.66.

5. The recent legislation ensuring enjoyment by immigrant children of their right to education, as well as the measures taken to facilitate education of immigrants in their own language, are welcomed. Measures to facilitate the education of the Sami and Roma people in their own language are similarly welcomed.

10. It is regretted that the question of land ownership of the Sami has not yet been settled and that, as a result, Finland has not yet ratified ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries.

14. The Committee recommends that the State party redouble its efforts towards the resolution of the land dispute concerning the Sami as soon as possible, in a manner that does justice to the claims of the Sami.

34. Costa Rica: 07/04/99. CERD/C/304/Add.71.

4. The Committee notes with interest the State party's efforts to promote equal opportunity for the indigenous population, and in particular the ratification of ILO Convention 169 on Indigenous and Tribal Peoples (1989), the existence of the National Indigenous Affairs Commission (CONAI) and the Office of the Ombudsman and the bill for the autonomous development of the indigenous people, which has been presented before the Legislative Assembly.

10. The Committee remains concerned at the situation with regard to the land rights of indigenous peoples in the State party. Despite the efforts made, problems relating to the allocation of land and/or compensation persist. Of special concern have been confrontations arising over the ownership of property, in the course of which indigenous people were killed and vandalism occurred, as in the case of Talamanca.

11. Noting that few cases of racial discrimination have reached the courts or administrative bodies, the Committee is concerned about the effective access to protection and remedies against any acts of racial discrimination of, in particular, the indigenous population, the black minority, refugees and immigrants.

12. The Committee notes with concern that the report of the State party is devoted mainly to the existing legal and administrative framework for ensuring protection against racial discrimination, whereas insufficient information is given to allow an evaluation of the effective enjoyment of the rights provided for by the Convention, in particular by the indigenous population, the black minority, refugees and immigrants.

17. It is also recommended that the State party take immediate and appropriate measures to ensure the enjoyment of the provisions of article 5 of the Convention also by the indigenous population, the black minority, refugees and immigrants.

18. The Committee recommends that the State party intensify its efforts to ensure a fair and equitable distribution of land, taking into account the needs of the indigenous population. The Committee stresses the importance that the land holds for indigenous peoples and their spiritual and cultural identity, including the fact that they have a

different concept of land use and ownership. In this regard, the approval by the Legislative Assembly of the bill for the autonomous development of indigenous people would be of great importance.

19. With regard to article 6 of the Convention, the Committee recommends that the State party make additional efforts to facilitate equal access to the courts and administrative bodies, in particular for the indigenous population, the black minority, refugees and immigrants, in order to ensure equality for all persons.

20. The State party is invited to provide further information on the following issues: (a) the effective enjoyment of the rights set out in the Convention, in particular by the indigenous population, the black population, refugees and immigrants and; (b) measures taken in the field of teaching, education, culture and information in order to combat racial discrimination, in compliance with article 7 of the Convention.

35. Gabon: 10/02/99. CERD/C/304/Add.58.

8. The Committee notes the insufficiency of the information on the demographic composition of the population, including the composition of the foreign community and indigenous Pygmy groups.

15. The Committee recommends that comprehensive information be provided by the State party in its next periodic report on the effective enjoyment by all groups of the rights under article 5 of the Convention, in particular concerning participation in public life under article 5 (c) and enjoyment of economic, social and cultural rights under article 5 (e).

36. Cambodia: 31/03/98. CERD/C/304/Add.54.

10. It is noted with concern that the 1996 Law on Nationality, stating that Khmer nationals are those one of whose parents is a Khmer national, makes it difficult for persons belonging to minority groups, in particular ethnic Vietnamese and indigenous people, to establish their citizenship.

13. While noting the existence of the Inter-Ministerial Committee and its draft National Policy on Highland Peoples' Development, concern is expressed over the situation of the indigenous peoples (also referred to as Highland Peoples, Khmer Loeu or Hill Tribes Peoples), and to their lack of legal status, as well as the insufficient legal framework to protect their rights, culture and traditional lands. The rights of indigenous peoples have been disregarded in many government decisions, in particular those relating to citizenship, logging concessions and concessions for industrial plantations. The lack of participation of the indigenous people in the management of natural resources and in other activities of concern to them is also a matter of concern.

19. The Committee recommends that the State party recognize the citizenship of the indigenous peoples, as well as their use of lands, forests and other natural resources, and their distinct and unique identity, culture and way of life. The Committee further recommends that the State party take steps to fully implement its General Recommendation XXIII which addresses the rights of indigenous peoples under the Convention. In particular, the State party should ensure that no decisions directly

relating to the rights and interests of indigenous peoples are taken without their informed consent.

37. Russian Federation: 30/03/98. CERD/C/304/Add.43.

9. It is also noted that a number of republics have adopted laws which guarantee the rights of national minorities, indigenous peoples and small ethnic groups.

10. The State Duma has been working on a number of important federal laws, inter alia, the National Minorities Act, the Small Indigenous Groups of the North, Siberia and the Russian Far East Act, and the Refugees and Displaced Persons Act.

18. The Committee invites the State party to provide, in its next report, further information on the following issues: ... (h) the situation of the indigenous peoples of the North, Siberia and the Russian Far East.

23. Regarding the indigenous peoples, the Committee recommends that the State party consider ratifying ILO Convention No. 169.

24. The Committee recommends that further measures be taken in order to provide minorities and indigenous groups with elementary education in their own languages.

38. Cameroon: 20/03/98. CERD/C/304/Add.53.

4. The Committee notes the State party's adoption on 18 January 1996 of a new Constitution that guarantees, inter alia, the protection of the rights of minorities and indigenous peoples and its ratification of numerous human rights conventions.

9. Protection of the rights of minorities and indigenous peoples to enable them to live in harmony in their environment is, especially as regards the Pygmies and Boro, a subject of concern in the light of article 2, paragraph 2, of the Convention and of the Committee's General Recommendation XXIII on the rights of indigenous peoples.

17. With a view to promoting and protecting the rights of minorities and indigenous peoples, the Committee recommends that the State party take all appropriate measures, particularly as regards deforestation that may harm such population groups.

39. Mexico: 11/12/97. CERD/C/304/Add.30.

4. The Committee recognizes that Mexico is a country in which a large number (56) of ethnic and indigenous groups with extremely varied cultural and linguistic traditions live side by side. Mexico is also characterized by extreme poverty that affects large and mainly indigenous segments of the population, particularly in the province of Chiapas, where a conflict between a national liberation movement and the local and federal authorities has been continuing since 1994. Despite numerous institutional, political, economic and social initiatives, the Mexican authorities have not fully succeeded in eliminating endemic poverty, which has aggravated the social inequalities that affect indigenous populations in particular, nor in restoring social peace in the State of Chiapas.

6. The efforts made by the State party since 1994 to restore peace in the state of Chiapas are noteworthy. The establishment, in 1995, of the Concord and Peace Commission and the creation in December 1996 of the Commission for Monitoring and Verification of the Peace Agreements were particularly welcome. The investigation by the National Human Rights Commission of complaints submitted by the civilian population concerning human rights violations and the conclusion of the agreement of 16 February 1996 on indigenous rights and culture constitute significant progress in the pacification process.

7. The Committee also takes note of the many programmes and measures recently introduced by the Mexican authorities to combat extreme poverty and to promote the economic, social and cultural development of the indigenous populations.

9. Concern was expressed over the persistence of discriminatory practices -some involving the authorities - directed against members of indigenous groups.

11. With regard to article 5 of the Convention, in certain situations, an individual's right to enjoy equal treatment in the courts is not effectively guaranteed for members of indigenous groups. Specifically, they are not guaranteed the right to express themselves in their own languages during legal proceedings.

12. Concern was expressed over the right to security of person, particularly for indigenous inhabitants and illegal immigrants. This right to security of person has in certain cases been violated by representatives of the forces of law and order, paramilitary groups and landowners. All too often, those responsible for these crimes have gone unpunished.

13. The Committee is concerned about the protection of the political rights of members of indigenous groups and would appreciate additional information concerning their participation in the national parliament and in political organs.

14. With respect to the enjoyment of economic, social and cultural rights, the Committee notes with concern that the members of indigenous groups live in extreme poverty. The fact that the report of the State party contains no social and economic indicators of the marginalization and non-integration of certain population groups is regrettable in this connection. Lastly, another source of concern is the land delimitation and distribution process, which does not seem to have fully respected the land rights of the indigenous populations.

17. The absence of local and federal legislation guaranteeing indigenous populations the possibility of a bilingual and bicultural education remains a source of concern.

18. The fact that the report of the State party contains no accurate statistics on the indigenous population makes it difficult to analyse the extent to which this large segment of the population enjoys the rights recognized by the Convention.

19. Lastly, the situation in the State of Chiapas remains unstable and of considerable concern, since political negotiations have been suspended, despite the efforts announced by the Government authorities as well as by the Zapatist National

Liberation Army. This tense situation is aggravating the precariousness of the indigenous populations living in that region.

20. The State party is requested to furnish, in its next report, detailed statistics on the various indigenous groups living in Mexico.

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

22. The Committee requests the Government to Mexico to provide, in its next periodic report, precise information and "indicators" on the social and economic difficulties encountered by indigenous populations. The Committee also draws the State party's attention to the need to devise "indicators" to evaluate policies and programmes for protecting and promoting the rights of vulnerable populations.

24. The State party should also take the necessary steps to allow citizens from indigenous populations to be elected in political elections and to have access to the civil service.

25. The Committee recommends that the State party should take all appropriate measures to ensure equal and impartial treatment before the law for all persons, and particularly those from indigenous groups. In particular, it invites the Mexican authorities to offer indigenous inhabitants the possibility of expressing themselves in their mother tongue in all judicial proceedings.

26. The Committee recommends that the Government of Mexico should exercise greater vigilance in the protection of the fundamental rights of indigenous inhabitants and other vulnerable groups of society, who are regularly the victims of intimidation, violence and serious human rights violations. It hopes that the competent authorities will systematically prosecute those responsible for such crimes, regardless of whether they are members of private militias or State officials, and that effective preventive measures will be taken, including the training of members of the police force and the army. The State party should also ensure that the victims of such acts are compensated.

27. The Committee recommends that the State party should find just and equitable solutions to land delimitation, distribution and restitution problems. Everything possible should be done to protect indigenous inhabitants from all forms of discrimination in such matters.

40. Philippines: 15/10/97. CERD/C/304/Add.34.

3. It is noted that, although the State party has recently introduced important reforms at the political, economic and social levels, the authorities have not yet been able to control endemic poverty, which exacerbates social inequalities and disparities in

development, affecting in particular vulnerable groups, including the indigenous cultural communities and Muslim Filipinos.

4. The Committee welcomes the proclamation of the National Decade for Filipino Indigenous People (1995-2005) and the presentation to the President, in compliance with Memorandum Order No. 335 of 26 January 1996, of a Philippines Human Rights Plan, comprising the Sectoral Action Plans for Human Rights Protection of Indigenous Cultural Communities and Muslim Communities.

7. The Committee notes with satisfaction, with respect to article 5 (d) (v) of the Convention, the launching of the Comprehensive Agrarian Reform Programme to improve the tenure of indigenous cultural communities in their ancestral lands, and the issuance of Administrative Order No. 02, Series of 1993, providing for the issuance of certificates of ancestral land and domain claims to individuals, families or clans, and indigenous communities, even though those certificates do not constitute titles of property in land.

14. The lack of specific disaggregated data concerning the economic and social situation of and existing disparities between various indigenous communities and ethnic tribes living in the country makes it difficult to assess the extent to which they enjoy the rights listed in the Convention.

15. There is no information in the report on the specific laws and practice with respect to the implementation of article 5 of the Convention, especially with respect to the enjoyment of those rights by members of the indigenous cultural communities and the Muslim Filipinos.

16. With respect to article 5, paragraphs (a) and (b), of the Convention, there is concern that many reported cases of disappearances, including members of indigenous peoples and Muslim Filipinos, have not yet been fully investigated and brought before the courts.

17. In connection with article 5 (d) (I) (v) of the Convention, concern is expressed at reports of forced evictions and displacements of indigenous populations in development zones, as well as at reports that specific groups of indigenous peoples have been denied by force the right to return to some of their ancestral lands.

19. The information concerning the 1990 population census does not clarify sufficiently the questions and comments raised and made during the consideration of the tenth report, particularly in respect of indigenous cultural communities and ethnic tribes.

20. The Committee recommends that priority attention be given to the enactment of the bills relating to indigenous cultural communities and Muslim Filipinos pending before Congress, that enabling laws be adopted to give full effect to constitutional provisions dealing with the promotion and protection of human rights in general and to the rights protected by the Convention in particular, and that domestic legislation be amended so that it prohibits, as appropriate, racial discrimination as defined in article 1, paragraph 1 of the Convention.

21. The Committee recommends that in its next periodic report the State party deal with measures promoting the interests and welfare of the indigenous cultural communities and Muslim Filipinos as an integral part of its implementation of the provisions of the Convention, rather than as a separate chapter.

23. The Committee recommends that information on the ethnic composition of the population, the standard of living of each group, as well as other educational and social indicators, analysed and summarized on the basis of the 1990 population census, be provided in the next periodic report, with particular emphasis on indigenous ethnic communities and tribes.

41. Sweden: 18/09/97. CERD/C/304/Add.37.

9. The Committee welcomes the establishment of the Sami Parliament and will follow its work with interest.

19. It is the view of the Committee that further measures should be taken in order to ensure the use by Sami of their own language.

42. Argentina: 18/09/97. CERD/C/304/Add.39.

3. It is noted that Argentina is going through a period of economic problems which make the implementation of the Convention more difficult, since some of the main victims of unemployment and poverty are members of indigenous populations and ethnic minorities.

7. A number of constitutional provisions on indigenous peoples introduced during the amendment of the 1994 Constitution are a definite step forward. This is true, for example, of the granting of legal personality to indigenous communities; guarantees of respect for the cultural identity of such communities; possession and community land ownership; and the participation of indigenous persons in the management of natural resources and in other activities of concern to them.

10. The steps the Indigenous Communities' Institute has taken with a view to the transfer of estate land to the indigenous communities that have always occupied it by working, *inter alia*, in cooperation with the provincial authorities on the regularization of title deeds are welcomed with satisfaction.

16. The lack of information on the representation of indigenous peoples and other ethnic minorities in the civil service, the police, the judicial system, the Congress and the socio-economic life of the country in general is regretted, since it hampers a full evaluation by the Committee of the implementation of the provisions of the Convention relating to such peoples.

19. With regard to the transfer of estate land to indigenous communities, it is noted with concern that problems continue to exist in practice and that, in some cases, enormous difficulties, which are often caused by land owners, are delaying these transfers. It is also noted with concern that some communities have been subjected to intimidation and pressure to give up their claims to such land. It is also regretted that

information has not be provided on procedures for the consultation of indigenous communities during the land transfer process.

22. The Committee requests the State party to include any available information in its next report on the socio-economic situation of the members of indigenous communities and ethnic minorities, particularly their participation in the political and economic life of the country and their representation in federal and provincial Government. It also invites the State party to provide specific information in its next report on the practical implementation of all the rights provided for in article 5 of the Convention by all inhabitants of Argentina. In this connection, the Committee draws the attention of the State party to the need to develop indicators to evaluate policies and programmes for the protection and promotion of the rights of vulnerable population groups.

24. With regard to the transfer of land to indigenous communities, the Committee recommends that the implementation of provisions adopted for that purpose should be closely followed by the local and federal authorities, including the judicial authorities, in order to prevent and combat any misunderstanding of such provisions. It invites the State party to report to it fully on this question in its next report by specifying to what extent indigenous peoples have been consulted during this process. In this connection, the attention of the State party is drawn to the Committee's General Recommendation No. XXIII on indigenous peoples.

43. Norway: 18/09/97. CERD/C/304/Add.40.

5. The efforts undertaken by the State party to protect the culture, language and way of life of minorities are welcomed. In this regard, the establishment and work of the Sami Assembly is perceived as a positive development.

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

44. Guyana: 21/08/97. A/52/18,paras.484-486.

485. The Committee regretted that Guyana had not responded to its invitation to participate in the meeting and to furnish relevant information. The multi-ethnic composition of the population and the existence of indigenous communities in Guyana make the implementation of the Convention particularly important. The Committee decided that a communication should be sent to the Government of Guyana setting out its reporting obligations under the Convention and urging that the dialogue with the Committee be started as soon as possible.

45. Guatemala: 23/04/97. CERD/C/304/Add.21.

5. It is recognized that much needs to be done to overcome the effects of the long-lasting conflict in the State party. Efforts towards the full enforcement of the principles and provisions enshrined in the Convention have been hampered by the difficult circumstances in the country after decades of unrest and civil war. It is

acknowledged that the changes need to go beyond disarmament and that attitudes and values related to the culture of violence have to be changed in order to achieve peace. It is noted that the exercise of racial discrimination, especially against indigenous populations, is still prevalent in some parts of the society.

7. It is appreciated, in particular, that important legal developments have been achieved recently. A major achievement in this respect has been the Agreement on Identity and Rights of Indigenous Peoples and the Agreement for the Resettlement of Uprooted Populations, which were signed in the process of concluding the peace agreements. Furthermore, it is noted with satisfaction that following the Committee's recommendation, ILO Convention No. 169 concerning Indigenous and Tribal Populations in Independent Countries was ratified by the State party in 1996. It is also noted with appreciation that, under the Constitution of the State party, international obligations including the International Convention on the Elimination of All Forms of Racial Discrimination prevail over national law. In addition, steps taken to revise the Penal Code to include the prohibition of racial discrimination and to introduce legislation on land rights and the protection of indigenous identity are welcomed.

9. It is noted with satisfaction that various bodies are being established in order to facilitate racial reconciliation and to promote democratic society based on the principle of equality. It is welcomed in particular that a Joint Commission has been established, and that it consists of members of both the indigenous and non-indigenous populations. The establishment of the Commission on Historic Clarification (Truth Commission) in order to investigate killings and disappearances during the armed conflict is also welcomed. In this context, it is noted with appreciation that the delegation of Guatemala assured the Committee that military files would be made available to the Truth Commission. It is also noted with satisfaction that a secretariat of indigenous peoples in the public prosecutor's office and a commission on homeless children have been set up.

11. It is noted with appreciation that a large number of people, mainly indigenous, who had fled their lands and the country during the time of armed conflict have returned to the territory of the State party and that the State party has established a fund to assist the returnees in the process of resettlement.

12. The Committee welcomes the stated intent of the delegation of the Government of Guatemala to include a member of the indigenous population in its delegation during the presentation of its next periodic report.

13. Concern is expressed at the climate of violence and intimidation which still exists in the State party and that the detrimental effects of this climate are mostly borne by the indigenous population. This seriously jeopardizes the conditions of security of persons as referred to in article 5 (b) of the Convention.

17. Concern is expressed that the indigenous population does not enjoy effective protection and remedies in the national courts from violations of human rights and fundamental freedoms owing to the lack of interpreters and the insufficient availability of public legal defenders.

18. Concern is expressed that officials of the State party continue to enjoy impunity from criminal prosecution for abusing and violating the human rights of poor people, especially indigenous people and women. This has led people to take the law into their own hands and has resulted in a significant number of lynchings. This situation reflects the despair and lack of confidence of the population in the effective exercise of justice.

19. Concern is expressed at the situation of land rights in the State party. Despite the Government's efforts, the problem of allocation of land and/or compensation continues, especially with respect to the return of lands to the indigenous peoples after the end of the armed conflict. Of special concern are confrontations arising over the ownership of property, in the course of which indigenous peoples have been detained and threatened.

20. It is noted with concern that the previous recommendation of the Committee concerning the training of law enforcement officials in the light of the Committee's General Recommendation XIII has not been implemented.

21. It is noted with concern that adequate and proportionate participation of the indigenous population in Parliament, in the public service and in public life at the national level has not been achieved; in particular, members of indigenous communities are under-represented among judges and in the administration of justice.

26. The Committee recommends that the State party continue the process of incorporating the prohibition of racial discrimination in national legislation, and the adoption of laws to implement the agreement on the identity and rights of indigenous peoples.

30. The Committee recommends that the State party take measures to ensure a fair and equitable distribution of land, taking into account the needs of the indigenous population, including those persons returning to the territory after the end of the armed conflict.

31. The Committee stresses the importance that land holds for indigenous peoples and their spiritual and cultural identity, including the fact that they have a different concept of land use and ownership. It is suggested that the State party use the provisions of ILO Convention No. 169 as a guideline for resolving land distribution issues and to consider, in the light of that Convention, the question of compensation for properties that cannot be restituted.

46. Pakistan: 23/04/97. CERD/C/304/Add.25.

9. The direct participation in national elections, for the first time since Pakistan's independence, of the inhabitants of the Tribal Areas is also welcomed.

15. It is noted with regret that no specific information is provided on the laws and regulations concerning the Federally Administered Tribal Areas and the North-West Frontier Province as well as on the economic and social situation prevailing therein.

24. The Committee recommends that specific information be provided on the Federally Administered Tribal Areas and the North-West Frontier Province.

25. The Committee, while appreciating the concern not to promote ethnic or group distinctions, suggests that the State party explore the possibility of granting the same status as that of the religious minorities to other ethnic and linguistic groups, to ensure their full protection under the national laws and institutions relating to minorities as well as relevant international human rights instruments.

47. Panama: 23/04/97. CERD/C/304/Add.32.

4. The recent initiatives taken by the State party to promote and protect human rights, including those enumerated by the Convention, are welcomed. The work undertaken by the National Commission on Administrative Boundaries, which resulted in important negotiations and law reforms such as the enactment of the laws establishing the indigenous comarcas (territorial districts of the indigenous peoples) of Madugandi and Ngobe Bugle, is encouraging. ...

9. Concern is expressed that some groups living in Panama, such as indigenous people and members of the black and Asian minorities, do not fully benefit from the rights recognized under the Convention.

11. In the light of article 5 of the Convention, it is noted with concern that the issue of land rights of indigenous people has remained unsolved in a great majority of cases. These land rights seem also to be threatened by the mining activities which have been undertaken - with the approval of the central authorities - by foreign companies, and also by the development of tourism in these regions.

12. It is noted with concern that the legal status of the comarcas in relation to the provinces remains unclear.

15. It is noted with regret that indigenous people have a low rate of participation in elections and are under-represented in the public service.

16. The lack of detailed and disaggregated statistical information on indigenous groups remains a concern, especially as it hampers the Committee's capacity to monitor the implementation of the rights enumerated by the Convention.

20. The Committee suggests that the State party take all appropriate measures to disseminate the Convention widely and to translate it into appropriate languages for indigenous groups.

22. The Committee recommends that the State party take appropriate measures to allow full enjoyment by different groups of society, such as indigenous people or members of the black and Asian minorities, of the rights enumerated by the Convention. Special attention is drawn by the Committee to the implementation of the rights enumerated in article 5 (e) (3), (4) and (5) for those specific groups.

23. The Committee strongly recommends that the State party actively pursue its current efforts to implement fully the right of indigenous people to own property and land. It especially recommends that State party investigate and monitor the impact of the work of mining companies, including foreign ones, as well as the impact of the

current development of tourism, on the enjoyment of basic rights by indigenous peoples.

24. In relation to the legal status of the comarcas, the Committee suggests that the State party explain more precisely in its next report the status of the comarcas in comparison to the status of the provinces.

25. The Committee suggests that the State party take appropriate measures to enable indigenous persons to participate in elections and to provide them with equal access to employment in the public service.

28. Furthermore, the Committee encourages the State party to consider ratifying ILO Convention No. 169.

48. Bolivia: 27/09/96. CERD/C/304/Add.10.

4. Note is taken, with concern, of the conditions of extreme poverty principally affecting members of the indigenous population. Poverty is evident in the lack of access to some basic services, such as provision of clean water, medical care, education and electricity.

5. The high rate of illiteracy and the fact that the national language, Spanish, is spoken by only 44 per cent of the population, and the large number of languages and dialects spoken in the country are noted with concern, as they make communication difficult between the various ethnic groups and, in many cases, place indigenous persons at a disadvantage in the defence of their human rights.

6. Concern is also expressed about the complex problem of drug trafficking and, in the rural areas, drug production, principally affecting members of the indigenous population, which the Government, faced with economic problems and violations of the law, as well as external pressures, is struggling to eradicate.

8. In addition, the Law on Popular Participation of 1994 is welcomed for its recognition of indigenous communities as juridical persons and granting to such communities the power to engage in certain activities independently of the central authorities. These include the capacity to contract public projects and to receive international assistance for local development.

18. The Committee recommends that information regarding the ethnic composition of the population, the geographic areas where minority communities are concentrated, the level of their standard of living and other educational and social indices be provided in the next report, which should be an updating report focused on those questions and subjects of concern raised by the Committee during the examination of the present report. It also requests that the next report include data on the indigenous communities that are affected by drug trafficking and how the Government's policies and programmes are affecting those groups. It will be appreciated if that information includes the amount of land withdrawn from coca production, the amount of land continuing to produce coca, the number of persons affected and the ethnic origin of those persons, as well as the effects of the Government's programmes on their living standards. If it is considered that assistance in this area would be helpful, the

Committee recommends that the Government request technical assistance from the Centre for Human Rights with respect to the collection and analysis of data.

19. The Committee recommends that the next periodic report contain detailed information concerning the draft bill on land reform. It requests that the report explain how demands for sustainable development, for the promotion of agriculture and for protection of the rights of the indigenous and peasant communities will be reconciled in the draft bill.

20. The Committee urges that immediate attention be paid to the development of rural areas where many indigenous communities are situated. It encourages the Government to consider expansion of the economic and social infrastructure to enable those communities to be provided with access to clean water, energy, medical care, education, and other essential services and, in this regard, it calls special attention to the situation of the Guaraní people. The Committee encourages the Government to seek international assistance towards this end.

49. Brazil: 27/09/96. CERD/C/304/Add.11.

4. The Committee recognizes that Brazil is a country with a very sizeable geographical area and population and that, during the past decade, it has undergone far-reaching political, economic and social changes. In spite of numerous structural, political, economic and social reforms, the authorities have not managed to control endemic poverty, thus exacerbating the social inequalities affecting the black, indigenous and mestizo populations in particular, and encouraging the emergence of a culture of violence.

5. The recent legislative and institutional measures taken by the Government of Brazil to bring national legislation more into line with the Convention and to improve protection of the fundamental rights of the most vulnerable communities are welcomed. In this connection, the Committee takes particular note of the adoption of the new Constitution in 1988 and the recent establishment of a human rights commission, an inter-ministerial working group for the promotion of the black population and a ministry of agrarian reform and the promulgation of a national human rights plan. The creation, on an experimental basis, of a police station to deal specially with cases of racial discrimination should also be highlighted.

6. The determination expressed by the delegation to ratify shortly ILO Convention No. 169 concerning indigenous and Tribal Peoples in Independent Countries is a step forward which the Committee hopes Brazil will take as soon as possible.

8. The statistical and qualitative information on the demographic composition of Brazil's population and on the enjoyment of political, economic, social and cultural rights provided in the State party's report clearly show that the indigenous, black and mestizo communities suffer from deep structural inequalities and that the measures taken by the Government effectively to combat those disparities are still insufficient.

9. The Committee notes that the report contains no information on the "indicators" of the particular social difficulties encountered by the most vulnerable populations, especially the indigenous, black and mestizo populations.

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

11. Special concern is expressed about the fate of the most vulnerable populations, in particular indigenous people, blacks and mestizos.

12. Regarding the implementation of article 2 of the Convention, the Committee notes with concern the slow pace of certain legislative reforms, in particular the reform of the Criminal Code. The Committee notes with concern the maintenance of article 6 of the 1916 Civil Code of Brazil, containing a discriminatory restriction on the exercise of civil rights by the indigenous populations which is contrary to 1988 Constitution of Brazil, although according to the explanations of the representative of Brazil this provision has become obsolete.

13. The fact that illiterate citizens, who are found especially among the indigenous, black or mestizo population, or other vulnerable groups, cannot be elected in political elections is contrary to the spirit of article 5 (c) of the Convention.

14. Particular note is taken of the fact that the indigenous populations encounter serious discrimination in regard to enjoyment of their civil, political, economic, social and cultural rights. Special concern is expressed about the unfair treatment of the indigenous populations during land demarcation and distribution, the violent and unlawful means used to settle numerous land disputes and the violence and intimidation used against them by private militias and even occasionally by members of the military police. Concern is also expressed about their social protection and the discrimination they suffer in the spheres of health, education, culture, employment, access to public office and housing.

17. The Committee requests the Government of Brazil to provide, in its next periodic report, precise information and "indicators" on the social difficulties encountered by the indigenous black and mestizo populations, and in particular on rates of unemployment, imprisonment, alcoholism, drug use, delinquency and suicide. The Committee also draws the State party's attention to the need to devise "indicators" to assess policies and programmes for protecting and promoting the rights of the vulnerable populations.

19. The Committee recommends that the Government of Brazil put more vigorously into practice its determination to defend the fundamental rights of indigenous people, blacks, mestizos and members of other vulnerable groups, who are regularly the victims of serious intimidation and violence, sometimes leading to their death. It hopes that the authorities concerned will systematically prosecute those guilty of such crimes, whether they are members of private militias or State officials, and will take effective preventive measures, especially through training for the members of the

military police. In addition, the State party should ensure that the victims of such acts receive compensation and are rehabilitated.

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

21. The Committee encourages the State party to ratify ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries.

50. Democratic Republic of the Congo. 27/09/96. CERD/C/304/Add.18.

12. Grave concern is expressed at allegations of large-scale discrimination against the Pygmies (Batwa) and at reports of violent clashes in Kivu involving the Hunde, the Nyanga and the Nande ethnic groups (considered to be natives of Zaire), and the Banyarwanda and the Banaymulengue ethnic groups (considered to be non-natives of Zaire, although they have lived in the country for generations), causing thousands of deaths. ...

16. It is noted with serious concern that, in violation of their obligations under article 5 (b) of the Convention and article 9 of the Constitutional Act, the authorities scarcely intervened to ease the tribal and ethnic conflicts in Shaba and Kivu and to protect the population. Concern is particularly expressed at reports alleging that in Shaba some local officials incited the Shaba population to hatred of the Kasai population. It is, however, duly noted that administrative and judicial measures have been taken by the authorities to punish some of the officials found responsible for such acts.

51. India. 17/09/96. CERD/C/304/Add.13.

2. The Committee expresses its appreciation for the opportunity to resume its dialogue with the State party on the basis of its tenth to fourteenth periodic reports. It regrets the brevity of the report, all the more so since 10 years have passed since the previous report was submitted. It also regrets that the report does not provide concrete information on the implementation of the Convention in practice; it furthermore regrets that the report and the delegation claim that the situation of the scheduled castes and scheduled tribes does not fall within the scope of the Convention.

5. The leading role played by India in the struggle against racial discrimination and apartheid at the international level is welcomed by the Committee. The Committee also acknowledges the far-reaching measures adopted by the Government to combat discrimination against members of scheduled castes and scheduled tribes.

14. Noting the declaration in paragraph 7 of the report, reiterated in the oral presentation, the Committee states that the term "descent" mentioned in article 1 of the Convention does not solely refer to race. The Committee affirms that the situation of the scheduled castes and scheduled tribes falls within the scope of the Convention. It emphasizes its great concern that within the discussion of the report, there was no inclination on the side of the State party to reconsider its position.

17. The absence of information on the functions, powers and activities of the National Commission on Scheduled Castes and Scheduled Tribes and of the National Commission on Minorities makes it impossible to assess whether these Commissions have a positive impact upon the enjoyment of human rights and fundamental freedoms by members of the groups in question.

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

26. The Committee recommends that the State party continue and strengthen its efforts to improve the effectiveness of measures aimed at guaranteeing to all groups of the population, and especially to the members of the scheduled castes and scheduled tribes, the full enjoyment of their civil, cultural, economic, political and social rights, as mentioned in article 5 of the Convention. In this regard, the Committee recommends that the next report to be submitted by the State party contain full and detailed information on the legislative aspects and the concrete implementation of the Directive Principles of the State Policy of the Constitution.

27. The Committee recommends that special measures be taken by the authorities to prevent acts of discrimination towards persons belonging to the scheduled castes and scheduled tribes, and, in cases where such acts have been committed, to conduct thorough investigations, to punish those found responsible and to provide just and adequate reparation to the victims. In this regard, the Committee particularly stresses the importance of the equal enjoyment by members of these groups of the rights to access to health care, education, work and public places and services, including wells, cafés or restaurants.

29. The Committee recommends that the next periodic report of the State party include information on the powers and functions, as well as on their effective implementation, of the National Commission on Scheduled Castes and Scheduled Tribes and of the National Commission on Minorities.

32. The Committee reaffirms that the provisions of article 6 of the Convention are mandatory and that the Government of India should adopt legal provisions making it easier for individuals to seek from the courts just and adequate reparation or satisfaction for any damage suffered as a result of acts of racial discrimination, including acts of discrimination based on belonging to a caste or a tribe.

52. Colombia. 28/03/96. CERD/C/304/Add.1.

5. The recent legislative and institutional measures adopted by the Government of Colombia to bring the national legislation into closer conformity with the Convention

and to enhance the protection of the human rights of indigenous and Afro-Colombians are welcomed. In that connection, note is taken of the adoption in 1991 of the new Constitution, in 1993 of Law No. 70, and of the creation of the Directorate of Black Community Affairs within the Ministry of Home Affairs.

6. The lack of reliable statistical and qualitative data on the demographic composition of the Colombian population and on the enjoyment of political, economic, social and cultural rights by the indigenous and the Afro-Colombian people makes it difficult to evaluate the results of different measures and policies.

7. It is also noted that the report did not provide information on indicators and other mechanisms aimed at evaluating the governmental policies for the protection of the rights of indigenous and Afro-Colombian communities, including the land use and ownership policies.

8. Particular concern is expressed at the lack of effective implementation of policies aiming at guaranteeing to indigenous and Afro-Colombian communities the control of the quality of their environment and the exploitation of their territories.

9. Concern is expressed once again that the State party has not implemented the provisions contained in article 4 of the Convention, which call for the enactment of specific penal legislation. It is stressed that the State party's obligation under article 4 of the Convention is mandatory and should be fully implemented.

9 (a). Particular concern is expressed over reports that the rights of indigenous persons have been violated by men in uniform.

10. Serious concern is expressed at the lack of implementation of article 5 of the Convention. It is noted that various corroborating sources of information indicate the persistence in the Colombian society of structural discriminatory attitudes towards the indigenous and Afro-Colombian communities, appearing at various levels of the political, economic and social life of the country. Those discriminatory attitudes relate, among others, to the right to life and the security of persons, political participation, educational and occupational possibilities, access to basic public services, the right to health, the right to adequate housing, the application of the law, land ownership and use.

13. The Committee recommends that efficient mechanisms be immediately created by the Government to coordinate and evaluate the various policies of protection of the rights of indigenous and Afro-Colombian communities, including their institutional aspects. Such mechanisms should promote full enjoyment of all human rights by the members of these communities and guarantee their life and security, as well as real and adequate participation by representatives of these communities in public life.

17. The Committee recommends a stronger commitment on the part of the Government of Colombia to defend the basic rights of indigenous and Afro-Colombian communities as far as the use and ownership of their land is concerned.

53. Denmark. 28/03/96. CERD/C/304/Add.2.

13. Concern is expressed over the delay in compensating members of the indigenous population in Greenland who were relocated to permit the establishment of an Air Force base in the early 1950s.

20. The Committee wishes to receive information on the implementation of the Convention in Greenland, particularly in relation to the rights of indigenous people and their compensation for relocation.

54. Russian Federation. 28/03/96. CERD/C/304/Add.5.

7. Several minority and indigenous groups have no access to education in their own language. When they deal with administrative and judicial matters, they are frequently precluded from using their own language.

8. The absence of effective measures for the protection and preservation of the traditional ways of life and the right to land use of the people of the Northern Territories is also a cause for concern, although the need for improvement of their economic, social and cultural situation has been recognized.

15. The Committee strongly recommends that the National Parliament urgently complete and adopt all announced acts and laws concerning human rights, especially the draft law on national and cultural autonomy. The laws on the use of minority languages should be completed at the various legislative levels and fully implemented. The Committee also suggests that the State Party consider ratifying ILO Convention No. 169.

16. The State Party should take all appropriate measures to ensure the promotion of minority and indigenous people's languages. The Committee recommends that education programmes be provided in the appropriate languages.

17. The Committee recommends that special attention be paid to the minority and indigenous groups living in the Northern Territories by taking appropriate and effective measures to promote and protect their rights, especially the rights to use and exploit the land where they are living and to live in their own cultural environment.

18. The Committee recommends that, where appropriate, the State Party take special and concrete measures to ensure the adequate development and protection of less developed groups within the Federation, in accordance with article 2, paragraph 2, of the Convention.

55. Finland. 28/03/96. CERD/C/304/Add.7.

11. As regards the land rights of the Sami people, concern is expressed over the mining and other economic interests of national and international companies which may be threatening the way of life of Samis.

12. Concern is also expressed over the Sami people's participation in the Sami parliament in their mother tongue.

23. The Committee suggests that the Government draft and implement a clear policy on Sami land rights in order better to protect and preserve the way of life of this minority group. The Committee also recommends that the Government ratify ILO Convention No. 169.

24. The Committee recommends that the State Party do all in its power to enable Sami children to pursue their studies at the primary and secondary levels in their mother tongue.

56. Peru. 22/09/95. A/50/18, paras.194-204.

196. Measures recently adopted by the Government to improve the human rights situation are welcomed, as is continuing attention to the needs of indigenous communities. Satisfaction is expressed at the recent ratification by the State party of ILO Convention No. 169 on Indigenous and Tribal Peoples in Independent Countries. The Committee welcomes the additional information provided in the oral introduction of the report. The Committee takes note and welcomes the offer made by the Minister of Justice to provide the Committee with additional information as soon as possible.

199. Concern is expressed that the socio-economic conditions of certain ethnic groups in Peru, particularly of indigenous communities living in rural areas and of indigenous, as well as Peruvians of non-European origin in urban society, remain disadvantageous compared to those of the white population in the urban areas. It is further noted with concern that some effects of the economic and social policy of the Government threaten the enjoyment of the social and economic rights of persons belonging to indigenous communities. Furthermore, the report fails to give a clear picture of the substance and implementation of the "national integration policy" or of the way legal provisions protecting "cultural identity" are implemented.

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

202. The Committee recommends that further efforts be undertaken by the Government to put into practice the provisions of the Convention, as well as the legislative, judicial and administrative measures referred to in the State party's report. The Committee also recommends that effective monitoring mechanisms be introduced to assess progress achieved in the protection of the rights of indigenous communities.

203. The Committee recommends that special efforts be made within the armed forces to terminate any unlawful violence towards civilians, including persons belonging to

indigenous communities, and to secure that perpetrators of human rights violations are brought to justice.

57. Guatemala. 22/09/95. A/50/18, paras.279-320.

303. It is noted with deep preoccupation that because of the armed conflict there still exists in Guatemalan society a significant degree of militarization which contributes consequentially to the phenomenon whereby members of the armed forces have committed excesses against the civilian population in general and members of indigenous communities in particular.

304. The statement in paragraph 87 of the report that no form of racial discrimination is practised against persons, groups of persons or institutions is not accepted. De facto racial discrimination persists in Guatemala against the indigenous communities representing the majority of the Guatemalan people. It is noted with concern that no legal protection is offered in practice against such discrimination.

305. Profound concern is expressed regarding widespread discrimination affecting the indigenous communities and excluding them from the enjoyment of their civil, political, economic, social and cultural rights. It is regretted that adequate measures have not been taken to implement the provisions of the Convention. It is particularly regretted that members of the indigenous communities, contrary to article 5 (c) of the Convention, are not in any position to participate equally in the conduct of public affairs at all levels.

307. Concern is expressed at the numerous excesses by elements of the military and the PACs against indigenous peoples, including summary executions and other cruel, inhuman or degrading treatment, threats and forcible recruitment into the armed forces.

308. The failure to investigate these crimes and to prosecute the perpetrators is particularly deplored.

309. The lack of awareness of members of indigenous communities about recourse procedures, the shortage of practical facilities for them to use their own language in court procedures and the weaknesses of the judicial system are also regretted as is the resulting relative impunity for perpetrators of such violations.

310. Concern is also expressed that conditions of extreme poverty and social exclusion are endured, in particular by the indigenous Maya Quiche population. Such conditions adversely affect the enjoyment of the rights guaranteed under article 5 of the Convention such as the right to own property, the right to work, the right to form and join trade unions, and the right to housing, public health and education.

311. Particular concern is expressed that the rate of illiteracy is especially high among indigenous communities.

313. The Committee also recommends that practical measures be taken by the Government to implement the Convention, in particular in respect of the members of indigenous communities. Every effort should be taken to ensure that the members of

indigenous communities can effectively enjoy their economic, social, cultural, civil and political rights in accordance with article 5 of the Convention.

315. The Committee recommends that more information be provided in the next periodic report on the implementation of the provisions of article 5 of the Convention. The State party is requested to provide detailed information on measures taken to ensure the political, social and economic integration of the indigenous communities, as well as their physical existence and cultural heritage; efforts to reduce the militarization of the society and the impact of the PACs; on cases of complaints of racial discrimination brought before the courts, penalties imposed on perpetrators of such acts of racial discrimination and on remedies and reparation made available to victims of racial discrimination.

317. The Committee recommends that the State party consider ratifying ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries.

58. Mexico. 22/09/95. A/50/18, paras.353-398.

358. Members of the Committee expressed their difference of opinion with the Government on the kind of discrimination suffered by many indigenous people in Mexico, pointing out that it did in fact fall within the scope of articles 2 and 5 of the Convention. The discriminatory nature of policies or practices that perpetuated the marginalization and impoverishment of certain ethnic groups was indeed a form of racial discrimination within the meaning of the Convention.

359. Committee members acknowledged that, by recognizing the specific rights of the indigenous communities, the amendment to article 4 of the Mexican Constitution marked an important step in the transition from a mestizo society to a multi-cultural nation. Without statutes and measures to implement that provision, however, the constitutional reform would be of little practical effect. Members of the Committee also noted that, in many instances, the oppression of the indigenous communities was due less to the absence of legal rules than to the fact that economic interest groups and local politicians pursued their abusive practices to the detriment of indigenous groups with impunity.

360. Members of the Committee noted with interest the steps taken by the Government to improve the economic and social conditions of the indigenous communities, particularly the programmes designed to overcome extreme poverty, such as the National Solidarity Programme and the National Programme for the Development of the Indigenous Peoples. The innovative character of certain approaches was commended. A most interesting new feature, for example, was the programme for the reform of the justice system which takes into account Indian customs in court proceedings. It was felt that this would also improve mutual cultural recognition and consultation among all sectors of society. That programme was to be classified among the measures of positive discrimination provided for in article 1 of the Convention.

362. Referring to the various bodies set up at the federal level to promote and protect the rights of indigenous peoples, members of the Committee acknowledged that the

measures taken by them were undeniably important, but wondered whether the fact that there were so many of them did not entail a risk of bureaucratization and duplication. It was essential to ensure smooth coordination between the various bodies. Committee members also wished to know whether members of the indigenous communities took part in the management of those institutions in positions of responsibility.

363. Members of the Committee raised a question that was of fundamental importance for the indigenous populations, that of land, which was crucial to their subsistence, but also to their identity. There was evidence that the administrative measures taken by the Mexican Government were insufficient to guarantee fair and equitable treatment of members of indigenous communities in the process of land distribution. For decades, landowners had been illegally dispossessing the indigenous peoples of their lands. The Indians had been gradually driven from the fertile lands along the Pacific coast towards the central highlands and finally to the rainforest in the east, which was ill suited to agriculture. Members of the Committee noted that the Mexican Government had long been accused by human rights organizations of doing nothing to put an end to the land-related violence in rural areas, regarding it as inevitable. Committee members also observed that the indigenous communities in Mexico viewed the recent amendment to article 27 of the Constitution and the promulgation of the new agrarian law in 1992 as a further threat to their already fragile economic activities and to their identity. Moreover, the economic situation of the indigenous communities seemed to have deteriorated since Mexico's signing of the North American Free Trade Agreement (NAFTA). Members of the Committee requested more information on the practical effects of the 1992 constitutional reform and on the Government's response to EZLN demands with regard to land.

376. The legislative and other measures adopted by the government in favour of the indigenous population, in accordance with article 2 of the Convention, are welcomed. It is noted with satisfaction in particular that the amendment to article 4 of the Constitution in January 1992 represents a fundamental shift in the State party's policy towards indigenous peoples, since it states that the Mexican nation has a multicultural composition originally based on its indigenous peoples and recognizes, for the first time since Mexico's independence, special constitutional rights for the indigenous people living on its territory.

377. As regards the Chiapas conflict, it is noted with satisfaction that in January 1994, the government decided to take steps to seek a political rather than a military solution, unilaterally declared a cease-fire, decreed a general amnesty and established the National Commission for Comprehensive Development and Social Justice for Indigenous Peoples.

378. The efforts made by the State party to set up a bilingual-bicultural education system in favour of the indigenous groups are welcomed.

379. The amendment of articles 18 to 22 of the Constitution intended to expand the constitutional rights of accused persons in criminal proceedings of indigenous origin, as well as the ongoing revision of the Penal and Criminal Procedure Codes, are also noted with satisfaction.

380. The situation of extreme poverty and marginalization of the majority of the indigenous population in Mexico is a matter of concern. Such a situation has complex causes, some of them stemming from the impact of the encounter of civilizations, as well as the consequences of the recent internationalization of the economy for social policies in Mexico. It has been and still is the responsibility of the Government to improve the economic and social situation of the indigenous population of Mexico.

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

383. Concern is also expressed that too little attention is given by the State party to the effects on the economic situation of the indigenous communities, of adherence to the North American Free Trade Agreement and of the related 1992 constitutional and legislative reform of the land ownership system.

384. While the achievements of the National Indigenous Institute are commended, note is taken of the insufficient coordination between the various institutes and commissions which are charged with protecting the rights of the indigenous communities in Mexico, as well as their bureaucratic functioning.

386. Concern continues regarding the serious discrimination indigenous peoples have to face in respect of the enjoyment of their civil, political, economic, social and cultural rights. Particular concern is expressed at the inequitable treatment of indigenous people in the process of land distribution, including restitution, and at the violent and illegal resolution of many land disputes, at the amendment to article 27 of the Constitution, and at the lack of support given to the bilingual-bicultural education system.

388. The Committee recommends that the State party pursue its efforts to analyse the root causes of the socio-economic marginalization faced by the indigenous population of Mexico and continue its attempts to harmonize indigenous customs with the positive legal order.

389. The Committee draws the attention of the State party to the necessity of adopting indicators to evaluate the policies and programmes aimed at the protection and promotion of the indigenous peoples' rights.

390. The Committee recommends that the State party review the functioning of and the coordination between the various institutions in charge of the protection of the indigenous people's rights.

395. The Committee recommends that the Mexican Government ensure that violations of indigenous peoples' human rights be investigated, and that the victims receive compensation.

59. New Zealand. 22/09/95. A/50/18, paras.399-459.

408. Clarification was requested as regards the status of the Treaty of Waitangi and whether it had validity under international law. Further information was also requested with respect to the activities of the Waitangi Tribunal, its composition and whether its recommendations were implemented. In addition, information was requested as regards the concerns raised by Maori with respect to the settlement of claims, the basis of arriving at the amount of money contained in the "Fiscal Envelope" and whether that figure was negotiable. Clarification was also requested as regards the effect of the "Fiscal Envelope" on the economic situation of Maori.

409. Questions were raised by members of the Committee about the nature of the concerns expressed by Maori over the adoption of the Treaty of Waitangi (Fisheries Settlement) Act 1992 and with regard to the results of the court proceedings instituted against the Crown over the settlement as well as the means employed for the identification of those claiming settlement under the Treaty. In addition, members of the Committee expressed interest in receiving further information about the communication before the Human Rights Committee in relation to the Treaty of Waitangi (Fisheries Settlement) Act 1992.

410. Members of the Committee requested clarification as to the effect of the Waitangi Tribunal Amendment Act 1993 with respect to the Crown's return to Maori of private land for the settlement of claims. In this regard, the Committee noted that from information contained in the State party report it appeared that the Maori's share of the land was not commensurate with the size of its population and that much of the land was owned by the Crown or in private, non-Maori hands. The Committee observed that the Treaty of Waitangi Amendment Act was an area of concern in so far as it appeared to discount claims to land that had been confiscated by private parties, possibly by unlawful seizure in a previous period.

411. Members of the Committee wished to know more about the provisions and implementation of the Te Ture Whenua Maori (Maori Land) Act 1993, especially with respect to those provisions of the Act requiring the strict application of rules for the transfer of ownership of Maori land.

413. In connection with article 5 of the Convention, members requested further information on the impact of economic restructuring on the situation of different population groups, particularly with respect to housing and employment conditions and the development of Maori education. Members of the Committee also wished to know more about the electoral reform and its effect on Maori representation in Parliament as well as about the new immigration policy instituted in New Zealand and its possible impact on racial harmony.

415. In relation to article 7 of the Convention, members of the Committee requested information concerning the investigation of reported cases of ill-treatment in prisons and of the measures taken to address such situations, including the setting up of an independent prison complaints authority and the introduction of human rights education for prison staff. They also asked for more information about the proportion of offences committed by Maori and whether appropriate psychological counselling was available to Maori in prison.

441. During the reporting period, it is observed that other developments which have taken place include the establishment in 1991 of Te Puni Kokiri (the Ministry of Maori Development) which replaced the IMI Transition Agency and the Ministry of Maori Affairs; the strengthening of the Ministry of Pacific and Island Affairs; the establishment of the Ethnic Affairs Service within the Ministry of Internal Affairs; and the establishment of the Ministry of Cultural Affairs.

442. It is noted with satisfaction that New Zealand has decided to mark the first year of the International Decade of the World's Indigenous People by designating 1995 as the Year of the Maori language. The aim of the year being to encourage Maori and other groups and individuals to make an active commitment to learning and promoting the Maori language.

443. The introduction of new targeted policies and programmes in the fields of education, health, employment and social welfare to address the specific needs of Maori and ethnic minorities is welcomed.

444. In this regard, the Government's stated commitment to continue providing support for the improvement of education results for Maori is acknowledged. The intention of the Government to develop policy to address disparities in the areas of secondary school retention, school truancy, achievement and attainment, participation in core subject areas and progression to further education and training is welcomed.

445. The efforts undertaken by the State party to address the high infant mortality rate in the Maori population are also welcomed. Equally, the adoption of strategies by the Government to enable Maori and Pacific Island people to develop and deliver appropriate social services using traditional cultural approaches is appreciated.

446. It is noted with satisfaction that a Prime Ministerial Taskforce on Employment was established in 1994 and that a multiparty memorandum of understanding was issued in June 1995 in response to the findings of the Taskforce's report. In this connection, it is noted that a number of programmes have recently been initiated to address the needs of unemployed Maori and a number of recommendations have been made regarding the employment issues affecting Pacific Island people.

448. Tokelau's pursuance of the path towards self-government, with the possibility of adopting the status of free association with New Zealand, is noted.

450. The Government acknowledges that there remains widespread concern among the Maori about the present proposals, especially the so-called "fiscal envelope" designed to settle Maori grievances and claims under the Treaty of Waitangi. The Maori concern also extends to the issue of the compatibility of these proposals with the terms of the Treaty. Concern is expressed that this problem remains unsettled.

451. Similar concerns are raised regarding the probable effects of the new immigration policy on racial harmony and the implementation of the Treaty of Waitangi (Fisheries Settlement Act) 1992.

452. While the policy and special programmes to improve the situation of the Maori, Pacific Island and other ethnic minorities are commended, the existing social and economic disparities between the Maori and Pacific Islanders on the one hand and the Pakeha in New Zealand continue to be a matter of concern.

455. In view of the Government's declared commitment to address what are openly acknowledged to be difficult and challenging historic and contemporary issues, the Committee recommends that the State party continue to accord careful consideration to the concerns expressed about proposals to settle Maori grievances and land claims, including their compatibility with respect to the provisions of the Treaty of Waitangi.

456. The Committee wishes to receive further information in the next report of the State party on the implementation of the Treaty of Waitangi (Fisheries Settlement) Act 1992, the Te Ture Whenua Maori (Maori Land) Act 1993 and the Electoral Act 1993.

60. Nicaragua. 22/09/95. A/50/18,paras.499-541.

521. The armed conflict raging in the country during the past decade, in which the indigenous populations were, willingly or unwillingly, used as political, military and strategic tools, dominated the overall human rights picture of the country, and still has some consequences for the full enjoyment of human rights by all Nicaraguans, together with the political problems of governance and economic crisis, which still persist.

523. The Constitution of 1987, which recognizes for the first time the multi-ethnic character of the Nicaraguan population and grants to all persons the enjoyment of the rights proclaimed in various international and regional instruments, is welcomed. Other encouraging developments include the provisions of the same constitution and of Act No. 28 of 1987, known as the Autonomy Statute, which establishes a special regime of autonomy for two regions of the Atlantic coast of Nicaragua where most of the ethnic minorities and the indigenous groups live. The Autonomy Statute recognizes and guarantees, among other things, the communal form of land ownership of the peoples of the two autonomous regions and their right to education in their own language.

524. The Committee welcomes the constitutional amendments of 1995, especially the provisions which emphasize the ethnic pluralism of Nicaragua and reinforce the rights of the indigenous populations and other ethnic groups of the Atlantic coast, including the right of the regional councils to approve agreements for the exploitation of their natural resources.

525. The adoption of the Amparo Act in 1988, providing for the right to habeas corpus in the constitutional, administrative and criminal spheres, and the statement made in the report that cultural, social and other factors are taken into account when members of the indigenous communities are tried, are both welcomed. Note is taken with appreciation of articles 549 and 550 of the Criminal Code, inspired by the Convention on the Prevention and Punishment of the Crime of Genocide.

526. The elections in 1990 and 1994 of the two Regional Councils, which are granted important functions and powers by the Autonomy Act of 1987, in particular with regard to the conclusion of agreements between the regional and central governments on rational use and exploitation of the regions' natural resources, are noted with satisfaction, as is the constitutional provision of 1995 to enact a new and more complete law for the autonomous regions.

527. It is noted with appreciation that efforts are being made by the authorities to set up a multi-lingual education system in favour of the indigenous communities, and that, in accordance with Act. No 162, indigenous languages besides Spanish are of official use in the autonomous regions.

532. The realization of economic and social rights is a matter of continuous concern, in particular as the so-called structural adjustment measures and the privatization of State property have had negative consequences on the enjoyment of the economic, social and cultural rights of the Nicaraguan people, especially on its most vulnerable sectors and among them the indigenous communities.

534. Concern is expressed at the ratio of communal land to private land in the autonomous regions, with particular regard to the mining rights and at inequalities in the sharing of the benefits of the exploitation of natural resources in the autonomous territories between the regional and the central authorities.

535. Further concern is expressed at the lack of adequate consultation with the regional authorities in the decision-making process by the central authorities, thus leading to insufficient participation of the indigenous groups in decisions affecting their land and the allocation of the natural resources of their land, their cultures and their traditions.

61. Nigeria. 22/09/95. A/50/18,paras.598-636.

603. With regard to article 2 of the Convention, reference was made to numerous allegations of discrimination and other violations of human rights on grounds of ethnic origin which had been brought to the attention of the Committee by non-governmental organizations. According to those allegations, the Nigerian security forces would have committed a series of human rights abuses, including killings, torture and massive arrests, particularly against the Ogoni ethnic group; the Federal Government was alleged to have fomented ethnic antagonism and to tolerate a situation of impunity with respect to the perpetration of human rights abuses. It was, therefore, asked whether there had been any investigation on whether in Ogoniland unlawful orders had been given, what measures the Government had taken to consult ethnic groups about their grievances, whether there was a problem of "tribalism" in the country and, if so, what policy the Government was undertaking to mitigate it. Detailed information was also requested on the action taken recently against the Movement for the Survival of the Ogoni People and, in particular, against Mr. Ken Saro-Wiva, leader of the Movement arrested in May 1994, and against other members of the Movement arrested in August 1995. In addition, further details were requested as to how national integration was being actively encouraged, how the Government viewed the aspirations of the various ethnic groups and the movements for their survival and what it was doing or intended to do to accommodate their views. It was

further asked what measures were being taken to preserve the identity of the ethnic groups affected by the changes and deterioration of their environment, how the distribution of revenue was actually regulated and why the benefits from the use of natural resources were not equitably shared among the population as a whole and, more particularly, among the people from whose land they were extracted. It was also asked why the Nigerian Government had refused to authorize a non-governmental organization to conduct an investigation into the situation in Ogoniland in 1994. It was pointed out, in this connection, that a glaring discrepancy existed between information on the situation in Nigeria contained in the report and that provided by reliable non-governmental sources.

616. The recognition by the delegation of the existence in Nigeria of more than 250 groups distinguished by ethnic origin and the preoccupation of the Government to assure harmonious and peaceful relations between these groups are well noted.

619. Since some ethnic tensions have been associated with ecological changes, the Committee welcomed the statement on the action taken to ameliorate the ecological and developmental situation in the oil producing areas of the country, including the establishment of the Oil Mineral Producing Areas Development Commission and the direct allocation of compensatory payments.

625. Concern is expressed over allegations that agents of the Government have contributed to ethnic antagonisms in the course of attempts to maintain law and order, particularly in the Rivers State.

633. The Committee recommends that the Government, when promoting projects of economic development, undertake the necessary measures to effectively protect the identity of ethnic groups in the areas concerned.

62. Australia. 19/09/94. A/49/18,paras.535-551.

537. Appreciation is also expressed for the opportunity to engage in a frank, serious and extremely constructive dialogue with a delegation led by the responsible minister. He was accompanied by the Social Justice Commissioner (Human Rights and Equal Opportunity Commission), himself from Australia's indigenous population and the holder of an independent post. The Commissioner was present to provide information in reply to questions raised and to mention matters on which he had his own views. Members of the Committee highly commend the composition of the delegation, describing it as an example to be followed by other reporting States.

538. Satisfaction is expressed for the numerous measures taken in Australia, since the consideration of the previous report, to improve relations between all groups and in particular the situation of Aboriginal people. The Government's efforts to establish a multicultural society in Australia, despite some opposition, is welcomed. Note is taken, in that regard, of various programmes and strategies, such as the Access and Equity Strategy, the National Agenda for a Multicultural Australia and the Community Relations Agenda, which provide a framework designed to encourage different cultural groups to share their distinctive heritage and seek to ensure that all Australians enjoy equality of treatment and opportunity in all spheres of public life.

The Council for Aboriginal Reconciliation Act 1991 is welcomed as a measure of great potential interest.

539. The broad responsibilities and powers of the Commonwealth Human Rights and Equal Opportunity Commission in the implementation of the Racial Discrimination Act of 1975 and in conducting public inquiries into human rights matters are noted with particular satisfaction. The activities of the Aboriginal and Torres Strait Islander Commission and the transfer of certain specific responsibilities to the Torres Strait Regional Authority are noted with appreciation. The noteworthy conclusions and recommendations of the Royal Commission into Aboriginal Deaths in Custody and the consequent establishment of the Aboriginal and Torres Strait Social Justice Commissioner are also welcomed.

540. The attention paid by the judiciary to the implementation of the Convention is particularly appreciated. The decisions of the High Court of Australia in Mabo v. Queensland constitute a very significant development. It is noted with satisfaction that the decision rejected the proposition that Australia was terra nullius at the time of colonial settlement and recognized the survival of native title to land where this title had not been validly extinguished. The Commonwealth Government's follow-up in its Native Title Act 1993 and the establishment of the National Aboriginal and Torres Strait Islander Land Fund are also welcomed.

542. It is noted with concern that, although the Commonwealth Government is responsible for ratifying international human rights instruments, the implementation of their provisions requires the active participation of states and territories which have almost exclusive jurisdiction over many of the matters covered by the Convention and cannot be compelled to change their laws. Programmes and strategies designed, at the federal level, to promote reconciliation and social justice and to address the problems associated with Aboriginal deaths in custody, could be jeopardized by lack of cooperation from state or territory governments. The Committee will follow with concern any relevant developments in the relations between the governments in Australia.

543. The situation of the Aboriginal and Torres Islander people remains a subject of concern, despite efforts aimed at remedying the injustices inherited from the past. Concern is expressed that Aboriginals continue to die in custody at a rate comparable to that which led to the appointment of the Royal Commission.

544. Legal proceedings for the recognition of native title and for responding to land claims have been protracted. The necessity for claimants to prove that they have maintained their connection with the land and that their title has not been extinguished can be an exigent condition. That persons who identify as Aboriginal but whose ancestors are predominantly non-Aboriginal may not qualify as Aboriginal with respect to land rights may become a further matter of concern. Only a very small percentage of the Aboriginal population will benefit under the Native Title Act.

545. Aboriginals continue to suffer disadvantage in such areas as education, employment, housing and health services. Their participation in the conduct of public affairs is disappointing. It is, once again, noted with concern that, according to various social indicators, Aboriginals are more deeply affected by social problems such as

alcoholism, drug abuse, delinquency and incarceration than any other social group in the country.

547. The Committee recommends that Australia pursue an energetic policy of recognizing Aboriginal rights and furnishing adequate compensation for the discrimination and injustice of the past. The Commonwealth Government should undertake appropriate measures to ensure a harmonious application of the provisions of the Convention at the federal and state or territory levels. The recommendations adopted by various bodies entrusted with the protection of Aboriginal rights - the Royal Commission into Aboriginal Deaths in Custody, the Human Rights and Equal Opportunities Commission, and the Aboriginal and Torres Strait Islander Commission - should be fully implemented by all those concerned, particularly state and territory governments.

548. The Committee recommends the strengthening of measures to remedy any discrimination suffered by members of non-English-speaking minorities and Aboriginals in the fields of the administration of justice, education, employment, housing and health services and to promote the participation of all in the conduct of political affairs. Law enforcement officials should receive more effective training to ensure that in the performance of their duties they respect as well as protect human dignity and maintain and uphold the human rights of all. Similarly, the State party should continue to strengthen its education and training programmes. The Committee hopes to receive more information on these matters, particularly with respect to non-English-speaking minorities, in Australia's next periodic report.

63. Canada. 02/08/94. A/49/18,paras.298-331.

306. ... Furthermore, they wished to receive more detailed information concerning the development of the negotiations between the Canadian authorities and the aboriginals with regard to comprehensive land settlement and self-government agreements in various provinces. It appeared that such negotiations were proceeding at an extremely slow pace and that few new agreements had been concluded. More information was also requested about the community-based aboriginal justice programmes and the Federal-Provincial-Territorial Working Group on Multiculturalism and Race Relations in the Justice System; social indicators concerning aboriginal people, in particular, the rates of infant mortality, alcoholism, drug abuse, delinquency, imprisonment and suicide; the Police-Minority Youth Summer Employment project; the action taken by the federal Government to solve the problems of the Indians at Oka and the Mohawk communities of Kanasatake and Kahnawake after the incidents of the summer of 1990; the work done by the Royal Commission on Aboriginal People, and the steps taken by the Law Reform Commission to ensure equal access of aboriginal persons to justice.

308. Concerning article 5 of the Convention, members of the Committee regretted that the reports lacked information in particular on the implementation of the right to health, especially with regard to aboriginal people, and asked for information about the national native alcohol and drug abuse programme and on how the aboriginal people perceived the programme. Members of the Committee drew particular attention to the Employment Equity Act and regretted that it was only applicable to limited categories of workers. They asked why the Canadian Human Rights

Commission had no direct responsibility for enforcement of the Employment Equity Act, whether there was any mechanism to implement that Act, and why aboriginal people were not fully represented in the workforce, especially in higher levels of employment. More information was also requested about employment, education and religious freedom, particularly in respect of small minority groups, the actual achievements of the Employment Equity Working Group for Aboriginal Employees, and the extent to which aboriginal people and immigrants enjoyed effective access to the justice system.

322. Satisfaction is expressed at the measures taken in Canada to improve the situation of aboriginal peoples. Particular reference is made in this respect to the recent land claim settlements in the eastern and central Arctic, the Gwich'n and Sahtu Dene Metis settlements in the Mackenzie Valley and in the Yukon Territory. ...

325. Concern is further expressed about the following issues: the slowness at which negotiations have been undertaken further to define aboriginal rights to land and resources in many parts of the country; ...

326. In addition, it is noted with concern that, in spite of various positive measures taken by the Canadian authorities on both the provincial and federal levels to ensure adequate development and protection of aboriginal people, certain social indicators concerning, especially, alcoholism, drug abuse, suicide and the incarceration rate show that aboriginal people may be more affected by social problems than other social groups in the country.

64. Mali. 10/03/94. A/49/18,paras.275-283.

277. Members of the Committee noted that in April 1991 a peace agreement had been concluded between the new Government and the organizations of Tuareg opposition groups. Acts of violence had nevertheless continued to take place between the Tuareg groups, which had not accepted the peace agreement, and the Malian army, and ethnic conflict had developed.

278. Members of the Committee also noted that the last two periodic reports of Mali had been incomplete, particularly with regard to the implementation of article 5 of the Convention. Members expressed concern over the situation of individuals belonging to the Tuareg community, noting that they were not represented in Parliament. In this connection, members wished to have detailed information on the extent to which Tuaregs participated in public life.

282. It is recommended that the next report to be submitted include detailed information on measures taken to implement article 4 (b), measures which have been taken to protect the rights of Tuaregs under article 5 of the Convention and the difficulties encountered in implementing the provisions of the Convention.

65. Sweden. 03/03/94. A/49/18,paras.181-208.

185. With reference to article 2 of the Convention, the members of the Committee welcomed the establishment of the Sami Assembly, but wondered to what extent the Assembly was independent and had genuine powers and what its activities had been

in the course of its first year. They went on to ask why the choice of the Chairman of the Sameting and the determination of the Assembly's functions fell within the purview of the Government of Sweden. ... Members of the Committee also wanted to know whether measures, and, if so, what measures, had been taken to preserve the language, culture and identity of the ethnic groups living in Sweden, which accounted for 10 per cent of the Swedish population.

187. In connection with article 5 of the Convention, members of the Committee asked for further details on the legal regime applicable to reindeer herding, the possibility of expropriating grazing land from the Sami and the rights of non-Sami to hunt on reindeer grazing land belonging to Sami populations and to fish in lakes reserved for the Sami. Was it intended that the Swedish Parliament should soon include Sami representatives as such and that the Sami language should be recognized as a national language on the same footing as Swedish? The members of the Committee asked for further information on the number, situation and degree of integration of minorities other than the Sami living in Sweden.

200. Additionally, serious concern is expressed about recent legislative measures having a detrimental effect on Sami rights with respect to their traditional fishing, hunting and reindeer-raising activities and about the pace of progress towards the equality of members of ethnic minorities and their integration.

207. Finally, the Committee requests the State party to provide additional information in its next report on the functioning and work of the Sami Assembly and on the implementation of the Expropriation Act.

66. Central African Republic. 15/09/93. A/48/18,paras.147-151.

148. Members of the Committee noted that approximately 80 ethnic groups made up the population of the Central African Republic, but it primarily comprised the Baya, Banda, Babinga, Baka and Zanda groups. However, members of the Yakoma group dominated the administration even though they accounted for less than 5 per cent of the population. In particular, the forest-dwelling Bayaka, or Pygmies, were often victims of discrimination and exploitation. The Government had done little to correct that situation.

67. Nigeria. 15/09/93. A/48/18,paras.306-329.

309. Members of the Committee welcomed the resumption of dialogue with Nigeria and expressed the hope that Nigeria's cooperation with the Committee would be regular in the future. ... Additional information was also requested as to especially vulnerable groups, such as the Ogoni, who were suffering from the degradation and pollution of their lands as a result of oil exploitation by multinational corporations, as well as from acts of the police and oil companies. In the latter connection, members wished to know how the Government planned to accede to the demands of minorities to manage their own economies and resources; what the effects of the Nigerian Enterprises Promotion Decree of 1989 (repealing the Indigenization Decree of 1977) would be in regard to the participation of local ethnic groups in the exploitation of natural resources. ...

68. Viet Nam. 15/09/93. A/48/18,paras.348-358.

351. The Committee also welcomed the State party's efforts to improve the level of socio-economic development of ethnic minorities, especially of those living in the mountainous regions of the country.

353. With regard to the implementation of article 4 of the Convention, the Committee expressed concern that article 81 of the Penal Code did not refer to all the acts of ethnic or racial discrimination prohibited by the Convention. Furthermore, the Committee noted the insufficiency of the information provided on the practical implementation of articles 5 and 6 of the Convention, in particular regarding ethnic and religious minorities, refugees, children of mixed origin and Vietnamese abroad.

354. The Committee was also concerned that the difficulties faced by the State party during the current period of reconstruction should not adversely affect the development of further initiatives to improve the implementation of programmes designed for the benefit of the most disadvantaged sectors of society, especially ethnic minorities.

356. The Committee would appreciate receiving in the next report further information on progress achieved in respect of development plans designed to improve the situation of ethnic minorities, particularly those living in the mountainous regions. ...

69. Ecuador. 18/03/93. A/48/18,paras.128-146.

131. Members of the Committee expressed their appreciation for the high quality of the reports submitted by Ecuador. It was noted that the reports emphasized that Ecuador was a multiethnic and multicultural society and that the State was endeavouring, through the National Development Plan, to promote the groups and cultures which were contributing to the creation of a national identity. However, it was pointed out that the reports did not contain demographic information on the ethnic composition of Ecuadorian society. In particular, members of the Committee requested specific data on the birth, death and life expectancy rates of indigenous populations as compared with the population as a whole. Members also pointed out that the reports did not contain enough concrete examples of how victims of racial discrimination were protected by the legal system.

132. It was noted that the report placed considerable emphasis on the exploitation of natural resources and environmental protection. In that regard, more detailed information was needed on the effect of such programmes on the cultural and social life of indigenous populations, especially those living in the Amazon region. Such programmes did not appear to be of direct benefit to the populations whose lands were being used and no mention of their views on the subject had been included in the report.

133. In relation to article 2 of the Convention, members of the Committee wished to know which groups were considered as "indigenous nationalities"; how an individual was identified as belonging to a given nationality or minority; what was meant by "popular cultural characteristics" as referred to in paragraph 13 of the eleventh

periodic report; and whether there were any distinctions among aliens as to the extent of their rights that were guaranteed.

135. Concerning article 5 of the Convention, members of the Committee wished to know what the exact criteria were that were used by the authorities in deciding when instruction would be provided in indigenous languages; to what extent children who received instruction in an indigenous language also received training in Spanish; why the right to vote was denied to illiterates, who tended to come from indigenous communities; how funding for the rural educational system compared with funds allocated for white or white-mestizo students; whether the budget for the bilingual education system for indigenous peoples had been significantly reduced in 1991; and what measures were being taken in response to an increase in health problems among indigenous communities, particularly those linked to environmental degradation resulting from oil exploration.

136. Members of the Committee also wished to know what percentage of members of Parliament were members of indigenous communities; how indigenous people were represented in local government; to what extent indigenous communities were involved in decision-making on questions of direct concern to them, such as land allocation and delimitation; whether title to indigenous lands was held by individuals, families or communities; how "ethnobiological reserves" were designated; how respect for the cultural values of native populations was ensured in practice regarding development projects, including exploration for hydrocarbons; what role was played by indigenous organizations in monitoring the implementation of laws governing the exploration and exploitation of natural resources in indigenous areas; whether indigenous communities and organizations were consulted in decisions concerning the exploitation of resources; whether compensation was made to indigenous persons whose livelihood was jeopardized by new industries; to what extent indigenous communities profited from the exploitation of hydrocarbons in the Amazon region; whether the Government had investigated the illegal acts of paramilitary groups in indigenous communities and what measures had been taken to better protect those communities from further acts of intimidation and coercion; who had set up the various Quechua organizations referred to in paragraph 21 of the eleventh report; whether the large number of imprisoned indigenous leaders had been released; whether indigenous groups were precluded from forming their own political parties; the extent to which article 48 of the Constitution applied to large landowners; whether indigenous peoples were provided with tools, loans, technical assistance or any other infrastructure when they were allocated land; and what protection was afforded indigenous communities in order to discourage attacks by larger landowners.

138. With reference to the indigenous uprisings in 1990 and the dialogue subsequently established with the leaders of the indigenous communities, members asked what demands the indigenous groups had made, particularly in regard to land, and what was the outcome of that dialogue. Members of the Committee also asked the representative to comment on allegations that paramilitary groups in the province of Imbabura were operating against indigenous communities with the acquiescence of the Government; and on allegations that an indigenous community leader had suffered ill-treatment in prison.

144. The Committee noted that one of the objectives of the National Development Plan was to ensure the recognition of Ecuador's multiethnic and multicultural character. The Committee expected that indigenous communities would benefit from the implementation of the Plan as far as their economic, social and cultural status was concerned.

145. The Committee encouraged the Government, in its next report, to provide detailed information on the implementation of the National Development Plan so that the Committee could fully assess the conditions in which the indigenous communities lived. The Committee expressed particular concern that economic exploitation of the Amazon region should be undertaken only after full consideration of the interests of the indigenous communities in the preservation of their identity. The Committee trusted that the Government would take effective steps to achieve that.

B. Decisions

1. Decision (1) 64 on Guyana: Guyana. 09/03/2004. CERD/C/64/Dec.1

4. The Committee agrees with intergovernmental and non-governmental organisations and United Nations agencies that a vicious circle of political and ethnic tensions has adversely affected human rights, weakened civil society, increased racial violence and poverty and exclusion among indigenous population groups, and hampered the administration of justice and the application of human rights standards in Guyana.

2. Prevention of racial discrimination, including early warning measures and urgent action procedures: Guyana. 03/06/2003. CERD/C/62/Dec.2.

5. Many intergovernmental and non-governmental organizations and United Nations agencies agree that the vicious circle of political and ethnic tensions has brought Guyana to a state of political instability which has adversely affected human rights, weakened civil society, increased racial violence and poverty and exclusion among indigenous population groups, and hampered both the administration of justice and the application of human rights standards.

3. Prevention of racial discrimination, including early warning measures and urgent action procedures: Suriname. 21/03/2003. CERD/C/62/Dec.3.

3. According to information obtained from the consideration of the situation of Suriname by the Human Rights Committee in October 2002 and from a report submitted to the Committee on the Elimination of Racial Discrimination by a group of non-governmental organizations representing indigenous and tribal peoples (the Association of Indigenous Village Leaders in Suriname, Stichting Sanomaro Esa, the Association of Saramaka Authorities and the Forest Peoples Programme), however, serious violations of the rights of indigenous communities, particularly the Maroons and the Amerindians, are being committed in Suriname: in addition to discrimination against these communities in respect of employment, education, culture and participation in all sectors of society, particular attention is drawn to the lack of recognition of their rights to the land and its resources, the refusal to consult them about forestry and mining concessions granted to foreign companies and the fact that

the mining companies' activities, especially the dumping of mercury, are a threat to their health and the environment.

4. Considering that these problems faced by the indigenous communities call for immediate attention and referring to its General Recommendation XXIII (1997) on respect for the rights of indigenous peoples, the Committee requests the State party to submit to it as a matter of urgency, by 30 June 2003, a report containing any information that might be useful in this regard for consideration at the Committee's sixty-third session in August 2003.

4. Decision 1 (60) on Papua New Guinea: Papua New Guinea. 01/11/2002. A/57/18,para 514A

2. Despite the Committee's repeated requests, Papua New Guinea has not resumed its dialogue with the Committee. It has submitted neither its periodic report nor the additional information requested about the situation in Bougainville. In fact, the dialogue between Papua New Guinea and the Committee has been interrupted since 1984. The State party has not fulfilled its obligation under article 9, paragraph 1, of the Convention.

3. The Committee reiterates its decisions 2 (52) of 19 March 1998, 4 (51) of 21 August 1997, 3 (47) of 16 August 1995 and 8 (46) of 16 March 1995 on Papua New Guinea, in which it requested the State party to comply with its obligation under article 9, paragraph 1, of the Convention, mainly to provide information on the situation in Bougainville.

4. The Committee urges the State party to submit its report under article 9, paragraph 1, of the Convention, as well as to supply information specifically on the present situation in Bougainville. In particular, the report should provide information on the demographic composition of the population, as well as the economic, social and cultural situation of the various ethnic groups. In this connection, the Committee wishes again to draw the State party's attention to the possibility of availing itself of the technical assistance offered under the advisory services and technical assistance programme of the Office of the United Nations High Commissioner for Human Rights.

5. Decision 2 (55) on Australia: Australia. 16/08/99. A/54/18,para.23(2)

1. The Committee reaffirms the decisions concerning Australia which it took during its fifty-fourth session in March 1999.

2. In adopting those decisions, the Committee was prompted by its serious concern that, after having observed and welcomed over a period of time a progressive implementation of the Convention in relation to the land rights of indigenous peoples in Australia, the envisaged changes of policy as to the exercise of these rights risked creating an acute impairment of the rights thus recognized to the Australian indigenous communities. It considered in detail the information submitted and the arguments put forward by the State party.

6. Decision 2 (54) on Australia: Australia. 18/03/99. A/54/18,para.21(2).

1. Acting under its early warning procedures, the Committee adopted decision 1(53) on Australia on 11 August 1998 (A/53/18, para. 22), requesting information from the State party regarding three areas of concern: proposed changes to the 1993 Native Title Act; changes of policy as to Aboriginal land rights; and changes in the position or function of the Aboriginal and Torres Strait Islander Social Justice Commissioner. The Committee welcomes the full and thorough reply of the Government of Australia to this request for information (CERD/C/347). The Committee also appreciates the dialogue with the delegation from the State party at the Committee's 1323rd and 1324th meetings to respond to additional questions posed by the Committee in regard to the State party's submission.

2. The Committee received similarly detailed and useful comments from the Acting Aboriginal and Torres Strait Islander Social Justice Commissioner of the Australian Human Rights and Equal Opportunity Commission, the Aboriginal and Torres Strait Islander Commission and members of Parliament.

3. The Committee recognizes that, within the broad range of discriminatory practices that have long been directed against Australia's Aboriginal and Torres Strait Islander peoples, the effects of Australia's racially discriminatory land practices have endured as an acute impairment of the rights of Australia's indigenous communities.

4. The Committee recognizes further that the land rights of indigenous peoples are unique and encompass a traditional and cultural identification of the indigenous peoples with their land that has been generally recognized.

5. In its concluding observations on the previous report of Australia, the Committee welcomed the attention paid by the Australian judiciary to the implementation of the Convention (A/49/18, para. 540). The Committee also welcomed the decision of the High Court of Australia in the case of *Mabo v. Queensland*, noting that, in recognizing the survival of indigenous title to land where such title had not otherwise been validly extinguished, the High Court case constituted a significant development in the recognition of indigenous rights under the Convention. The Committee welcomed, further, the Native Title Act of 1993, which provided a framework for the continued recognition of indigenous land rights following the precedent established in the *Mabo* case.

6. The Committee, having considered a series of new amendments to the Native Title Act, as adopted in 1998, expresses concern over the compatibility of the Native Title Act, as currently amended, with the State party's international obligations under the Convention. While the original Native Title Act recognizes and seeks to protect indigenous title, provisions that extinguish or impair the exercise of indigenous title rights and interests pervade the amended Act. While the original 1993 Native Title Act was delicately balanced between the rights of indigenous and non-indigenous title holders, the amended Act appears to create legal certainty for Governments and third parties at the expense of indigenous title.

7. The Committee notes, in particular, four specific provisions that discriminate against indigenous title holders under the newly amended Act. These include the Act's

"validation" provisions; the "confirmation of extinguishment" provisions; the primary production upgrade provisions; and restrictions concerning the right of indigenous title holders to negotiate non-indigenous land uses.

8. These provisions raise concerns that the amended Act appears to wind back the protections of indigenous title offered in the *Mabo* decision of the High Court of Australia and the 1993 Native Title Act. As such, the amended Act cannot be considered to be a special measure within the meaning of articles 1(4) and 2(2) of the Convention and raises concerns about the State party's compliance with articles 2 and 5 of the Convention.

9. The lack of effective participation by indigenous communities in the formulation of the amendments also raises concerns with respect to the State party's compliance with its obligations under article 5(c) of the Convention. Calling upon States parties to "recognize and protect the rights of indigenous peoples to own, develop, control and use their common lands, territories and resources," the Committee, in its general recommendation XXIII, stressed the importance of ensuring "that members of indigenous peoples have equal rights in respect of effective participation in public life, and that no decisions directly relating to their rights and interests are taken without their informed consent."⁴

10. While welcoming the State party's recognition of the important role that has been played by the Human Rights and Equal Opportunity Commission, the Committee also notes with concern the State party's proposed changes to the overall structure of the Commission, abolishing the position of the Aboriginal and Torres Strait Islander Social Justice Commissioner and assigning those functions to a generalist Deputy President. The Committee strongly encourages the State party to consider all possible effects of such a restructuring, including whether the new Deputy President would have sufficient opportunity to address in an adequate manner the full range of issues regarding indigenous peoples that warrant attention. Consideration should be given to the additional benefits of an appropriately qualified specialist position to address these matters, given the continuing political, economic and social marginalization of the indigenous community of Australia.

11. The Committee calls on the State party to address these concerns as a matter of utmost urgency. Most importantly, in conformity with the Committee's general recommendation XXIII concerning indigenous peoples, the Committee urges the State party to suspend implementation of the 1998 amendments and reopen discussions with the representatives of the Aboriginal and Torres Strait Islander peoples with a view to finding solutions acceptable to the indigenous peoples and which would comply with Australia's obligations under the Convention.

12. In the light of the urgency and fundamental importance of these matters, and taking into account the willingness expressed by the State party to continue the dialogue with the Committee over these provisions, the Committee decides to keep this matter on its agenda under its early warning and urgent action procedures to be reviewed again at its fifty-fifth session.

7. Decision 1 (53) on Australia: Australia. 11/08/98. A/53/18,para.IIB1

1. In view of the terms of article 9, paragraph 1, of the Convention, in particular the provision that the Committee may request further information from States parties, the Committee requests the Government of Australia to provide it with information on the changes recently projected or introduced to the 1993 Native Title Act, as well as on any changes of policy in the State party as to Aboriginal land rights and in the functions of the Aboriginal and Torres Strait Social Justice Commissioner. The Committee wishes to examine the compatibility of any such changes with Australia's obligations under the International Convention on the Elimination of All Forms of Racial Discrimination.

8. Decision 4 (51) on Papua New Guinea: Papua New Guinea. 21/08/97. A/52/18,para.19(4).

3. Despite the Committee's repeated requests, Papua New Guinea has regrettably not submitted an up-to-date report or any information requested on the issue of Bougainville.

4. The Committee is aware that the Government of Papua New Guinea requested the Secretary-General to send his representative to assist with a new round of discussions between the Government and the main Bougainvillean parties.

5. The Committee is appreciative of the efforts of the Secretary-General's representative to assist with a new round of discussions between the Government of the State party and the main Bougainvillean parties (see E/CN.4/1996/58), and it notes the visit of the Commission on Human Rights' Special Rapporteur on extrajudicial, summary and arbitrary executions to the State party (see E/CN.4/1996/4/Add.2).

6. The Committee condemns and regrets the killing of the premier of the Bougainville Transitional Government, Mr. Theodore Miriung, on 12 October 1996 by unidentified assailants, which resulted in a serious setback for all the efforts to find a solution of the Bougainville problem.

7. The Committee wishes to encourage any further effort to resume the discussions between the parties involved in the Bougainville conflict.

8. The Committee once again requests the State party to submit its report under article 9 (1) of the Convention, as well as to supply information specifically on the situation in Bougainville under its prevention of discrimination procedures, so that the Committee can examine them in 1998.

9. Decision 3 (47) on Papua New Guinea: Papua New Guinea. 16/08/95. A/50/18,para.26(3).

The Committee refers to its concluding observations adopted at its 1010th meeting on 19 August 1993 and at its 1060th meeting on 12 August 1994, together with its decision 8 (46) adopted at its 1097th meeting on 16 March 1995. In decision 8 (46) the Committee reiterated its concerns regarding ongoing human rights violations in Bougainville, welcomed positive developments such as the signing of the "Mirigini

Charter", and urged that all sectors of the population be permitted to play a part in programmes for the restoration of a durable peace. The Committee also requested the Government to expedite outstanding periodic reports, due for submission under article 9 of the Convention, in time for their consideration by the Committee at the present session.

The Committee regrets the failure of the government to submit the outstanding reports or to otherwise respond to the request of the Committee to renew a dialogue.

The Committee again calls on the Government to take all necessary steps to halt and redress human rights abuses in Bougainville based on ethnic grounds. In particular, it should undertake confidence-building measures enabling all the people of Bougainville to participate directly in decisions and processes directed towards a peace settlement and the re-establishment of civil society.

10. Decision 8 (46) on Papua New Guinea: Papua New Guinea. 16/03/95. A/50/18,para.25(8).

The Committee reiterates its concluding observations, adopted at its 1010th meeting on 19 August 1993 and at its 1060th meeting on 12 August 1994, in which it expressed concern at reports of serious human rights violations in Bougainville, including summary executions and population transfers, as well as possible large-scale mining operations in Bougainville without due regard to the rights of the ethnically distinct population or the adverse effects of environmental degradation.

It notes with appreciation that a process to re-establish peace on the Papua New Guinea island of Bougainville has been initiated and that the "Mirigini Charter" was signed on 25 November 1994. The Committee, however, notes with concern that most leaders of the Bougainville Revolutionary Army and the organization known as the Bougainville Interim Government did not participate in the Bougainville Peace Conference, held in October 1994, which provided the basis for discussions leading to the signing of the "Mirigini Charter".

The Committee urges that in the future all parties participate in the negotiations towards a total cessation of armed conflict and the restoration of peace, which is crucial to the full implementation of human rights without distinction as to race, colour or national or ethnic origin.

The Committee renews its offer to the Government of Papua New Guinea to provide assistance in efforts to strengthen national mechanisms for the promotion and protection of human rights and in particular for protection against racial discrimination. It calls upon the Government of Papua New Guinea to renew its dialogue with the Committee, in accordance with article 9 of the Convention, and to expedite its periodic reports which were due on 26 February 1985, 1987, 1989, 1991, 1993 and 1995, respectively, and which should contain specific information on the situation prevailing on the island of Bougainville. Such information should reach the Committee in time to be considered at its forty-seventh session in August 1995.

11. Decision 2 (46) on the situation in Mexico: Mexico. 09/03/95. A/50/18,para.25(2).

The Committee on the Elimination of Racial Discrimination expresses its concern about reports of serious conflicts in the State of Chiapas which particularly affect some indigenous populations in Mexico.

The Committee has received the ninth and tenth periodic reports of Mexico and scheduled them for consideration at its forty-seventh session in August 1995. In accordance with article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination, the Committee requests the Government of Mexico to submit further information on the situation in Chiapas in time for consideration together with the ninth and tenth reports.

C. General Recommendations

1. General Recommendation XXIII on Indigenous Peoples (1997)

1. In the practice of the Committee on the Elimination of Racial Discrimination, in particular in the examination of reports of States parties under article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination, the situation of indigenous peoples has always been a matter of close attention and concern. In this respect, the Committee has consistently affirmed that discrimination against indigenous peoples falls under the scope of the Convention and that all appropriate means must be taken to combat and eliminate such discrimination.

2. The Committee, noting that the General Assembly proclaimed the International Decade of the World's Indigenous Peoples commencing on 10 December 1994, reaffirms that the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination apply to indigenous peoples.

3. The Committee is conscious of the fact that in many regions of the world indigenous peoples have been, and are still being, discriminated against and deprived of their human rights and fundamental freedoms and in particular that they have lost their land and resources to colonists, commercial companies and State enterprises. Consequently, the preservation of their culture and their historical identity has been and still is jeopardized.

4. The Committee calls in particular upon States parties to:

(a) Recognize and respect indigenous distinct culture, history, language and way of life as an enrichment of the State's cultural identity and to promote its preservation;

(b) Ensure that members of indigenous peoples are free and equal in dignity and rights and free from any discrimination, in particular that based on indigenous origin or identity;

(c) Provide indigenous peoples with conditions allowing for a sustainable economic and social development compatible with their cultural characteristics;

(d) Ensure that members of indigenous peoples have equal rights in respect of effective participation in public life and that no decisions directly relating to their rights and interests are taken without their informed consent;

(e) Ensure that indigenous communities can exercise their rights to practise and revitalize their cultural traditions and customs and to preserve and to practise their languages.

5. The Committee especially calls upon States parties to recognize and protect the rights of indigenous peoples to own, develop, control and use their communal lands, territories and resources and, where they have been deprived of their lands and territories traditionally owned or otherwise inhabited or used without their free and informed consent, to take steps to return those lands and territories. Only when this is for factual reasons not possible, the right to restitution should be substituted by the right to just, fair and prompt compensation. Such compensation should as far as possible take the form of lands and territories.

6. The Committee further calls upon States parties with indigenous peoples in their territories to include in their periodic reports full information on the situation of such peoples, taking into account all relevant provisions of the Convention.

2. General recommendation XXIV concerning article 1 of the Convention (1999)

1. The Committee stresses that, according to the definition given in article 1, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention relates to all persons who belong to different races, national or ethnic groups or to indigenous peoples. If the Committee is to secure the proper consideration of the periodic reports of States parties, it is essential that States parties provide as far as possible the Committee with information on the presence within their territory of such groups.

2. It appears from the periodic reports submitted to the Committee under article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination, and from other information received by the Committee, that a number of States parties recognize the presence on their territory of some national or ethnic groups or indigenous peoples, while disregarding others. Certain criteria should be uniformly applied to all groups, in particular the number of persons concerned, and their being of a race, colour, descent or national or ethnic origin different from the majority or from other groups within the population.

3. Some States parties fail to collect data on the ethnic or national origin of their citizens or of other persons living on their territory, but decide at their own discretion which groups constitute ethnic groups or indigenous peoples that are to be recognized and treated as such. The Committee believes that there is an international standard concerning the specific rights of people belonging to such groups, together with generally recognized norms concerning equal rights for all and non-discrimination, including those incorporated in the International Convention on the Elimination of All Forms of Racial Discrimination. At the same time, the Committee draws to the

attention of States parties that the application of different criteria in order to determine ethnic groups or indigenous peoples, leading to the recognition of some and refusal to recognize others, may give rise to differing treatment for various groups within a country's population.

3. General recommendation XXV on gender-related dimensions of racial discrimination (2000)

2. Certain forms of racial discrimination may be directed towards women specifically because of their gender, such as sexual violence committed against women members of particular racial or ethnic groups in detention or during armed conflict; the coerced sterilization of indigenous women; abuse of women workers in the informal sector or domestic workers employed abroad by their employers. Racial discrimination may have consequences that affect primarily or only women, such as pregnancy resulting from racial bias-motivated rape; in some societies women victims of such rape may also be ostracized. Women may also be further hindered by a lack of access to remedies and complaint mechanisms for racial discrimination because of gender-related impediments, such as gender bias in the legal system and discrimination against women in private spheres of life.

4. General recommendation XXIX on article 1, paragraph 1, of the Convention (Descent) (2002)

Reaffirming also the condemnation of discrimination against persons of Asian and African descent and indigenous and other forms of descent in the Durban Declaration and Programme of Action,

5. General recommendation XXI on the right to self-determination (1996)

1. The Committee notes that ethnic or religious groups or minorities frequently refer to the right to self-determination as a basis for an alleged right to secession. In this connection the Committee wishes to express the following views.

2. The right to self-determination of peoples is a fundamental principle of international law. It is enshrined in Article 1 of the Charter of the United Nations, in article 1 of the International Covenant on Economic, Social and Cultural Rights and article 1 of the International Covenant on Civil and Political Rights, as well as in other international human rights instruments. The International Covenant on Civil and Political Rights provides for the rights of peoples to self-determination besides the right of ethnic, religious or linguistic minorities to enjoy their own culture, to profess and practise their own religion or to use their own language.

3. The Committee emphasizes that in accordance with the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, approved by the United Nations General Assembly in its resolution 2625 (XXV) of 24 October 1970, it is the duty of States to promote the right to self-determination of peoples. But the implementation of the principle of self-determination requires every State to promote, through joint and separate action, universal respect for and observance of human rights and fundamental freedoms in accordance with the Charter of the United Nations. In this context the Committee draws the attention of Governments to

the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted by the General Assembly in its resolution 47/135 of 18 December 1992.

4. In respect of the self-determination of peoples two aspects have to be distinguished. The right to self-determination of peoples has an internal aspect, that is to say, the rights of all peoples to pursue freely their economic, social and cultural development without outside interference. In that respect there exists a link with the right of every citizen to take part in the conduct of public affairs at any level, as referred to in article 5 (c) of the International Convention on the Elimination of All Forms of Racial Discrimination. In consequence, Governments are to represent the whole population without distinction as to race, colour, descent or national or ethnic origin. The external aspect of self-determination implies that all peoples have the right to determine freely their political status and their place in the international community based upon the principle of equal rights and exemplified by the liberation of peoples from colonialism and by the prohibition to subject peoples to alien subjugation, domination and exploitation.

5. In order to respect fully the rights of all peoples within a State, Governments are again called upon to adhere to and implement fully the international human rights instruments and in particular the International Convention on the Elimination of All Forms of Racial Discrimination. Concern for the protection of individual rights without discrimination on racial, ethnic, tribal, religious or other grounds must guide the policies of Governments. In accordance with article 2 of the International Convention on the Elimination of All Forms of Racial Discrimination and other relevant international documents, Governments should be sensitive towards the rights of persons belonging to ethnic groups, particularly their right to lead lives of dignity, to preserve their culture, to share equitably in the fruits of national growth and to play their part in the Government of the country of which they are citizens. Also, Governments should consider, within their respective constitutional frameworks, vesting persons belonging to ethnic or linguistic groups comprised of their citizens, where appropriate, with the right to engage in activities which are particularly relevant to the preservation of the identity of such persons or groups.

6. The Committee emphasizes that, in accordance with the Declaration on Friendly Relations, none of the Committee's actions shall be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples and possessing a Government representing the whole people belonging to the territory, without distinction as to race, creed or colour. In the view of the Committee, international law has not recognized a general right of peoples unilaterally to declare secession from a State. In this respect, the Committee follows the views expressed in An Agenda for Peace (paragraphs 17 and following), namely, that a fragmentation of States may be detrimental to the protection of human rights, as well as to the preservation of peace and security. This does not, however, exclude the possibility of arrangements reached by free agreements of all parties concerned.

6. General recommendation VIII concerning the interpretation and application of article 1, paragraphs 1 and 4 of the Convention (1990)

The Committee on the Elimination of Racial Discrimination,

Having considered reports from States parties concerning information about the ways in which individuals are identified as being members of a particular racial or ethnic group or groups,

Is of the opinion that such identification shall, if no justification exists to the contrary, be based upon self-identification by the individual concerned.

D. Statements

1. Statement by the Committee to the World Summit on Sustainable Development: 01/11/2002. A/57/18 (Chapter XI)(D.).

At its sixty-first session, the Committee adopted and decided to transmit the following statement to the participants at the World Summit on Sustainable Development:

"The Committee on the Elimination of Racial Discrimination,

"Welcoming the opportunity offered to States by the Johannesburg World Summit on Sustainable Development to accelerate their efforts in implementing the Stockholm and Rio Principles and the Agenda 21 Programme of Action for achieving the Millennium Development Goals,

"Taking into consideration that Agenda 21, adopted by the United Nations Convention on Environment and Development held in Rio de Janeiro in 1992, is a document of paramount importance, not only for the preservation of the Earth's environment and the promotion of sustainable development, but also, and above all, a fundamental instrument for the worldwide observance of human rights,

"Taking also into consideration that the Durban Declaration and Programme of Action of 2001 acknowledges that poverty, underdevelopment, marginalization, social exclusion and economic disparities are closely associated with racism, racial discrimination, xenophobia and related intolerance and contribute to the persistence of racial attitude and practices which, in turn, generate more poverty,

"Affirming that policies, practices and the lack of enforcement of certain laws perpetuate racial discrimination, 'environmental racism' and other forms of oppression which violate the rights to freedom, equality and adequate access to basic needs such as clean water, food, shelter, energy, health and social care,

"Noting that some negative aspects of globalization, including unbalanced economic growth, unfair terms of trade, unabated production and consumption, land and water pollution, displacements of people, the hoarding of natural resources and mismanagement of external debt, all undermine efforts to combat racial discrimination at national and international levels,

"Reaffirming that the right to development, peace, stability and security, as well as the eradication of poverty and social exclusion are fundamental prerequisites for human development, in particular for the least developed countries,

"Reaffirming also that democratization and good governance are substantial prerequisites for human development,

"Stressing that in its review of States parties reports the Committee has observed with great concern the continuing social and economic deprivation of indigenous societies, migrants and migrant workers and refugees, as well as of national minorities and other groups of people whose human rights are violated on the basis of their race, colour, descent and ethnic origin,

"1. Calls upon all States to respect and protect all human rights and to fulfil commitments, including recognizing ethnic and cultural diversity as essential preconditions for a meaningful dialogue of civilizations, sustainable development and a just and equitable social order;

"2. Encourages the Summit to ensure the inclusion of human rights and the prohibition of racial discrimination in its final documents;

"3. Welcomes the opportunity to cooperate with States parties and other United Nations bodies in upholding those human rights norms and standards relevant to sustainable development and set forth in the International Convention on the Elimination of All Forms of Racial Discrimination and related human rights instruments."

II. The Human Rights Committee

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A. Concluding Observations

1. Finland. 27/10/2004. CCPR/CO/82/FIN/Rev.1(FUTURE)

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

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

2. Colombia. 26/05/2004. CCPR/CO/80/COL.

20. The Committee expresses its concern about the continued discrimination against indigenous and minority communities. The Committee is also concerned about the lack of forums for consultation with representatives of the communities with regard to the distribution of land to the indigenous peoples. The Committee is also concerned about the lack of guarantees with respect to the exercise by the indigenous communities of the right to property, given the existence of projects to develop and exploit resources that could affect those communities.

The State party should guarantee the full enjoyment of the rights of persons belonging to minorities which are set out in the Covenant, in particular with respect to the distribution of land and natural resources, through effective consultations with representatives of the indigenous communities.

3. Suriname. 04/05/2004. CCPR/CO/80/SUR.

19. While noting the State party's effort to establish a "nucleus centre" to provide schooling in the interior of the country, the Committee remains concerned at reports indicating that as few as 40 per cent of children living in the interior of the country attend primary school, thus depriving many children of the possibility of attending school on an equal footing with children in other parts of the country (art. 26).

The State party should ensure that all children are afforded equal opportunities for access to schooling, and that school fees do not prevent them from receiving primary education.

21. The Committee is concerned at the lack of legal recognition and guarantees for the protection of indigenous and tribal rights to land and other resources. It regrets that logging and mining concessions in many instances were granted without consulting or even informing indigenous and tribal groups, in particular the Maroon and Amerindian communities. It also notes allegations that mercury has been released into the environment in the vicinity of such communities, which continues to threaten the life, health and environment of indigenous and tribal peoples. The latter are also said

to be victims of discrimination in employment and education, and generally with respect to their participation in other areas of life (arts. 26 and 27).

The State party should guarantee to members of indigenous communities the full enjoyment of all the rights recognized by article 27 of the Covenant, and adopt specific legislation for this purpose. A mechanism to allow for indigenous and tribal peoples to be consulted and to participate in decisions that affect them should be established. The State party should take the necessary steps to prevent mercury poisoning of waters, and thereby of inhabitants, in the interior of the State party's territory.

4. Philippines. 01/12/2003. CCPR/CO/79/PHL.

8. The Committee is concerned about the lack of appropriate measures to investigate crimes allegedly committed by State security forces and agents, in particular those committed against human rights defenders, journalists and leaders of indigenous peoples, and the lack of measures taken to prosecute and punish the perpetrators. Furthermore, the Committee is concerned at reports of intimidation and threats of retaliation impeding the right to an effective remedy for persons whose rights and freedoms have been violated.

(a) The State party should adopt legislative and other measures to prevent such violations, in keeping with articles 2, 6 and 9 of the Covenant, and ensure effective enforcement of the legislation.

15. The Committee is concerned at continuing reports of displacement of persons and evacuation of populations, including indigenous population groups, in areas of counter-insurgency operations.

The State party should take urgent measures to ensure the protection of civilians in areas affected by military operations, in accordance with its human rights obligations.

16. The Committee welcomes the adoption of the Indigenous Peoples' Rights Act (IPRA) in 1997 and the subsequent establishment of the National Commission on Indigenous Peoples (NCIP), but remains concerned about the lack of effective implementation of the legislation. The Committee welcomes the positive measures noted by the delegation, but considers their scope to be limited. It is further concerned at the human rights implications for indigenous groups of economic activities, such as mining operations.

The State party should ensure effective enforcement of the above legislation and ensure that indigenous peoples' land and resource rights enjoy adequate protection in relation to mining and other competing usage, and that the capacity of the National Commission on Indigenous Peoples is strengthened. Positive measures should be expanded to include land rights issues.

5. New Zealand. 07/08/2002. CCPR/CO/75/NZL.

7. The Committee welcomes the further progress made in the protection and promotion of the rights of Maori under the Covenant, in particular the amendments introduced by the Maori Reserved Land Amendment Act which came into force in 1998. In this respect, the Committee notes with satisfaction that the Act provides for compensation to be paid to lessors for delays in carrying out rent reviews and to

ensure fair annual rents, and providing for compensation to be paid to (largely non-Maori) lessees under certain circumstances. The approach of providing compensation from public funds helps to avoid tensions that might otherwise hamper the recognition of indigenous land and resource rights.

9. The Committee regrets that the State party does not consider it necessary to include in the prohibited grounds of discrimination all the grounds stated in the Covenant, in particular, language, although in New Zealand language has been interpreted as an aspect of race.

The State party should revise its domestic law in order to bring it into full conformity with the provisions of articles 2 and 26 of the Covenant.

14. While recognizing the positive measures taken by the State party with regard to the Maori, including the implementation of their rights to land and resources, the Committee continues to be concerned that they remain a disadvantaged group in New Zealand society with respect to the enjoyment of their Covenant rights in all areas of their everyday life.

The State party should continue to reinforce its efforts to ensure the full enjoyment of the Covenant rights by the Maori people.

6. Viet Nam. 26/07/2002. CCPR/CO/75/VNM.

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

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

7. Sweden. 24/04/2002. CCPR/CO/74/SWE.

3. The Committee welcomes the adoption: (a) In January 2002, of the National Plan of Action for Human Rights, whose priorities include protection against discrimination, the rights of the disabled, children and the elderly, the right to housing, national minorities, the Sami people, deprivation of freedom, and freedom of expression and religion; ...

6. The Committee, while commending the way in which the courts refer to the Covenant in interpreting rights, regrets that the Covenant as such may not be directly invoked before Swedish courts or before the administrative authorities. In this connection, it notes that in certain areas (arts. 25, 26 and 27) the Covenant gives greater protection than is accorded under the European Convention on Human Rights, which has been incorporated in Swedish domestic law.

The State party should ensure that its domestic legislation gives full effect to the rights embodied in the Covenant and that remedies are available for the exercise of those rights.

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

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

8. Guatemala. 27/08/2001. CCPR/CO/72/GTM.

29. Even though the Committee recognizes that the State party has made efforts to improve the situation of members of indigenous communities, it regrets that it has not been possible to adopt legislation designed to guarantee the full enjoyment of all their rights under the Covenant, including the restitution of communal lands, the elimination of discrimination in employment and education and participation in other areas of the life of society.

The State party should continue its efforts to guarantee members of indigenous communities the enjoyment of all the rights recognized by article 27 of the Covenant and adopt comprehensive legislation for this purpose. It should also ensure that the implementation of this legislation improves the situation of members of indigenous communities in practice and not only on paper.

9. Venezuela. 26/04/2001. CCPR/CO/71/VEN.

28. The Committee commends the State party for its constitutional provisions relating to indigenous populations, particularly articles 120 and 123 requiring indigenous communities to be notified and consulted beforehand if the State wished to exploit natural resources in areas they inhabited and enshrining the right of indigenous peoples to pursue and promote their own economic practices. It regrets, however, the lack of any information regarding the practical implementation of those constitutional provisions.

The State party should provide information to the Committee on the implementation of those constitutional provisions with a view to complying with article 27.

10. Peru. 15/11/2000. CCPR/CO/70/PER.

21. The Committee is concerned about recent reports of forced sterilizations, particularly of indigenous women in rural areas and women from the most vulnerable social sectors.

The State party must take the necessary measures to ensure that persons who undergo surgical contraception procedures are fully informed and give their consent freely.

11. Gabon. 10/11/2000. CCPR/CO/70/GAB.

17. The Committee is concerned to note that the State party denies the existence of minorities in its territory. The Committee is concerned to note that the steps taken to guarantee the rights of people belonging to minorities, as set forth in article 27 of the Covenant, are inadequate, particularly with regard to the Baka people.

The State party must take positive, effective steps to guarantee the rights of people belonging to all minorities.

12. Argentina. 03/11/2000. CCPR/CO/70/ARG.

7. The Committee also notes with satisfaction the advances made in the protection of the rights of the indigenous peoples, the devolution of national and provincial land to indigenous communities through the National Registry of Indigenous Communities, and the promotion of multicultural and multilingual education.

13. Denmark. 31/10/2000. CCPR/CO/70/DNK.

6. The Committee commends Denmark for developments in the provision of legal training in Greenland, the promotion of Greenland's financial independence and the support for Greenland Houses in Denmark. The Committee will welcome further information in these respects in Denmark's fifth periodic report. The Committee also welcomes Denmark's initiative in translating the Covenant into Greenlandic (art. 27).

10. The Committee regrets the delay in resolving the claim for compensation by the members of the Thule community in Greenland in respect of their displacement from their lands and the loss of traditional hunting rights on account of the construction of the military base at Thule (CCPR/C/79/Add.68, para.15). The Committee is concerned over reports that the alleged victims in the Thule case were induced to reduce the amount of their claim in order to meet the limitations set in legal-aid requirements; the Committee wishes to be informed on this matter.

The Committee notes the Danish delegation's undertaking to provide information on the outcome of the Thule case (arts. 2 and 27).

14. Comments by the Government of Mexico on the concluding observations of the Human Rights Committee: Mexico. 24/08/2000. CCPR/C/79/Add.123.

14. In paragraph 19, the Committee states, "article 27 of the Constitution seems to protect only certain categories of rights with regard to indigenous lands and still leaves the indigenous populations exposed to a wide range of human rights violations", that "The State party should take all necessary measures to safeguard for the indigenous communities respect for the rights and freedoms to which they are entitled individually and as a group; to eradicate the abuses to which they are subjected; and to respect their customs and culture and their traditional patterns of living, enabling them to enjoy the usufruct of their lands and natural resources" and that "appropriate measures should also be taken to increase their participation in the country's institutions and the exercise of the right to self-determination".

Article 27 of the Constitution refers only to property; the remaining human rights are protected by other articles of the Constitution, such as the chapter on individual guarantees, due process, etc.

Article 4 states, "The Mexican Nation has a multicultural composition originally founded in its indigenous peoples. The law shall protect and promote the development of its languages, cultures, usages, customs, resources and specific forms of social organization and shall guarantee its constituent peoples effective access to the jurisdiction of the State. In the trials and agrarian proceedings in which those peoples may be involved account shall be taken of their legal practices and customs, in the terms to be established by law."

The amendments to article 27 of the Political Constitution of the United Mexican States set forth rules governing collective property and expand the powers of the representative bodies. They also provide the possibility for communities to enter into civil and commercial contracts and found associations for the purpose of securing sustainable development. They establish new bodies for the administration of agrarian justice, the agrarian tribunals, which are independent bodies in their own right. The tribunals' proceedings (known as agrarian procedures) are designed to secure the recognition and certification of communal assets, through non-contentious or contentious jurisdiction.

The implementation of article 27 is governed by subsidiary laws, such as the Agrarian Act, the General Ecological Balance and Environmental Protection Act and the Forestry Act, in particular, which provide for collective rights and participation of the communities in the development of their natural resources. The Government also works together with the communities to ensure that Mexican legislation is effectively applied throughout the federal entities in order to help indigenous agrarian units develop fully, based on their rights as landowners.

Local courts have also been established which take usages and customs into account in resolving minor conflicts and which respect the traditions of the different ethnic groups.

The Committee has been informed of the measures taken to combat the abuses to which the indigenous populations are subjected. The Government continues to work towards this end and has taken measures to guarantee respect for the indigenous peoples' customs and culture, including the usufruct of their lands and natural resources.

The Government has taken measures to ensure active participation by indigenous peoples in national institutions. There are indigenous deputies and senators in the Congress of the Union.

15. Australia. 24/07/2000. A/55/40, paras.498-528.

504. The Committee welcomes the establishment of the Aboriginal and Torres Strait Islander Social Justice Commissioner in 1993.

506. With respect to article 1 of the Covenant, the Committee takes note of the explanation given by the delegation that rather than the term "self-determination", the Government of the State party prefers terms such as "self-management" and "self-empowerment" to express domestically the principle of indigenous peoples' exercising meaningful control over their affairs. The Committee is concerned that sufficient action has not been taken in that regard.

The State party should take the necessary steps in order to secure for the indigenous inhabitants a stronger role in decision-making over their traditional lands and natural resources (art. 1, para. 2).

507. The Committee is concerned, despite positive developments towards recognizing the land rights of the Aboriginals and Torres Strait Islanders through judicial decisions (Mabo, 1992; Wik, 1996) and enactment of the Native Title Act of 1993, as well as actual demarcation of considerable areas of land, that in many areas native title rights and interests remain unresolved and that the Native Title Amendments of 1998 in some respects limit the rights of indigenous persons and communities, in particular in the field of effective participation in all matters affecting land ownership and use, and affects their interests in native title lands, particularly pastoral lands.

The Committee recommends that the State party take further steps in order to secure the rights of its indigenous population under article 27 of the Covenant. The high level of exclusion and poverty facing indigenous persons is indicative of the urgent nature of these concerns. In particular, the Committee recommends that the necessary steps be taken to restore and protect the titles and interests of indigenous persons in their native lands, including by considering amending anew the Native Title Act, taking into account these concerns.

508. The Committee expresses its concern that securing continuation and sustainability of traditional forms of economy of indigenous minorities (hunting, fishing and gathering), and protection of sites of religious or cultural significance for such minorities, which must be protected under article 27, are not always a major factor in determining land use.

The Committee recommends that in the finalization of the pending bill intended to replace the Aboriginal and Torres Strait Islander Heritage Protection Act (1984), the State party should give sufficient weight to the values described above.

509. While noting the efforts by the State party to address the tragedies resulting from the previous policy of removing indigenous children from their families, the Committee remains concerned about the continuing effects of this policy.

The Committee recommends that the State party intensify these efforts so that the victims themselves and their families will consider that they have been afforded a proper remedy (arts 2, 17 and 24).

514. Legislation regarding mandatory imprisonment in Western Australia and the Northern Territory, which leads in many cases to imposition of punishments that are disproportionate to the seriousness of the crimes committed and would seem to be inconsistent with the strategies adopted by the State party to reduce the over-representation of indigenous persons in the criminal justice system, raises serious issues of compliance with various articles of the Covenant.

The State party is urged to reassess the legislation regarding mandatory imprisonment so as to ensure that all Covenant rights are respected.

16. Guyana. 25/04/2000. CCPR/C/79/Add.121.

21. The Committee regrets the delay by the State party in amending the Amerindian Act, and is concerned that members of the indigenous Amerindian minority do not enjoy fully the right to equality before the law. It is particularly concerned that the right of Amerindians to enjoy their own culture is threatened by logging, mining and delays in the demarcation of their traditional lands, that in some cases insufficient land is demarcated to enable them to pursue their traditional economic activities and that there appears to be no effective means to enable members of Amerindian communities to enforce their rights under article 27.

The State party should ensure that there are effective measures of protection to enable members of indigenous Amerindian communities to participate in decisions which affect them and to enforce their right to enjoy their rights under the Covenant.

17. Congo. 27/03/2000. CCPR/C/79/Add.118.

21. The Committee regrets the lack of specific information on the different ethnic groups in the Congo, particularly the Pygmies, and on measures taken to guarantee, simultaneously, the full and equal enjoyment of their civil and political rights and respect for their rights under article 27, to enjoy their own cultural traditions.

More detailed information on this matter and on the measures taken to protect the rights of persons belonging to minority groups should be provided in the State party's third periodic report.

18. Norway. 01/11/99. CCPR/C/79/Add.112.

10. The Committee takes note of the positive developments in the field of protecting and promoting the human rights of members of the Sami indigenous people, including the strengthening of the Sami Parliament, measures aimed at promoting the Sami language, transfer of certain cultural institutions to the Sami themselves, as well as the ongoing legal reform related to lands and resources in Finnmark and other areas with a Sami population. The Committee welcomes the developments to ensure full consultation with the Sami in matters affecting their traditional means of livelihood. (Art. 1 and 27)

16. The Committee remains concerned that while legislative reform work in the field of Sami land and resource rights is in progress, traditional Sami means of livelihood, falling under article 27 of the Covenant, do not appear to enjoy full protection in relation to various forms of competing public and private uses of land. Lawsuits by private landowners leading to judicial prohibition of reindeer herding and high legal costs for the Sami are a particular concern in the absence of satisfactory legal aid.

17. As the Government and Parliament of Norway have addressed the situation of the Sami in the framework of the right to self-determination, the Committee expects Norway to report on the Sami people's right to self-determination under article 1 of the Covenant, including paragraph 2 of that article.

19. Cambodia. 27/07/99. CCPR/C/79/Add.108.

19. The Committee regrets the lack of specific information concerning the indigenous peoples and especially hill tribes, and about the measures taken to ensure that their rights under article 27 to enjoy their cultural traditions, including their agricultural activities, are respected.

Immediate measures should be taken to ensure that the rights of members of indigenous communities are respected; further information on these issues should be included in the State party's second periodic report.

20. Mexico. 27/07/99. CCPR/C/79/Add.109.

19. Despite the acknowledgement in article 4 of the Constitution of the multicultural composition of the Mexican nation, originally founded by its indigenous peoples, and the determination of the State party to settle the question of self-determination for indigenous communities, article 27 of the Constitution seems to protect only certain categories of rights with regard to indigenous lands and still leaves the indigenous populations exposed to a wide range of human rights violations.

The State party should take all necessary measures to safeguard for the indigenous communities respect for the rights and freedoms to which they are entitled individually and as a group; to eradicate the abuses to which they are subjected; and to respect their customs and culture and their traditional patterns of living, enabling them to enjoy the usufruct of their lands and natural resources. Appropriate measures should also be taken to increase their participation in the country's institutions and the exercise of the right to self-determination.

21. Costa Rica. 08/04/99. CCPR/C/79/Add.107.

21. The Committee remains concerned that article 27 of the Covenant is not adequately dealt with by the State party in its fourth periodic report. It reiterates its previous recommendation that future reports should contain, *inter alia*, detailed and updated information on the extent to which each of the rights protected under the Covenant, including article 27, are enjoyed in actual practice by the members of indigenous communities. Although it notes the State party's establishment of CONAI (Comisión Nacional Indígena), and the enactment of a bill to implement the Convention on the Elimination of All Forms of Racial Discrimination and ILO Convention No. 169 on Indigenous and Tribal Peoples in Independent Countries, it remains concerned at the lack of effective remedies for indigenous people in Costa Rica.

22. Canada. 07/04/99. CCPR/C/79/Add.105.

4. The Committee welcomes the final report of the Royal Commission on Aboriginal Peoples and the declared commitment of federal and provincial governments to work in partnership with aboriginal peoples to address needed reforms.

5. The Committee commends the Government of Canada in regard to the Nunavut land and governance agreement of the eastern Arctic.

7. The Committee, while taking note of the concept of self-determination as applied by Canada to the aboriginal peoples, regrets that no explanation was given by the delegation concerning the elements that make up that concept, and urges the State party to report adequately on implementation of article 1 of the Covenant in its next periodic report.

8. The Committee notes that, as the State party acknowledged, the situation of the aboriginal peoples remains "the most pressing human rights issue facing Canadians". In this connection, the Committee is particularly concerned that the State party has not yet implemented the recommendations of the Royal Commission on Aboriginal Peoples (RCAP). With reference to the conclusion by RCAP that without a greater share of lands and resources institutions of aboriginal self-government will fail, the Committee emphasizes that the right to self-determination requires, *inter alia*, that all peoples must be able to freely dispose of their natural wealth and resources and that they may not be deprived of their own means of subsistence (art. 1, para. 2). The Committee recommends that decisive and urgent action be taken towards the full implementation of the RCAP recommendations on land and resource allocation. The Committee also recommends that the practice of extinguishing inherent aboriginal rights be abandoned as incompatible with article 1 of the Covenant.

11. The Committee is deeply concerned that the State party so far has failed to hold a thorough public inquiry into the death of an aboriginal activist who was shot dead by provincial police during a peaceful demonstration regarding land claims in September 1995, in Ipperwash. The Committee strongly urges the State party to establish a public inquiry into all aspects of this matter, including the role and responsibility of public officials.

19. The Committee is concerned about ongoing discrimination against aboriginal women. Following the adoption of the Committee's Views in the Lovelace case in July 1981, amendments were introduced to the Indian Act in 1985. Although the Indian status of women who had lost status because of marriage was reinstated, this amendment affects only the woman and her children, not subsequent generations, which may still be denied membership in the community. The Committee recommends that these issues be addressed by the State party.

23. Chile. 30/03/99. CCPR/C/79/Add.104.

22. The Committee takes note of the various legislative and administrative measures taken to respect and ensure the rights of persons belonging to indigenous communities in Chile to enjoy their own culture. Nevertheless, the Committee is concerned by hydroelectric and other development projects that might affect the way of life and the rights of persons belonging to the Mapuche and other indigenous communities. Relocation and compensation may not be appropriate in order to comply with article 27 of the Covenant. Therefore:

When planning actions that affect members of indigenous communities, the State party must pay primary attention to the sustainability of the indigenous culture and way of life and to the participation of members of indigenous communities in decisions that affect them.

24. Japan. 19/11/98. CCPR/C/79/Add.102.

14. The Committee is concerned about the discrimination against members of the Ainu indigenous minority in regard to language and higher education, as well as about non-recognition of their land rights.

25. Ecuador. 18/08/98. CCPR/C/79/Add.92.

19. The Committee expresses concern at the impact of oil extraction on the enjoyment by members of indigenous groups of their rights under article 27 of the Covenant. In this connection, the Committee is concerned that, despite the legislation enacted to allow indigenous communities to enjoy the full use of their traditional lands in a communal way, there remain obstacles to the full enjoyment of the rights protected under article 27 of the Covenant.

The Committee recommends that further measures be taken to ensure that members of indigenous groups be protected against the adverse effects of the oil exploitation within the country and be enabled to enjoy fully their rights under article 27 of the Covenant, particularly with regard to preservation of their cultural identity and traditional livelihood.

26. Finland. 08/04/98. CCPR/C/79/Add.91.

5. The Committee notes with satisfaction the recognition in the Constitution of the Sami and Roma people and of their rights along with other groups to develop their language and culture. The Committee welcomes the existence of Advisory Boards for both Sami and Romani Affairs, mandated to advance the interests of these minority populations, and the right of Samis since 1992 to communicate with the authorities in their native language and to be consulted through their representatives on matters affecting them closely. It also welcomes that primary and secondary education level students may be taught in their mother tongue of Sami or in Romani.

11. The Committee notes that the proposed Sami Act, by which forests within the Sami homeland would be turned into commons owned by the Sami villages, has not passed the Parliament and that the issue of land rights of the Sami have not been resolved.

12. The Committee notes that "important" U.N. and European conventions are translated into Sami languages and disseminated to the Sami, and recommends that efforts should be made to provide to the Sami and Roma minority printed texts of all available human rights documents, translated into the Sami and Roma languages, where possible.

27. France. 04/08/97. CCPR/C/79/Add.80.

8. The Committee notes with appreciation that a referendum, in compliance with article 1 of the Covenant, is scheduled to be held in the overseas territory of New Caledonia in 1998 for the people of that territory to decide on their future political status.

13. The Committee is obliged to observe that the Amnesty Acts of November 1988 and January 1990 for New Caledonia are incompatible with the obligation of France to investigate alleged violations of human rights.

24. The Committee takes note of the declaration made by France concerning the prohibition, prescribed under article 27 of the Covenant, to deny ethnic, religious or linguistic minorities the right, in community with members of their group, to enjoy their own culture, to profess and practise their own religion or to use their own language. The Committee has taken note of the avowed commitment of France to respect and ensure that all individuals enjoy equal rights, regardless of their origin. The Committee is, however, unable to agree that France is a country in which there are no ethnic, religious or linguistic minorities. The Committee wishes to recall in this respect that the mere fact that equal rights are granted to all individuals and that all individuals are equal before the law does not preclude the existence in fact of minorities in a country, and their entitlement to the enjoyment of their culture, the practice of their religion or the use of their language in community with other members of their group.

27. The Committee recommends that the State party submit its next report in time and that the report include a comprehensive assessment of the implementation of the provisions of the Covenant, including in particular articles 9 and 14, and details of the cultural, religious and linguistic rights of ethnic groups and inhabitants of the overseas territories. The Committee would welcome reconsideration by France of its reservations and declarations to the Covenant.

28. India. 04/08/97. CCPR/C/79/Add.81.

8. The Committee also welcomes the establishment of the National Commission for Scheduled Castes and Scheduled Tribes and the National Commission for Women in 1992, and the National Commission for Minorities in 1993. These commissions have initiated some improvements, in particular in the levels of education and in the representation of the various groups concerned within elected bodies and other authorities.

10. The Committee has noted that positions in elected bodies are reserved for members of scheduled castes and tribes and that a constitutional amendment has reserved one third of the seats in elected local bodies (Panchayati Raj) for women. The Committee also notes the introduction of a bill to reserve one third of the seats for women in the Federal Parliament and in state legislatures.

11. The Committee welcomes the restoration of elected legislatures and governments in all states within the Union, including Punjab and Jammu and Kashmir, as well as the holding of federal parliamentary elections in April-May 1996. In addition, the Committee welcomes the constitutional amendment giving a statutory basis to Panchayati Raj - village self-rule institutions - and the enactment of the Panchayati Raj (Extension to Scheduled Areas) Act of 24 December 1996, which are designed to increase participation in the conduct of public affairs at the community level.

14. The Committee, noting the reservations and declarations made by the Government of India to articles 1, 9, 13, 12, 19, paragraph 3, 21 and 22 of the Covenant:

invites the State party to review these reservations and declarations with a view to withdrawing them, so as to ensure progress in the implementation of the rights contained in those articles, within the context of article 40 of the Covenant.

15. The Committee notes with concern that, despite measures taken by the Government, members of scheduled castes and scheduled tribes, as well as the so-called backward classes and ethnic and national minorities continue to endure severe social discrimination and to suffer disproportionately from many violations of their rights under the Covenant, *inter alia* inter-caste violence, bonded labour and discrimination of all kinds. It regrets that the de facto perpetuation of the caste system entrenches social differences and contributes to these violations. While the Committee notes the efforts made by the State party to eradicate discrimination:

it recommends that further measures be adopted, including education programmes at national and state levels, to combat all forms of discrimination against these vulnerable groups, in accordance with articles 2, paragraph 1, and 26 of the Covenant.

30. The Committee expresses concern at reports of forcible repatriation of asylum seekers, including those from Myanmar (Chins), the Chittagong Hills and the Chachmas. Therefore:

the Committee recommends that, in the process of repatriation of asylum seekers or refugees, due attention be paid to the provisions of the Covenant and other applicable international norms.

29. Colombia. 05/05/97. CCPR/C/79/Add.76.

28. The Committee notes that although positive measures have been taken by the Government, members of indigenous communities and of the black minority continue to suffer discrimination and that they do not fully enjoy their rights provided for in article 27 of the Covenant.

33. The Committee recommends that special measures be adopted, including protective measures, to ensure that members of various social sectors, particularly journalists, human rights activists, trade union and political leaders, teachers, members of indigenous populations and judges, are able to exercise their rights and freedoms, including freedom of expression, assembly and association, without intimidation of any sort. The Committee also urges the authorities to take stringent measures to ensure full protection of the rights of victims of "social cleansing", in particular their rights under articles 6 and 7 of the Covenant.

44. The Committee recommends that further measures be adopted to ensure that the rights of members of indigenous populations and the black minorities under the Covenant, in particular articles 2, paragraph 1, 26 and 27, are protected. The Committee particularly stresses the importance of education and urges the Government to take appropriate measures to reduce the illiteracy rate among these groups.

30. Bolivia. 01/05/97. CCPR/C/79/Add.74.

13. The Committee notes the penal reforms that have abolished the discrimination against the Amazon Indians where it was considered that they were not criminally responsible by mere reason of their Indian origin. It also welcomes the reforms that have introduced legislation which allows the indigenous populations to receive education in their mother tongues, and the enactment of measures which permit the Indian communities to maintain their traditional means of livelihood.

25. The Committee expresses concern at the impact of violence on the part of the security forces, which curtails the enjoyment by members of indigenous groups of their rights under article 27 of the Covenant. In that connection, the Committee is concerned that despite the legislation enacted to allow the indigenous communities to enjoy the use of their traditional lands in a communal way, discrimination and other obstacles to the full enjoyment of the rights protected under article 27 of the Covenant continue to exist.

35. The Committee recommends that further measures, such as those of the "Justicia Communal", be taken to ensure that members of indigenous groups are protected against violence within the country and enjoy fully their rights under article 27 of the Covenant, particularly with regard to preservation of their culture, language and religion. The legislation on indigenous communities should be enacted without delay.

31. Denmark. 18/11/96. CCPR/C/79/Add.68.

15. The Committee is concerned at the long delay in resolving the dispute arising from the claim for compensation by the members of the indigenous minority of Greenland in respect of their displacement from their lands and loss of traditional hunting rights on account of the construction of the military base at Thule. It is also concerned that the people of Greenland are not able to enjoy fully certain Covenant rights and freedoms, including those provided for in article 12.

32. Brazil. 24/07/96. A/51/40, paras.306-338.

311. The Committee is deeply concerned by cases of summary and arbitrary executions committed by security forces and by death squads, frequently involving members of security forces, against individuals belonging to particularly vulnerable groups that include street children, landless peasants, indigenous people and trade-union leaders.

320. The Committee is particularly concerned over the existence of racial and other discrimination against black and indigenous persons. It notes that the Government has been pursuing a process of demarcation of indigenous lands in Brazil as a means of addressing the rights of the indigenous communities, but regrets that the process is far from completion.

337. The Committee recommends that the State party take immediate steps to guarantee the rights of individuals belonging to racial minorities and indigenous communities, especially with regard to their access to quality health services and education. Such steps should ensure greater school enrolment and reduce the

incidence of school drop-out. It is the view of the Committee that, in light of article 27 of the Covenant, all necessary measures should be taken to ensure that the process of demarcation of indigenous lands be speedily and justly settled.

33. Guatemala. 03/04/96. CCPR/C/79/Add.63.

5. The Committee further notes that social and economic disparities are all-pervasive in the country. High levels of poverty and illiteracy, lack of opportunities, and discrimination against the indigenous population, women and the poor contribute to widespread violation of human rights.

34. The Committee recommends that further measures be taken to ensure that members of indigenous groups be protected against the prevailing violence within the country and enjoy fully their rights under article 27 of the Covenant, particularly with regard to preservation of their cultural identity, language and religion. The legislation on indigenous communities should be enacted without delay.

34. Sweden. 09/11/95. CCPR/C/79/Add.58.

18. The Committee notes that legislative provisions adopted recently by the Riksdag, and providing for the right for everyone to fish and hunt on public lands may have adverse consequences on the traditional rights of the members of the Sami people.

26. The Committee recommends that the recognized customary rights of the Sami people be fully protected in the light of article 27 of the Covenant.

35. New Zealand. 03/10/95. A/50/40, paras.166-191.

173. The Committee welcomes the important developments that have occurred in relation to the interests of the Maori. Among these developments, the Committee notes the increasing importance of the work of the Treaty of Waitangi Tribunal in dealing with Maori claims against the Crown. The Committee also appreciates the fact that New Zealand has dedicated the first year of the International Decade of the World's Indigenous People to the Maori language. In this connection, the Committee takes note with satisfaction of the adoption of a language nest programme whereby Maori language, customs and values are taught to pre-school children, as well as other programmes set up to promote Maori language, art and culture.

174. The Committee also welcomes the changes introduced in the electoral law which may provide greater opportunities for the representation of minority groups, Maori and women.

175. With regard to the right of self-determination, the Committee welcomes the development of local institutions of government in Tokelau and the gradual delegation of powers to Tokelauan authorities, which corresponds to the desire of the people of Tokelau to be self-reliant to the greatest extent possible.

182. The Committee regrets that despite improvements, Maori still experience disadvantages in access to health care, education and employment. The Committee is also concerned that the proportion of Maori in Parliament and other high public

offices, liberal professions and in the senior rank of civil service remains low.

183. The Committee also regrets the delay in the submission of reports under the Covenant by the Tokelau and the Cook Islands governments and reminds the Government of New Zealand of its obligations under the Covenant in this regard.

188. The Committee expresses the hope that any decisions to be taken about future limitations to the entitlement of Maori to advance claims before the Waitangi Tribunal will take full account of Maori interests under the Treaty of Waitangi.

36. Paraguay. 03/10/95. A/50/40,paras.192-223.

213. The Committee is concerned that poverty and lack of education, particularly among indigenous people, adversely affect many people in their ability to enjoy civil and political rights.

37. United States of America. 03/10/95. A/50/40,paras.266-304.

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

290. The Committee is concerned that aboriginal rights of Native Americans may, in law, be extinguished by Congress. It is also concerned by the high incidence of poverty, sickness and alcoholism among Native Americans, notwithstanding some improvements achieved with the Self-Governance Demonstration Project.

291. The Committee notes with concern that information provided in the core document reveals that disproportionate numbers of Native Americans, African Americans, Hispanics and single parent families headed by women live below the poverty line and that one in four children under six live in poverty. It is concerned that poverty and lack of access to education adversely affect persons belonging to these groups in their ability to enjoy rights under the Covenant on the basis of equality.

302. The Committee recommends that steps be taken to ensure that previously recognized aboriginal Native American rights cannot be extinguished. The Committee urges the Government to ensure that there is a full judicial review in respect of determinations of federal recognition of tribes. The Self-Governance Demonstration Project and similar programmes should be strengthened to continue to fight the high incidence of poverty, sickness and alcoholism among Native Americans.

38. Mexico. 18/04/94. CCPR/C/79/Add.32.

4. Socio-economic difficulties and extremely widespread poverty have led to the growing marginalization of a vast portion of the population, in particular street children and members of indigenous groups who, as a result, are denied the protection of the basic rights guaranteed by the Covenant. Moreover, rural populations are

isolated because of the remoteness of agrarian zones from decision-making centres and judicial organs, which impedes the realization of human rights throughout Mexican territory.

6. The Committee strongly deplores the events which recently occurred in Chiapas, which resulted in many violations of the rights guaranteed by the Covenant, in particular, in articles 6, 7 and 9 thereof. The Committee notes that, since a state of emergency was not declared in Chiapas in early 1994, the authorities have restricted the rights provided for in the Covenant, particularly in articles 9 and 12, without respecting the guarantees provided for therein.

12. Lastly, the Committee has expressed concern about the situation of indigenous populations. Article 27 of the Constitution concerning agrarian reform is often implemented to the detriment of persons belonging to such groups. The delay in resolving problems relating to the distribution of land has weakened the confidence of these populations in both local and federal authorities. Moreover, these persons are subject to special laws, particularly in Chiapas, which could create a situation of discrimination within the meaning of article 26 of the Covenant.

18. The Committee recommends that the Government should give consideration to more equitable land distribution within the framework of agrarian reform and that it should take into account the rights and aspirations of indigenous populations in that connection. Furthermore, measures for the implementation of article 4 of the Constitution should be considerably strengthened. Indigenous populations should have the opportunity to participate in decision-making on matters that concern them.

39. Japan. 05/11/93. CCPR/C/79/Add.28.

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

40. Norway. 04/11/93. CCPR/C/79/Add.27.

6. ... It further commends the devolution of responsibility to the Sami Assembly (Sametinget) with regard to matters affecting the life and culture of members of the Sami community and notes with satisfaction that the Sami language may be used in contacts with public bodies and before the courts.

41. Venezuela. 28/12/92. CCPR/C/79/Add.13.

5. The Committee welcomes the fact that democracy is thriving in Venezuela, and notes with satisfaction the adoption by or submission to Parliament in recent years of a great many laws and regulations dealing with human rights. These include important texts dealing with, for example, the protection of indigenous peoples and equality

between men and women. The Committee takes note of provisions granting international human rights instruments precedence over Venezuelan domestic law.

10. ... Further measures should be taken pursuant to article 27 of the Covenant, in order to guarantee indigenous peoples their own cultural life and the use of their own language. ...

42. Colombia. 25/09/92. A/47/40, paras.390-394.

391. The Committee notes with satisfaction the positive effects of the constitutional reform on the enforcement of rights enshrined in the Covenant. ... Finally, the Committee expresses satisfaction that the approach taken by Colombia to the right to self-determination of peoples has been in line with the development of participatory democracy and that Colombia is making real efforts to achieve full equality for minority groups.

B. Individual Cases (Optional Protocol I)

1. Mikmaq Tribal Society vs. Canada. CCPR/C/39/D/205/1986 (1991).

1. The authors of the communication (initial letter of 30 January 1986 and subsequent correspondence) are Grand Chief Donald Marshall, Grand Captain Alexander Denny and Adviser Simon Marshall, the officers of the Grand Council of the Mikmaq tribal society in Canada. They submit the communication both as individually affected alleged victims and as trustees for the welfare and the rights of the Mikmaq people as a whole. Grand Chief Donald Marshall passed away in August 1991. The communication is, however, maintained by the other authors, who continue to be responsible for the conduct of the affairs of the Mikmaq Grand Council. They are represented by counsel.

3.1 The authors sought, unsuccessfully, to be invited to attend the constitutional conferences as representatives of the Mikmaq people. The refusal of the State party to permit specific representation for the Mikmaqs at the constitutional conferences is the basis of the complaint.

3.2 Initially, the authors claimed that the refusal to grant a seat at the constitutional conferences to representatives of the Mikmaq tribal society denied them the right of self-determination, in violation of article 1 of the International Covenant on Civil and Political Rights. They subsequently revised that claim and argued that the refusal also infringed their right to take part in the conduct of public affairs, in violation of article 25(a) of the Covenant.

5.1 The communication was declared admissible on 25 July 1990, in so far as it may raise issues under article 25(a) of the Covenant. The Committee had earlier determined, in respect of another communication, that a claim of an alleged violation of article 1 of the Covenant cannot be brought under the Optional Protocol. 1

5.2 Article 25 of the Covenant stipulates that: "every citizen shall have the right and

the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

(a) to take part in the conduct of public affairs, directly or through freely chosen representatives;

(b) to vote and to be elected in genuine periodic elections...;

(c) to have access, on general terms of equality, to public service...."

At issue in the present case is whether the constitutional conferences constituted a "conduct of public affairs" and if so, whether the authors, or any other representatives chosen for that purpose by the Mikmaq tribal society, had the right, by virtue of article 25(a), to attend the conferences.

5.3 The State party has informed the Committee that, as a general rule, constitutional conferences in Canada are attended only by the elected leaders of the federal and 10 provincial governments. In the light of the composition, nature and scope of activities of constitutional conferences in Canada, as explained by the State party, the Committee cannot but conclude that they do indeed constitute a conduct of public affairs. The fact that an exception was made, by inviting representatives of aboriginal peoples in addition to elected representatives to take part in the deliberations of the constitutional conferences on aboriginal matters, cannot change this conclusion.

5.4 It remains to be determined what is the scope of the right of every citizen, without unreasonable restrictions, to take part in the conduct of public affairs, directly or through freely chosen representatives. Surely, it cannot be the meaning of article 25(a) of the Covenant that every citizen may determine either to take part directly in the conduct of public affairs or to leave it to freely chosen representatives. It is for the legal and constitutional system of the State party to provide for the modalities of such participation.

5.5 It must be beyond dispute that the conduct of public affairs in a democratic State is the task of representatives of the people, elected for that purpose, and public officials appointed in accordance with the law. Invariably, the conduct of public affairs affects the interest of large segments of the population or even the population as a whole, while in other instances it affects more directly the interest of more specific groups of society. Although prior consultations, such as public hearings or consultations with the most interested groups may often be envisaged by law or have evolved as public policy in the conduct of public affairs, article 25(a) of the Covenant cannot be understood as meaning that any directly affected group, large or small, has the unconditional right to choose the modalities of participation in the conduct of public affairs. That, in fact, would be an extrapolation of the right to direct participation by the citizens, far beyond the scope of article 25(a).

6. Notwithstanding the right of every citizen to take part in the conduct of public affairs without discrimination and without unreasonable restrictions, the Committee concludes that, in the specific circumstances of the present case, the failure of the State party to invite representatives of the Mikmaq tribal society to the constitutional conferences on aboriginal matters, which constituted conduct of public affairs, did not infringe that right of the authors or other members of the Mikmaq tribal society. Moreover, in the view of the Committee, the participation and representation at these

conferences have not been subjected to unreasonable restrictions. Accordingly, the Committee is of the view that the communication does not disclose a violation of article 25 or any other provisions of the Covenant.

2. Lovelace vs. Canada. CCPR/C/13/D/24/1977 (1981).

1. The author of the communication dated 29 December 1977 and supplemented by letters of 17 April 1978, 28 November 1979 and 20 June 1980, is a 32-year-old woman, living in Canada. She was born and registered as "Maliseet Indian" but has lost her rights and status as an Indian in accordance with section 12 (1) (b) of the Indian Act, after having married a non-Indian on 23 May 1970. Pointing out that an Indian man who marries a non-Indian woman does not lose his Indian status, she claims that the Act is discriminatory on the grounds of sex and contrary to articles 2 (1), 3, 23 (1) and (4), 26 and 27 of the Covenant. As to the admissibility of the communication, she contends that she was not required to exhaust local remedies since the Supreme Court of Canada, in *The Attorney-General of Canada v. Jeanette Lavell, Richard Isaac et al. v. Yvonne Bddard* [1974] S.C.R. 1349, held that decision 12 (1) (b) was fully operative, irrespective of its inconsistency with the Canadian Bill of Rights on account of discrimination based on sex.

12. The Committee first observes that from 19 August 1976 Canada had undertaken under article 2 (1) and (2) of the Covenant to respect and ensure to all individuals within its territory and subject to its jurisdiction, the rights recognized in the Covenant without distinction of any kind such as sex, and to adopt the necessary measures to give effect to these rights. Further, under article 3, Canada undertook to ensure the equal right of men and women to the enjoyment of these rights. These undertakings apply also to the position of Sandra Lovelace. The Committee considers, however, that it is not necessary for the purposes of her communication to decide their extent in all respects. The full scope of the obligation of Canada to remove the effects or inequalities caused by the application of existing laws to past events, in particular as regards such matters as civil or personal status, does not have to be examined in the present case, for the reasons set out below.

13.1 The Committee considers that the essence of the present complaint concerns the continuing effect of the Indian Act, in denying Sandra Lovelace legal status as an Indian, in particular because she cannot for this reason claim a legal right to reside where she wishes to, on the Tobique Reserve. This fact persists after the entry into force of the Covenant, and its effects have to be examined, without regard to their original cause. Among the effects referred to on behalf of the author (see para. 9.9, above), the greater number, ((1) to (8)), relate to the Indian Act and other Canadian rules in fields which do not necessarily adversely affect the enjoyment of rights protected by the Covenant. In this respect the significant matter is her last claim, that "the major loss to a person ceasing to be an Indian is the loss of the cultural benefits of living in an Indian community, the emotional ties to home, family, friends and neighbours, and the loss of identity".

13.2 Although a number of provisions of the Covenant have been invoked by Sandra Lovelace, the Committee considers that the one which is most directly applicable to this complaint is article 27, which reads as follows:

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

It has to be considered whether Sandra Lovelace, because she is denied the legal right to reside on the Tobique Reserve, has by that fact been denied the right guaranteed by article 27 to persons belonging to minorities, to enjoy their own culture and to use their own language in community with other members of their group.

14. The rights under article 27 of the Covenant have to be secured to "persons belonging" to the minority. At present Sandra Lovelace does not qualify as an Indian under Canadian legislation. However, the Indian Act deals primarily with a number of privileges which, as stated above, do not as such come within the scope of the Covenant. Protection under the Indian Act and protection under article 27 of the Covenant therefore have to be distinguished. Persons who are born and brought up on a reserve, who have kept ties with their community and wish to maintain these ties must normally be considered as belonging to that minority within the meaning of the Covenant. Since Sandra Lovelace is ethnically a Maliseet Indian and has only been absent from her home reserve for a few years during the existence of her marriage, she is, in the opinion of the Committee, entitled to be regarded as "belonging" to this minority and to claim the benefits of article 27 of the Covenant. The question whether these benefits have been denied to her, depends on how far they extend.

15. The right to live on a reserve is not as such guaranteed by article 27 of the Covenant. Moreover, the Indian Act does not interfere directly with the functions which are expressly mentioned in that article. However, in the opinion of the Committee the right of Sandra Lovelace to access to her native culture and language "in community with the other members" of her group, has in fact been, and continues to be interfered with, because there is no place outside the Tobique Reserve where such a community exists. On the other hand, not every interference can be regarded as a denial of rights within the meaning of article 27. Restrictions on the right to residence, by way of national legislation, cannot be ruled out under article 27 of the Covenant. This also follows from the restrictions to article 12 (I) of the Covenant set out in article 12 (3). The Committee recognizes the need to define the category of persons entitled to live on a reserve, for such purposes as those explained by the Government regarding protection of its resources and preservation of the identity of its people. However, the obligations which the Government has since undertaken under the Covenant must also be taken into account.

16. In this respect, the Committee is of the view that statutory restrictions affecting the right to residence on a reserve of a person belonging to the minority concerned, must have both a reasonable and objective justification and be consistent with the other provisions of the Covenant, read as a whole. Article 27 must be construed and applied in the light of the other provisions mentioned above, such as articles 12, 17 and 23 in so far as they may be relevant to the particular case, and also the provisions against discrimination, such as articles 2, 3 and 26, as the case may be. It is not necessary, however, to determine in any general manner which restrictions may be

justified under the Covenant, in particular as a result of marriage, because the circumstances are special in the present case.

17. The case of Sandra Lovelace should be considered in the light of the fact that her marriage to a non-Indian has broken up. It is natural that in such a situation she wishes to return to the environment in which she was born, particularly as after the dissolution of her marriage her main cultural attachment again was to the Maliseet band. Whatever may be the merits of the Indian Act in other respects, it does not seem to the Committee that to deny Sandra Lovelace the right to reside on the reserve is reasonable, or necessary to preserve the identity of the tribe. The Committee therefore concludes that to prevent her recognition as belonging to the band is an unjustifiable denial of her rights under article 27 of the Covenant, read in the context of the other provisions referred to.

18. In view of this finding, the Committee does not consider it necessary to examine whether the same facts also show separate breaches of the other rights invoked. The specific rights most directly applicable to her situation are those under article 27 of the Covenant. The rights to choose one's residence (article 12), and the rights aimed at protecting family life and children (articles 17, 23 and 24) are only indirectly at stake in the present case. The facts of the case do not seem to require further examination under those articles. The Committee's finding of a lack of a reasonable justification for the interference with Sandra Lovelace's rights under article 27 of the Covenant also makes it unnecessary, as suggested above (para. 12), to examine the general provisions against discrimination (arts. 2, 3 and 26) in the context of the present case, and in particular to determine their bearing upon inequalities predating the coming into force of the Covenant for Canada.

19. Accordingly, the Human Rights Committee, acting under article 5 (4) of the Optional Protocol to the International Covenant on Civil and Political Rights, is of the view that the facts of the present case, which establish that Sandra Lovelace has been denied the legal right to reside on the Tobique Reserve, disclose a breach by Canada of article 27 of the Covenant.

3. Ominayak and the Lake Lubicon Band vs. Canada. CCPR/C/38/D/167/1984 (1990).

1. The author of the communication (initial letter dated 14 February 1984 and subsequent correspondence) is Chief Bernard Ominayak (hereinafter referred to as the author) of the Lubicon Lake Band, Canada. He is represented by counsel.

2.1 The author alleges violations by the Government of Canada of the Lubicon Lake Band's right of self-determination and by virtue of that right to determine freely its political status and pursue its economic, social and cultural development, as well as the right to dispose freely of its natural wealth and resources and not to be deprived of its own means of subsistence. These violations allegedly contravene Canada's obligations under article 1, paragraphs I to 3, of the International Covenant on Civil and Political Rights.

13.3 With regard to the State party's contention that the author's communication pertaining to self-determination should be declared inadmissible because "the

Committee's jurisdiction, as defined by the Optional Protocol, cannot be invoked by an individual when the alleged violation concerns a collective right", the Committee reaffirmed that the Covenant recognizes and protects in most resolute terms a people's right of self-determination and its right to dispose of its natural resources, as an essential condition for the effective guarantee and observance of individual human rights and for the promotion and strengthening of those rights. However, the Committee observed that the author, as an individual, could not claim under the Optional Protocol to be a victim of a violation of the right of self-determination enshrined in article I of the Covenant, which deals with rights conferred upon peoples, as such.

13.4 The Committee noted, however, that the facts as submitted might raise issues under other articles of the Covenant, including article 27. Thus, in so far as the author and other members of the Lubicon Lake Band were affected by the events which the author has described, these issues should be examined on the merits, in order to determine whether they reveal violations of article 27 or other articles of the Covenant.

32.1 The question has arisen of whether any claim under article 1 of the Covenant remains, the Committee's decision on admissibility notwithstanding. While all peoples have the right of self-determination and the right freely to determine their political status, pursue their economic, social and cultural development and dispose of their natural wealth and resources, as stipulated in article 1 of the Covenant, the question whether the Lubicon Lake Band constitutes a "people" is not an issue for the Committee to address under the Optional Protocol to the Covenant. The Optional Protocol provides a procedure under which individuals can claim that their individual rights have been violated. These rights are set out in part III of the Covenant, articles 6 to 27, inclusive. There is, however, no objection to a group of individuals, who claim to be similarly affected, collectively to submit a communication about alleged breaches of their rights.

32.2 Although initially couched in terms of alleged breaches of the provisions of article 1 of the Covenant, there is no doubt that many of the claims presented raise issues under article 27. The Committee recognizes that the rights protected by article 27, include the right of persons, in community with others, to engage in economic and social activities which are part of the culture of the community to which they belong. Sweeping allegations concerning extremely serious breaches of other articles of the Covenant (6, 7, 14, para. 1, and 26), made after the communication was declared admissible, have not been substantiated to the extent that they would deserve serious consideration. The allegations concerning breaches of articles 17 and 23, paragraph 1, are similarly of a sweeping nature and will not be taken into account except in so far as they may be considered subsumed under the allegations which, generally, raise issues under article 27.

32.3 The most recent allegations that the State party has conspired to create an artificial band, the Woodland Cree Band, said to have competing claims to traditional Lubicon land, are dismissed as an abuse of the right of submission within the meaning of article 3 of the Optional Protocol.

Violations and the remedy offered

33. Historical inequities, to which the State party refers, and certain more recent developments threaten the way of life and culture of the Lubicon Lake Band, and constitute a violation of article 27 so long as they continue. The State party proposes to rectify the situation by a remedy that the Committee deems appropriate within the meaning of article 2 of the Covenant.

4. Kitok vs. Sweden. CCPR/C/33/D/197/1985 (1988).

1. The author of the communication (initial letter dated 2 December 1985 and subsequent letters dated 5 and 12 November 1986) is Ivan Kitok, a Swedish citizen of Sami ethnic origin, born in 1926. He is represented by counsel. He claims to be the victim of violations by the Government of Sweden of articles 1 and 27 of the Covenant.

9.1 The main question before the Committee is whether the author of the communication is the victim of a violation of article 27 of the Covenant because, as he alleges, he is arbitrarily denied immemorial rights granted to the Sami community, in particular, the right to membership of the Sami community and the right to carry out reindeer husbandry. In deciding whether or not the author of the communication has been denied the right to "enjoy [his]own culture", as provided for in article 27 of the Covenant, and whether section 12, paragraph 2, of the 1971 Reindeer Husbandry Act, under which an appeal against a decision of a Sami community to refuse membership may only be granted if there are special reasons for allowing such membership, violates article 27 of the Covenant, the Committee bases its findings on the following considerations.

9.2 The regulation of an economic activity is normally a matter for the State alone. However, where that activity is an essential element in the culture of an ethnic community, its application to an individual may fall under article 27 of the Covenant, which provides: "In those States in which ethnic , religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language."

9.3 The Committee observes in this context that the right to enjoy one's own culture in community with the other members of the group cannot be determined in abstract0 but has to be placed in context. The Committee is thus called upon to consider statutory restrictions affecting the right of an ethnic Sami to membership of a Sami village.

9.4 With regard to the State party's argument that the conflict in the present case is not so much a conflict between the author as a Sami and the State party but rather between the author and the Sami community (see para. 4.3 above), the Committee observes that the State party's responsibility has been engaged, by virtue of the adoption of the Reindeer Husbandry Act of 1971, and that it is therefore State action that has been challenged. As the State party itself points out , an appeal against a decision of the Sami community to refuse membership can only be granted if there are Special reasons for allowing such membership; furthermore, the State party

acknowledges that the right of the County Administrative Board to grant such an appeal should be exercised very restrictively.

9.5 According to the State party, the purposes of the Reindeer Husbandry Act are to restrict the number of reindeer breeders for economic and ecological reasons and to secure the preservation and well-being of the Sami minority. Both parties agree that effective measures are required to ensure the future of reindeer breeding and the livelihood of those for whom reindeer farming is the primary source of income. The method selected by the State party to secure these objectives is the limitation of the right to engage in reindeer breeding to members of the Sami villages. The Committee is of the opinion that all these objectives and measures are reasonable and consistent with article 27 of the Covenant.

9.6 The Committee has none the less had grave doubts as to whether certain provisions of the Reindeer Husbandry Act, and their application to the author, are compatible with article 27 of the Covenant. Section 11 of the Reindeer' Husbandry Act provides that: "A member of a Sami community is: 1. A person entitled to engage in reindeer husbandry who participates in reindeer husbandry within the pasture area of the community. 2. A person entitled to engage in reindeer husbandry who has participated in reindeer husbandry within the pasture area of the village and who has had this as his permanent occupation and has not gone over to any other main economic activity. 3. A person entitled to engage in reindeer husbandry who is the husband or child living at home of a member as qualified in subsection 1 or 2 or who is the surviving husband or minor child of a deceased member." Section 12 of the Act provides that: "A Sami community may accept as a member a person entitled to engage in reindeer husbandry other than as specified in section 11, if he intends to carry on reindeer husbandry with his own reindeer within the pasture area of the community. "If the applicant should be refused membership, the County Administrative Board may grant him membership, if special reasons should exist."

9.7 It can thus be seen that the Act provides certain criteria for participation in the life of an ethnic minority whereby a person who is ethnically a Sami can be held not to be a Sami for the purposes Of the Act. The Committee has been concerned that the ignoring of objective ethnic criteria in determining membership of a minority, and the application to Mr. Kitok of the designated rules, may have been disproportionate to the legitimate ends sought by the legislation. It has further noted that Mr. Kitok has always retained some links with the Sami community, always living on Sami lands and seeking to return to full-time reindeer farming as soon as it became financially possible, in his particular circumstances, for him to do so.

9.8 In resolving this problem, in which there is an apparent conflict between the legislation, which seems to protect the rights of the minority as a whole, and its application to a single member of that minority, the Committee has been guided by the ratio decidendi in the Lovelace case (No. 24/1977, Lovelace v. Canada), namely, that a restriction upon the right of an individual member of a minority must be shown to have a reasonable and objective justification and to be necessary for the continued viability and welfare of the minority as a whole. After a careful review of all the elements involved in this case, the Committee is of the view that there is no violation of article 27 by the State party. In this context, the Committee notes that Mr. Kitok is permitted, albeit not as of right, to graze and farm his reindeer, to hunt and to fish.

5. Ilmari Lansman et al. vs. Finland

1. The authors of the communication are Ilmari Länsman and forty-seven other members of the Muotkatunturi Herdsmen's Committee and members of the Angeli local community. They claim to be the victims of a violation by Finland of article 27 of the International Covenant on Civil and Political Rights. They are represented by counsel.

3.1 The authors affirm that the quarrying of stone on the flank of the Etelä-Riutusvaara mountain and its transportation through their reindeer herding territory would violate their rights under article 27 of the Covenant, in particular their right to enjoy their own culture, which has traditionally been and remains essentially based on reindeer husbandry.

3.2 In support of their contention of a violation of article 27, the authors refer to the Views adopted by the Committee in the cases of Ivan Kitok (No. 197/1985) and B. Ominayak and members of the Lubicon Lake Band v. Canada (No. 167/1984), as well as to ILO Convention No.169 concerning the rights of indigenous and tribal people in independent countries.

9.1 The Committee has examined the present communication in the light of all the information provided by the parties. The issue to be determined by the Committee is whether quarrying on the flank of Mt. Etelä-Riutusvaara, in the amount that has taken place until the present time or in the amount that would be permissible under the permit issued to the company which has expressed its intention to extract stone from the mountain (i.e. up to a total of 5,000 cubic metres), would violate the authors' rights under article 27 of the Covenant.

9.2 It is undisputed that the authors are members of a minority within the meaning of article 27 and as such have the right to enjoy their own culture; it is further undisputed that reindeer husbandry is an essential element of their culture. In this context, the Committee recalls that economic activities may come within the ambit of article 27, if they are an essential element of the culture of an ethnic community Views on communication No. 197/1985 (Kitok v. Sweden), adopted on 27 July 1988, paragraph 9.2..

9.3 The right to enjoy one's culture cannot be determined in abstracto but has to be placed in context. In this connection, the Committee observes that article 27 does not only protect traditional means of livelihood of national minorities, as indicated in the State party's submission. Therefore, that the authors may have adapted their methods of reindeer herding over the years and practice it with the help of modern technology does not prevent them from invoking article 27 of the Covenant. Furthermore, mountain Riutusvaara continues to have a spiritual significance relevant to their culture. The Committee also notes the concern of the authors that the quality of slaughtered reindeer could be adversely affected by a disturbed environment.

9.4 A State may understandably wish to encourage development or allow economic activity by enterprises. The scope of its freedom to do so is not to be assessed by reference to a margin of appreciation, but by reference to the obligations it has

undertaken in article 27. Article 27 requires that a member of a minority shall not be denied his right to enjoy his culture. Thus, measures whose impact amount to a denial of the right will not be compatible with the obligations under article 27. However, measures that have a certain limited impact on the way of life of persons belonging to a minority will not necessarily amount to a denial of the right under article 27.

9.5 The question that therefore arises in this case is whether the impact of the quarrying on Mount Riutusvaara is so substantial that it does effectively deny to the authors the right to enjoy their cultural rights in that region. The Committee recalls paragraph 7 of its General Comment on article 27, according to which minorities or indigenous groups have a right to the protection of traditional activities such as hunting, fishing or, as in the instant case, reindeer husbandry, and that measures must be taken "to ensure the effective participation of members of minority communities in decisions which affect them".

9.6 Against this background, the Committee concludes that quarrying on the slopes of Mt. Riutusvaara, in the amount that has already taken place, does not constitute a denial of the authors' right, under article 27, to enjoy their own culture. It notes in particular that the interests of the Muotkatunturi Herdsmens' Committee and of the authors were considered during the proceedings leading to the delivery of the quarrying permit, that the authors were consulted during the proceedings, and that reindeer herding in the area does not appear to have been adversely affected by such quarrying as has occurred.

9.7 As far as future activities which may be approved by the authorities are concerned, the Committee further notes that the information available to it indicates that the State party's authorities have endeavoured to permit only quarrying which would minimize the impact on any reindeer herding activity in Southern Riutusvaara and on the environment; the intention to minimize the effects of extraction of stone from the area on reindeer husbandry is reflected in the conditions laid down in the quarrying permit. Moreover, it has been agreed that such activities should be carried out primarily outside the period used for reindeer pasturing in the area. Nothing indicates that the change in herding methods by the Muotkatunturi Herdsmens' Committee (see paragraph 8.1 above) could not be accommodated by the local forestry authorities and/or the company.

9.8 With regard to the authors' concerns about future activities, the Committee notes that economic activities must, in order to comply with article 27, be carried out in a way that the authors continue to benefit from reindeer husbandry. Furthermore, if mining activities in the Angeli area were to be approved on a large scale and significantly expanded by those companies to which exploitation permits have been issued, then this may constitute a violation of the authors' rights under article 27, in particular of their right to enjoy their own culture. The State party is under a duty to bear this in mind when either extending existing contracts or granting new ones.

10. The Human Rights Committee, acting under article 5, paragraph 4, of the Optional Protocol to the International Covenant on Civil and Political Rights, is of the view that the facts as found by the Committee do not reveal a breach of article 27 or any other provision of the Covenant.

6. O. Sara et al. v. Finland CCPR/C/50/D/431/1990 (1994).

1. The authors of the communication dated 18 December 1990 are Messrs. O. Sara, J. Näkkäläjärvi and O. Hirvasvuopio and Ms. A. Aärelä, all Finnish citizens. They claim to be the victims of a violation by Finland of article 27 of the International Covenant on Civil and Political Rights. They are represented by counsel.

3.1 The authors submit that the passage of the Wilderness Act jeopardizes the future of reindeer herding in general and of their livelihood in particular, as reindeer farming is their primary source of income. Furthermore, since the Act would authorize logging within areas used by the authors for reindeer husbandry, its passage is said to constitute a serious interference with their rights under article 27 of the Covenant, in particular the right to enjoy their own culture. In this context, the authors refer to the views of the Human Rights Committee in cases Nos. 197/1985 and 167/1984, a/ as well as to ILO Convention No. 169 concerning indigenous and tribal people in independent countries.

3.2 The authors add that over the past decades, traditional methods used for reindeer breeding have decreased in importance and have been partly replaced by "fencing" and artificial feeding, which the authors submit are alien to them. Additional factors enabling an assessment of the irreparable damage to which wilderness areas in Finland are exposed include the development of an industry producing forest harvesting machinery and a road network for wood transport. These factors are said to affect deeply the enjoyment by the authors of their traditional economic and cultural rights.

3.3 Fearing that the Central Forestry Board would approve the continuation of road construction or logging by the summer of 1991, or at the latest by early 1992, around the road under construction and therefore within the confines of their herding areas, the authors requested the adoption of interim measures of protection, pursuant to rule 86 of the Committee's rules of procedure.

5.1 During its forty-second session, in July 1991, the Committee considered the admissibility of the communication. It noted that the State party had raised no objection with regard to the admissibility of the communication under article 5, paragraph 2 (b), of the Optional Protocol. It further took note of the State party's claim that the authors could not claim to be victims of a violation of the Covenant within the meaning of article 1 of the Optional Protocol. The Committee reaffirmed that individuals can only claim to be victims within the meaning of article 1 if they are actually affected, although it is a matter of degree as to how concretely this requirement should be taken.

5.2 Inasmuch as the authors claimed to be victims of a violation of article 27, both in respect of expected logging and road construction activities within the Hammastunturi Wilderness and ongoing road construction activities in the residual area located outside the Wilderness, the Committee observed that the communication related to both areas, whereas parts of the State party's observations could be read in the sense that the communication only related to the Hammastunturi Wilderness.

5.3 The Committee distinguished between the authors' claim to be victims of a violation of the Covenant in respect of road construction and logging inside the Hammastunturi Wilderness and such measures outside the Wilderness, including road construction and logging in the residual area south of the Wilderness. In respect of the former areas, the authors had merely expressed the fear that plans under preparation by the Central Forestry Board might adversely affect their rights under article 27 in the future. This, in the Committee's opinion, did not make the authors victims within the meaning of article 1 of the Optional Protocol, as they were not actually affected by an administrative measure implementing the Wilderness Act. Therefore, this aspect of the communication was deemed inadmissible under article 1 of the Optional Protocol.

5.4 In respect of the residual area, the Committee observed that the continuation of road construction into it could be causally linked to the entry into force of the Wilderness Act. In the Committee's opinion, the authors had sufficiently substantiated, for purposes of admissibility, that this road construction could produce effects adverse to the enjoyment and practice of their rights under article 27.

5.5 On 9 July 1991, accordingly, the Committee declared the communication admissible in so far as it appeared to raise issues under article 27 of the Covenant.

5.6 The Committee also requested the State party to "adopt such measures, as appropriate, to prevent irreparable damage to the authors".

8.1 The Committee has taken note of the State party's information, provided after the decision on admissibility, that the authors may avail themselves of local remedies in respect of road construction activities in the residual area, based on the fact that the Covenant may be invoked as part of domestic law and that claims based on article 27 of the Covenant may be advanced before the Finnish courts. It takes the opportunity to expand on its admissibility findings.

8.2 In their submission of 25 March 1992, the authors concede that some Finnish courts have entertained claims based on article 27 of the Covenant. From the submissions before the Committee it appears that article 27 has seldom been invoked before the local courts or its content guided the ratio decidendi of court decisions. However, it is noteworthy, as counsel to the authors acknowledges, that the Finnish judicial authorities have become increasingly aware of the domestic relevance of international human rights standards, including the rights enshrined in the Covenant. This is true, in particular, for the Supreme Administrative Tribunal and increasingly for the Supreme Court and the lower courts.

8.3 In the circumstances, the Committee does not consider that a recent judgement of the Supreme Administrative Tribunal, which makes no reference to article 27, should be seen as a negative precedent for the adjudication of the authors' own grievances. In the light of the developments referred to in paragraph 8.2 above, the authors' doubts about the courts' readiness to entertain claims based on article 27 of the Covenant do not justify their failure to avail themselves of possibilities of domestic remedies which the State party has plausibly argued are available and effective. The Committee further observes that according to counsel, the decision of the Court of Appeal of Rovaniemi in another comparable case, while not confirming the practical applicability of article 27 before the local courts, at least leaves this possibility open.

Thus, the Committee concludes that an administrative action challenging road construction activities in the residual area would not be a priori futile, and that the requirements of article 5, paragraph 2 (b), of the Optional Protocol have not been met.

8.4 The Committee takes note of counsel's comment that a delay until 1996 is expected in the finalization of the plan of the Central Forestry Board for use and maintenance, and understands this as an indication that no further activities in the Hammastunturi Wilderness and the residual area will be undertaken by the State party while the authors may pursue further domestic remedies.

9. The Human Rights Committee therefore decides:

- (a) That the decision of 9 July 1991 is set aside;
- (b) That the communication is inadmissible under article 5, paragraph 2 (b), of the Optional Protocol;
- (c) That this decision shall be communicated to the State party, to the authors and to their counsel.

7. J. Lansman et al. vs. Finland. CCPR/C/58/D/671/1995 (1996).

1. The authors of the communication (dated 28 August 1995) are Jouni E. Länsman, Jouni A. Länsman, Eino A. Länsman and Marko Torikka, all members of the Muotkatunturi Herdsmen's Committee. The authors claim to be victims of a violation by Finland of article 27 of the International Covenant on Civil and Political Rights. They are represented by counsel.

3.1 The authors claim that the facts as described violate their rights under article 27, and invoke the Committee's Views on the cases of Ivan Kitok v. Sweden (communication No. 197/1985), Ominayak v. Canada (communication No. 167/1984) and Ilmari Länsman et al. v. Finland (communication No. 511/1992), as well as ILO Convention No. 169 on the rights of indigenous and tribal people in independent countries, the Committee's General Comment No. 23[50] on article 27, and the United Nations Draft Declaration on Indigenous Peoples.

3.2 Finally, the authors, who contend that logging and road construction might resume in October or November 1995 and is therefore imminent, request interim measures of protection under rule 86 of the rules of procedure, so as to prevent irreparable damage.

10.1 The Human Rights Committee has considered the present communication in the light of all the information provided by the parties, as required to do under article 5, paragraph 1, of the Optional Protocol. The issue to be determined is whether logging of forests in an area covering approximately 3,000 hectares of the area of the Muotkatunturi Herdsmen's Committee (of which the authors are members) - i.e. such logging as has already been carried out and future logging - violates the authors' rights under article 27 of the Covenant.

10.2 It is undisputed that the authors are members of a minority within the meaning of article 27 of the Covenant and as such have the right to enjoy their own culture. It is also undisputed that reindeer husbandry is an essential element of their culture; that some of the authors practice other economic activities in order to gain supplementary

income does not change this conclusion. The Committee recalls that economic activities may come within the ambit of article 27, if they are an essential element of the culture of an ethnic community Cf. Views on case No. 197/1985 (Kitok v. Sweden), Views adopted 27 July 1988, para. 9.2; on case No. 511/1992 (I. Länsman et al. v. Finland), adopted 26 October 1994, paragraph 9.1..

10.3 Article 27 requires that a member of a minority shall not be denied the right to enjoy his culture. Measures whose impact amounts to a denial of the right are incompatible with the obligations under article 27. As noted by the Committee previously in its Views on case No. 511/1992, however, measures that have a certain limited impact on the way of life and the livelihood of persons belonging to a minority will not necessarily amount to a denial of the rights under article 27.

10.4 The crucial question to be determined in the present case is whether the logging that has already taken place within the area specified in the communication, as well as such logging as has been approved for the future and which will be spread over a number of years, is of such proportions as to deny the authors the right to enjoy their culture in that area. The Committee recalls the terms of paragraph 7 of its General Comment on article 27, according to which minorities or indigenous groups have a right to the protection of traditional activities such as hunting, fishing or reindeer husbandry, and that measures must be taken "to ensure the effective participation of members of minority communities in decisions which affect them".

10.5 After careful consideration of the material placed before it by the parties, and duly noting that the parties do not agree on the long-term impact of the logging activities already carried out and planned, the Committee is unable to conclude that the activities carried out as well as approved constitute a denial of the authors' right to enjoy their own culture. It is uncontested that the Muotkatunturi Herdsmen's Committee, to which the authors belong, was consulted in the process of drawing up the logging plans and in the consultation, the Muotkatunturi Herdsmen's Committee did not react negatively to the plans for logging. That this consultation process was unsatisfactory to the authors and was capable of greater interaction does not alter the Committee's assessment. It transpires that the State party's authorities did go through the process of weighing the authors' interests and the general economic interests in the area specified in the complaint when deciding on the most appropriate measures of forestry management, i.e. logging methods, choice of logging areas and construction of roads in these areas. The domestic courts considered specifically whether the proposed activities constituted a denial of article 27 rights. The Committee is not in a position to conclude, on the evidence before it, that the impact of logging plans would be such as to amount to a denial of the authors' rights under article 27 or that the finding of the Court of Appeal affirmed by the Supreme Court, misinterpreted and/or misapplied article 27 of the Covenant in the light of the facts before it.

10.6 As far as future logging activities are concerned, the Committee observes that on the basis of the information available to it, the State party's forestry authorities have approved logging on a scale which, while resulting in additional work and extra expenses for the authors and other reindeer herdsman, does not appear to threaten the survival of reindeer husbandry. That such husbandry is an activity of low economic profitability is not, on the basis of the information available, a result of the

encouragement of other economic activities by the State party in the area in question, but of other, external, economic factors.

10.7 The Committee considers that if logging plans were to be approved on a scale larger than that already agreed to for future years in the area in question or if it could be shown that the effects of logging already planned were more serious than can be foreseen at present, then it may have to be considered whether it would constitute a violation of the authors' right to enjoy their own culture within the meaning of article 27. The Committee is aware, on the basis of earlier communications, that other large scale exploitations touching upon the natural environment, such as quarrying, are being planned and implemented in the area where the Sami people live. Even though in the present communication the Committee has reached the conclusion that the facts of the case do not reveal a violation of the rights of the authors, the Committee deems it important to point out that the State party must bear in mind when taking steps affecting the rights under article 27, that though different activities in themselves may not constitute a violation of this article, such activities, taken together, may erode the rights of Sami people to enjoy their own culture.

11. The Human Rights Committee, acting under article 5, paragraph 4, of the Optional Protocol to the International Covenant on Civil and Political Rights, is of the view that the facts as found by the Committee do not reveal a breach of article 27 of the Covenant.

8. Hopu & Bessert v. France. CCPR/C/60/D/549/1993/Rev.1 (1997).

1. The authors of the communication are Francis Hopu and Tepoaitu Bessert, both ethnic Polynesians and inhabitants of Tahiti, French Polynesia. They claim to be victims of violations by France of articles 2, paragraphs 1 and 3(a), 14, 17, paragraph 1, 23, paragraph 1, and 27 of the International Covenant on Civil and Political Rights. They are represented by Messrs. James Lau, Alain Lestourneaud and François Roux, who have provided a duly signed power of attorney.

3.1 The authors allege a violation of article 2, paragraph 3(a), juncto 14, paragraph 1, on the ground that they have not been able to petition lawfully established courts for an effective remedy. In this connection, they note that land claims and disputes in Tahiti were traditionally settled by indigenous tribunals ("tribunaux indigènes"), and that the jurisdiction of these tribunals was recognized by France when Tahiti came under French sovereignty in 1880. However, it is submitted that since 1936, when the so-called High Court of Tahiti ceased to function, the State party has failed to take appropriate measures to keep these indigenous tribunals in operation; as a result, the authors submit, land claims have been haphazardly and unlawfully adjudicated by civil and administrative tribunals.

3.2 The authors further claim a violation of articles 17, paragraph 1, and 23, paragraph 1, on the ground that their forceful removal from the disputed site and the realization of the hotel complex would entail the destruction of the burial ground, where members of their family are said to be buried, and because such removal would interfere with their private and their family lives.

3.3 The authors claim to be victims of a violation of article 2, paragraph 1. They contend that Polynesians are not protected by laws and regulations (such as articles R 361 (1) and 361 (2) of the Code des Communes, concerning cemeteries, as well as legislation concerning natural sites and archaeological excavations) which have been issued for the territoire métropolitain and which are said to govern the protection of burial grounds. They thus claim to be victims of discrimination.

10.1 The Human Rights Committee has examined the present communication in the light of all the information presented to it by the parties, as required under article 5, paragraph 1, of the Optional Protocol.

10.2 The authors claim that they were denied access to an independent and impartial tribunal, in violation of article 14, paragraph 1. In this context, they claim that the only tribunals that could have had competence to adjudicate land disputes in French Polynesia are indigenous tribunals and that these tribunals ought to have been made available to them. The Committee observes that the authors could have brought their case before a French tribunal, but that they deliberately chose not to do so, claiming that French authorities should have kept indigenous tribunals in operation. The Committee observes that the dispute over ownership of the land was disposed of by the Tribunal of Papeete in 1961 and that the decision was not appealed by the previous owners. No further step was made by the authors to challenge the ownership of the land, nor its use, except by peaceful occupation. In these circumstances, the Committee concludes that the facts before it do not disclose a violation of article 14, paragraph 1.

10.3 The authors claim that the construction of the hotel complex on the contested site would destroy their ancestral burial grounds, which represent an important place in their history, culture and life, and would arbitrarily interfere with their privacy and their family lives, in violation of articles 17 and 23. They also claim that members of their family are buried on the site. The Committee observes that the objectives of the Covenant require that the term "family" be given a broad interpretation so as to include all those comprising the family as understood in the society in question. It follows that cultural traditions should be taken into account when defining the term "family" in a specific situation. It transpires from the authors' claims that they consider the relationship to their ancestors to be an essential element of their identity and to play an important role in their family life. This has not been challenged by the State party; nor has the State party contested the argument that the burial grounds in question play an important role in the authors' history, culture and life. The State party has disputed the authors' claim only on the basis that they have failed to establish a kinship link between the remains discovered in the burial grounds and themselves. The Committee considers that the authors' failure to establish a direct kinship link cannot be held against them in the circumstances of the communication, where the burial grounds in question pre-date the arrival of European settlers and are recognized as including the forbears of the present Polynesian inhabitants of Tahiti. The Committee therefore concludes that the construction of a hotel complex on the authors' ancestral burial grounds did interfere with their right to family and privacy. The State party has not shown that this interference was reasonable in the circumstances, and nothing in the information before the Committee shows that the State party duly took into account the importance of the burial grounds for the authors, when it decided to lease the site for the building of a hotel complex. The

Committee concludes that there has been an arbitrary interference with the authors' right to family and privacy, in violation of articles 17, paragraph 1, and 23, paragraph 1.

10.4 As set out in paragraph 7.3 of the decision of 30 October 1995, the Committee has further considered the authors' claim of discrimination, in violation of article 26 of the Covenant, on account of the alleged absence of specific legal protection of burial grounds in French Polynesia. The Committee has noted the State party's challenge to the admissibility of this claim, as well as the subsidiary detailed arguments relating to its merits.

10.5 On the basis of the information placed before it by the State party and the authors, the Committee is not in a position to determine whether or not there has been an independent violation of article 26 in the circumstances of the instant communication.

11. The Human Rights Committee, acting under article 5, paragraph 4, of the Optional Protocol to the International Covenant on Civil and Political Rights is of the view that the facts before it disclose violations of articles 17, paragraph 1, and 23, paragraph 1, of the Covenant.

12. The Human Rights Committee is of the view that the authors are entitled, under article 2, paragraph 3(a), of the Covenant, to an appropriate remedy. The State party is under an obligation to protect the authors' rights effectively and to ensure that similar violations do not occur in the future.

13. Bearing in mind that, by becoming a State party to the Optional Protocol, the State party has recognized the competence of the Committee to determine whether there has been a violation of the Covenant or not and that, pursuant to article 2 of the Covenant, the State party has undertaken to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant and to provide an effective and enforceable remedy in case a violation has been established, the Committee wishes to receive from the State party, within 90 days, information about the measures taken to give effect to the Committee's Views.

9. Apirana Mahuika et al v. New Zealand. CCPR/C/70/D/547/1993 (2000) .

1. The authors of the communication are Apirana Mahuika and 18 other individuals, belonging to the Maori people of New Zealand. They claim to be victims of violations by New Zealand of articles 1, 2, 16, 18, 26 and 27 of the International Covenant on Civil and Political Rights. ...

3. When declaring the authors' remaining claims admissible in so far as they might raise issues under articles 14(1) and 27 in conjunction with article 1, the Committee noted that only the consideration of the merits of the case would enable the Committee to determine the relevance of article 1 to the authors' claims under article 27.

9.2 The Committee observes that the Optional Protocol provides a procedure under which individuals can claim that their individual rights have been violated. These

rights are set out in part III of the Covenant, articles 6 to 27, inclusive. As shown by the Committee's jurisprudence, there is no objection to a group of individuals, who claim to be commonly affected, to submit a communication about alleged breaches of these rights. Furthermore, the provisions of article 1 may be relevant in the interpretation of other rights protected by the Covenant, in particular article 27.

9.3 The first issue before the Committee therefore is whether the authors' rights under article 27 of the Covenant have been violated by the Fisheries Settlement, as reflected in the Deed of Settlement and the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992. It is undisputed that the authors are members of a minority within the meaning of article 27 of the Covenant; it is further undisputed that the use and control of fisheries is an essential element of their culture. In this context, the Committee recalls that economic activities may come within the ambit of article 27, if they are an essential element of the culture of a community. The recognition of Maori rights in respect of fisheries by the Treaty of Waitangi confirms that the exercise of these rights is a significant part of Maori culture. However, the compatibility of the 1992 Act with the treaty of Waitangi is not a matter for the Committee to determine.

9.4 The right to enjoy one's culture cannot be determined in abstracto but has to be placed in context. In particular, article 27 does not only protect traditional means of livelihood of minorities, but allows also for adaptation of those means to the modern way of life and ensuing technology. In this case the legislation introduced by the State affects, in various ways, the possibilities for Maori to engage in commercial and non-commercial fishing. The question is whether this constitutes a denial of rights. On an earlier occasion, the Committee has considered that:

"A State may understandably wish to encourage development or allow economic activity by enterprises. The scope of its freedom to do so is not to be assessed by reference to a margin of appreciation, but by reference to the obligations it has undertaken in article 27. Article 27 requires that a member of a minority shall not be denied his right to enjoy his own culture. Thus, measures whose impact amount to a denial of the right will not be compatible with the obligations under article 27. However, measures that have a certain limited impact on the way of life of persons belonging to a minority will not necessarily amount to a denial of the right under article 27."

9.5 The Committee recalls its general comment on article 27, according to which, especially in the case of indigenous peoples, the enjoyment of the right to one's own culture may require positive legal measures of protection by a State party and measures to ensure the effective participation of members of minority communities in decisions which affect them. In its case law under the Optional Protocol, the Committee has emphasised that the acceptability of measures that affect or interfere with the culturally significant economic activities of a minority depends on whether the members of the minority in question have had the opportunity to participate in the decision-making process in relation to these measures and whether they will continue to benefit from their traditional economy. The Committee acknowledges that the Treaty of Waitangi (Fisheries Settlement) Act 1992 and its mechanisms limit the rights of the authors to enjoy their own culture.

9.6 The Committee notes that the State party undertook a complicated process of consultation in order to secure broad Maori support to a nation-wide settlement and regulation of fishing activities. Maori communities and national Maori organizations were consulted and their proposals did affect the design of the arrangement. The Settlement was enacted only following the Maori representatives' report that substantial Maori support for the Settlement existed. For many Maori, the Act was an acceptable settlement of their claims. The Committee has noted the authors' claims that they and the majority of members of their tribes did not agree with the Settlement and that they claim that their rights as members of the Maori minority have been overridden. In such circumstances, where the right of individuals to enjoy their own culture is in conflict with the exercise of parallel rights by other members of the minority group, or of the minority as a whole, the Committee may consider whether the limitation in issue is in the interests of all members of the minority and whether there is reasonable and objective justification for its application to the individuals who claim to be adversely affected.

9.7 As to the effects of the agreement, the Committee notes that before the negotiations which led to the Settlement the Courts had ruled earlier that the Quota Management System was in possible infringement of Maori rights because in practice Maori had no part in it and were thus deprived of their fisheries. With the Settlement, Maori were given access to a great percentage of quota, and thus effective possession of fisheries was returned to them. In regard to commercial fisheries, the effect of the Settlement was that Maori authority and traditional methods of control as recognised in the Treaty were replaced by a new control structure, in an entity in which Maori share not only the role of safeguarding their interests in fisheries but also the effective control. In regard to non-commercial fisheries, the Crown obligations under the Treaty of Waitangi continue, and regulations are made recognising and providing for customary food gathering.

9.8 In the consultation process, special attention was paid to the cultural and religious significance of fishing for the Maori, *inter alia* to securing the possibility of Maori individuals and communities to engage themselves in non-commercial fishing activities. While it is a matter of concern that the settlement and its process have contributed to divisions amongst Maori, nevertheless, the Committee concludes that the State party has, by engaging itself in the process of broad consultation before proceeding to legislate, and by paying specific attention to the sustainability of Maori fishing activities, taken the necessary steps to ensure that the Fisheries Settlement and its enactment through legislation, including the Quota Management System, are compatible with article 27.

9.9 The Committee emphasises that the State party continues to be bound by article 27 which requires that the cultural and religious significance of fishing for Maori must deserve due attention in the implementation of the Treaty of Waitangi (Fisheries Claims) Settlement Act. With reference to its earlier case law, the Committee emphasises that in order to comply with article 27, measures affecting the economic activities of Maori must be carried out in a way that the authors continue to enjoy their culture, and profess and practice their religion in community with other members of their group. The State party is under a duty to bear this in mind in the further implementation of the Treaty of Waitangi (Fisheries Claims) Settlement Act.

9.10 The authors' complaints about the discontinuance of the proceedings in the courts concerning their claim to fisheries must be seen in the light of the above. While in the abstract it would be objectionable and in violation of the right to access to court if a State party would by law discontinue cases that are pending before the courts, in the specific circumstances of the instant case, the discontinuance occurred within the framework of a nation wide settlement of exactly those claims that were pending before the courts and that had been adjourned awaiting the outcome of negotiations. In the circumstances, the Committee finds that the discontinuance of the authors' court cases does not amount to a violation of article 14(1) of the Covenant.

9.11 With regard to the authors' claim that the Act prevents them from bringing claims concerning the extent of their fisheries before the courts, the Committee notes that article 14(1) encompasses the right to access to court for the determination of rights and obligations in a suit at law. In certain circumstances the failure of a State party to establish a competent court to determine rights and obligations may amount to a violation of article 14(1). In the present case, the Act excludes the courts' jurisdiction to inquire into the validity of claims by Maori in respect to commercial fishing, because the Act is intended to settle these claims. In any event, Maori recourse to the Courts to enforce claims regarding fisheries was limited even before the 1992 Act; Maori rights in commercial fisheries were enforceable in the Courts only to the extent that s 88(2) of the Fisheries Act expressly provided that nothing in the Act was to affect Maori fishing rights. The Committee considers that whether or not claims in respect of fishery interests could be considered to fall within the definition of a suit at law, the 1992 Act has displaced the determination of Treaty claims in respect of fisheries by its specific provisions. Other aspects of the right to fisheries, though, still give the right to access to court, for instance in respect of the allocation of quota and of the regulations governing customary fishing rights. The authors have not substantiated the claim that the enactment of the new legislative framework has barred their access to court in any matter falling within the scope of article 14, paragraph 1. Consequently, the Committee finds that the facts before it do not disclose a violation of article 14, paragraph 1.

10. Äärelä and Näkkäljärvi v. Finland. CCPR/C/73/D/779/1997 (2001).

1. The authors of the communication, dated 4 November 1997, are Anni Äärelä and Jouni Näkkäljärvi, both Finnish nationals. They claim to be victims of a violation by Finland of articles 2, paragraph 3, 14, paragraphs 1 and 2, and 27 of the Covenant. They are represented by counsel. ...

3.1 The authors claim a violation of article 27 of the Covenant in that the Appeal Court allowed logging and road construction in the Kariselkä area, comprising the best winter lands of the authors' herding co-operative. The authors contend that this logging in the herding lands, coupled with a reduction at the same time of the permissible number of reindeer, amounts to a denial of their right to enjoy their culture, in community with other Sami, for which the survival of reindeer herding is essential.

3.2 The authors claim a violation of article 14, paragraphs 1 and 2, of the Covenant, contending that the Appeal Court was not impartial, having pre-judged the outcome of the case and violated the principle of equality of arms in (i) allowing oral hearings

while denying an on-site inspection and (ii) taking into account material information without providing an opportunity to the other party to comment. The authors also contend that the award of costs against the authors at the appellate level, having succeeded at first instance, represents bias and effectively prevents other Sami from invoking Covenant rights to defend their culture and livelihood. There is no State assistance available to impecunious litigants to satisfy the imposition of costs.

3.3 The authors also claim improper influence was exerted by the Forestry Service while the case was before the courts. They claim to have been harassed, to have had public meetings arranged to criticise them, to have had the municipality formally request withdrawal of the suit or risk endangering the herding co-operative's economic development, and to have had the Forestry Service make unfounded allegations of criminal conduct against one of the authors.

3.4 The authors claim that the Supreme Court's unreasoned decision denying leave to appeal violated the right to an effective remedy within the meaning of article 2, paragraph 3, of the Covenant. They contend that the denial of leave to appeal to the Supreme Court, where a miscarriage of justice, in violation of article 14, had been demonstrated, means no effective remedy existed for that violation.

6.1 Before considering any claim contained in a communication, the Human Rights Committee must, in accordance with rule 87 of its rules of procedure, decide whether or not it is admissible under the Optional Protocol to the Covenant.

6.2 As the authors' complaints do not relate to the Mirhaminmaa area per se, it is not necessary for the Committee to pronounce on the arguments on admissibility adduced by the State party related to this area.

6.3 As to the authors' claim of inappropriate interference by the municipality of Inari, the Committee considers that, in circumstances where the legal proceedings subject to attempted interference were in fact pursued, the authors have failed to substantiate their arguments that these facts give rise to a violation of a right contained in the Covenant.

6.4 As to the authors' claims that they suffered harassment and intimidation in the course of the proceedings in that the Forestry Authority convened a public meeting to criticise the authors and made an unfounded allegation of theft, the authors have failed to detail their allegations in this regard. The lack of any materials in substantiation beyond those allegations themselves leaves the Committee unable to properly consider the substance of the allegations and their effects on the proceedings. Accordingly, this part of the communication has not been substantiated sufficiently, for purposes of admissibility, and is inadmissible under article 2 of the Optional Protocol.

7.1 The Committee finds the remaining portions of the communication admissible and proceeds to a consideration of the merits. The Committee has considered the communication in the light of all the information made available to it by the parties, as required by article 5, paragraph 1, of the Optional Protocol.

7.2 As to the authors' argument that the imposition of a substantial award of costs against them at the appellate level violated their rights under article 14, paragraph 1, to equal access to the courts, the Committee considers that a rigid duty under law to award costs to a winning party may have a deterrent effect on the ability of persons who allege their rights under the Covenant have been violated to pursue a remedy before the courts. In the particular case, the Committee notes that the authors were private individuals bringing a case alleging breaches of their rights under article 27 of the Covenant. In the circumstances, the Committee considers that the imposition by the Court of Appeal of substantial costs award, without the discretion to consider its implications for the particular authors, or its effect on access to court of other similarly situated claimants, constitutes a violation of the authors' rights under article 14, paragraph 1, in conjunction with article 2 of the Covenant. The Committee notes that, in the light of the relevant amendments to the law governing judicial procedure in 1999, the State party's courts now possess the discretion to consider these elements on a case by case basis.

7.3 As to the authors' claims under article 14 that the procedure applied by the Court of Appeal was unfair in that an oral hearing was granted and an on-site inspection was denied, the Committee considers that, as a general rule, the procedural practice applied by domestic courts is a matter for the courts to determine in the interests of justice. The onus is on the authors to show that a particular practice has given rise to unfairness in the particular proceedings. In the present case, an oral hearing was granted as the Court found it necessary to determine the reliability and weight to be accorded to oral testimony. The authors have not shown that this decision was manifestly arbitrary or otherwise amounted to a denial of justice. As to the decision not to pursue an on-site inspection, the Committee considers that the authors have failed to show that the Court of Appeal's decision to rely on the District Court's inspection of the area and the records of those proceedings injected unfairness into the hearing or demonstrably altered the outcome of the case. Accordingly, the Committee is unable to find a violation of article 14 in the procedure applied by the Court of Appeal in these respects.

7.4 As to the author's contention that the Court of Appeal violated the authors' right to a fair trial contained in article 14, paragraph 1, by failing to afford the authors an opportunity to comment on the brief containing legal argument submitted by the Forestry Authority after expiry of filing limits, the Committee notes that it is a fundamental duty of the courts to ensure equality between the parties, including the ability to contest all the argument and evidence adduced by the other party. The Court of Appeal states that it had "special reason" to take account of these particular submissions made by the one party, while finding it "manifestly unnecessary" to invite a response from the other party. In so doing, the authors were precluded from responding to a brief submitted by the other party that the Court took account of in reaching a decision favourable to the party submitting those observations. The Committee considers that these circumstances disclose a failure of the Court of Appeal to provide full opportunity to each party to challenge the submissions of the other, thereby violating the principles of equality before the courts and of fair trial contained in article 14, paragraph 1, of the Covenant.

7.5 Turning to the claim of a violation of article 27 in that logging was permitted in the Kariselkä area, the Committee notes that it is undisputed that the authors are

members of a minority culture and that reindeer husbandry is an essential element of their culture. The Committee's approach in the past has been to inquire whether interference by the State party in that husbandry is so substantial that it has failed to properly protect the authors' right to enjoy their culture. The question therefore before the Committee is whether the logging of the 92 hectares of the Kariselkä area rises to such a threshold.

7.6 The Committee notes that the authors, and other key stakeholder groups, were consulted in the evolution of the logging plans drawn up by the Forestry Service, and that the plans were partially altered in response to criticisms from those quarters. The District Court's evaluation of the partly conflicting expert evidence, coupled with an on-site inspection, determined that the Kariselkä area was necessary for the authors to enjoy their cultural rights under article 27 of the Covenant. The appellate court finding took a different view of the evidence, finding also from the point of view of article 27, that the proposed logging would partially contribute to the long-term sustainability of reindeer husbandry by allowing regeneration of ground lichen in particular, and moreover that the area in question was of secondary importance to husbandry in the overall context of the Collective's lands. The Committee, basing itself on the submissions before it from both the authors and the State party, considers that it does not have sufficient information before it in order to be able to draw independent conclusions on the factual importance of the area to husbandry and the long-term impacts on the sustainability of husbandry, and the consequences under article 27 of the Covenant. Therefore, the Committee is unable to conclude that the logging of 92 hectares, in these circumstances, amounts to a failure on the part of the State party to properly protect the authors' right to enjoy Sami culture, in violation of article 27 of the Covenant.

7.7 In the light of the Committee's findings above, it is not necessary to consider the authors' additional claims brought under article 2 of the Covenant.

8.1 The Human Rights Committee, acting under article 5, paragraph 4, of the Optional Protocol to the International Covenant on Civil and Political Rights, is of the view that the facts before it reveal of a violation by Finland of article 14, paragraph 1, taken in conjunction with article 2 of the Covenant, and additionally a violation of article 14, paragraph 1, of the Covenant taken alone.

8.2 Pursuant to article 2, paragraph 3 (a), of the Covenant, the Committee considers that the authors are entitled to an effective remedy. In terms of the award of costs against the authors, the Committee considers that as the costs award violated article 14, paragraph 1, of the Covenant and, moreover, followed proceedings themselves in violation of article 14, paragraph 1, the State party is under an obligation to restate to the authors that proportion of the costs award already recovered, and to refrain from seeking execution of any further portion of the award. As to the violation of article 14, paragraph 1, arising from the process applied by the Court of Appeal in handling the brief submitted late by the Forestry Service (para. 7.4), the Committee considers that, as the decision of the Court of Appeal was tainted by a substantive violation of fair trial provisions, the State party is under an obligation to reconsider the authors' claims. The State party is also under an obligation to ensure that similar violations do not occur in the future.

9. Bearing in mind that, by becoming a State party to the Optional Protocol, the State party has recognized the competence of the Committee to determine whether there has been a violation of the Covenant or not and that, pursuant to article 2 of the Covenant, the State party has undertaken to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant to provide an effective and enforceable remedy in case a violation has been established, the Committee wishes to receive from the State party, within 90 days, information about the measures taken to give effect to its Views. The State party is requested also to give publicity to the Committee's Views.

11. Jarle Jonassen & Members of the Riast/Hylling Reindeer Herding District v. Norway CCPR/C/76/D/942/2000 (2002)

1. The authors of the communication, are the herdsman of the Riast/Hylling reindeer herding district, Norwegian citizens, of Sami ethnic origin. They claim to be victims of a violation by Norway of article 27 in conjunction with article 2, article 26, and article 2 of the International Covenant on Civil and Political Rights (the Covenant). ...

3.1 The authors allege violations of their Covenant rights because the State party has failed to recognize and protect their right to let their herds graze on their traditional grazing grounds, in violation of article 27 in conjunction with article 2 of the Covenant. Furthermore, they allege a violation of article 26, because the Norwegian Supreme Court based its considerations on establishment of facts made in the nineteenth century when the Samis were discriminated against and the Norwegian landowners' claim for private property rights were favoured.

3.2 The authors allege that the State party has violated article 27 in conjunction with article 2 of the Covenant by failing to ensure the authors' right to enjoy their own culture. They refer to the Committee's General Comments No. 23 and 18, and to the cases of *Ominayak v. Canada*, *Sara et al. v. Finland*, *Ilmari Länsman et al. v. Finland*, *Kitok v. Sweden*, and *Jouni E. Länsman v. Finland*, which concern the rights of indigenous people under the Covenant.

3.3 In particular, the authors recall that the Committee has recognized that article 27 imposes an obligation on the State parties, not only to protect immaterial aspects of indigenous culture, but also to offer legal protection for the material foundation of such culture. Subsequently, for the interpretation of article 27 of the Covenant, the authors refer to article 1, paragraph 2 of the Covenant which requires that all peoples must be able to freely dispose of their natural wealth and resources, and that they may not be deprived of their own means of subsistence.

3.4 With regard to the two cases of *Länsman v. Finland*, where the Committee did not find violations of article 27, the authors point to four differences between those cases and the present case. First, they allege that the question at issue in the two *Länsman* cases was whether or not an isolated action from the State party represented a denial of the rights under article 27, whereas in the present case the authors claim that the current system of justice violates these rights. Second, the reindeer herding activities in the *Länsman* cases were only disturbed by activities in the area, whereas the authors are deprived of reindeer herding areas. Due to the negative outcome of the "*Aursunden Case 1997*", the "*Korssjøfjell Case*" and the "*Tamnes Case*", as well as

possible negative outcomes of the pending "*Selbu*" and "*Holtaalen*" cases, the authors have experienced several reductions of their reindeer grazing rights.

3.5 Furthermore, since the Aursunden area is an integrated part of a herding area of vital importance for the district of Riast/Hylling, and by denying the authors access to Aursunden, they have practically no access to attached areas. Thus, the authors run a risk of having to close down their entire reindeer husbandry. They contend that the only means to prevent the reindeer from grazing in the area in dispute in the "*Aursunden Case 1997*" and the "*Korssjofjell Case*", would be to either fence in the outer boundary of the area, or to intensify the watching of the herds. According to the authors, neither one of the alternatives would be realistic, since the fences would be covered by snow in the winter season, and the expenses of upkeep would be unduly heavy.

3.6 Third, it should be noted that contrary to the two *Länsman* cases, the Supreme Court in the "*Aursunden Case 1997*", dismissed the appeal without discussing the authors' rights under article 27 of the Covenant. Finally, the authors point to that the Supreme Court in the "*Aursunden Case 1997*" attached decisive importance to the judgement of the Supreme Court in 1897, when the Samis were subjected to blatant discrimination.

3.7 They contend that the Norwegian Supreme Court and the State party in general have failed to protect the material foundation of the southern Sami culture in accordance with the provisions set forth in article 27 and article 2 of the Covenant, by attaching crucial importance to assessments made in a period of time characterized by discrimination and forced integration of the Sami people and by an official view that Sami reindeer breeding was a burden to the Norwegian farming population.

3.8 The authors' also contend that Norwegian law regarding the acquisition of rights derived by use since time immemorial, as it has been interpreted and practised by the Norwegian courts, in itself constitutes a violation of article 27. By failing to recognize Sami culture and perception of law, and by setting the same requirements for the acquisition of the right to herd reindeer as it sets in other matters of property law, Norwegian courts have, in effect, made it impossible for the authors and Sami people in many areas, due to their nomadic lifestyle, to acquire legal grazing rights and thereby to enjoy their own culture.

3.9 To acquire legal grazing rights on the basis of use since time immemorial, the authors will have to prove to the Court that they have used the area in question for more than a hundred years. This has proven to be difficult in practice, since the requirements for the acquisition of grazing rights derived by use since time immemorial, do not take into its consideration either the specific features of reindeer herding, nor Sami culture and perception of land rights. The requirements are established on the basis of grazing rights for livestock, thus, sporadic grazing is not considered sufficient for establishing legal grazing rights.

3.10 Reindeer herding makes heavy demands on acreage, and reindeers virtually never graze in the same area year after year. Instead, reindeers make use of the whole area fitted for grazing. It is the nature for reindeer to adapt to their surroundings, the topography, the pasture situation, weather and wind conditions. These conditions

determine the extensiveness of the area needed for grazing. Since the use of land is necessary for the maintenance of the authors' culture, the effect of the Norwegian requirements for land acquisition is that the authors are deprived of their fundamental rights under article 27 of the Covenant. The authors refer to the Sami Parliament's statement of 27 November 1997.

3.11 The authors contend that it is difficult to prove earlier settlements in disputed areas, since their huts and fences have been made of material that decomposes, and the Sami people has never had a written culture.

3.12 They further claim that the State party has failed to take an active role in protecting their rights, by not intervening in the numerous conflicts that have been brought before the courts by landowners of the authors' reindeer herding districts over the past 10 years. The authors and Samis in general endure years of conflicts, court actions, and personal suffering, both economically and personally, because of the State party's reluctance to intervene before the conflict is determined by a Supreme Court judgement.

3.13 The authors have requested that the State party expropriate the right to reindeer grazing in the areas of the "*Korssjøfjell Case*" and the "*Aursunden Case 1997*", but the petitions are still pending before the administrative authorities.

3.14 Finally, the authors claim that the State party has violated article 2 in conjunction with article 27, by failing to ensure the authors' rights to enjoy their own culture.

3.15 In respect of their claim of a violation under article 26 of the Covenant, the authors claim that the Supreme Court in the "*Aursunden Case 1997*" judgement, failed to protect the authors from discrimination, since it based its establishment of facts on those made by the Supreme Court in 1897, at a time where the general opinion of the Samis was discriminatory. They contend that the distinction between the authors and the private landowners in the disputed area is not based on objective and reasonable criteria.

3.16 The authors contend that the domestic remedies have been exhausted through the national lawsuits of the "*Korssjøfjell Case*", the "*Aursunden Case 1997*", and the "*Tamnes Case*" which have all been decided finally by the Norwegian Supreme Court. There is still a lawsuit pending, in the "*Selbu Case*", and a new conflict has arisen in a large area between Aursunden and Selbu called "*Holtaalen*". Although the authors primarily request the Committee to evaluate whether the Supreme Court in the "*Aursunden Case 1997*" and the "*Korssjøfjell Case*", and whether the State party in general have failed to protect the material foundation of the southern Sami culture, and whether the Norwegian legal system in itself comprises violations of the Covenant, the authors contend that the Committee should take both final and pending cases into its consideration. The authors believe that they cannot be expected to continue to make the same requests to the same national courts, on the basis of almost the same facts for each and every area within their district, before the Committee can decide whether or not the Covenant has been violated.

3.17 The authors have filed an application for expropriation to the administrative authorities in Norway so as to ensure that lands for reindeer grazing is available.

Nevertheless, they consider it practically impossible to avoid that reindeer enter the areas covered by the decisions in the "*Korssjøfjell Case*" and the "*Aursunden Case 1997*", and thus they run a constant risk of being charged for illegal use of these areas. The authorities have a discretionary power to decide the application for expropriation. The examination is expected to be long and the outcome is uncertain. According to the authors, it has yet not occurred that Sami herdsmen in a similar position to the authors' have been given full reparation by expropriation. In spite of the fact that the expropriation case is pending, the authors consider that after more than a hundred years of dispute with private landowners, domestic remedies should be considered exhausted or ineffective.

Consideration of admissibility

8.1 Before considering any claim contained in a communication, the Human Rights Committee must, in accordance with rule 87 of its rules of procedure, decide whether or not the communication is admissible under the Optional Protocol to the Covenant.

8.2 The Committee has ascertained that the same matter is not being examined under another procedure of international investigation or settlement for purposes of article 5, paragraph 2 (a) of the Optional Protocol.

8.3 In respect of articles 26 and 2, the Committee notes the authors' arguments that the Supreme Court in the "*Aursunden Case 1997*" attached importance to the Supreme Court decision in 1897, and that the latter decision was based upon discriminatory views of the Samis. However, the authors have not provided information which would call into doubt the finding of the Supreme Court in the "*Aursunden Case 1997*" that the Supreme Court in 1897 was not biased against the Samis. It is not for the Committee to re-evaluate the facts that have been considered by the Supreme Court in the "*Aursunden Case 1997*". The Committee is of the opinion that the authors have failed to substantiate this part of their claim, for the purposes of admissibility, and it is therefore inadmissible under article 2 of the Optional Protocol.

8.4 In respect of the alleged violation of article 27 in conjunction with article 2 of the Covenant, the State party objects to the admissibility on the grounds that the authors are not victims in the terms of article 1 of the Optional Protocol, and that the authors have failed to exhaust domestic remedies under article 5, paragraph 2 (b) of the Optional Protocol.

8.5 The Committee notes the State party's argument that the authors' claim constitutes an *actio popularis*, since the authors cannot be considered victims of a violation by the State party of article 27 of the Covenant, in the terms of article 1 of the Optional Protocol. However, the Committee finds that the authors' claim relates to denial of their reindeer herding rights in specific areas. It therefore rejects the State party's claim that this part of the communication be rejected under article 1 of the Optional Protocol.

8.6 Regarding the State party's allegation under article 5, paragraph 2 (b) of the Optional Protocol, that the authors have failed to exhaust domestic remedies, the Committee notes that the State party has argued that the authors have not exhausted the remedy of claiming expropriation to the administrative authorities. Although the

authors have pursued the domestic judicial remedies in their disputes with the landowners in the "*Tamnes Case*", the "*Aursunden Case 1997*" and the "*Korssjøfjell Case*", their petitions for expropriation in the two latter cases are still pending, whereas the authors have not petitioned for expropriation in the former case. The Committee recalls that for the purpose of article 5, paragraph 2 (b) of the Optional Protocol, an applicant must make use of all judicial or administrative avenues that offer him a reasonable prospect of redress. The application for expropriation, a remedy provided by the 1996 law, is still pending. It would therefore appear that domestic remedies have not been exhausted.

8.7 However, the question is whether the application of these remedies has been unreasonably prolonged. The Committee notes the authors' argument that they have pursued domestic judicial remedies for more than a century and that their petitions for expropriation, which were initiated in 1998 and 1999, are still pending, making the avenues for a remedy unreasonably prolonged.

8.8 The Committee considers that the period of time it has taken for the authors to obtain a remedy, may not be gauged from the time the Samis have litigated grazing rights, but from the time the authors themselves have sought a remedy. The Committee notes that the authors brought their claims for expropriation on 2 April 1998 in the "*Aursunden Case*" and on 9 April 1999 in the "*Korssjøfjell Case*". As part of the process, a negotiation was established which recommended an agreement in February 2000, but this agreement was rejected in May 2000. This forced the authorities to reopen the expropriation procedure.

8.9 The Committee considers that the amendment of the Reindeer Husbandry Act and the subsequent negotiations aiming at providing a remedy for the authors, provide a reasonable explanation for the length of the examination of the authors' claim. It cannot conclude that the Norwegian legislation, obliging the authors to follow the procedure of settling their claims with the landowners before bringing a claim of expropriation, is unreasonable. The Committee also notes that while the authors have been subjected to one case of a criminal charge for illegal use of the disputed land for which they have been acquitted, they have been able to continue their reindeer herding to the same extent as before the relevant Supreme Court judgements. The Committee therefore cannot conclude that the application of domestic remedies has been unduly prolonged. The authors' claim under article 27 is inadmissible for the non-exhaustion of domestic remedies, under article 5, paragraph 2 (b) of the Optional Protocol.

8.10 The Committee is of the opinion that given the new remedy provided by the 1996 law, the claim must be considered inadmissible. Nevertheless, the State party is urged to complete all proceedings regarding the authors' herding rights expeditiously.

9. The Committee therefore decides:

- (a) that the communication is inadmissible under articles 2 and 5, paragraph 2 (b) of the Optional Protocol;
- (b) that this decision shall be communicated to the author and to the State party.

C. General Comments

1. The rights of minorities (Art. 27): 08/04/94. CCPR General comment 23.

1. Article 27 of the Covenant provides that, in those States in which ethnic, religious or linguistic minorities exist, persons belonging to these minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language. The Committee observes that this article establishes and recognizes a right which is conferred on individuals belonging to minority groups and which is distinct from, and additional to, all the other rights which, as individuals in common with everyone else, they are already entitled to enjoy under the Covenant.

2. In some communications submitted to the Committee under the Optional Protocol, the right protected under article 27 has been confused with the right of peoples to self-determination proclaimed in article 1 of the Covenant. Further, in reports submitted by States parties under article 40 of the Covenant, the obligations placed upon States parties under article 27 have sometimes been confused with their duty under article

2.1 to ensure the enjoyment of the rights guaranteed under the Covenant without discrimination and also with equality before the law and equal protection of the law under article 26.

3.1. The Covenant draws a distinction between the right to self-determination and the rights protected under article 27. The former is expressed to be a right belonging to peoples and is dealt with in a separate part (Part I) of the Covenant. Self-determination is not a right cognizable under the Optional Protocol. Article 27, on the other hand, relates to rights conferred on individuals as such and is included, like the articles relating to other personal rights conferred on individuals, in Part III of the Covenant and is cognizable under the Optional Protocol.

3.2. The enjoyment of the rights to which article 27 relates does not prejudice the sovereignty and territorial integrity of a State party. At the same time, one or other aspect of the rights of individuals protected under that article - for example, to enjoy a particular culture - may consist in a way of life which is closely associated with territory and use of its resources. This may particularly be true of members of indigenous communities constituting a minority.

4. The Covenant also distinguishes the rights protected under article 27 from the guarantees under articles 2.1 and 26. The entitlement, under article 2.1, to enjoy the rights under the Covenant without discrimination applies to all individuals within the territory or under the jurisdiction of the State whether or not those persons belong to a minority. In addition, there is a distinct right provided under article 26 for equality before the law, equal protection of the law, and non-discrimination in respect of rights granted and obligations imposed by the States. It governs the exercise of all rights, whether protected under the Covenant or not, which the State party confers by law on individuals within its territory or under its jurisdiction, irrespective of whether they belong to the minorities specified in article 27 or not. Some States parties who claim that they do not discriminate on grounds of ethnicity, language or religion, wrongly contend, on that basis alone, that they have no minorities.

5.1. The terms used in article 27 indicate that the persons designed to be protected are those who belong to a group and who share in common a culture, a religion and/or a language. Those terms also indicate that the individuals designed to be protected need not be citizens of the State party. In this regard, the obligations deriving from article 2.1 are also relevant, since a State party is required under that article to ensure that the rights protected under the Covenant are available to all individuals within its territory and subject to its jurisdiction, except rights which are expressly made to apply to citizens, for example, political rights under article 25. A State party may not, therefore, restrict the rights under article 27 to its citizens alone.

5.2. Article 27 confers rights on persons belonging to minorities which "exist" in a State party. Given the nature and scope of the rights envisaged under that article, it is not relevant to determine the degree of permanence that the term "exist" connotes. Those rights simply are that individuals belonging to those minorities should not be denied the right, in community with members of their group, to enjoy their own culture, to practise their religion and speak their language. Just as they need not be nationals or citizens, they need not be permanent residents. Thus, migrant workers or even visitors in a State party constituting such minorities are entitled not to be denied the exercise of those rights. As any other individual in the territory of the State party, they would, also for this purpose, have the general rights, for example, to freedom of association, of assembly, and of expression. The existence of an ethnic, religious or linguistic minority in a given State party does not depend upon a decision by that State party but requires to be established by objective criteria.

5.3. The right of individuals belonging to a linguistic minority to use their language among themselves, in private or in public, is distinct from other language rights protected under the Covenant. In particular, it should be distinguished from the general right to freedom of expression protected under article 19. The latter right is available to all persons, irrespective of whether they belong to minorities or not. Further, the right protected under article 27 should be distinguished from the particular right which article 14.3 (f) of the Covenant confers on accused persons to interpretation where they cannot understand or speak the language used in the courts. Article 14.3 (f) does not, in any other circumstances, confer on accused persons the right to use or speak the language of their choice in court proceedings.

6.1. Although article 27 is expressed in negative terms, that article, nevertheless, does recognize the existence of a "right" and requires that it shall not be denied. Consequently, a State party is under an obligation to ensure that the existence and the exercise of this right are protected against their denial or violation. Positive measures of protection are, therefore, required not only against the acts of the State party itself, whether through its legislative, judicial or administrative authorities, but also against the acts of other persons within the State party.

6.2. Although the rights protected under article 27 are individual rights, they depend in turn on the ability of the minority group to maintain its culture, language or religion. Accordingly, positive measures by States may also be necessary to protect the identity of a minority and the rights of its members to enjoy and develop their culture and language and to practise their religion, in community with the other members of the group. In this connection, it has to be observed that such positive

measures must respect the provisions of articles 2.1 and 26 of the Covenant both as regards the treatment between different minorities and the treatment between the persons belonging to them and the remaining part of the population. However, as long as those measures are aimed at correcting conditions which prevent or impair the enjoyment of the rights guaranteed under article 27, they may constitute a legitimate differentiation under the Covenant, provided that they are based on reasonable and objective criteria.

7. With regard to the exercise of the cultural rights protected under article 27, the Committee observes that culture manifests itself in many forms, including a particular way of life associated with the use of land resources, especially in the case of indigenous peoples. That right may include such traditional activities as fishing or hunting and the right to live in reserves protected by law. The enjoyment of those rights may require positive legal measures of protection and measures to ensure the effective participation of members of minority communities in decisions which affect them.

8. The Committee observes that none of the rights protected under article 27 of the Covenant may be legitimately exercised in a manner or to an extent inconsistent with the other provisions of the Covenant.

9. The Committee concludes that article 27 relates to rights whose protection imposes specific obligations on States parties. The protection of these rights is directed towards ensuring the survival and continued development of the cultural, religious and social identity of the minorities concerned, thus enriching the fabric of society as a whole. Accordingly, the Committee observes that these rights must be protected as such and should not be confused with other personal rights conferred on one and all under the Covenant. States parties, therefore, have an obligation to ensure that the exercise of these rights is fully protected and they should indicate in their reports the measures they have adopted to this end.

2. General comment No. 12: Article 1 (Right to self-determination)

1. In accordance with the purposes and principles of the Charter of the United Nations, article 1 of the International Covenant on Civil and Political Rights recognizes that all peoples have the right of self-determination. The right of self-determination is of particular importance because its realization is an essential condition for the effective guarantee and observance of individual human rights and for the promotion and strengthening of those rights. It is for that reason that States set forth the right of self-determination in a provision of positive law in both Covenants and placed this provision as article 1 apart from and before all of the other rights in the two Covenants.

2. Article 1 enshrines an inalienable right of all peoples as described in its paragraphs 1 and 2. By virtue of that right they freely “determine their political status and freely pursue their economic, social and cultural development”. The article imposes on all States parties corresponding obligations. This right and the corresponding obligations concerning its implementation are interrelated with other provisions of the Covenant and rules of international law.

3. Although the reporting obligations of all States parties include article 1, only some reports give detailed explanations regarding each of its paragraphs. The Committee has noted that many of them completely ignore article 1, provide inadequate information in regard to it or confine themselves to a reference to election laws. The Committee considers it highly desirable that States parties' reports should contain information on each paragraph of article 1.

4. With regard to paragraph 1 of article 1, States parties should describe the constitutional and political processes which in practice allow the exercise of this right.

5. Paragraph 2 affirms a particular aspect of the economic content of the right of self-determination, namely the right of peoples, for their own ends, freely to "dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence". This right entails corresponding duties for all States and the international community. States should indicate any factors or difficulties which prevent the free disposal of their natural wealth and resources contrary to the provisions of this paragraph and to what extent that affects the enjoyment of other rights set forth in the Covenant.

6. Paragraph 3, in the Committee's opinion, is particularly important in that it imposes specific obligations on States parties, not only in relation to their own peoples but vis-à-vis all peoples which have not been able to exercise or have been deprived of the possibility of exercising their right to self-determination. The general nature of this paragraph is confirmed by its drafting history. It stipulates that "The States parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations". The obligations exist irrespective of whether a people entitled to self-determination depends on a State party to the Covenant or not. It follows that all States parties to the Covenant should take positive action to facilitate realization of and respect for the right of peoples to self-determination. Such positive action must be consistent with the States' obligations under the Charter of the United Nations and under international law: in particular, States must refrain from interfering in the internal affairs of other States and thereby adversely affecting the exercise of the right to self-determination. The reports should contain information on the performance of these obligations and the measures taken to that end.

7. In connection with article 1 of the Covenant, the Committee refers to other international instruments concerning the right of all peoples to self-determination, in particular the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, adopted by the General Assembly on 24 October 1970 (General Assembly resolution 2625 (XXV)).

8. The Committee considers that history has proved that the realization of and respect for the right of self-determination of peoples contributes to the establishment

of friendly relations and cooperation between States and to strengthening international peace and understanding.

3. General comment No. 27: Article 12 (Freedom of movement)

16. States have often failed to show that the application of their laws restricting the rights enshrined in article 12, paragraphs 1 and 2, are in conformity with all requirements referred to in article 12, paragraph 3. The application of restrictions in any individual case must be based on clear legal grounds and meet the test of necessity and the requirements of proportionality. These conditions would not be met, for example, if an individual were prevented from leaving a country merely on the ground that he or she is the holder of “State secrets”, or if an individual were prevented from travelling internally without a specific permit. On the other hand, the conditions could be met by restrictions on access to military zones on national security grounds, or limitations on the freedom to settle in areas inhabited by indigenous or minorities communities.

4. General comment No. 31: The Nature of the General Legal Obligation Imposed on States Parties to the Covenant (2004)

9. The beneficiaries of the rights recognized by the Covenant are individuals. Although, with the exception of article 1, the Covenant does not mention the rights of legal persons or similar entities or collectivities, many of the rights recognized by the Covenant, such as the freedom to manifest one’s religion or belief (art. 18), the freedom of association (art. 22) or the rights of members of minorities (art. 27), may be enjoyed in community with others. The fact that the competence of the Committee to receive and consider communications is restricted to those submitted by or on behalf of individuals (article 1 of the (first) Optional Protocol) does not prevent such individuals from claiming that actions or omissions that concern legal persons and similar entities amount to a violation of their own rights.

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A. Concluding Observations

1. Ecuador. 07/06/2004. E/C.12/1/Add.100.

4. The Committee notes with appreciation that the new Constitution of Ecuador, adopted in 1998, declares that the State party is a multicultural and multiethnic State, and it incorporates a wide range of human rights, including a number of economic, social and cultural rights enshrined in the Covenant.

9. The Committee takes note that the structural adjustment policies in the State party have negatively affected the enjoyment of economic, social and cultural rights by the population, particularly the disadvantaged and marginalized groups of society. It especially notes the high percentage of the annual national budget (around 40 per cent) allocated to foreign debt servicing that seriously limits the resources available for the achievement of effective enjoyment of economic, social and cultural rights.

11. The Committee is concerned that, despite the legal framework in place and the growing influence of indigenous grassroots community groups, indigenous people continue to suffer discrimination, particularly with regard to employment, housing, health and education.

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

28. The Committee is concerned that, despite the constitutional guarantees of the right of the indigenous people to own property communally, the State party does not provide effective protection for the indigenous people against forced evictions from their ancestral lands.

31. 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.

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

34. The Committee recommends that the State party take effective and practical steps to ensure effective protection of indigenous people against discrimination in many fields, especially with regard to employment, housing, health and education. It also requests that the State party include in the next periodic report information on the impact of programmes aimed to ensure economic, social and cultural rights to indigenous people and data regarding any progress made in this respect.

35. The Committee strongly urges the State party to ensure that indigenous people participate in decisions affecting their lives. The Committee particularly requests that the State party consult and seek the consent of the indigenous people concerned prior

to the implementation of natural resources-extracting projects and on public policy affecting them, in accordance with ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries. The Committee strongly recommends that the State party implement legislative and administrative measures to avoid violations of environmental laws and rights by transnational companies.

53. The Committee calls upon the State party to ensure that indigenous people are effectively protected from forced evictions from their ancestral lands and that they are properly compensated, should such evictions take place. In this regard, the Committee brings to the State party's attention general comment No. 7 (Forced evictions) and requests that detailed information on this issue be included in its next periodic report.

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

2. Guatemala. 12/12/2003. E/C.12/1/Add.93.

5. The Committee welcomes the establishment of the Office for the Defence of Indigenous Women's Rights for the promotion and development of proposals for government policies, plans and programmes for the defence of the rights of indigenous women.

6. The Committee takes note with satisfaction of the adoption of Legislative Decree No. 19 of May 2003 on national languages recognizing, promoting and respecting the languages of the Maya, Garifuna and Xinka people.

10. The Committee is concerned by the insufficient progress made by the State party towards the effective implementation of the Peace Agreements of 1996 (including the Global Agreement on Human Rights, the Agreement on Social and Economic Aspects and the Agrarian Situation) which have led to persistent serious problems, such as violence at the national level, intimidation, corruption, impunity and lack of constitutional, fiscal, educational and agrarian reforms. All these have impacted adversely on the full realization of economic, social and cultural rights enshrined in the Covenant, particularly with regard to indigenous peoples.

11. The Committee is concerned about the persisting discrimination against indigenous peoples, with regard to access to, inter alia, land ownership, work, education, health services and adequate nutrition and housing.

13. The Committee is concerned about the high level of unemployment, in particular among indigenous peoples. In this regard, the Committee takes note that the State party has not yet ratified International Labour Organization Convention No. 2 on Unemployment.

22. The Committee is concerned about the high level of poverty which affects, according to official statistics, 73.8 per cent of the indigenous population and 40.6 per cent of non-indigenous populations.

24. The Committee continues to be deeply concerned that the uneven distribution of wealth and land and the high level of social exclusion, in particular among indigenous and rural populations, hinder the full enjoyment of economic, social and cultural rights.

27. The Committee is concerned that only 30 per cent of children living in rural communities complete primary education and, in the case of indigenous children, only 20 per cent complete the primary level of education. The Committee also expresses its concern about the limited access for indigenous peoples to enjoy education in their mother tongue and to use their mother tongue in their dealings with public authorities.

29. The Committee recommends that the State party increase its efforts to combat discrimination against indigenous peoples, in particular in the areas of employment, health services, land ownership, adequate nutrition, housing and education.

42. The Committee reiterates its previous recommendation (E/C.12/1/Add.3, para. 24) and urges the State party to implement the measures contained in the Peace Agreements of 1996, in particular those related to the agrarian reform and the devolution of communal indigenous lands.

45. The Committee urges the State party to make efforts to increase school attendance of children, particularly of indigenous children. The Committee recommends that the State party broaden its intercultural bilingual education and allocate adequate funds and human resources to the Department of Bilingual Education, and improve the working conditions of teachers by paying them better salaries and providing them with training as well as hiring additional teachers to fully cover rural areas.

3. Russian Federation. 12/12/2003. E/C.12/1/Add.94.

11. The Committee is concerned about the precarious situation of indigenous communities in the State party, affecting their right to self-determination under article 1 of the Covenant. The Committee notes that the Law of 2001 On Territories of Traditional Nature Use of Indigenous Numerically Small Peoples of the North, Siberia and the Far East of the Russian Federation, which provides for the demarcation of indigenous territories and protection of indigenous land rights, has still not been implemented.

39. The Committee, recalling the right to self-determination enshrined in article 1 of the Covenant, urges the State party to intensify its efforts to improve the situation of the indigenous peoples and to ensure that they are not deprived of their means of subsistence. The Committee also encourages the State party to ensure the effective implementation of the Law on Territories and Traditional Nature Use.

59. The Committee calls upon the State party to ensure that the ongoing reform of the health sector will improve the quality of and equitable access to health services in all regions of the country. The State party should also take effective measures to improve the health status of indigenous peoples in the regions of the Far North.

4. Brazil. 23/05/2003. E/C.12/1/Add.87.

20. The Committee is concerned about the widespread and deeply rooted discrimination against Afro-Brazilians, indigenous peoples and minorities groups such as Gypsies and the Quilombo communities.

35. The Committee is deeply concerned that the State party does not provide sufficient protection for indigenous peoples, who continue to be forcibly evicted from their lands and face threats to their lives and even execution. The Committee also notes with concern that the right of indigenous peoples to own land is not respected and that mineral, timber and other commercial interests have been allowed to expropriate, with impunity, large portions of land belonging to indigenous peoples.

44. 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. The Committee also requests the State party to include in its second periodic report detailed and comprehensive information, including comparative and disaggregated statistical data, on these matters.

58. The Committee calls upon the State party to ensure that indigenous peoples are effectively protected from threats and danger to their lives and from eviction from their lands. The Committee particularly urges the State party to seek the consent of the indigenous peoples concerned prior to the implementation of timber, soil or subsoil mining projects and any public policy affecting them, in accordance with ILO Convention No. 169.

5. New Zealand. 23/05/2003. E/C.12/1/Add.88

6. The Committee notes with appreciation the efforts undertaken by the State party to ensure that the indigenous Maori people enjoy their rights under the Covenant. The Committee notes with satisfaction that the State party's delegation included a senior official of the Ministry of Maori Development.

15. While taking note of the measures taken by the State party to confront domestic violence under the Ministry of Health Family Violence Project, the Committee is concerned about the persistence of the phenomenon among all socio-economic groups and especially among the indigenous Maori people.

18. The Committee notes with concern that despite improvements in some health indicators, the general health situation of the indigenous Maori people continues to be worse than that of other segments of the population in the State party. In particular, the Committee is concerned that the life expectancy of Maoris is significantly lower than the national average.

20. The Committee is concerned about persistent inequalities between the Maori and non-Maori people in access to education and the high drop-out rates, especially among Maori children and young people and the disadvantaged and marginalized groups.

32. The Committee recommends that the State party adopt a national plan to combat poverty with clear indicators to assess its impact on the incidence of poverty, in particular among disadvantaged and marginalized groups, the indigenous Maori people and Pacific Islanders. In this respect, the Committee refers the State party to its statement on poverty adopted on 4 May 2001 (E/C.12/2001/10).

33. The Committee requests the State party to adopt effective measures to improve the health situation of the indigenous Maori people.

35. The Committee urges the State party to take remedial action to ensure that the indigenous Maori people have equal access to education. Moreover, the Committee requests the State party to provide in its next periodic report disaggregated data on a comparative basis on enrolment and drop-out rates among Maori children and young people, and the disadvantaged and marginalized groups.

6. Sweden. 30/11/2001. E/C.12/1/Add.70

16. The Committee expresses its concern about the persisting unclear situation with regard to the Sami land rights.

17. The Committee regrets that the State party has not yet ratified International Labour Organization (ILO) Convention No. 169 (Indigenous and Tribal Peoples Convention, 1989) in spite of an apparently favourable attitude towards it.

28. The Committee recommends the State party to implement the proposal made in the additional information provided after the dialogue had taken place of setting up a committee to review, identify and clarify the issues concerning the land rights of the Sami, so that ILO Convention No. 169 can soon be ratified.

7. Algeria. 30/11/2001. E/C.12/1/Add.71

13. The Committee notes with concern that Arabic is the only official language in the State party and that the Amazigh population continues to be denied the use of their language at the official level. The Committee further notes the announcement by the Government on 3 October 2001 that the Constitution will be amended to make Amazigh a national language.

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

8. Colombia. 30/11/2001. E/C.12/1/Add.74.

11. The Committee notes with serious concern the increasing number of internally displaced persons (IDPs). The Committee is particularly concerned that the IDPs come from the most disadvantaged and marginalized groups, predominantly women and children, peasants and members of the country's indigenous and Afro-Colombian communities who have been driven out of their areas by violence and armed conflict. In particular, the Committee notes with concern the negative consequences of the military part of Plan Colombia, which has led to further displacements of population groups affected by the spraying of illegal crops.

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

32. The Committee urges the State party to undertake effective measures to avoid the displacement of persons, to implement the decisions of the Constitutional Court in this regard and to establish a comprehensive public policy giving priority to this problem.

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

9. Panama. 24/09/2001. E/C.12/1/Add.64

6. The Committee notes with appreciation the establishment by Act No. 10 of 1997, Act No. 69 of 1998 and Executive Decree No. 194 of 1999 of a territorial demarcation (comarca) for the Nöbe-Buglé indigenous community, which the Committee had recommended as a result of its 1995 technical assistance mission to Panama.

12. Notwithstanding the absence of legal discrimination and the rights granted to indigenous communities by the Constitution, the Committee is deeply concerned about the persisting disadvantage faced in practice by members of indigenous communities in Panama, and in particular about the marked disparities in the levels of poverty and literacy and access to water, employment, health, education and other basic social services. The Committee is also concerned that the issue of land rights of indigenous peoples has not been resolved in many cases and that their land rights are threatened by mining and cattle ranching activities which have been undertaken with the approval of the State party and have resulted in the displacement of indigenous peoples from their traditional ancestral and agricultural lands.

28. The Committee reiterates its recommendation encouraging the State party to consider ratifying the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169). It urges the State party to pay particular attention to improving poverty and literacy rates and access to water, employment, health, education and other basic social services for indigenous peoples. The Committee recommends that the issue of land rights of indigenous peoples be fully resolved so as to avoid their coming under threat by mining and cattle ranching activities that result in their displacement from their traditional ancestral and agricultural lands.

10. Japan. 24/09/2001. E/C.12/1/Add.67.

13. The Committee is concerned about the persisting de jure and de facto discrimination against minority groups in Japanese society, and in particular against the Buraku and Okinawa communities, the indigenous Ainu people and people of Korean descent, especially in the fields of employment, housing and education.

18. The Committee is concerned that the State party has not ratified certain significant ILO conventions, such as the Abolition of Forced Labour Convention, 1957 (No. 105), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Indigenous and Tribal Peoples Convention, 1989 (No. 169).

39. The Committee requests the State party to take note of its position that the principle of non-discrimination, as laid down in article 2 (2) of the Covenant, is an absolute principle and can be subject to no exception, unless the distinction is based on objective criteria. The Committee strongly recommends that the State party strengthen its non-discrimination legislation accordingly.

40. While noting that the State party is currently in the process of consultations with Koreans living in the Utoro area regarding their unresolved situation, the Committee recommends that the State party continue to undertake necessary measures to combat patterns of de jure and de facto discrimination against all minority groups in Japanese society, including the Buraku people, the people of Okinawa and the indigenous Ainu, particularly in the fields of employment, housing and education.

45. The Committee encourages the State party to consider ratifying ILO Conventions Nos. 105, 111 and 169.

11. Venezuela. 21/05/2001. E/C.12/1/Add.56.

12. The Committee deplors the discrimination against indigenous people, particularly with regard to access to land ownership, housing, health services and sanitation, education, work and adequate nutrition. The Committee is particularly concerned about the adverse effects of the economic activities connected with the exploitation of natural resources, such as mining in the Imataca Forest Reserve and coal-mining in the Sierra de Perijá, on the health, living environment and way of life of the indigenous populations living in these regions.

17. The Committee is deeply concerned that the efforts of the State party to improve the situation of its people are inadequate, and that there is still an alarmingly high level of poverty in Venezuela, especially among the indigenous peoples, and that economic, social and cultural rights are not integrated into the Government's anti-poverty programme.

22. The Committee requests the State party to provide, in its next periodic report, detailed information on the situation of indigenous peoples and on the efforts, if any, by the Government to acknowledge the specific economic, social and cultural rights of the indigenous people as a distinct minority group and to improve their situation, in particular in the Imataca Forest Reserve and the Sierra de Perijá.

29. The Committee requests the State party to provide, in its next periodic report, detailed information about the functioning of the social security system, the privatization of the health-care system and the integration of vulnerable groups, including indigenous people, into the health-care system.

12. Honduras. 21/05/2001. E/C.12/1/Add.57.

14. The Committee is concerned about the persisting discrimination against indigenous populations, especially in the field of employment, and the protection of traditional ancestral and agricultural lands.

23. The Committee is concerned about the occurrence of forced evictions, especially among peasants and indigenous populations and in the areas where mining activities are conducted, without adequate compensation or appropriate relocation measures.

25. The Committee deeply regrets the lack of measures by the State party to address effectively the problem of excessive deforestation, which negatively affects the habitat of indigenous populations.

29. The Committee expresses its concern about the limited possibilities for indigenous peoples to be educated and to have access to the judicial system in their native languages.

33. The Committee recommends that the State party recognize the economic, social and cultural rights of indigenous populations as a distinct minority group and ensure more effective protection against discrimination, especially in the field of employment, health and education.

44. The Committee recommends that the State party review its legislation and adopt all appropriate measures with a view to continuing agrarian reform and addressing land tenure issues, in such a manner as to take account of the needs of the *campesinos* and of the land rights of indigenous populations.

45. Given that mining concessions may have a significant impact on the enjoyment of article 12 and other provisions of the Covenant, the Committee recommends that applications for mining concessions be publicized in all the localities where the

mining will take place, and that opposition to such applications be allowed within three months (not 15 days) of their publication in the relevant locality, in accordance with principles of procedural fairness.

52. The Committee recommends that the State party undertake measures to ensure that indigenous populations are able to be educated and to have access to the judicial system in their own languages.

13. Bolivia. 21/05/2001. E/C.12/1/Add.60.

7. The Committee notes with appreciation that article 1 of the Constitution establishes Bolivia as a multicultural and multi-ethnic democracy. In this regard, the Committee notes with interest the announcement by the delegation of the future enactment on 31 May 2001 of the new Penal Procedures Code, which renders three of the main indigenous languages, namely Quechua, Aymara and Tupi Guarani, languages of judicial and administrative procedures.

14. The Committee is particularly concerned about the marginalization of, and discrimination against, indigenous communities in Bolivia, who constitute the majority of Bolivia's rural population and who suffer from inadequate access to basic education, adequate housing, and health services. Moreover, the Committee is concerned that the State party does not acknowledge the economic, social and cultural rights of indigenous populations as a distinct group.

21. The Committee is concerned about the large housing shortage, the incidence of forced evictions with respect to peasants and indigenous populations in favour of mining and lumber concessions, and the absence of effective measures to provide social housing for low-income, vulnerable and marginalized groups.

24. The Committee expresses its concern about the limited possibilities for indigenous populations to enjoy education in their mother tongue and to use their mother tongue in their dealings with public authorities.

30. The Committee urges the State party to take remedial action against the marginalization of, and discrimination against, indigenous populations in all sectors of society. The Committee requests the State party to provide, in its second periodic report, detailed information about the efforts made by the State party to enhance the enjoyment of rural populations, in particular rural indigenous populations, of their economic, social and cultural rights.

41. The Committee recommends that the State party address the problems of the large housing shortage, the high incidence of forced evictions and the lack of social housing for low-income, vulnerable and marginalized groups. The Committee requests the State party, in its second periodic report, to give detailed information on the number and nature of forced evictions having taken place in Bolivia, in accordance with General Comment No. 7 of the Committee [see below].

45. The Committee encourages the State party to proceed with enacting the Penal Procedures Code, which renders three of the main indigenous languages, namely Quechua, Aymara and Tupi Guarani, languages of judicial and administrative procedures.

14. Australia. 01/09/2000. E/C.12/1/Add.50.

8. The Committee notes that, in August 1999, the Parliament passed a motion expressing commitment to reconciliation with the indigenous populations of Australia as an important national priority, and a "deep and sincere regret" for past policies that

have negatively affected them. The Committee also notes that, in May 2000, the Council for Aboriginal Reconciliation presented to the Australian people its final proposals for a Document of Reconciliation towards the development of measures to improve the position of the indigenous populations of Australia.

9. The Committee notes that the State party has allocated 2.3 billion Australian dollars for giving priority to indigenous programmes.

10. The Committee welcomes the partnership between the State party and indigenous communities in initiatives aimed at providing greater access for indigenous peoples to culturally appropriate health services and allocating significant resources for the improvement of indigenous health in general.

15. The Committee expresses its deep concern that, despite the efforts and achievements of the State party, the indigenous populations of Australia continue to be at a comparative disadvantage in the enjoyment of economic, social and cultural rights, particularly in the field of employment, housing, health and education.

16. The Committee notes with regret that the amendments to the 1993 Native Title Act have affected the reconciliation process between the State party and the indigenous populations, who view these amendments as regressive.

25. The Committee encourages the State party to pursue its efforts in the process of reconciliation with Australia's indigenous peoples and its efforts to improve the disadvantaged situation they are in.

15. Congo. 23/05/2000. E/C.12/1/Add.45.

18. With regard to ethnic minorities, the Committee has discerned a similar pattern. The Pygmies do not enjoy equal treatment in the predominantly Bantu society. Pygmies are severely marginalized in the areas of employment, health and education, and are usually considered socially inferior.

27. The Committee also urges the State party to adopt measures in order to fully integrate Pygmies into Congolese society, so that they may fully enjoy their economic, social and cultural rights.

16. Argentina. 08/12/99. E/C.12/1/Add.38.

4. The Committee notes with satisfaction article 75 of the 1994 Constitution, which provides for the restitution to the indigenous peoples of some of their traditional lands. It further welcomes the restitution of large tracts of traditional lands.

11. The Committee is concerned about the six Mapuche indigenous communities who, despite having obtained legal recognition of their rights over some of their traditional lands in the Pulmari area, have not yet received the property deeds to these. It is also concerned about the status of the Indigenous and Tribal Peoples Convention, 1989 (Convention No. 169) of the International Labour Organization, the ratification of which was authorized by the National Congress in 1989 but which has yet to take place.

29. The Committee recommends that the State party ratify ILO Convention No. 169, in accordance with the authorization given by the National Congress in 1989, and to find a solution that will satisfy the rights of the Mapuche communities in the Pulmari region.

17. Cameroon. 08/12/99. E/C.12/1/Add.40.

23. The Committee is concerned about the protection of the rights of the Baka Pygmies, in particular their right to an adequate standard of living including the right to food, which have been adversely affected by the depletion of the natural resources of the rainforest upon which they depend for subsistence, and by the compulsory acquisition by the Government of their land.

39. The Committee urges the State party to take effective measures to protect the right of the Baka Pygmies to an adequate standard of living, in particular their right to food, when negotiating contracts for projects which impact negatively on their lives.

18. Mexico. 08/12/99. E/C.12/1/Add.41.

18. The Committee is concerned about the persisting plight of indigenous populations, particularly those of Chiapas, Guerrero, Veracruz and Oaxaca, who have limited access to, *inter alia*, health services, education, work, adequate nutrition and housing.

25. The Committee is concerned about the presence of numerous military and paramilitary forces within the indigenous community of Chiapas and other states in the region, and in particular about the allegations made by civil society organizations that these elements interfere with the supervision and implementation of development programmes and the distribution of economic and social assistance, and about the lack of consultations with the communities concerned.

34. The Committee calls upon the State party, when negotiating with international financial institutions and implementing structural adjustment programmes and macroeconomic policies affecting foreign debt servicing, integration into the global free market economy, etc., to take into account their effect on the enjoyment of economic, social and cultural rights, in particular for the most vulnerable groups of society.

44. The Committee recommends that in the State of Chiapas and other states in the region, the State party supervise and regulate the role of military or paramilitary forces in order to guarantee that development and social assistance programmes are implemented with the active participation of the populations concerned and without the interference of armed forces.

19. Denmark. 14/05/99. E/C.12/1/Add.34.

6. The Committee notes the significant degree of autonomy enjoyed by the people of Greenland, which is evident in the existence of an elected parliament, with devolved powers over a wide range of issues, *inter alia* education, health, taxation, trade, fisheries and hunting. It notes with appreciation that the culture of the Greenlandic community is well respected and, in particular, that the indigenous language is official and consequently may be used in contacts with public bodies and before the courts.

20. Canada. 10/12/98. E/C.12/1/Add.31.

7. The Committee notes that, in recognition of the serious issues affecting Aboriginal peoples in Canada, the Government appointed the Royal Commission on Aboriginal Peoples (RCAP), which released a wide-ranging report in 1996 addressing many of the rights enshrined in the Covenant.

17. The Committee is greatly concerned at the gross disparity between Aboriginal people and the majority of Canadians with respect to the enjoyment of Covenant rights. There has been little or no progress in the alleviation of social and economic

deprivation among Aboriginal people. In particular, the Committee is deeply concerned at the shortage of adequate housing, the endemic mass unemployment and the high rate of suicide, especially among youth, in the Aboriginal communities. Another concern is the failure to provide safe and adequate drinking water to Aboriginal communities on reserves. The delegation of the State Party conceded that almost a quarter of Aboriginal household dwellings required major repairs and lacked basic amenities.

18. The Committee views with concern the direct connection between Aboriginal economic marginalization and the ongoing dispossession of Aboriginal people from their lands, as recognized by RCAP, and endorses the recommendations of RCAP that policies which violate Aboriginal treaty obligations and the extinguishment, conversion or giving up of Aboriginal rights and title should on no account be pursued by the State Party. The Committee is greatly concerned that the recommendations of RCAP have not yet been implemented, in spite of the urgency of the situation.

29. The Committee notes that Aboriginal women living on reserves do not enjoy the same right as women living off reserves to an equal share of matrimonial property at the time of marriage breakdown.

43. The Committee calls upon the State Party to act urgently with respect to the recommendations of RCAP. The Committee also calls upon the State Party to take concrete and urgent steps to restore and respect an Aboriginal land and resource base adequate to achieve a sustainable Aboriginal economy and culture.

47. The Committee calls upon the State party, in consultation with the communities concerned, to address the situation described in paragraph 29 with a view to ensuring full respect for human rights.

21. Nigeria. 13/05/98. E/C.12/1/Add.23.

29. The Committee notes with alarm the extent of devastation that oil exploration has done to the environment and quality of life in the areas such as Ogoniland where oil has been discovered and extracted without due regard to the health and well-being of the people and their environment.

38. The rights of minority and ethnic communities -including the Ogoni people - should be respected and full redress should be provided for the violations of the rights set forth in the Covenant that they have suffered.

22. Norway. 01/12/97. E/C.12/1995/18, paras.203-227.

211. The Committee commends the devolution of responsibility to the Sami Assembly with regard to matters relating to the preservation and development of the culture of the members of the Sami community, and notes with appreciation that the Sami language may be used in contacts with public bodies and before the courts.

23. Russian Federation. 20/05/97. E/C.12/1/Add.13.

14. The Committee expresses its concern at the situation of the indigenous peoples of the State party, many of whom live in poverty, and have inadequate access to food supplies, and some of whom suffer from malnutrition. The Committee is particularly concerned for those whose food supply is based on fishing and an adequate stock of reindeer, and who are witnessing the destruction of their environment by widespread pollution. It is alarmed at reports that the economic rights of indigenous peoples are exploited with impunity by oil and gas companies which sign agreements under

circumstances which are clearly illegal, and that the State party has not taken adequate steps to protect the indigenous peoples from such exploitation.

30. The Committee recommends that action be taken to protect the indigenous peoples from exploitation by oil and gas companies, and more generally that action be taken to ensure their access to traditional and other sources of food.

24. Peru. 16/05/97. E/C.12/1/Add.14.

10. The Committee notes with satisfaction the reforms introduced by the Government to improve the educational system and to make it accessible to all sectors of society. It views the literacy and school-building programmes to foster the education of children and adults in rural areas and the comprehensive assistance programme for children as positive steps towards ensuring realization of the right to education. The indigenous-language literacy and education programmes are also of particular importance, as, beyond their practical objectives, they help to preserve indigenous languages and to strengthen the cultural identity of the groups speaking the languages concerned.

11. Peru is made up of three distinct societies, living almost independently one of the others, divided along ethnic, economic, social, cultural and linguistic lines. At the bottom of the pyramid live the bulk of the population, namely the indigenous Indians of the Alto Plano or the mountains and the Amazonian Jungle. Most of them do not speak Spanish, but Quechua or Imaru; they are extremely isolated and marginalized. They are thus not in a position to exercise effectively their economic, social and cultural rights.

12. Given the situation described above, the Committee, although aware of the high cost of rebuilding the infrastructure destroyed during many years of internal violence, is of the opinion that the greatest obstacles to the fulfilment of the economic, social and cultural rights are, *inter alia*: ...

(f) the acute forms of discrimination that particularly afflict women, indigenous people and other minority groups, and the existence of great inequalities permeating Peruvian society.

15. The Committee is particularly concerned at the insufficiency of the fulfilment of the rights of indigenous and black populations to education. It notes for example that about 22% of Quechua speaking inhabitants of Peru, and among them 31% of females over 6 year old, receive no schooling at any level. This situation has lately been aggravated as a result of the decline in government expenditures relative to GDP.

16. Most of the Indian and Mestizo populations of Peru, which amount to over three quarters of the country's total population, are extremely poor, and the Committee notes with concern the precariousness of the health situation of these people. The Committee finds that poor women with no education have a maternal mortality rate ten times higher than that of educated women.

26. The Committee is concerned about the great number of forced evictions of people in the Amazon basin, resulting in the destruction of their habitat and way of life.

27. In the view of the Committee, the introduction and implementation of much-needed social justice measures, *i.e.* political, economic and social reforms, are needed in order to break the vicious circle of violence and counter violence, and to win over the indigenous population, the peasants and other under-privileged sectors of Peruvian society.

28. The Committee also calls upon the Government to make a greater effort to translate the Covenant into appropriate indigenous languages and to give more publicity to its provisions.

30. The Committee urges the State party to take effective action to eliminate all forms of discrimination and marginalization that afflict indigenous populations in the enjoyment of their economic, social and cultural rights.

39. The Committee recommends that the Peruvian authorities take immediate measures to put a stop to the forced evictions of people, especially in the Amazonian basin.

25. Finland. 05/12/96. E/C.12/1/Add.8.

7. The Committee notes with satisfaction the measures aimed at promoting the teaching of the Roma and Sami languages in schools and welcomes the possibility provided to the elected representatives of the Sami people to address the Parliament on issues affecting their interests.

26. Paraguay. 28/05/96. E/C.12/1/Add.1.

9. The Committee is very concerned at the plight of the indigenous population, as well as the estimated 200,000 landless mestizo peasant families. The main reason for hunger and malnutrition of the indigenous population and the deprivation of their rights is linked to the severe problem of obtaining access to traditional and ancestral lands. Though recognized by Law 904/81 and other subsequent laws, this right remains in abeyance. Eighty documented claims for legalizing indigenous access to traditional land have been pending for a number of years. All indigenous groups in the Chaco were expelled from their traditional land by cattle ranchers or industrial enterprises. ...

18. The Committee regrets the apparent failure to disseminate the Covenant in the various sectors of society, particularly in the Guaraní language. The Committee notes that little has been done to inform the general population and, in particular, the indigenous population, of its fundamental rights.

21. The Committee urges the State party to take energetic measures to eliminate the forms of discrimination to which the indigenous peoples are subjected in the enjoyment of their economic, social and cultural rights. It is essential that particular attention should be paid to the land problems which affect them and that genuine political will should be displayed to solve these problems in a human rights context. The Committee also recommends that a detailed study should be carried out, under government auspices, on the socio-economic situation of indigenous women.

27. Guatemala. 28/05/96. E/C.12/1/Add.3.

5. The Committee welcomes the signing on 29 March 1994 of the Comprehensive Agreement on Human Rights and the establishment of the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreements on Human Rights in Guatemala (MINUGUA). Further positive developments are the conclusion of the Agreement on Resettlement of the Population Groups uprooted by the Armed Conflict of 23 June 1994, and the Agreement on the Identity and Rights of Indigenous Peoples of 31 March 1995 signed between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (UNRG). The Government's recent adherence to ILO Convention No. 169 of 1989 concerning Indigenous and Tribal Peoples is also noted with interest.

10. The Committee recognizes that Guatemala continues to suffer from the consequences of armed conflict which has lasted over 30 years. Overcoming the resistance to reform from vested interests which have, in the past, caused the failure of agrarian reform, and which continue to be relevant today, is of major importance. Thus, as recognized by the State party, the root causes of the armed conflict remain to be tackled, embedded as they are in socio-economic disparities and uneven land distribution in an almost feudal like system characterized by discrimination against the indigenous and rural populations.

14. The Committee is extremely concerned at adverse effects that the economic and social disparities existing in the country have on the enjoyment of economic, social and cultural rights by the majority of the population, particularly by the indigenous and rural populations of Guatemala, as well as by other vulnerable groups of society, especially children, persons with disabilities and elderly persons.

15. Far-reaching racial discrimination, extreme poverty and social exclusion in relation to the indigenous populations negatively affect the enjoyment of economic, social and cultural rights by these populations, and are matters of deep concern for the Committee.

17. While the Committee appreciates the open admission of the Government that land was illegally appropriated by force in the past and that plans are in place to address this problem, the Committee remains convinced that the issue of land ownership and distribution of land is crucial to addressing economic, social and cultural grievances of a substantial segment of the population.

24. Thus the Committee is of the opinion that the issue of land ownership and redistribution should be closely monitored, both in the light of the implementation of article 14 of the Political Constitution of the Republic of Guatemala, which provides for the expropriation of fallow land on private estates, and the implementation of the "Acuerdo Sobre Aspectos Socioeconomicos y Situacion Agraria". The establishment of national benchmarks is essential to ensure a systematic review of the progress made towards their implementation and should be viewed as an essential element for ensuring international cooperation and domestic change. The Committee recommends therefore that international cooperation must be devoted to the goal of implementation of economic, social and cultural rights.

27. The Committee recommends that all legislative and other reforms should take into account the need to promote equality and reverse the devastating effects of discrimination against the indigenous populations, in particular through affirmative action.

28. Colombia. 28/12/95. E/C.12/1995/12; E/1996/12, paras.173-202.

177. The Committee takes note of the adoption of the Development Plan for the period 1994-1998 - the "Social Leap" - and acknowledges the efforts made by the Government to respond to the acute social problems affecting the country. Although aware of the persistence of these problems, it commends the Government's programmes to improve the social welfare system, enhance access to education, promote the rights of indigenous peoples and improve care for the homeless, particularly street children.

194. The Committee recommends that the Government continue to give priority to efforts to relieve the plight of indigenous communities, displaced persons, the homeless, and other persons living on the margins of society. The Committee urges

the Government to ensure that these persons' most basic needs are addressed, irrespective of any long-term strategy.

**29. Concluding observations: report on the technical assistance mission:
Panama. 20/06/95. E/C.12/1995/8.**

C. Concrete examples of housing problems

The specific case of the indigenous territories

66. The Committee had received reports from NGOs concerning several expulsions in the territory occupied by the indigenous Ngöbe-Buglé people, as illustrated by the case of Puente Blanco in the province of Bocas del Toro and the case of Campo Alegre in the province of Chiriquí.

67. Plans had been made for the mission to visit that area in order to inspect the sites and interview the indigenous populations. However, since a dispute had broken out between the indigenous populations and a mining company that wanted to carry out mining operations in the Ngöbe-Buglé territory, the Government felt that, for security reasons, the mission should not travel to the provinces of Bocas del Toro and Chiriquí. The members of the mission found that regrettable because the local communities were expecting them and several persons had travelled long distances to meet them. Finally, in the capital, they were able to meet the chiefs of the various communities, who informed them of their problems.

68. The provinces of Bocas del Toro, Chiriquí and Veraguas are undoubtedly the poorest in the country and the indigenous communities constitute the most disadvantaged populations, living in conditions of extreme poverty and legal insecurity with regard to the ownership of their lands. Their main demand, which they explained to us in simple and often very poetic language, is the demarcation of their territory (the Comarca), for which they have been fighting since the 1960s.

69. They live from subsistence agriculture and are facing serious ecological difficulties, particularly problems of soil erosion. The incursion of mining companies into the region and their desire to exploit the subsoil without overly concerning themselves with the damage caused to the Ngöbe-Buglé communities is giving rise to conflicts that could become serious unless rapid measures are taken.

70. The general congress of the Ngöbe-Buglé people, which was attended by more than 5,000 indigenous inhabitants in March 1995, demanded, in particular, urgent consideration of the draft bill establishing the "Comarca Ngöbe-Buglé"; it also requested provision of the requisite medical resources and called for ratification of ILO Convention No. 169. It condemned the proliferation of mining activities that are threatening its people's survival and requested the right to be consulted in this regard. It opposed any expulsion, threat or intimidation on the part of the landowners.

79. In the light of the foregoing the Committee recommends that the Government of Panama should: ...

(ii) Speed up the legislative process for the demarcation of the indigenous Comarca of the Ngöbe-Buglé in the provinces of Bocas del Toro, Chiriquí and Veraguas and suspend mining operations pending consultation with the populations concerned;

(iii) Put an end to the Government practice of expulsion, both in the indigenous areas and throughout the country, in accordance with article 11 of the Covenant and the Committee's General Comment No. 4;

(iv) Consider ratifying ILO Convention No. 169, as requested by the indigenous communities;

30. Suriname. 07/06/95. E/C.12/1995/6.

3. The Committee welcomes the signing of the 1992 Peace Accord, which ended the armed conflict in the interior region of the State party, and the subsequent disarming of the paramilitary groups involved in the conflict.

7. The Committee notes with deep concern the economic crisis faced by the State party due in part to the deterioration of the terms of trade for its principal export, bauxite, and the ensuing phenomena of inflation and recession. The Committee is concerned that the prolonged economic crisis has given rise to high levels of structural unemployment and is limiting the Government's ability to implement programmes that ensure the promotion and protection of the economic, social and cultural rights in the State party, especially its ability to fully implement those provisions of the Peace Accord concerning the development of the interior of the country. The Committee acknowledges that such financial constraints may create difficulties with respect to the consolidation of democracy following the signing of the 1992 Peace Accord. The Committee notes that some important external assistance, such as vaccination services from PAHO/WHO, have been suspended due to the State party's inability to pay its contributions to international organizations that provide such services.

13. The Committee notes with concern the inadequacy of housing available in Suriname, especially in the interior where many internally displaced persons are situated. It notes with concern the Government's inability to implement its housing policy for the poorest sectors.

15. With respect to education, the Committee notes that education is provided only in Dutch, the official language of Suriname. It regrets that no efforts are being made by the Government to promote the use of Sranan Tongo, which is spoken by most Surinamese, or to preserve the native languages of the various indigenous groups. The Committee is further concerned that education provided in Dutch only may serve as a contributing factor to the high incidence of school drop-outs.

21. The Committee recommends that the Plan of Action in favor of the population in the interior of the country that is provided for in the 1992 Peace Accord be implemented to the best of the Government's ability. In particular, the Committee recommends that special attention be given to laying an infrastructure and providing basic facilities in the interior, particularly houses for persons displaced during the recent internal armed conflict.

22. With respect to education, the Committee recommends that the Government consider promoting the use of Sranan Tongo in schools and elsewhere and make efforts to preserve the native languages of indigenous groups. It further recommends that the Government undertake investigations into the phenomenon of school drop-outs.

31. Argentina. 19/12/94. E/C.12/1994/14; E/1995/22, paras.221-242.

239. Despite the suggestion made by the representative of the Government that the indigenous population in Argentina is small, the Committee is nevertheless surprised at the absence of information about specific programmes adopted by the Government to guarantee the economic, social and cultural rights of the ethnic minorities.

32. Mexico. 05/01/94. E/C.12/1993/16.

5. The Committee notes that the Government should continue to tackle the economic and social difficulties that are ingrained in the country and characterized by considerable foreign indebtedness, the inadequacy of budgetary resources earmarked for essential social services and the unequal distribution of national wealth. These difficulties severely affect the most vulnerable segments of society, and in particular children, persons living below the poverty threshold and those belonging to minority groups, such as the many indigenous peoples; they are relevant to the departure of many Mexican migrant workers abroad.

7. Another source of concern is the situation of many children, namely, abandoned children, street children or children in extremely difficult circumstances, who are unable to enjoy the economic, social and cultural rights set out in the Covenant and who are particularly vulnerable to criminality, drug addiction and sexual exploitation. A very large percentage of children (34 per cent), concentrated in particular in areas with a large Indian population, appear to have left school without even having been able to complete their primary education and are therefore in a situation that is extremely conducive to various forms of exploitation.

8. The Committee notes with concern the economic, social and cultural situation of many indigenous groups who suffer from the difficult conditions brought about by the economic situation and by the imbalance of wealth in the country. It notes the difficulties being experienced by these groups in preserving their culture and in teaching their language. It notes that although the Government publishes and distributes textbooks in 25 languages free of charge, overall government programmes devoted to these groups nevertheless remain inadequate.

11. The Committee recommends that efforts should be made to curb the decline in the purchasing power of the minimum wage and to redeploy certain budgetary resources to benefit the most vulnerable segments of society, and particularly children and persons living below the poverty line. Resources should be made available for indigenous groups to enable them to preserve their language, culture and traditional way of life, and at the same time to promote the economic, social and cultural rights provided for in the Covenant. The Committee recommends in particular that the State party should take energetic steps to mitigate any negative impact that the North American Free Trade Agreement (NAFTA) might have on the enjoyment of the rights set out in the Covenant.

14. The Committee urges the State party to desist from policy measures that lead to large-scale evictions. It recalls General Comment No. 4 in which it noted that "the Committee considers that instances of forced eviction are prima facie incompatible with the requirements of the Covenant and can only be justified in the most exceptional circumstances, and in accordance with the relevant principles of international law".

33. New Zealand. 03/01/94. E/C.12/1993/13.

10. In relation to Maori and Pacific Islands people, the Committee notes the measures being taken by the State party to improve employment opportunities for Maori and Pacific Islands people, and to facilitate their full participation at all levels of the educational system.

14. The Committee notes with concern that, despite relevant efforts by the Government, the Maori and Pacific Islands people continue to figure

disproportionately in relation to unemployment, low salary levels, and poor educational and technical qualifications.

17. The Committee encourages the Government of New Zealand to strengthen its efforts towards ensuring equity for Maori and Pacific Island people, especially in the access to education, training and employment.

34. Australia. 03/06/93. E/C.12/1993/9.

4. The Committee notes with satisfaction the efforts made within the federal structure of Australia to establish machinery to ensure compliance with the education related provisions of the Covenant. The Committee also notes with satisfaction that the State party, since the submission of its previous report to the Committee, has undertaken various initiatives and measures designed to redress imbalances in the provision of education for identified disadvantaged groups in Australia, including the Aboriginal and Torres Strait Islander populations, girls, persons with disabilities and minority groups. ...

6. The Committee notes that differences exist in legislation concerning education within the federal system of Australia. The Committee also notes that the State party has identified several groups as being disadvantaged with regard to the participation in education. In particular, the Committee notes that socio-economic factors and the isolation of certain Aboriginal and Torres Strait Islander communities constitute major difficulties in the implementation of the Covenant.

7. The Committee recognizes that limited resources and the geographic isolation of certain aboriginal communities have been the principal impediments in furthering cultural development and international contacts.

8. The Committee considers the situation of disadvantaged groups in the educational system to be of particular concern. The Committee specifically notes the situation of the Aboriginals and Torres Strait Islanders in education which affects their prospects for future employment, as well as the problems of illiteracy among the adults of this group, the majority of which did not have primary and secondary education.

11. As regards the implementation of article 15 of the Covenant, the Committee expresses its particular concern that Aboriginals and Torres Strait Islanders do not have sufficient opportunities to fully involve themselves in creating awareness of their cultural heritage.

16. The Committee recommends that due attention be given to the development of indicators for measuring progress in the implementation of the rights covered by articles 13 to 15 of the Covenant. Information on the results and progress made in this area should be provided when the State party next reports to the Committee. In addition, the Committee emphasizes the importance of taking steps to monitor more closely the general situation of Aboriginals and Torres Strait Islanders and other disadvantaged groups particularly in education and culture. The Committee therefore appreciates that the Government of Australia is fully aware of the difficulties impeding the implementation of the Covenant.

20. The Committee recommends that action be taken to provide Aboriginal artists with opportunities to participate in international fora in order to promote awareness in their indigenous culture.

B. General Comments

1. General comment No. 7: The right to adequate housing (art. 11 (1) of the Covenant): Forced evictions

10. Women, children, youth, older persons, indigenous people, ethnic and other minorities, and other vulnerable individuals and groups all suffer disproportionately from the practice of forced eviction. Women in all groups are especially vulnerable given the extent of statutory and other forms of discrimination which often apply in relation to property rights (including home ownership) or rights of access to property or accommodation, and their particular vulnerability to acts of violence and sexual abuse when they are rendered homeless. The non-discrimination provisions of articles 2.2 and 3 of the Covenant impose an additional obligation upon Governments to ensure that, where evictions do occur, appropriate measures are taken to ensure that no form of discrimination is involved.

2. General comment No. 12: The right to adequate food (art. 11)

13. *Accessibility* encompasses both economic and physical accessibility: Economic accessibility implies that personal or household financial costs associated with the acquisition of food for an adequate diet should be at a level such that the attainment and satisfaction of other basic needs are not threatened or compromised. Economic accessibility applies to any acquisition pattern or entitlement through which people procure their food and is a measure of the extent to which it is satisfactory for the enjoyment of the right to adequate food. Socially vulnerable groups such as landless persons and other particularly impoverished segments of the population may need attention through special programmes. Physical accessibility implies that adequate food must be accessible to everyone, including physically vulnerable individuals, such as infants and young children, elderly people, the physically disabled, the terminally ill and persons with persistent medical problems, including the mentally ill. Victims of natural disasters, people living in disaster-prone areas and other specially disadvantaged groups may need special attention and sometimes priority consideration with respect to accessibility of food. A particular vulnerability is that of many indigenous population groups whose access to their ancestral lands may be threatened.

3. General comment No. 13: The right to education (art. 13)

31. The prohibition against discrimination enshrined in article 2 (2) of the Covenant is subject to neither progressive realization nor the availability of resources; it applies fully and immediately to all aspects of education and encompasses all internationally prohibited grounds of discrimination. The Committee interprets articles 2 (2) and 3 in the light of the UNESCO Convention against Discrimination in Education, the relevant provisions of the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child and the ILO Indigenous and Tribal Peoples Convention, 1989 (Convention No. 169), and wishes to draw particular attention to the following issues.

50. In relation to article 13 (2), States have obligations to respect, protect and fulfil each of the “essential features” (availability, accessibility, acceptability, adaptability) of the right to education. By way of illustration, a State must respect the availability of education by not closing private schools; protect the accessibility of education by ensuring that third parties, including parents and employers, do not stop girls from going to school; fulfil (facilitate) the acceptability of education by taking positive measures to ensure that education is culturally appropriate for minorities and indigenous peoples, and of good quality for all; fulfil (provide) the adaptability of education by designing and providing resources for curricula which reflect the contemporary needs of students in a changing world; and fulfil (provide) the availability of education by actively developing a system of schools, including building classrooms, delivering programmes, providing teaching materials, training teachers and paying them domestically competitive salaries.

4. General comment No. 14: The right to the highest attainable standard of health (art. 12)

12. The right to health in all its forms and at all levels contains the following interrelated and essential elements, the precise application of which will depend on the conditions prevailing in a particular State party: ...

(b) *Accessibility.* Health facilities, goods and services[] have to be accessible to everyone without discrimination, within the jurisdiction of the State party. Accessibility has four overlapping dimensions:

Non-discrimination: health facilities, goods and services must be accessible to all, especially the most vulnerable or marginalized sections of the population, in law and in fact, without discrimination on any of the prohibited grounds;[]

Physical accessibility: health facilities, goods and services must be within safe physical reach for all sections of the population, especially vulnerable or marginalized groups, such as ethnic minorities and indigenous populations, women, children, adolescents, older persons, persons with disabilities and persons with HIV/AIDS. Accessibility also implies that medical services and underlying determinants of health, such as safe and potable water and adequate sanitation facilities, are within safe physical reach, including in rural areas. Accessibility further includes adequate access to buildings for persons with disabilities;

27. In the light of emerging international law and practice and the recent measures taken by States in relation to indigenous peoples,[] the Committee deems it useful to identify elements that would help to define indigenous peoples’ right to health in order better to enable States with indigenous peoples to implement the provisions contained in article 12 of the Covenant. The Committee considers that indigenous peoples have the right to specific measures to improve their access to health services and care. These health services should be culturally appropriate, taking into account traditional preventive care, healing practices and medicines. States should provide resources for indigenous peoples to design, deliver and control such services so that they may enjoy the highest attainable standard of physical and mental health. The vital medicinal plants, animals and minerals necessary to the full enjoyment of health of indigenous peoples should also be protected. The Committee notes that, in indigenous communities, the health of the individual is often linked to the health of the society as a whole and has a collective dimension. In this respect, the Committee

considers that development-related activities that lead to the displacement of indigenous peoples against their will from their traditional territories and environment, denying them their sources of nutrition and breaking their symbiotic relationship with their lands, has a deleterious effect on their health.

5. General comment No. 15: The right to water (arts. 11 and 12 of the Covenant)

7. The Committee notes the importance of ensuring sustainable access to water resources for agriculture to realize the right to adequate food (see general comment No. 12 (1999)).[] Attention should be given to ensuring that disadvantaged and marginalized farmers, including women farmers, have equitable access to water and water management systems, including sustainable rain harvesting and irrigation technology. Taking note of the duty in article 1, paragraph 2, of the Covenant, which provides that a people may not “be deprived of its means of subsistence”, States parties should ensure that there is adequate access to water for subsistence farming and for securing the livelihoods of indigenous peoples.[]

16. Whereas the right to water applies to everyone, States parties should give special attention to those individuals and groups who have traditionally faced difficulties in exercising this right, including women, children, minority groups, indigenous peoples, refugees, asylum-seekers, internally displaced persons, migrant workers, prisoners and detainees. In particular, States parties should take steps to ensure that:

(d) Indigenous peoples’ access to water resources on their ancestral lands is protected from encroachment and unlawful pollution. States should provide resources for indigenous peoples to design, deliver and control their access to water;

IV. The Committee on the Rights of the Child

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A. Concluding Observations

1. Brazil: 01/10/2004. CRC/C/15/Add.241

20. The Committee while welcoming the increase of the Federal Social Expenditure during the period covered by the report, including the creation of funds related to children, it remains concerned at the lack of information on budget allocations at states and municipals levels. Furthermore, the Committee is concerned that budgetary allocations were distributed without duly taking into account the regional disparities and the need of the most vulnerable groups.

21. The Committee recommends the State party to pay particular attention to the full implementation of article 4 of the Convention by prioritizing and given the recent positive economic development by increasing budgetary allocations to ensure at all levels the implementation of the rights of children, in particular those belonging to marginalized and economically disadvantaged groups, including children of African descent and indigenous children “to the maximum extent of... available resources and, where needed, within the framework of international cooperation”.

22. The Committee takes note of the extensive statistical data provided in the report and in the written replies to the list of issues. Nevertheless, it regrets the lack of a disaggregated national data collection system on all areas covered by the Convention, which limits the State party’s capacity to adopt adequate policies and programmes, in particular with regard to prevention and combating violence against children.

23. The Committee recommends that the State party strengthen and centralize its mechanism to integrate and analyse systematically disaggregated data on all children under 18 for all areas covered by the Convention, with special emphasis on the most vulnerable groups (i.e. indigenous children, children of African descent, children with disabilities, abused and neglected children, children living in extreme poverty and children in conflict with the law). The Committee urges that the State party use these indicators and data effectively in the formulation of legislation, policies and programmes for effective implementation of the Convention. In this regard, the Committee recommends that the State party seek technical assistance from, inter alia, UNICEF and other appropriate regional mechanisms, including the Inter-American Children’s Institute.

28. ... The Committee notes the recent measures adopted by the Federal Government, including the cultural diversity programme, and the 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 persistent level of unequally social development in regions, specifically in the North and Northeast regions which in many instances amount to discrimination.

29. The Committee urges that the State party take adequate measures to ensure the implementation of existing laws and policies guaranteeing the principle of non-discrimination and full compliance of 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.

37. The Committee welcomes the information provided by the State party, particularly that the federal Constitution ensures the civil registration of birth and death certificate for poor free of charge. The Committee also notes that pursuant December 1987 Law, 9,534, which provides for the civil registration of birth free of charge. However, the Committee is concerned that, as noted by the State party, although recognized as a universal right, many children remain unregistered, particularly on the periphery of large cities, in rural and remote areas and in the lands of the indigenous population, which impedes the full exercise of their rights.

38. The Committee recommends that the State party improve its system of birth registration, so as to cover its territory fully, taking into account the regional disparities and adopt measures that facilitate birth registration, particularly aimed at the poorest and most marginalized children.

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

71. The Committee urges the State party to pursue measures to effectively address the gap in life opportunities of indigenous children. Training and awareness-raising activities should be provided to break social prejudice, in order to revert the historical logic of colonization, which jeopardizes any chance of attaining genuinely equal treatment.

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

2. El Salvador. 30/06/2004. CRC/C/15/Add.232.

5. The Committee regrets that some of the concerns it expressed and the recommendations it had made (CRC/C/15/Add.9) after its consideration of the State party’s initial report (CRC/C/3/Add.9) have not been sufficiently addressed, inter alia, those contained in paragraphs 17 (childcare services in rural and urban areas), 18

(strategies and education programmes against discrimination) and 19 (children belonging to vulnerable groups).

6. The Committee urges the State party to make every effort to address the previous recommendations that have been only partly implemented or not implemented at all, and the list of recommendations contained in the present concluding observations.

15. The Committee appreciates the statistical data provided on children by the State party and efforts undertaken to improve data collection. However, it remains concerned at the insufficient data in some areas covered by the Convention, including on children with disabilities, children who need special protection, and indigenous children.

16. The Committee recommends that the State party continue to strengthen its efforts to develop a system for a comprehensive collection of comparative and disaggregated data on the Convention. The data should cover all children below the age of 18 years and be disaggregated by sex and by those groups of children who are in need of special protection. ...

25. The Committee is concerned at the persistent discrimination faced in the State party by indigenous children, children with disabilities and girls.

26. In light of article 2 of the Convention, the Committee recommends that the State party intensify its efforts to prevent and eliminate all forms of de facto discrimination against indigenous children, children with disabilities and girls.

3. Panama. 30/06/2004. CRC/C/15/Add.233.

3. The Committee notes with appreciation the adoption of laws and the establishment of various mechanisms aimed at protecting and promoting the rights of children such as: ... (g) The enactment of the laws establishing the indigenous *comarcas* (territorial districts of the indigenous peoples) of the Kuna of Madungandi (1996), the Ngobe-Buglé (1997) and the Kuna of Wargandi (2000).

17. The Committee acknowledges the newly created Integrated System of Indicators for Development and the data collection by, inter alia, the centre for information and the Social Cabinet, but it is concerned about the continuing insufficiency of measures to collect disaggregated statistical data and other information on the situation of children belonging to the most vulnerable groups, in particular girls, street children, disabled children, children living in rural areas, refugees, asylum-seekers and indigenous children.

23. The Committee is deeply concerned about the long-existing and grave disparities, inter alia, in the standard of living, access to basic social services like education, health, clean (drinkable) water and sanitation, and between different groups of the population, in particular those living in urban and rural areas. These hamper the enjoyment of rights, in particular by children in rural areas and indigenous children.

24. The Committee reiterates its concern that societal discrimination persists against girls, children belonging to indigenous, minority and other marginalized groups, children with disabilities, children of migrant workers and refugees.

25. The Committee reiterates its recommendation that the State party take measures aimed at developing a culture of human rights and at changing attitudes towards children in general and children belonging to indigenous groups in particular. The Committee also recommends that the State party undertake all necessary proactive measures to combat societal discrimination, in particular against girls, children and adolescents belonging to marginalized groups, indigenous children, children with disabilities, other minorities, refugee children and children of migrant workers, through, inter alia, public education and awareness campaigns.

28. The Committee recommends that the State party, in accordance with article 12 of the Convention: ... (c) Undertake a regular review of the extent to which children's views are taken into consideration, in particular children from vulnerable groups such as indigenous and poor children, and of the impact this has on policies, programmes and on children themselves.

29. The Committee is concerned about the difficult access to birth registration procedures, which particularly affect children of African descent, indigenous children and children living in rural areas and in border areas with Colombia and Costa Rica.

30. The Committee recommends that the State party review the efficiency of the birth registration system to ensure that births are registered in rural and indigenous areas and among refugee and asylum-seeking children and children born out of wedlock, and take all necessary measures to harmonize the activities of the different governmental agencies and institutions involved in birth registration.

41. The Committee welcomes the establishment of the National Council for Comprehensive Care of Disabled Minors and the executive decree establishing regulations for the inclusive education of individuals with special education needs. But it expresses concern about the lack of detailed statistical information, and that the children with disabilities living in indigenous rural areas do not have adequate access to services such as health and education. ...

42. The Committee recommends that the State party, taking into account the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the recommendations adopted by the Committee at its day of general discussion on the rights of children with disabilities (see CRC/C/69), ensure adequate collection of statistical information, pay special attention to children with disabilities in rural and indigenous areas and take all necessary measures to integrate children with disabilities in mainstream schools, social/cultural activities and sports.

51. While noting the State party's efforts to improve the educational system and noting with satisfaction the improvements mirrored in education indicators, the Committee remains concerned at the persisting disparities in access to education of vulnerable children, inter alia, children living in rural areas, indigenous children and

refugee children, who do not have access to adequate education in terms of their cultural values and identity. ...

52. The Committee recommends that the State party allocate financial and human resources in order: ... (c) To pay special attention to the needs of vulnerable children, e.g. girls, indigenous and refugee children, working and street children, in order to fulfil their basic right to education; ...

63. The Committee, acknowledging the adoption of the new legislation creating three indigenous *comarcas*, remains concerned that lack of economic resources is an obstacle to developing specific programmes on education, health and social services for indigenous children. The Committee is also concerned about the preservation of the identity of indigenous children since bilingual education remains a challenge in indigenous areas and education lacks resources of all kinds.

64. The Committee recommends that the State party take all necessary measures to ensure that indigenous children enjoy all their rights without discrimination, including equal access to culturally appropriate services including health, education, social services, housing, potable water and sanitation. The Committee also recommends that the State party, with the full participation of indigenous communities and children, develop public awareness campaigns, including through the mass media, to combat negative attitudes and misperceptions about indigenous children. The Committee also recommends that the State party pay particular attention to guarantee the preservation of the identity of indigenous and Afro-Panamanian children, e.g. by the implementation of the national plan to develop bilingual intercultural education.

4. Dominica. 30/06/2004. CRC/C/15/Add.238.

49. 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.

50. 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.

5. Rwanda. 04/06/2004. CRC/C/15/Add. 234

23. ... In particular, the Committee is concerned at the disparities in the enjoyment of rights experienced by girls, children belonging to the most vulnerable groups, such as abandoned and orphan children, children with disabilities, children born out of wedlock, children living in rural areas and Pygmy children.

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

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

- (a) Undertake a study to assess the situation and the needs of Batwa children and to elaborate a plan of action involving leaders of the Batwa community to protect the rights of those children and ensure their social services; and
- (b) Seek adequate means and measures to ensure birth registration, health care, etc.

6. Guyana. 26/02/2004. CRC/C/15/Add.224.

3. The Committee welcomes the establishment of the Ministry for Amerindian Affairs led by a woman of Amerindian descent.

16. The Committee is concerned at the lack of disaggregated and adequate data on persons under the age of 18 years in all areas covered by the Convention, including the most vulnerable groups, children living in poverty, children living in rural areas, children with disabilities, Amerindian children and street children.

18. The Committee notes with appreciation the efforts made by the State party in disseminating the Convention through, inter alia, seminars, workshops and annual celebrations. Nevertheless, it remains concerned that additional progress needs to be made by the State party with regard to raising awareness among children and adults in remote areas.

19. The Committee recommends that the State party strengthen its efforts to ensure that the provisions of the Convention are widely known and understood by adults and children alike. It also recommends the reinforcement of adequate and systematic training of all professional groups working for and with children, in particular law enforcement officials, teachers, including teachers in indigenous communities, health personnel, social workers and personnel in childcare institutions.

22. The Committee is concerned that, as noted by the State party, societal discrimination persists against girls and vulnerable groups of children, including children living in poverty, Amerindian children and children with disabilities, and that the Constitution does not prohibit discrimination on the grounds of disability.

29. The Committee is concerned that, although parents are required by law to register the birth of their children, the number of children who are not registered at birth is significant, particularly in remote areas and among Amerindians.

41. The Committee welcomes the implementation of the Integrated Management of Childhood Illness (IMCI) and the marked improvement in immunization coverage. However, the Committee remained concerned at the high infant and under-5 mortality rates, the high incidence of malaria, especially among the Amerindian children, as well as the high incidence of malnutrition, including iron deficiency anaemia and stunting of growth.

57. The Committee is concerned at the living conditions of Amerindian children with regard to the full enjoyment of all rights enshrined in the Convention, especially the degradation of their natural environment and the fact that they are not taught in their own languages.

58. In light of articles 2 and 30 of the Convention and the recommendations adopted by the Committee at its day of general discussion on the rights of indigenous children in September 2003, the Committee recommends that the State party take all necessary measures to protect Amerindian children against discrimination and to guarantee their enjoyment of all the rights recognized in the Convention. The Committee also recommends that the current revision of the Amerindian Act reflect the provisions and principles of the Convention.

7. India. 26/02/2004. CRC/C/15/Add.228.

22. The Committee recommends that the State party develop a system of data collection and indicators consistent with the Convention and disaggregated by gender, age, social status (Scheduled Castes and Tribes, or religious community), and urban and rural area and make it publicly available. This system should cover all children up to the age of 18 with specific emphasis on those who are particularly vulnerable. It further encourages the State party to use these indicators and data for the formulation of policies and programmes for the effective implementation of the Convention. The Committee recommends that the State party seek technical assistance from UNICEF, UNDP and UNFPA, among others.

25. In light of article 2 of the Convention, the Committee is deeply concerned at the widely disparate levels of enjoyment of the rights in the Convention by girls, children living in certain states, rural areas and slums, and children belonging to certain castes and tribal and indigenous groups.

26. The Committee recommends that concerted efforts at all levels be taken to address social inequalities by reviewing and reorienting policies, including increasing budgetary allocations for programmes targeting the most vulnerable groups, and that technical assistance be sought from, among others, UNICEF.

27. The Committee is deeply concerned at persistent and significant social discrimination against children belonging to Scheduled Castes and Tribes and other tribal groups, reflected, inter alia, by the many violations of the 1989 Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the low number of such violations dealt with by the courts, and the fact that a majority of the states have failed to set up the special courts provided for under this Act.

28. The Committee recommends that the State party, in accordance with article 17 of its Constitution and article 2 of the Convention, take all necessary steps to abolish the discriminatory practice of “untouchability”, prevent caste- and tribe-motivated abuse, and prosecute State and private actors who are responsible for such practices or abuses. Moreover, in compliance with article 46 of the Constitution, the State party is encouraged to implement, inter alia, special measures to advance and protect these groups. The Committee recommends the full implementation of the 1989 Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the 1995 Scheduled

Castes and Scheduled Tribes Rules (Prevention of Atrocities) and the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993. ...

31. While welcoming the special temporary programmes and other activities to improve the enjoyment of rights by girls and vulnerable groups such as children belonging to Scheduled Castes and Tribes, the Committee expresses its concern at the possibility that other children in situations similar to that of those groups are not receiving the same benefits.

32. The Committee recommends that all existing and future special temporary programmes be provided with specified goals and timetables, in order to evaluate their success and justify their continuation, expansion and dissemination. The Committee further recommends that the State party start to develop special programmes for the allocation of educational and other benefits that are based on the child's needs and rights rather than on the basis of sex, caste or tribe, or any other characteristic that may result in unjustifiable discrimination.

62. In spite of the growth of the gross domestic product, the Committee is concerned about the widespread poverty in the State party and the still high number of children who do not enjoy the right to an adequate standard of living, including access to clean drinking water, adequate housing and latrines. The Committee is further concerned at the negative consequences of displacement and rehabilitation projects which intend to improve living conditions but which remove children from their habitat to a new environment often not prepared for children's needs.

63. In accordance with article 27 of the Convention, the Committee recommends that the State reinforce its efforts to provide support and material assistance to economically disadvantaged families and to guarantee the right of children to an adequate standard of living. In light of its previous recommendations (*ibid.*, para. 53), the Committee further recommends that the State party prevent any occurrence of forced relocation, displacement and other types of involuntary population movements.

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

82. In addition to its recommendation in paragraph 29, and in line with the recommendations made at its day of general discussion on the rights of indigenous children (CRC/C/133, para. 624), the Committee recommends that the State party implement and/or give the necessary follow-up to the recommendation made by the Standing Committee on Labour and Welfare on the Development of Primitive Tribal Groups (2002).

8. Japan. 26/02/2004. CRC/C/15/Add.231.

17. The Committee recommends that the State party strengthen existing mechanisms for data collection, and, where necessary, establish additional mechanisms for data collection, in order to ensure that data is collected on all areas under the Convention

and that it is disaggregated, inter alia, by age for all persons under 18 years, gender and ethnic and indigenous minorities. It also recommends that the State party gather data on budgetary allocations for children, identifying the amount and proportion of the State budget spent on children aged 0-18 years in the public, private and NGO sectors in order to evaluate the impact of the expenditures and also, in view of the costs, the accessibility, the quality and the effectiveness of the services for children in the different sectors.

24. The Committee is concerned that legislation discriminates against children born out of wedlock and that societal discrimination persists against girls, children with disabilities, Amerasian, Korean, Buraku and Ainu children and other minority groups, and children of migrant workers.

25. The Committee recommends that the State party amend its legislation in order to eliminate any discrimination against children born out of wedlock, in particular, with regard to inheritance and citizenship rights and birth registration, as well as discriminatory terminology such as "illegitimate" from legislation and regulations. The Committee recommends that the State party undertake all necessary proactive measures to combat societal discrimination and ensure access to basic services, in particular, for girls, children with disabilities, Amerasians, Koreans, Buraka, Ainu and other minorities, children of migrant workers and refugee and asylum-seeking children, through, inter alia, public education and awareness campaigns.

50. The Committee recommends that the State party: ... (d) Expand opportunities for children from minority groups to enjoy their own culture, profess or practise their own religion and use their own language; ...

9. Canada. 27/10/2003. CRC/C/15/Add.215.

6. The Committee notes the efforts of the Government towards the removal of the reservation to article 37 (c) of the Convention, but regrets the rather slow process and regrets even more the statement made by the delegation that the State party does not intend to withdraw its reservation to article 21. The Committee reiterates its concern with respect to the reservations maintained by the State party to articles 21 and 37 (c).^[1]

7. In light of the 1993 Vienna Declaration and Programme of Action, the Committee urges the State party to reconsider and expedite the withdrawal of the reservations made to the Convention. The Committee invites the State party to

¹ Canada's reservations/understandings are as follows: "Article 21: With a view to ensuring full respect for the purposes and intent of article 20 (3) and article 30 of the Convention, the Government of Canada reserves the right not to apply the provisions of article 21 to the extent that they may be inconsistent with customary forms of care among aboriginal peoples in Canada." Statement of understanding: "Article 30: It is the understanding of the Government of Canada that, in matters relating to aboriginal peoples of Canada, the fulfilment of its responsibilities under article 4 of the Convention must take into account the provisions of article 30. In particular, in assessing what measures are appropriate to implement the rights recognized in the Convention for aboriginal children, due regard must be paid to not denying their right, in community with other members of their group, to enjoy their own culture, to profess and practice their own religion and to use their own language."

continue its dialogue with the Aboriginals with a view to the withdrawal of the reservation to article 21 of the Convention.

12. The Committee notes the introduction in January 1998 of the “Gathering Strength: Canada’s Aboriginal Action Plan” and is encouraged by the preparation of a national plan of action in accordance with the Convention on the Rights of the Child and the final outcome document of United Nations General Assembly Special Session on Children, (“A World Fit For Children”). It is also encouraged by Canada’s conviction that actions in this respect must be in conformity with the Convention.

13. The Committee encourages the State party to ensure that a coherent and comprehensive rights-based national plan of action is adopted, targeting all children, especially the most vulnerable groups including Aboriginal, migrant and refugee children; with a division of responsibilities, clear priorities, a timetable and a preliminary allocation of necessary resources in conformity with the Convention at the federal, provincial, territorial and local levels in cooperation with civil society. It also urges the Government to designate a systematic monitoring mechanism for the implementation of the national plan of action.

19. The Committee values the wealth of statistical data provided in the annex to the report and in the appendices to the written replies to the list of issues and welcomes the intention of the State party to establish a statistics institute for Aboriginal people. Nevertheless, it is of the opinion that the information is not sufficiently developed, disaggregated and well synthesized for all areas covered by the Convention, and that all persons under 18 years are not systematically included in the data collection relevant to children. The Committee would like to recall its previous concern and recommendation relating to information gathering (CRC/C/15/Add.37, para. 20), maintaining that it has not been addressed sufficiently.

20. The Committee recommends that the State party strengthen and centralize its mechanism to compile and analyse systematically disaggregated data on all children under 18 for all areas covered by the Convention, with special emphasis on the most vulnerable groups (i.e. Aboriginal children, children with disabilities, abused and neglected children, street children, children within the justice system, refugee and asylum-seeking children). The Committee urges the State party to use the indicators developed and the data collected effectively for the formulation and evaluation of legislation, policies and programmes for resource allocation and for the implementation and monitoring of the Convention.

21. ... 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).

22. 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 education campaigns and undertake all necessary proactive measures to prevent and combat negative societal attitudes and practices. The Committee requests the State party to provide further information in its next report on its efforts to promote cultural diversity, taking into account the general principles of the Convention.

24. The Committee values the fact that the State party holds the principle of the best interests of the child to be of vital importance in the development of all legislation, programmes and policies concerning children and is aware of the progress made in this respect. However, the Committee remains concerned that the principle that primary consideration should be given to the best interests of the child is still not adequately defined and reflected in some legislation, court decisions and policies affecting certain children, especially those facing situations of divorce, custody and deportation, as well as Aboriginal children. ...

25. The Committee recommends that the principle of “best interests of the child” contained in article 3 be appropriately analysed and objectively implemented with regard to individual and groups of children in various situations (e.g. Aboriginal children) and integrated in all reviews of legislation concerning children, legal procedures in courts, as well as in judicial and administrative decisions and in projects, programmes and services that have an impact on children. ...

26. The Committee is encouraged by the adoption of the new Citizenship of Canada Act facilitating the acquisition of citizenship for children adopted abroad by Canadian citizens. It is equally encouraged by the establishment of the First Nations Child and Family Service providing culturally sensitive services to Aboriginal children and families within their communities.

34. The Committee is encouraged by the commitment of the Government to strengthening health care for Canadians by, inter alia, increasing the budget and focusing on Aboriginal health programmes. However, the Committee is concerned at the fact, acknowledged by the State party, that the relatively high standard of health is not shared equally by all Canadians. It notes that equal provincial and territorial compliance is a matter of concern, in particular as regards universality and accessibility in rural and northern communities and for children in Aboriginal communities. The Committee is particularly concerned at the disproportionately high prevalence of sudden infant death syndrome and foetal alcohol syndrome disorder among Aboriginal children.

35. The Committee recommends that the State party undertake measures to ensure that all children enjoy equally the same quality of health services, with special attention to indigenous children and children in rural and remote areas.

36. The Committee is encouraged by the average decline in infant mortality rates in the State party, but is deeply concerned at the high mortality rate among the

Aboriginal population and the high rate of suicide and substance abuse among youth belonging to this group.

37. The Committee suggests that the State party continue to give priority to studying possible causes of youth suicide and the characteristics of those who appear to be most at risk, and take steps as soon as practicable to put in place additional support, prevention and intervention programmes, e.g. in the fields of mental health, education and employment, that could reduce the occurrence of this tragic phenomenon.

44. The Committee values the exemplary literacy rates and high level of basic education in the State party and welcomes the numerous initiatives to promote quality education, both in Canada and at the international level. The Committee is in particular encouraged by initiatives to raise the standard of education of Aboriginals living on reserves. ... Furthermore, the Committee is concerned about the reduction in education spending, increasing student-teacher ratios, the reduction of the number of school boards, the high dropout rate of Aboriginal children and the availability of instruction in both official languages only “where numbers warrant”.

45. The Committee recommends that the State party further improve the quality of education throughout the State party in order to achieve the goals of article 29, paragraph 1, of the Convention and the Committee’s general comment No. 1 on the aims of education by, inter alia: (a) Ensuring that free quality primary education that is sensitive to the cultural identity of every child is available and accessible to all children, with particular attention to children in rural communities, Aboriginal children and refugees or asylum-seekers, as well as children from other disadvantaged groups and those who need special attention, including in their own language;

58. The Committee welcomes the Statement of Reconciliation made by the Federal Government expressing Canada’s profound regret for historic injustices committed against Aboriginal people, in particular within the residential school system. It also notes the priority accorded by the Government to improving the lives of Aboriginal people across Canada and by the numerous initiatives, provided for in the federal budget, that have been embarked upon since the consideration of the initial report. However, the Committee is concerned that Aboriginal children continue to experience many problems, including discrimination in several areas, with much greater frequency and severity than their non-Aboriginal peers.

59. The Committee urges the Government to pursue its efforts to address the gap in life chances between Aboriginal and non-Aboriginal children. In this regard, it reiterates in particular the observations and recommendations with respect to land and resource allocation made by United Nations human rights treaty bodies, such as the Human Rights Committee (CCPR/C/79/Add.105, para. 8), the Committee on the Elimination of Racial Discrimination (A/57/18, para. 330) and the Committee on Economic, Social and Cultural Rights (E/C.12/1/Add.31, para. 18). The Committee equally notes the recommendations of the Royal Commission on Aboriginal Peoples and encourages the State party to ensure appropriate follow-up.

10. New Zealand. 27/10/2003. CRC/C/15/Add.216.

17. The Committee recommends that the State party develop a system of data collection that covers all areas of the Convention, paying particular attention to disaggregated data on indigenous children, and ensure that all data and indicators are used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention.

22. The Committee is concerned that, as acknowledged by the State party, discrimination persists against vulnerable groups of children such as Maori children, minority children, children with disabilities and non-citizens. The Committee is particularly concerned at the comparatively low indicators for Maori, Pacific Island and Asian children.

23. 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.

35. The Committee welcomes the adoption of the Child Health Strategy in 1998. However, the Committee is concerned that immunization coverage is not universal and at the relatively high rates of infant mortality and injuries among children. The Committee also notes with concern that child health indicators are generally lower among the Maori population.

36. The Committee recommends that the State party: ... (c) Take all necessary measures to address disparities in health indicators between ethnic communities, in particular the Maori population.

37. The Committee shares the State party's concern about the high rates of youth suicide, teenage pregnancies and alcohol abuse among adolescents and the insufficient level of youth mental health services, particularly in rural areas and for Maori children and children in residential institutions.

38. The Committee recommends that the State party: ... (c) Undertake effective preventive and other measures to address the rise in alcohol consumption by adolescents and increase the availability and accessibility of counselling and support services, in particular for Maori children; (d) Strengthen mental health and counselling services, ensuring that they are accessible to, and appropriate for, all adolescents, including Maori children and those in rural areas and in residential institutions.

41. The Committee is concerned that a significant proportion of children in the State party live in poverty and that single-parent families headed by women, as well as Maori and Pacific Island families, are disproportionately affected.

42. In accordance with article 27, paragraph 3, of the Convention, the Committee recommends that the State party take appropriate measures to assist parents, in particular single parents, and others responsible for the child to implement the child's

right to an adequate standard of living. In this regard, the Committee recommends that the State party ensure that assistance provided to Maori and Pacific Island families respects and supports their traditional extended family structures.

43. 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.

11. Pakistan. 27/10/2003. CRC/C/15/Add.217.

9. The Committee takes note of the legislative measures that have been undertaken by the State party in order to ensure the implementation of the Convention. Nevertheless, the Committee remains concerned that: (b) Laws implementing the Convention on the Rights of the Child are not de facto applied in the Northern Tribal Territories, and therefore children living in these territories do not fully enjoy their rights under the Convention; ...

10. The Committee reiterates its recommendation that the State party scrutinize carefully existing legislative and other measures, both at the federal and provincial levels, with a view to ensuring that the provisions and principles of the Convention are implemented throughout the territory. The Committee recommends that all appropriate measures be taken to ensure that the provisions and principles of the Convention are also recognized and enjoyed by children living in the Northern Tribal Territories

12. Bangladesh. 27/10/2003. CRC/C/15/Add.221.

20. The Committee notes that budgetary allocations to the social sector, including education, health, family and social welfare, has increased over the past two years, and that the State party is preparing a Poverty Reduction Strategy Paper (PRSP) which includes children's concerns and rights. However, the Committee remains concerned that resources are insufficient for the full implementation of the provisions of the Convention, in particular those relating to the economic, social and cultural rights of children, in accordance with article 4 of the Convention.

21. The Committee recommends that the State party pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, in particular those belonging to economically and geographically disadvantaged groups, including tribal children, to the maximum extent of available resources (at the national and local levels) and continue and strengthen its efforts to receive additional funding within the framework of international cooperation. In addition, the National Plan of Action for Children should be integrated into its PRSP.

23. The Committee recommends that the State party: ... (b) Strengthen its efforts to establish a comprehensive and permanent mechanism to collect data, disaggregated

by sex, age, and rural and urban area, incorporating all the areas covered by the Convention and covering all children below the age of 18 years, with emphasis on those who are particularly vulnerable, such as minority and tribal children....

25. The Committee recommends that the State party strengthen its awareness-raising efforts through, inter alia, systematic education and training on the rights of the child for all professional groups working for and with children The Committee further recommends that the State party translate the Convention into the languages of tribal peoples.

28. ... The Committee is also concerned about discrimination against children with disabilities, street children, child victims of sexual abuse and exploitation, tribal children and other vulnerable groups.

79. 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.

80. 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".

13. Morocco. 10/07/2003. CRC/C/15/Add.211.

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

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

14. Viet Nam. 18/03/2003. CRC/C/15/Add.200.

14. The Committee notes with concern that budgetary allocations for children are insufficient to respond to national and local priorities for the protection and promotion of children's rights. In particular, insufficient resources have been allocated to the development of health infrastructure and education in remote and mountainous areas.

15. The Committee recommends that the State party pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, in particular those belonging to economically disadvantaged groups and living in rural or mountainous areas, “to the maximum extent of ... available resources and, where needed, within the framework of international cooperation”. In particular, the State party should increase resources allocated to the training of skilled human resources in the areas of social work, child protection and counselling.

21. While noting the activities of NGOs and international organizations to disseminate information on children’s rights, the Committee reminds the State party of its obligations under articles 42 and 44 to make the principles and provisions of the Convention, as well as its own reports on the implementation of the Convention, widely known. It recommends that the State party: ... (b) Give particular attention to the dissemination of the Convention to members of ethnic minority groups, and ensure, wherever possible, that the full text of the Convention is translated into the local language.

31. While welcoming the State party’s many efforts in this regard, the Committee is concerned that still not all children are registered at birth and that there are, in particular, problems with the birth registration of children living in remote and mountainous regions, where parents are not always aware of birth registration requirements.

32. The Committee recommends that the State party continue and strengthen its efforts to secure the registration at birth of all children, giving particular attention to children living in rural and mountainous areas.

41. The Committee is concerned at the poor environmental health conditions, in particular the low percentage of the population with access to safe drinking water and sanitation facilities, in particular in rural and mountainous areas, as well as the after-effects of Agent Orange and other chemical defoliants.

42. The Committee recommends that the State party prioritize the construction and expansion of water and sanitation infrastructure in rural and mountainous regions and ensure that all vulnerable groups have equal access to safe drinking water and sanitation. It also recommends that the State party continue its efforts to prevent and combat the damaging effects of environmental pollution, such as chemical defoliants, on children, including through international cooperation.

47. While noting the State party’s efforts to achieve universal enrolment at primary school level, the Committee is concerned that there are significant gaps in access to and quality of education between urban and rural or mountainous regions, and that the school system still suffers from a shortage of well-trained teachers and educational materials. ...

48. The Committee recommends that the State party: ... (c) Recruit and train a greater number of teachers from all ethnic minority groups, and continue to provide incentives to teachers working in remote and mountainous regions; (d) Prioritize rural areas and remote and mountainous regions in existing programmes to improve the

quality of teaching and the curriculum, and in the construction and development of school infrastructure.

15. Argentina. 09/10/2002. CRC/C/15/Add.187

29. The Committee is concerned that the principle of non-discrimination is not fully implemented for children living in poverty, indigenous children, children of migrant workers, primarily those from neighbouring countries, street children, children with disabilities and marginalized adolescents who are neither studying nor working, especially with regard to their access to adequate health care and educational facilities.

46. While noting the decrease in the infant, child and maternal mortality rates, the Committee is nevertheless concerned that the rates remain high and that there are great disparities in these rates, in particular with regard to children from a lower socio-economic background, those living in rural areas, in particular in the northern provinces, and indigenous children. It also notes that 6 out of 10 infant deaths could be avoided by low-cost actions.

56. The Committee, while noting the increase in school enrolment for both primary and secondary education, remains concerned at the limited access to education and at the high drop-out and repetition rates, especially at secondary school level, which affect, in particular, children from marginalized urban and rural areas, indigenous children and children from migrant families, particularly illegal migrants. It further notes with concern the reduction in education spending which affects, in particular, poorer children.

56. The Committee, while noting the increase in school enrolment for both primary and secondary education, remains concerned at the limited access to education and at the high drop-out and repetition rates, especially at secondary school level, which affect, in particular, children from marginalized urban and rural areas, indigenous children and children from migrant families, particularly illegal migrants. It further notes with concern the reduction in education spending which affects, in particular, poorer children.

16. Gabon. 01/02/2002. CRC/C/15/Add.171.

15. The Committee recommends that the State party: (a) Develop a system of data collection and indicators consistent with the Convention disaggregated by gender, age, indigenous and minority groups, and urban and rural areas. This system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, including children victims of abuse, neglect, or ill-treatment; children with disabilities; Pygmy children; and other children in need of special protection (see 8 below); (b) Use these indicators and data for the formulation and evaluation of policies and programmes for the effective implementation of the Convention.

24. ... the Committee is concerned by the persistence of de facto discrimination in the State party. In particular, the Committee is concerned at the disparities in the enjoyment of rights experienced by children belonging to the most vulnerable groups,

such as girls, children with disabilities, children born out of wedlock, children living in rural areas and Pygmy children.

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

70. The Committee urges the State party to: (a) Undertake a study to assess the situation and the needs of Pygmy children and to elaborate a plan of action involving leaders of the Pygmy community to protect the rights of those children and ensure their social services; (b) Seek adequate means to ensure birth registration, health care, etc.

17. Chile. 01/02/2002. CRC/C/15/Add.173.

18. The Committee, while acknowledging that there have been efforts to disseminate the Convention during the process for the development of regional plans for children and to train professionals working with and for children in line with its previous recommendation (ibid, para. 18), nevertheless expresses its concern that these measures need to be strengthened, in particular in rural areas and among indigenous children.

19. The Committee recommends that the State party: (a) Increase its efforts to translate informative material into the main indigenous languages and disseminate it

26. The Committee, while noting the development of the National Plan to Overcome Discrimination in Chile 2001-2006, is concerned that the principle of non-discrimination is not fully implemented for children belonging to indigenous groups, poor children, girls, children with disabilities and children living in rural areas, especially with regard to their access to adequate health care and educational facilities.

27. The Committee recommends that the State party: (a) Monitor the situation of children, in particular those belonging to the above-mentioned vulnerable groups, who are exposed to discrimination; and (b) Develop, on the basis of the results of this monitoring, comprehensive strategies containing specific and well-targeted actions aimed at eliminating all forms of discrimination, including racial and xenophobic discrimination against indigenous children, and implement the National Plan to Overcome Discrimination in Chile 2001-2006.

39. While noting the decrease in the infant and child mortality rates and the reform process which has been under way since the early 1990s, the Committee is nevertheless concerned at the great disparities existing within these rates, in particular with regard to indigenous children, those living in rural areas, those with a lower socio-economical origin and those with a mother with a low level of education. It further notes that maternal mortality rates may not reflect actual cases related to complications resulting from illegal abortions, in particular those affecting pregnant adolescents.

43. The Committee expresses its concern at the inefficiency of projects financed by the National Fund for Disability, owing to inadequate funds and modalities. The Committee is also concerned at the general lack of resources and specialized staff for these children, especially the ones with mental disabilities, in particular in rural areas and for indigenous children. Further, it expresses its concern at the low proportion of children with disabilities enrolled in regular schools.

45. The Committee, while noting the increase in the school attendance rate, expresses its concern at the difficult access to education, high drop-out and repetition rates which affect in particular indigenous children, poor children and the ones living in rural areas; the low enrolment rate for pre-school education; the low rate of children reaching secondary education and the treatment of children with behavioural problems. It further notes with concern the important number of pregnant children who are excluded from school and that government measures to avoid this situation are not implemented, especially in private schools.

46. In light of articles 28 and 29 of the Convention, the Committee recommends that the State party: (a) Ensure regular attendance at school and the reduction of drop-out rates, especially with regard to indigenous children....

18. Cameroon. 06/11/2001. CRC/C/15/Add.164.

18. The Committee recommends that the State party: (a) Develop a system of data collection and indicators consistent with the Convention, disaggregated by gender, age, indigenous and minority groups, and urban and rural areas. This system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, including children victims of abuse, neglect or ill-treatment; children with disabilities; children belonging to marginalized groups, such as Pygmy, Bororos and Mafa children; and other children in need of special protection (see D.8); (b) Use these indicators and data for the formulation and evaluation of policies and programmes for the effective implementation of the Convention.

25. While noting that discrimination is prohibited under the Constitution and noting that the State party has recently taken measures to increase the enrolment in schools of girls in priority education zones, the Committee is concerned at the persistence of discrimination in the State party. In particular, the Committee is concerned at the disparities in the enjoyment of rights experienced by children belonging to the most vulnerable groups (e.g. girls, children with disabilities, children born out of wedlock; children from rural areas, least developed provinces (Far-North, North and Adamawa); Pygmy children and children from other marginalized population groups.

58. ... The Committee is also concerned at practices of forced labour among children belonging to certain groups of the population, such as the Pygmies and the Kirdi.

69. The Committee is deeply concerned about the poor situation of Pygmy children and children of similar marginalized groups, and at the lack of respect for almost all of their rights, including the rights to health care, to education, to survival and development, to enjoy their own culture and to be protected from discrimination. The Committee is also concerned at the displacement of Pygmy families, including children, as a result of logging policies.

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

19. Paraguay. 06/11/2001. CRC/C/15/Add.166.

6. The Committee notes with concern that the State party is facing many difficulties in the implementation of the Convention, in particular owing to political instability, low economic growth and an inadequate public service. The Committee acknowledges that the serious economic and social disparities, affecting in particular people living in rural areas and indigenous people, impede the full achievement and enjoyment of the rights recognized in the Convention.

19. The Committee recognizes that material promoting human rights was disseminated by both governmental agencies and non-governmental organizations, in line with its previous recommendation (CRC/C/15/Add.75, para. 33), but notes that these measures need to be strengthened, in particular in rural areas and among indigenous children.

20. The Committee recommends that the State party: (a) Increase its efforts to translate informative material into Guaraní and the main indigenous languages and disseminate it....

27. The Committee is concerned that the principle of non-discrimination is not fully implemented for children belonging to indigenous groups or those groups speaking only Guaraní, urban and rural poor children, girls, street children, children with disabilities, and children living in rural areas, especially with regard to their access to adequate health and educational facilities. ...

29. The Committee notes with concern that a large number of children, in particular those belonging to indigenous groups and/or living in rural or remote areas, are not registered because of distance or because parents are unaware of the importance of birth registration. It further notes that registration is not free.

30. In light of article 7 of the Convention and in line with its previous recommendation (CRC/15/Add.75, para. 38), the Committee recommends that the State party: (a) Develop more widespread awareness among the population of the importance of birth registration; and (b) Improve the registration system in order to reach all people, in particular in rural and remote areas, including by using mobile registration units.

37. While noting the decrease in the infant and child mortality rates, the Committee is nevertheless concerned at the lack of reliable statistics and at the still high rates of mortality, morbidity and malnutrition affecting especially indigenous children and those who speak only Guaraní. ...

38. In light of article 24 of the Convention and in line with its previous recommendation (CRC/C/15/Add. 75, para. 45), the Committee recommends that the State party: (c) Develop a comprehensive nutritional programme in order to prevent

and combat malnutrition, in particular among indigenous children and those who speak only Guaraní....

20. Denmark. 10/07/2001. CRC/C/15/Add.151.

10. The Committee regrets that the report did not include adequate information concerning the situation of children in Greenland and the Faroe Islands and that it did not follow the general guidelines regarding the form and contents of periodic reports to be submitted by States parties (CRC/C/58).

11. The Committee recommends that the State party take all effective measures to ensure that its next periodic report includes specific information on the situation of children in Greenland and the Faroe Islands and that it follows the general guidelines regarding the form and contents of periodic reports to be submitted by States parties (CRC/C/58).

21. Guatemala. 09/07/2001. CRC/C/15/Add.154.

9. The Committee, while noting significant progress since the signing of the final peace agreement on 29 December 1996, is concerned that the State party still faces many difficulties in the implementation of the Convention, due in particular to the legacy of poverty and authoritarian rule, as well as to human rights violations and impunity resulting from more than 30 years of armed conflict. Of particular concern to the Committee is the recent information that there are signs that the human rights situation is deteriorating. It also notes the serious economic and social disparities affecting most of the population, in particular indigenous people.

17. The Committee recommends that the State party continue to develop a system to collect data and indicators reflecting the provisions of the Convention, disaggregated by gender, age, indigenous and minority groups, urban or rural area. This system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, including children belonging to indigenous groups; child victims of abuse, neglect, or ill-treatment; children with disabilities; children who are displaced; children in conflict with the law; children who work; children who are sexually exploited for commercial purposes; adopted children and children living in the streets and in rural areas. It further encourages the State party to use these indicators and data for the formulation of policies and programmes for the effective implementation of the Convention.

18. The Committee recognizes that material on the promotion of human rights was disseminated by both governmental agencies and non-governmental organizations, but it notes that these measures need to be strengthened, in particular in rural areas and among indigenous children.

26. The Committee is concerned that the principle of non-discrimination (art. 2) is not fully implemented for children belonging to indigenous groups, urban and rural poor children, girls, children with disabilities and displaced children especially with regard to their access to adequate health and educational facilities.

42. ... However, by noting the high rates of both chronic and severe malnutrition still affecting in particular children under five in rural areas, especially those belonging to indigenous groups, the Committee expresses its deep concern that there are no governmental policies to reduce and combat malnutrition among babies and children under five.

46. ... Further, it notes with concern that bilingual education is offered only in a limited number of indigenous languages and only at pre-school level and in the first three grades of primary schooling.

56. The Committee expresses its serious concern that its previous recommendation encouraging the reform of the juvenile justice system to ensure its full compatibility with the principles and provisions of the Convention... In particular, it reiterates its concern about the doctrine of "irregular situation" and notes that legal assistance for children is not mandatory and that the presence of a translator for indigenous children is not required. ...

22. Central African Republic. 18/10/2000. CRC/C/15/Add.138.

28. The Committee is concerned that there is extensive discrimination against girls with regard, in particular, to access to education and inheritance rights. The Committee is also concerned that there is discrimination against children with disabilities and against minority populations, notably including Pygmies.

23. Finland. 16/10/2000. CRC/C/15/Add.132.

21. While noting the efforts of the State party in disseminating information about the Convention, including the publication in the Sami language of the text of the Convention, the Committee expresses its concern that the principles and provisions of the Convention are not disseminated at all levels of society. In addition, the Committee notes that the training and retraining of professionals working with and for children is not systematic.

24. Burundi. 16/10/2000. CRC/C/15/Add.133.

77. The Committee is deeply concerned about the poor situation of Batwa children and the lack of respect for almost all of their rights, including the rights to health care, to education, to survival and development, to a culture and to be protected from discrimination.

78. The Committee urges the State party urgently to gather additional information on the Batwa people, to strengthen the representation of Batwa in national policy-making and to elaborate a plan of action to protect the rights of Batwa children, including those rights related to minority populations and indigenous peoples.

25. Colombia. 16/10/2000. CRC/C/15/Add.137.

32. Concern is expressed at the existing patterns of economic and social disparity, and of gender and racial discrimination; at the marginalization of children belonging to the Afro-Colombian and indigenous populations; and at the precarious situation of

children belonging to internally displaced populations, especially regarding their limited access to housing, education and health services.

33. In the light of article 2 and other related articles of the Convention, the Committee recommends that the State party increase measures to reduce economic and social disparities, including between urban and rural areas; to prevent discrimination against the most disadvantaged groups of children, such as girls, children with disabilities, children belonging to indigenous and ethnic groups, children living in and/or working on the streets, children living in camps for internally displaced populations and children living in rural areas; and to guarantee their full enjoyment of all the rights recognized in the Convention.

52. While the Committee notes with appreciation the State party's achievements in the field of education, it remains concerned about the high drop-out and repetition rates in primary and secondary school, and at the disparities in access to education between rural and urban areas. The Committee is particularly concerned about the situation of children belonging to Afro-Colombian and indigenous groups, as well as those living in camps for the displaced regarding their access to education and the low relevance of the current bilingual educational programmes available for them.

53. In the light of articles 28, 29 and other related articles of the Convention, the Committee recommends that the State party continue with its efforts to strengthen its educational policies and system in order to improve ongoing retention programmes and vocational training for drop-out students; to extend coverage and to improve the quality of education, respecting geographical and cultural diversity; and to improve the relevance of bilingual education programmes for children belonging to indigenous and Afro-Colombian groups. ...

26. Cambodia. 28/06/2000. CRC/C/15/Add.128.

28. The Committee recommends that the State party ensure that all the rights enshrined in the Convention are enjoyed by all children, without any distinction. The Committee further recommends that the State party take effective measures to eliminate discrimination against girls, in particular with regard to their access to education. Efforts need to be made to eliminate discrimination against children living and/or working on the streets and children belonging to minority groups, especially of Vietnamese origin. Furthermore, the Committee endorses the recommendations made to the State party by the Human Rights Committee in 1999 (CCPR/C/79/Add.108, para. 17) and by the Committee on the Elimination of Racial Discrimination in 1998 (CERD/C/304/Add.54, paras. 11-13) in this regard.^[2]

² *Cambodia. 27/07/99. CCPR/C/79/Add.108.*, at para. 19 - "The Committee regrets the lack of specific information concerning the indigenous peoples and especially hill tribes, and about the measures taken to ensure that their rights under article 27 to enjoy their cultural traditions, including their agricultural activities, are respected. Immediate measures should be taken to ensure that the rights of members of indigenous communities are respected; further information on these issues should be included in the State party's second periodic report;" and, *Cambodia: 31/03/98. CERD/C/304/Add.54*, paras. 10, 13 and 19.

27. Suriname. 28/06/2000. CRC/C/15/Add.130.

6. ... The Committee notes the challenges faced by the State party in implementing adequate programmes and services for children living in communities in the interior which are in many instances isolated and very difficult to reach. ...

12. The Committee recommends that the State party intensify its efforts to establish a central registry for data collection and introduce a comprehensive system of data collection incorporating all the areas covered by the Convention. Such a system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, including children living in the interior of the country, especially those belonging to Amerindian and Maroon communities; children with disabilities; children living in poverty; children in conflict with the law; children of single-parent families; sexually abused children; and children living and/or working on the streets. In this context, the Committee recommends that the State party seek technical assistance from the United Nations Population Fund (UNFPA) and UNICEF, among others.

18. ... The State party is encouraged to translate the Convention into local languages and to promote its principles through, *inter alia*, the use of traditional methods of communication. In this regard, the Committee further suggests that the State party seek technical assistance from OHCHR and UNICEF, among others.

25. The Committee notes with concern that the principle of non-discrimination is not adequately respected with regard to certain vulnerable groups of children, including children living in the interior, especially girls; children living in institutions; children with disabilities; children of single-parent families; children living in poor urban communities, especially boys; children in conflict with the law; children living and/or working on the streets; child victims of abuse; and children belonging to indigenous and minority groups. The Committee is particularly concerned about their limited access to adequate health, education and other social services.

43. The Committee notes with concern the health situation of children, especially those living in the interior. In particular, it notes their limited access to basic health care; the insufficient number of trained medical personnel; the high incidence of malaria; high maternal, child and infant mortality rates, including suicides and accidents; inadequate breastfeeding and weaning practices; high rates of malnutrition; and poor sanitation and limited access to safe drinking water, especially in rural areas.

44. The Committee recommends that the State party allocate appropriate resources and develop comprehensive policies and programmes to improve the health situation of children, especially those living in the interior; facilitate greater access to primary health services; increase the number of trained medical and other health personnel; take steps to reduce the incidence of maternal, child and infant mortality; promote healthier breastfeeding and weaning practices; prevent and combat malnutrition, especially among vulnerable and disadvantaged groups of children; increase access to safe drinking water and sanitation; and reduce the incidence of malaria. ...

51. ... The Committee remains concerned, however, about the situation of education, particularly in the interior. In this regard, the Committee notes that there are still

limited access to education, high drop-out and repetition rates, insufficient numbers of trained teachers actually in the classroom, insufficient schools and classrooms, and a general lack of relevant learning material. The Committee notes with concern that the budgetary allocations for education have been progressively reduced during the past decade. The insufficient efforts made by the State party to incorporate the use of local languages into the educational curriculum is also a matter of concern for the Committee.

52. ... It is further recommended that all appropriate measures be taken to increase access to education, especially as regards children living in the interior, and to encourage trained teachers to stay in teaching. The Committee further recommends that the State party seek to implement additional measures to encourage children, especially girls in the interior and boys in urban communities, to stay in school, particularly during the period of compulsory education. The Committee encourages the State party to reinforce its efforts to include the use of traditional languages in the school curricula. ...

28. Costa Rica. 24/02/2000. CRC/C/15/Add.117.

15. With regard to the implementation of article 2 of the Convention, the Committee expresses its concern at the manifestations of xenophobia and racial discrimination against immigrants, particularly children belonging to Nicaraguan families residing illegally in the State party's territory; at the marginalization of children belonging to indigenous populations and to the Black Costa Rican ethnic minority; and at the regional disparities, in particular between the developed Central Valley and the less developed coastal regions and border areas. The Committee recommends that the State party increase measures to reduce socio-economic and regional disparities; and to prevent discrimination against the most disadvantaged groups of children, such as the girl child, children with disabilities, children belonging to indigenous and ethnic groups, children living in and/or working on the streets and children living in rural areas. Furthermore, the Committee also recommends that the State party undertake educational campaigns to raise awareness in order to prevent and combat discrimination on the grounds of gender, ethnic and/or national origin. In this regard, the Committee endorses the recommendations made by the Human Rights Committee (CCPR/C/79/Add.107) and the Committee for the Elimination of Racial Discrimination (CERD/C/304/Add.71).

25. The Committee remains concerned about the living conditions of children belonging to indigenous and ethnic minority groups, especially with regard to the full enjoyment of all the rights enshrined in the Convention. Concern is also expressed about the precarious situation of children belonging to Nicaraguan families illegally residing in the State party's territory. In the light of articles 2 and 30 of the Convention, the Committee recommends that the State party take effective measures to protect children belonging to indigenous and ethnic minority groups, as well as children of Nicaraguan families in irregular situations, against discrimination and to guarantee their enjoyment of all the rights recognized by the Convention on the Rights of the Child.

29. India. 23/02/2000. CRC/C/15/Add.115.

3. The Committee is encouraged by the existence of a broad range of constitutional and legislative provisions, and institutions (e.g. the National Human Rights Commission, the National Commission for Women, and the Scheduled Castes and Scheduled Tribes Commission) for the protection of human rights and children's rights. Moreover, the Committee welcomes the frequent references to provisions of international human rights instruments by the courts, in particular the Supreme Court.

12. The Committee notes that insufficient efforts have been made to implement legislation and decisions of the courts and the commissions (i.e. the National Human Rights Commission, the National Commission for Women, and the Scheduled Castes and Scheduled Tribes Commission); and to facilitate the work of such institutions with respect to children's rights.

13. The Committee recommends that the State party take all necessary measures, including the allocation of the required resources (i.e. human and financial) to ensure and strengthen the effective implementation of existing legislation. The Committee further recommends the State party to provide adequate resources and to take all other necessary steps to strengthen the capacity and effectiveness of national human rights institutions, including the National Human Rights Commission, the National Commission for Women, and the Scheduled Castes and Scheduled Tribes Commission.

16. The Committee is concerned at the absence of an effective mechanism to collect and analyse disaggregated data of all persons under 18 years for all areas covered by the Convention, including the most vulnerable groups (i.e. children living in slums, belonging to different castes and tribal groups, living in rural areas, children with disabilities, children who are living and/or working on the streets, children affected by armed conflicts and refugee children).

28. In the light of article 2 of the Convention, the Committee is deeply concerned at the widely disparate levels of enjoyment of the rights in the Convention by children living in different states, living in rural areas, living in slums and belonging to different castes, tribal and indigenous groups.

30. In the light of article 2 of the Convention, the Committee is concerned at the existence of caste-based discrimination and discrimination against tribal groups, despite these practices being prohibited under the law.

31. In accordance with article 17 of the Constitution and article 2 of the Convention, the Committee recommends that the State party take steps to ensure states abolish the discriminatory practice of "untouchability", prevent caste- and tribe-motivated abuse, and prosecute State and private actors who are responsible for such practices or abuses. Moreover, in compliance with article 46 of the Constitution, the State party is encouraged to implement, *inter alia*, affirmative measures to advance and protect these groups. The Committee recommends the full implementation of the 1989 Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the 1995 Scheduled Castes and Scheduled Tribes Rules (Prevention of Atrocities) and the 1993 Employment of Manual Scavengers Act. ...

59. The Committee recommends that the State party take due regard of the aims of education laid down in article 29 of the Convention, including tolerance and equality between the sexes and friendship among all peoples, ethnic, national and religious groups and persons of indigenous groups. The Committee recommends that the State party consider introducing human rights issues, including the Convention, into the school curricula.

30. South Africa. 23/02/2000. CRC/C/15/Add.122.

14. The Committee is concerned that the current data collection mechanism is insufficient to afford the systematic and comprehensive collection of disaggregated quantitative and qualitative data for all areas covered by the Convention in relation to all groups of children in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children. The Committee recommends that the system of data collection be reviewed with a view to incorporating all the areas covered by the Convention. Such a system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, including ... children belonging to the Khoi-Khoi and San communities....

41. The Committee notes that domestic legislation guarantees the cultural, religious and linguistic rights of children, particularly as regards education and adoption procedures. The Committee further notes the State party's intention to establish a Commission for the Protection and Promotion of the Rights of Cultural, Religious and Linguistic Communities as a first step in guaranteeing greater protection to minorities. However, the Committee is concerned that customary law and traditional practice continue to threaten the full realization of the rights guaranteed to children belonging to minority groups. The Committee recommends that the State party undertake all appropriate measures to ensure that the rights of children belonging to minority groups, including the Khoi-Khoi and San, are guaranteed, particularly those rights concerning culture, religion, language and access to information.

31. Peru. 22/02/2000. CRC/C/15/Add.120.

16. While welcoming the adoption of special programmes, within the National Plan of Action for Children, for the protection of the rights of the most vulnerable children, the Committee is of the opinion that these measures need to be reinforced. Concern is expressed at the existing patterns of gender and racial discrimination; at the marginalization of children belonging to indigenous populations; and at the precarious situation of children from the rural highlands and the Amazonia region, especially regarding their limited access to education and health services. In light of its recommendation (*ibid.*, para. 154), the Committee further recommends that the State party increase measures to reduce economic and social disparities, including between urban and rural areas, to prevent discrimination against the most disadvantaged groups of children, such as girls, children with disabilities, children belonging to indigenous and ethnic groups, children living in and/or working on the streets and children living in rural areas, and to guarantee their full enjoyment of all the rights recognized in the Convention.

19. With regard to the Committee's recommendation (ibid., para. 161) to ensure birth registration in areas affected by internal violence, the Committee welcomes the State party's efforts in this area but is of the opinion that greater efforts are needed to ensure that all children are registered, especially those belonging to the most vulnerable groups. In light of article 7 of the Convention, the Committee recommends that the State party continue with its measures to ensure the immediate registration of the birth of all children, especially of those living in rural and remote areas and belonging to indigenous groups.

24. While acknowledging the measures taken to improve the health of children, in particular initiatives related to the reduction of infant mortality, the Committee remains concerned about the persistence of regional disparities in access to health care, and of high rates of malnutrition of children, especially in rural and remote areas and in particular among children belonging to indigenous groups. ... The Committee recommends that the State party continue taking effective measures to ensure access to basic health care and services for all children. More concerted efforts need to be taken to guarantee equal access to health care and to combat malnutrition, with special emphasis on children belonging to indigenous groups and children living in rural and remote areas. ... In this regard, the Committee encourages the State party to continue working in this field in cooperation with, inter alia, WHO, UNICEF and UNAIDS.

25. ... The Committee is particularly concerned about the limited access to education for children belonging to indigenous groups and the low relevance of the current bilingual educational programmes available for them. In light of articles 28, 29 and other related articles of the Convention, the Committee recommends that the State party continue with its efforts to strengthen its educational policies and system in order to improve ongoing retention programmes and vocational training for drop-outs; to extend school coverage and to improve school quality, making schools more responsive to geographical and cultural diversity; and to improve the relevance of bilingual education programmes for children belonging to indigenous groups. The Committee encourages the State party to consider seeking technical assistance in this area, inter alia from UNICEF and UNESCO.

26. With regard to the Committee's recommendation (A/49/41, para. 164), the Committee takes note that the State party has submitted a proposal to Congress to raise the minimum legal age for admission to employment from 12 to 14 years. Nevertheless, the Committee is still concerned that economic exploitation of children remains one of the major social problems in the State party (e.g. in the indigenous communities in the highlands) and that law enforcement is insufficient to address this problem effectively. ...

32. Russian Federation. 10/11/99. CRC/C/15/Add.110.

65. While the Committee notes the 1996 Federal National Cultural Autonomy Act and programmes designed to provide support to minorities, the Committee remains concerned at the living conditions of ethnic minorities, especially in the north, and their access to health, educational and other social services. The Committee is also concerned at the growing incidence of societal discrimination against children belonging to ethnic minorities.

66. The Committee recommends that the State party take all necessary measures to protect minority children from discrimination and to guarantee their full access to educational, health and other social services.

33. Mexico. 10/11/99. CRC/C/15/Add.112.

18. While the Committee acknowledges the State party's measures to implement the Committee's recommendation (CRC/C/15/Add.13, para. 18) concerning the protection of the rights of the most vulnerable groups of children, in particular the measures carried out by PROGRESA, DIF, the National Indigenous Institute (INI) and CONMUJER, the Committee is of the opinion that these measures need to be reinforced. The Committee reiterates its recommendation and further recommends that the State party increase measures to reduce economic and social disparities, including between urban and rural areas, to prevent discrimination against the most disadvantaged groups of children, such as girls, children with disabilities, children belonging to indigenous and ethnic groups, children living and/or working on the streets and children living in rural areas.

21. Although the State party has made significant progress in the area of birth registration, the Committee is of the opinion that greater efforts are needed to ensure that all children are registered, especially those belonging to the most vulnerable groups. The Committee recommends that the State party strengthen its measures to ensure the immediate registration of the birth of all children, especially of those living in rural and remote areas and belonging to indigenous groups.

26. With regard to the measures taken to improve the health standards of children, in particular initiatives to reduce infant mortality, the Committee remains concerned at the persistence of regional disparities in access to health care, at the high rates of malnutrition among children under five years of age and those of school age, especially in rural and remote areas and among children belonging to indigenous groups. The Committee recommends that the State party continue taking effective measures to ensure access to basic health care and services for all children. More concerted efforts need to be taken to guarantee equal access to health care and to combat malnutrition, with special emphasis on children belonging to indigenous groups and children living in rural and remote areas.

28. ... The Committee is particularly concerned about the situation of children belonging to indigenous groups regarding their access to education and the low relevance of the current bilingual educational programmes available for them. ... The Committee also recommends that the State party continue taking effective measures to improve the educational situation of children belonging to the most vulnerable groups, in particular, with regard to bilingual education programmes for children belonging to indigenous groups. The Committee encourages the State party to consider seeking technical assistance in this area, inter alia, from UNICEF and UNESCO.

29. Although the Committee is aware of the measures taken by the State party, in particular by INI, it remains concerned about the living conditions of children belonging to indigenous groups, especially with regard to the full enjoyment of all the rights enshrined in the Convention. In the light of articles 2 and 30 of the Convention,

the Committee recommends that the State party take effective measures to protect children belonging to indigenous groups against discrimination and to guarantee their enjoyment of all the rights recognized by the Convention on the Rights of the Child.

34. Venezuela. 02/11/99. CRC/C/15/Add.109.

18. While the Committee is aware of the measures taken by the State party to improve the situation of the most vulnerable groups of children, it is still concerned at the existence of discrimination on the basis of ethnic origin and gender. Additionally, the Committee expresses its concern at the growing number of population living in poor urban and marginalized areas. The Committee recommends the State Party to continue taking effective measures to reduce economic and social disparities. Measures to prevent discrimination against the most disadvantaged groups of children, including girls, children belonging to indigenous and other ethnic groups, children with disabilities, children born out of wedlock and children living and/or working in the streets, should be reinforced.

21. The Committee welcomes the measures taken by the State party in the area of birth registration, especially those recently implemented in the framework of the National Plan on Birth Registration, but it remains concerned at the large number of children without birth certificates and at the related impact on the enjoyment of their rights. Particular concern is expressed in this area with regard to the situation of children belonging to indigenous groups and to illegal immigrant families. In the light of article 7 of the Convention, the Committee recommends that the State Party continue its efforts to ensure the immediate registration of the birth of all children, including measures in cooperation with non-governmental organizations and with the support of international organizations, to ensure that birth registration procedures are widely known and understood by the population at large. In this regard, the situation of children belonging to indigenous groups and to illegal immigrant families deserves special attention.

30. The Committee is aware of the measures taken by the State party, in particular by the Direction of Indigenous Affairs of the Ministry of Education, but it remains concerned about the living conditions of children belonging to indigenous and ethnic groups, especially with regard to the full enjoyment of all the rights enshrined in the Convention. In the light of articles 2 and 30 of the Convention, the Committee recommends that the State party take effective measures to protect children belonging to indigenous and ethnic groups against discrimination and to guarantee their enjoyment of all the rights recognized by the Convention on the Rights of the Child.

35. Honduras. 24/08/99. CRC/C/15/Add.105.

15. The Committee takes note of the measures taken by the State party to implement the Committee's recommendation (see CRC/C/15/Add.24, para. 23) regarding the need to make the principles and provisions of the Convention widely known and understood by the population at large. Nevertheless, it remains concerned at the insufficiency of these measures, especially among indigenous and ethnic groups as well as in rural areas. The Committee recommends that the State party strengthen its efforts to disseminate the principles and provisions of the Convention as a measure to sensitize society about children's rights. Special emphasis should be placed on the

dissemination of the Convention among indigenous and ethnic groups as well as in rural and remote areas. ... Furthermore, the Committee recommends publicizing the Convention in innovative ways, taking into consideration the specific needs of indigenous and ethnic groups. The Committee encourages the State party to consider seeking technical assistance in this area from, inter alia, UNICEF.

19. While the Committee acknowledges the State party's efforts to implement the Committee's recommendation (see CRC/C/15/Add.24, para. 24) for the protection of the rights of the most vulnerable groups of children, it is of the opinion that these measures need to be reinforced. In addition, the Committee is particularly concerned about the prevalence of cultural attitudes and traditions which are patriarchal and discriminatory against the girl child. The Committee reiterates its recommendation to the State party and further recommends that it increase measures to reduce economic and social disparities, including between urban and rural areas, to prevent discrimination against the most disadvantaged groups of children, such as the girl child, children with disabilities, children belonging to indigenous and ethnic groups, children living in and/or working on the streets and children living in rural areas. ...

31. The Committee remains concerned about the living conditions of children belonging to indigenous (e.g. Lencas, Chortis, Miskitos, etc.) and ethnic groups (e.g. Garifunas), especially with regard to the full enjoyment of all the rights enshrined in the Convention. In light of articles 2 and 30 of the Convention, the Committee recommends to the State party to take all necessary measures to protect children belonging to indigenous and ethnic groups against discrimination and to guarantee their enjoyment of all the rights recognized in the Convention.

36. Nicaragua. 24/08/99. CRC/C/15/Add.108.

20. While welcoming the measures taken by the State party to implement the Committee's recommendation (see CRC/C/15/Add.36, para. 30) regarding the need to make the principles and provisions of the Convention widely known and understood by the population at large, the Committee remains concerned at the insufficiency of these measures, especially among indigenous groups (e.g. Miskitos and Ramas) as well as in rural areas. The Committee recommends that the State party strengthen its efforts to disseminate the principles and provisions of the Convention as a measure to sensitize society about children's rights. Special emphasis should be placed on the dissemination of the Convention among indigenous groups as well as in rural and remote areas. In this regard, the Committee further recommends the involvement of local structures such as the Municipal Commissions on Children and non-governmental organizations in the development of a national awareness campaign on the Convention. Furthermore, the Committee recommends the continuation of efforts to publicize the Convention through methods that take into consideration the specific needs of indigenous groups. The Committee encourages the State party to consider seeking technical assistance in this area from, inter alia, UNICEF.

24. With regard to the implementation of article 2 of the Convention, the Committee remains concerned (see CRC/C/15/Add.36, para. 15) about the persistent regional disparities between the Atlantic and Central/Pacific regions, the growing disparities between urban and rural areas as well as the increasing number of people living in urban poor and marginalized areas. Furthermore, the predominance of discrimination

on the basis of ethnic origin, gender, social status and disability is also a major concern. The Committee reiterates its recommendation to the State party to reduce economic, social and regional disparities, including between urban and rural areas, to prevent discrimination against the most disadvantaged groups of children, such as the girl child, children with disabilities, children belonging to indigenous and ethnic groups, children living in and/or working on the streets and children living in rural areas. The Committee also recommends that the State party undertake educational campaigns to raise awareness of discrimination on the grounds of gender and ethnic origin with a view to its elimination.

26. While noting the measures taken by the State party in the area of birth registration, especially those carried out by the Supreme Electoral Council in cooperation with UNICEF, the Ministry of Health and municipal governments, the Committee remains concerned (see CRC/C/15/Add.36, para. 16) about the insufficient registration of births and the lack of awareness and understanding of registration procedures, especially in rural areas and among indigenous communities. In light of article 7 of the Convention, the Committee recommends that the State party continue taking all available measures to ensure the immediate registration of the births of all children, especially in rural areas and among indigenous communities. Furthermore, the Committee encourages the State party to ensure that birth registration procedures are widely known by the population at large, if necessary in cooperation with non-governmental organizations and with the support of international organizations.

39. With regard to the situation of children belonging to indigenous groups living in the Atlantic region (e.g. Miskitos and Ramas), the Committee remains concerned about their limited enjoyment of all the rights enshrined in the Convention, in particular their access to health and education. In light of article 30 of the Convention, the Committee recommends to the State party to take all necessary measures to protect children belonging to indigenous groups and to guarantee that they enjoy all the rights recognized in the Convention on the Rights of the Child, with special emphasis on their access to health and education.

37. Belize. 10/05/99. CRC/C/15/Add.99.

10. The Committee notes the recent formation of a Social Indicators Committee responsible for monitoring quality data collection throughout the State party and ensuring its comprehensive analysis. The Committee is still concerned, however, that the current data-collection mechanism is insufficient to afford the systematic and comprehensive collection of disaggregated quantitative and qualitative data for all areas covered by the Convention in relation to all groups of children in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children. The Committee recommends that the system of data collection be reviewed with a view to incorporating all the areas covered by the Convention. Such a system should cover all children up to the age of 18 years, with specific emphasis on those who are particularly vulnerable, including children with disabilities; children belonging to minority and indigenous groups, such as Maya and Garifuna children....

13. While recognizing the efforts of the State party to promote awareness of the principles and provisions of the Convention, particularly within the primary school system, the Committee remains concerned that professional groups, children not

regularly enrolled in school and the public at large are generally not sufficiently aware of the Convention and the rights-based approach enshrined therein. The Committee recommends that greater effort be made to ensure that the provisions of the Convention are widely known and understood by adults and children alike, residing in both rural and urban areas. In this regard, it encourages the State party to continue its efforts to make the Convention available, including through popular oral forms, in all minority and indigenous languages. ...

16. While the Committee notes that the principle of non-discrimination (art. 2) is reflected in the Constitution and in other domestic legislation, it is still concerned that measures adopted to ensure that all children are guaranteed access to education and health services and are protected against all forms of exploitation are insufficient. Of particular concern are certain vulnerable groups of children, including children with disabilities; children belonging to minority and indigenous groups, such as Maya and Garifuna children; children living in remote rural areas; children living in poverty; children living and/or working on the street; refugee and asylum-seeking children; illegal immigrant children; children in the juvenile justice system; children of single-parent families; children born out of wedlock and institutionalized children. The Committee recommends that the State party increase its efforts to ensure implementation of the principle of non-discrimination and full compliance with article 2 of the Convention, particularly as it relates to the vulnerable groups.

27. The Committee remains concerned at the situation of education, particularly as regards overcrowding, the high drop-out rate, the lack of basic training materials, poorly maintained infrastructure and equipment, shortages of textbooks and other materials, the limited number of trained teachers and the lack of play space and recreational facilities. The Committee is also concerned that some children, particularly immigrant children and those living in poverty and among minority and indigenous communities, still do not have access to education. The Committee expresses further concern that the school curricula do not adequately address the special situation of non-English-speaking children, particularly the minority indigenous and Spanish-speaking children. ...

38. Ecuador. 26/10/98. CRC/C/15/Add.93.

5. The Committee welcomes the measures taken by the State party to include the teaching of the Convention in the school curricula and for the establishment of bilingual education programmes for indigenous children.

8. The Committee also welcomes the accession (1995) of the State party to the Hague Convention of 1993 on the Protection of Children and Cooperation in Respect of Intercountry Adoption and to ILO Convention No. 169 concerning Indigenous and Tribal Peoples.

14. The Committee is concerned about the absence of an adequate, systematic, comprehensive and disaggregated data collection mechanism, for all areas covered by the Convention, especially addressing the most vulnerable groups of children, including children born out of wedlock, children belonging to indigenous groups, Afro-Ecuadorian children, children living in institutional care, children living and/or working on the streets, girl children and children living in rural areas. It recommends

that the State party develop a comprehensive system for collecting disaggregated data, in order to gather all necessary information on the situation of children in the various areas covered by the Convention, including children belonging to vulnerable groups, as a basis for assessing progress achieved in the realization of children's rights and to help design policies for better implementation of the provisions.

18. While acknowledging the measures taken by the State party, the Committee is still concerned at the predominance of discrimination on the basis of ethnic origin, gender, social status and disabilities. The Committee expresses its concern at the increasing disparities between rural and urban areas, as well as at the growing number of the population living in urban poor and marginalized areas. In the light of the general principle of non-discrimination (art. 2 of the Convention), the Committee recommends that the State party continue taking all available measures to reduce economic and social disparities, including those between rural and urban areas. Measures to prevent discrimination against the most disadvantaged groups of children, including children belonging to indigenous communities, Afro-Ecuadorian children, girl children, children with disabilities, children born out of wedlock, children in institutional care, and children living and/or working on the streets should be reinforced.

24. The Committee expresses its concern at the high incidence of environmental threats, including to the health of children, in particular in oil exploitation areas of the Amazonia region. In the light of article 24 (c) of the Convention, the Committee recommends that the State party take all appropriate measures, including seeking international cooperation, to prevent and combat the damaging effects of environmental degradation, including pollution, on children.

39. Bolivia. 26/10/98. CRC/C/15/Add.95.

13. ... The Committee recommends that the State party take all available measures to disseminate the principles and provisions of the Convention, especially in the three national languages other than Spanish (Aymara, Quechua and Guarani) spoken in the State party. The Committee suggests that the State party seek assistance from, inter alia, UNICEF in this regard.

17. With regard to the implementation of article 2 of the Convention, the Committee reiterates its concern (see CRC/C/15/Add.1, para. 9) at the growing disparities between rural and urban areas, as well as the growing number of the population living in urban poor and marginalized areas. Furthermore, the predominance of discrimination on the basis of ethnic origin, gender, social status and disabilities is also a major concern. The Committee reiterates its recommendation (see CRC/C/15/Add.1, para. 14) to the State party and further recommends that it increase measures to reduce economic and social disparities, including between rural and urban areas, to prevent discrimination against the most disadvantaged groups of children, such as children belonging to indigenous communities, girl children, children with disabilities, children born out of wedlock and children who are living and/or working on the streets.

26. The Committee is concerned about the situation of children living in the Chapare region, who are constantly exposed to the side effects of anti-narcotics interventions

and live in a violent environment which has a negative impact on their development. The Committee recommends that the State party take appropriate measures to ensure the protection of children living in the Chapare region.

40. Thailand. 26/10/98. CRC/C/15/Add.97.

12. While noting the development of indicators for monitoring the implementation of the Convention, the Committee is still concerned that the current data-collection mechanism is insufficient to ensure the systematic and comprehensive collection of disaggregated quantitative and qualitative data for all areas covered by the Convention in relation to all groups of children in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children. The Committee recommends that the system of data collection be reviewed with a view to incorporating all the areas covered by the Convention. Such a system should cover all children up to the age of 18 years, with specific emphasis on those who are vulnerable, including economically exploited children, children of single-parent families, children born out of wedlock, institutionalized children and children of nomadic and hill tribe communities.

15. While recognizing the efforts of the State party to promote awareness of the principles and provisions of the Convention, the Committee remains concerned that professional groups, children and the public at large are generally not sufficiently aware of the Convention. The Committee recommends that greater efforts be made to ensure that the provisions of the Convention are widely known and understood by adults and children alike, residing in both rural and urban areas. In this regard, it recommends that the Convention be translated into and made available in all minority or indigenous languages. ...

18. The Committee acknowledges the efforts made by the State party to reach vulnerable groups. The Committee is still concerned, however, that the measures adopted to ensure that all children are guaranteed access to education and health services and are protected against all forms of exploitation are insufficient. Of particular concern are certain vulnerable groups of children, including girls, children with disabilities, children belonging to minorities including hill tribes.... The Committee recommends that the State party increase its efforts to ensure implementation of the principle of non-discrimination and full compliance with article 2 of the Convention, particularly as it relates to vulnerable groups.

20. The Committee notes that the State party has enacted legislation to guarantee registration at birth (the Registration of Inhabitants Act), but is concerned that many children are still not registered, particularly those living in nomadic and hill tribe communities. In the light of article 7 of the Convention, the Committee recommends that the State party increase its efforts to raise awareness among government officers, community leaders and parents to ensure that all children are registered at birth. The Committee also encourages the State party to adopt measures to regularize the situation of hill tribe children and provide them with documentation to guarantee their rights and facilitate their access to basic health, education and other services.

27. While the Committee notes the high rate of school enrolment, particularly at the primary level, and the recent initiative to establish additional schools in rural

communities, it is still concerned that some children, particularly those living in poverty and in nomadic and hill tribe communities, do not have access to education. In the light of the recent economic constraints, the Committee is also concerned at the number of children, particularly girls, leaving school prematurely to engage in labour. The Committee recommends that all appropriate measures be taken to provide equal access to education for all children in Thailand. The Committee further recommends that the State party seek to implement additional measures to encourage children, particularly girls and children from poor and hill tribe families, to stay in school, and to discourage early employment.

41. Japan. 05/06/98. CRC/C/15/Add.90.

13. The Committee is concerned that the general principles of non-discrimination (art. 2), the best interests of the child (art. 3) and respect for the views of the child (art. 12), are not being fully integrated into the legislative policies and programmes relevant to children, in particular in relation to children from vulnerable categories such as those belonging to national and ethnic minorities, especially Ainu and Koreans, children with disabilities, children in institutions or deprived of liberty and children born out of wedlock. The Committee is particularly concerned about unequal access by children of Korean origin to institutions of higher education and the difficulties encountered by children in general in exercising their right to participate (art. 12) in all parts of society, especially in the school system.

35. It is the Committee's view that further efforts must be undertaken to ensure that the general principles of the Convention, in particular the general principles of non-discrimination (art. 2), the best interests of the child (art. 3) and respect for the views of the child (art. 12), not only guide policy discussions and decision-making, but also are appropriately reflected in any legal revision, judicial and administrative decisions, and in the development and implementation of all projects and programmes which have an impact on children. In particular, legislative measures should be introduced to correct existing discrimination against children born out of wedlock. The Committee also recommends that discriminatory treatment of minority children, including Korean and Ainu children, be fully investigated and eliminated whenever and wherever it occurs. Furthermore, the Committee recommends the same minimum age for marriage of boys and girls.

42. Australia. 10/10/97. CRC/C/15/Add.79.

12. The Committee is concerned that the general principles of the Convention, in particular those related to non-discrimination (art. 2) and the respect for the views of the child (art. 12) are not being fully applied.

13. While noting the information provided by the delegation of the State party on a number of programmes to raise health standards for Aboriginal and Torres Strait Islander children and the State party's intention to start a two-year anti-racism campaign, the Committee is nonetheless concerned about the special problems still faced by Aboriginals and Torres Strait Islanders, as well as by children of non-English-speaking backgrounds, with regard to their enjoyment of the same standards of living and levels of services, particularly in education and health.

22. The Committee is also concerned about the unjustified, disproportionately high percentage of Aboriginal children in the juvenile justice system, and that there is a

tendency normally to refuse applications for bail for them. The Committee is particularly concerned at the enactment of new legislation in two states, where a high percentage of Aboriginal people live, which provides for mandatory detention and punitive measures of juveniles, thus resulting in a high percentage of Aboriginal juveniles in detention.

24. The Committee recommends that the State party create a federal body responsible for drawing up programmes and policies for the implementation of the Convention on the Rights of the Child, and monitoring their implementation. The Committee suggests that cooperation in the field of the rights of the child between the authorities and non-governmental organizations as well as Aboriginal and Torres Strait Islander communities should also be further strengthened.

27. The Committee recommends that awareness-raising campaigns on the Convention on the Rights of the Child be conducted, with a particular focus on its general principles and on the importance the Convention places on the role of the family. The Committee suggests that the Convention be disseminated also in languages that are used by Aboriginals and Torres Strait Islanders, and by persons from non-English-speaking backgrounds. ...

32. The Committee encourages the State party to take further steps to raise the standards of health and education of disadvantaged groups, particularly Aboriginals, Torres Strait Islanders, new immigrants, and children living in rural and remote areas. The Committee is also of the view that there is a need for measures to address the causes of the high rate of incarceration of Aboriginal and Torres Strait Islanders children. It further suggests that research be continued to identify the reasons behind this disproportionately high rate, including investigation into the possibility that attitudes of law enforcement officers towards these children because of their ethnic origin may be contributing factors.

43. Bangladesh. 18/06/97. CRC/C/15/Add.74.

15. With regard to the implementation of article 2 of the Convention, the Committee expresses its concern at the persistence of discriminatory attitudes and harmful practices affecting girls, as illustrated by serious disparities, sometimes starting at birth and affecting the enjoyment of the rights to survival, health, nutrition and education. The Committee also notes the persistence of harmful practices such as dowry and early marriage. Discriminatory attitudes towards children born out of wedlock, children who are living and/or working on the street, child victims of sexual exploitation, children with disabilities, refugee children and children belonging to tribal minorities are also a matter of concern.

27. Finally, as regards the implementation of article 30 of the Convention, the Committee is concerned that inadequate measures have been taken to ensure the protection and promotion of the rights of children belonging to minorities, including children from the Hill Tracts.

35. The Committee considers that greater efforts are required to implement fully the provisions of article 2 of the Convention. Measures, including studies and campaigns, should be taken to combat traditional attitudes and stereotypes and to sensitize

society, to the situation and needs of the girl child, children born out of wedlock, children living and/or working on the street, child victims of sexual abuse and exploitation, children with disabilities, refugee children and children belonging to tribal minorities.

44. Paraguay. 18/06/97. CRC/C/15/Add.75.

16. The Committee is concerned that some sectors of Paraguayan society are not yet sufficiently sensitive to the needs and situation of the girl child. It also notes that discrimination against minority and indigenous children persists, contrary to the provisions of article 2 of the Convention.

18. The Committee is concerned that inadequate measures have been taken to implement the provisions of articles 7 and 8 of the Convention, particularly with regard to ensuring registration of births, especially among the indigenous population, and that children are not systematically provided with the necessary birth certificates and other documents to protect and preserve their identity.

24. The Committee is concerned that adequate measures have not yet been taken to fully guarantee in practice the right of indigenous students to education in their native language, Guaraní.

37. The Committee further recommends that all appropriate measures be undertaken, including information campaigns, to prevent and combat all prevailing forms of discrimination against girls and minority or indigenous children, especially those living in rural areas, with a view, *inter alia*, to promoting their access to basic services.

38. The Committee recommends that the State party take all appropriate legislative, administrative and other measures to ensure registration of birth, especially in minority and indigenous communities and communities in remote areas. The Committee further recommends that the State party institute awareness-raising campaigns among the public, as well as among civil servants.

45. Algeria. 18/06/97. CRC/C/15/Add.76.

19. The Committee notes with concern the absence of specific and adequate regulations governing the registration of children, in accordance with article 7, paragraph 1, of the Convention, who are members of nomadic groups.

23. The Committee expresses regret at the lack of information on programmes of education and health-care services, in accordance with article 30 of the Convention, for nomadic children.

36. The Committee recommends that all necessary measures be adopted to ensure the immediate registration of the birth of nomadic children.

37. The Committee recommends that further steps be taken to ensure that nomadic children have access to education and health-care services through a system of specifically targeted education and health-care schemes which will allow these

children to enjoy their right, in community with other members of their group, to their own culture, as stipulated in article 30 of the Convention.

46. Panama. 24/01/97. CRC/C/15/Add.68.

4. The Committee notes with satisfaction the efforts made by the Government of Panama in the field of law reform and welcomes the initiatives being undertaken by the Government to further the protection of the family and children by the adoption of the new Family Code, in force since January 1995. The Committee welcomes the promulgation of the Education Law which guarantees intercultural bilingual education for indigenous children and adults. The Committee notes with interest the Government's willingness to provide information and training to its staff, through the Ministry of Labour and Social Welfare.

12. The Committee is deeply concerned about the insufficiency of measures to collect disaggregated statistical data and other information on the situation of children, especially those belonging to the most vulnerable groups. This type of information is lacking in particular with respect to girl children, children living and/or working in the streets, disabled children, children living in rural areas and indigenous children. The absence of qualitative and quantitative information on the status of children renders deficient the systematic monitoring of the implementation of the Convention.

13. The Committee is of the view that insufficient measures have been adopted to promote widespread awareness of the principles and provisions of the Convention among adults and children alike, particularly those belonging to indigenous populations. ...

15. Particular concern is expressed by the Committee at the insufficient measures undertaken to ensure the effective implementation of the general principles (arts. 2, 3, 6 and 12) of the Convention on the Rights of the Child in practice, especially with regard to the girl child and children belonging to indigenous groups and to poor families. ...

18. While recognizing the efforts undertaken by the authorities in the education system, the Committee is concerned about the persisting disparities in relation to the low access to education of children living in rural areas, indigenous children and refugee children, who do not enjoy a system of education adequate to their cultural values and identity. The Committee is also worried about the low rates of retention, the high rates of repetition and school drop-outs, especially at the end of primary education, and by the persistent problem of illiteracy amongst these groups.

25. The Committee further recommends that the State party give priority attention to the development of a system of data collection by age, gender, rural/urban and social ethnic origin, and to the identification of appropriate disaggregated indicators with a view to addressing all areas of the Convention and all groups of children in society, to evaluate progress achieved and difficulties hampering the realization of children's rights. This is especially important in the case of Panama where historical disparities have endured, in particular with respect to female, rural and indigenous children. It is further suggested that the State party envisage requesting international cooperation in this regard, notably from UNICEF.

26. In the spirit of the United Nations Decade for Human Rights Education, the Committee recommends that the State party take measures aimed at developing a culture of human rights and at changing attitudes towards children in general, and in particular children belonging to indigenous groups. It therefore recommends that information and education about children's rights be disseminated to children and adults alike. Such information should be translated into the different languages spoken by indigenous people. Moreover, the existence of a high level of illiteracy in the country requires the use of the media in a manner adapted to the various levels of the audiences in the country.

27. ... In addition, the Committee recommends that children's rights be included in the school curricula as a measure of enhancing respect for indigenous culture, promoting multiculturalism and combating the paternalistic attitudes prevailing in society. In this regard, the Committee encourages the State party to envisage seeking technical cooperation from appropriate international intergovernmental and non-governmental organizations, including the High Commissioner/Centre for Human Rights and UNICEF.

32. In the area of education, it is the view of the Committee that a range of measures should be undertaken by the State party to ensure the implementation of articles 28 and 29 of the Convention. Taking into account the strategy being developed, the Committee recommends that the State party focus greater efforts on eradicating illiteracy and on increasing access to school education by indigenous children and children living in rural areas. The Committee recognizes that this requires greater efforts in training teachers. The Committee also recommends that the State party take all necessary measures to fight school drop-outs and ensure retention.

47. New Zealand. 24/01/97. CRC/C/15/Add.71.

8. The Committee is concerned about the broad nature of the reservations made to the Convention by the State party, which raise questions as to their compatibility with the object and purpose of the Convention. Moreover, the Committee regrets that the State party has not extended the Convention with respect to the territory of Tokelau, which is not at present a sovereign State and remains a non-self-governing territory in important respects.

18. The Committee notes with concern that the Maori population lags significantly behind the non-Maori population in most statistics of well-being, thus reflecting that insufficient measures have been undertaken to protect and promote the enjoyment of the rights of this population group, and of Maori children in particular.

21. In the spirit of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993 which urged States to withdraw reservations to the Convention on the Rights of the Child, the Committee wishes to encourage the State party to take steps to withdraw its reservations to the Convention. Furthermore, the Committee encourages New Zealand to extend the application of the Convention with respect to the territory of Tokelau.

30. While noting the efforts made by the Government in the areas of health, education and welfare with regard to the Maori population, the Committee encourages the authorities to pursue and strengthen their programmes and activities to fill the remaining gap between the Maori and the non-Maori children.

48. Guatemala. 07/06/96. CRC/C/15/Add.58.

4. The Committee welcomes the steps taken to secure a durable peace within Guatemala, particularly by enhancing the enjoyment of human rights, including for the indigenous peoples. In this connection, the Committee notes the adoption of the Agreement on the Identity and Rights of Indigenous Peoples and the Agreement on Socio-Economic Aspects and the Agrarian Situation. The ratification by Guatemala of International Labour Organization Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries is also welcomed.

9. As recognized by the State party, the root causes of the armed conflict need to be tackled, embedded as they are in socio-economic disparities and uneven land distribution as well as in historical social contrasts within the country. High levels of poverty and illiteracy and discrimination against the indigenous population and those living in poverty contribute to widespread violations of human rights.

16. In view of the historical disparities affecting indigenous children and children belonging to groups living below the poverty line, as well as girls, the Committee is concerned about the adequacy of measures to ensure the effective implementation of the economic, social and cultural rights of children at the national, regional and local levels, in the light of articles 2, 3 and 4 of the Convention.

28. The Committee further recommends that the State party give priority attention to the development of a system of data collection and to the identification of appropriate disaggregated indicators with a view to addressing all areas of the Convention and all groups of children in society. Such mechanisms can play a vital role in systematically monitoring the status of children and evaluating the progress achieved and the difficulties hampering the realization of children's rights, and can be used as a basis for designing programmes to improve the situation of children, particularly those belonging to the most disadvantaged groups, including girls, children living in rural areas and indigenous children. It is further suggested that the State party request international cooperation in this regard, particularly from the United Nations Children's Fund.

29. In view of the State party's willingness to develop a culture of human rights and to change attitudes towards children in general and the indigenous population in particular, the Committee recommends that information and education about children's rights be disseminated among children and adults alike. It is also recommended that consideration be given to the translation of such information into the main indigenous languages and that appropriate measures be adopted to spread such information in such a way that it reaches groups affected by a high level of illiteracy. In the light of the considerable experience of the United Nations Children's Fund and other organizations in responding to such challenges, it is recommended that international cooperation be sought in this regard.

30. It is the view of the Committee that training and education in the principles and provisions of the Convention on the Rights of the Child is urgently required and must encompass all professionals working with or for children. In addition, the Committee recommends that the inclusion of children's rights in the school curricula be pursued as a measure to enhance respect for the indigenous culture and multiculturalism and to combat paternalistic and discriminatory attitudes which, as recognized by the State party, continue to prevail in society.

37. The Committee encourages the State party to pursue its efforts, in conformity with the Agreement on Socio-Economic Aspects and the Agrarian Situation, to increase the budgetary allocations for education by 50 per cent up to the year 2000. With a view to ensuring the implementation of articles 28 and 29 of the Convention, the Committee recommends that the State party focus greater efforts on providing for compulsory and free primary education, eradicating illiteracy and ensuring the availability of bilingual education for indigenous children. Moreover, greater efforts should be made in training qualified teachers. Such measures will contribute to the prevention of any form of discrimination on the basis of language with regard to the right to education.

49. Nicaragua. 20/06/95. CRC/C/15/Add.36.

12. The Committee also views the inadequacy of mechanisms to gather and analyse statistical and other information relating to different groups of children, including indigenous children, girl children and children living in poverty, as a major problem to ensuring the effective monitoring of the implementation of the Convention.

15. The Committee remains concerned about the apparent persistence of discriminatory attitudes directed towards girls, children born out of wedlock, children from poorer income groups and children belonging to minority and indigenous groups.

31. The Committee suggests that the Government develop public campaigns on the rights of the child with a view to effectively addressing the problem of persisting discriminatory attitudes and practices against particular groups of children such as girl children, children belonging to a minority or indigenous group and poor children. It is also suggested that further proactive measures be developed to improve the status of these groups of children.

50. Canada. 20/06/95. CRC/C/15/Add.37.

17. While recognizing the steps already taken, the Committee notes with concern the special problems still faced by children from vulnerable and disadvantaged groups, such as aboriginal children, with regard to the enjoyment of their fundamental rights, including access to housing and education.

20. ... The establishment of a comprehensive network for the collection of data covering all areas of the Convention and taking into account all groups of children within Canadian jurisdiction is recommended. Cooperation in the field of the rights of the child between the authorities and non-governmental organizations as well as aboriginal communities should also be further strengthened.

26. The Committee recommends that the State party strengthen its efforts to ensure that children from vulnerable and disadvantaged groups, such as aboriginal children, benefit from positive measures aimed at facilitating access to education and housing. Research should be developed on the problems relating to the growing rate of infant mortality and suicide among children within aboriginal communities.

51. Philippines. 15/02/95. CRC/C/15/Add.29.

10. The Committee is equally concerned that insufficient attention seems to have been paid to the provisions of article 4 of the Convention concerning budgetary allocations. The present balance of resource allocations in the State party between the social and other sectors, and the high proportion of military expenditures to the detriment of child-related issues, are noted with concern. In this regard, the Committee expresses its concern at the unequal distribution of the national wealth in the country and the disparities in the enjoyment of the rights provided for under the Convention, to the detriment of poor urban children, children living in rural areas and children belonging to minorities (or "cultural" communities).

21. The authorities should undertake all appropriate efforts to the maximum extent of their available resources to ensure that sufficient resources are allocated to children, taking into special consideration the needs of the most vulnerable groups.

23. The Committee emphasizes that the principle of non-discrimination, as provided for under article 2 of the Convention, must be fully applied. A more active approach should be taken to eliminate discrimination against certain groups of children, in particular children in remote areas, children belonging to "cultural" communities, girl children, disabled children and children born out of wedlock.

52. Colombia. 15/02/95. CRC/C/15/Add.30.

11. The Committee expresses its grave concern over the large proportion of Colombian children who continue to live in extreme poverty despite the fact that Colombia has one of the most favourable economic growth rates and one of the lowest amounts of per capita foreign indebtedness in the region. Many children in Colombia, including a large proportion of rural and indigenous children, have been economically and socially marginalized and have limited or no access to adequate education or health care services.

15. The Committee also suggests that reliable quantitative and qualitative information be systematically collected and analysed to evaluate progress in the realization of the rights of the child and to monitor closely the situation of marginalized children, including those belonging to the poorest sectors of society and to indigenous groups.

53. Honduras. 24/10/94. CRC/C/15/Add.24.

23. The Committee is of the opinion that greater efforts are required to make the principles and provisions of the Convention widely known to and understood by adults and children alike, including article 12 of the Convention relating to the right of the child to express his or her views and have them taken into account. The Committee would like to suggest that a comprehensive strategy be worked out and put

into operation as quickly as possible to realize this objective. It is important that such information should be prepared in the languages of children belonging to minorities or indigenous groups and should reach the people living in the remoter rural areas. Training material and programmes about the rights of the child should also be prepared and provided to personnel and professionals working with children, including judges, teachers, those working in institutions for children and law enforcement officials.

35. ... Moreover, the Committee suggests that the State party consider the possibility of adopting adequate measures to implement ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries.

54. Paraguay. 24/10/94. CRC/C/15/Add.27.

8. The Committee is generally concerned that Paraguayan society is not sufficiently sensitive to the needs and situation of the girl child. It also notes the persistence of discrimination against children belonging to minority and indigenous groups contrary to the provisions of article 2 of the Convention.

55. Mexico. 07/02/94. CRC/C/15/Add.13.

6. The Committee takes note of the existing disparities in the country and the difficult economic and social situation of Mexico, characterized by a high level of foreign debt, the inadequacy of budgetary resources earmarked for essential social services benefiting children and the unequal distribution of the national wealth. These difficulties severely affect children, particularly those living in poverty and children belonging to minority groups or indigenous communities. The Committee also notes that the high level of violence in the society and within the family and the recent political violence connected with the uprising in the Chiapas region have a considerable negative impact on the situation of children in Mexico.

9. The Committee expresses its concern at the unequal distribution of the national wealth in the country and the disparities and discrepancies in the enforcement of the rights provided for under the Convention between the different regions of the country, to the detriment of rural children and children belonging to minorities or indigenous communities.

13. A large percentage of children living in difficult circumstances, in particular children belonging to minorities or indigenous communities, appear to have left school without having been able to complete their primary education.

16. The Committee emphasizes that the best interests of the child must be a guiding principle in the application of the Convention and that the authorities should undertake all appropriate measures to the maximum extent of their available resources to ensure that sufficient resources are allocated to children, particularly children living and/or working in the streets, children belonging to minority groups or indigenous communities and other vulnerable children.

18. The Committee recommends that urgent measures be adopted to combat discrimination against children belonging to the most vulnerable groups, in particular

children subject to abuse or violence within the family, children living and/or working in the streets and children belonging to indigenous communities, including measures to eliminate and prevent discriminatory attitudes and prejudices such as those based on gender. ...

56. Colombia. 07/02/94. CRC/C/15/Add.15.

8. The Committee expresses its grave concern over the large proportion of Colombian children who continue to live in extreme poverty despite the fact that Colombia has one of the most favourable economic growth rates and one of the lowest amounts of per capita foreign indebtedness in the region. Many children in Colombia, including a large proportion of rural and indigenous children, have been economically and socially marginalized and have limited or no access to adequate education or health care services.

12. The Committee suggests that reliable quantitative and qualitative information be systematically collected and analysed to monitor closely the situation of marginalized children, particularly those from indigenous groups, in order to guide further efforts to improve their situation.

57. Bolivia. 18/02/93. CRC/C/15/Add.1.

9. The Committee underlines the importance of implementing all of the provisions of the Convention in the light of the general principles contained in articles 2, 3, 6 and 12 of the Convention. In this regard, the Committee notes with concern the disparities in the status and treatment of children in Bolivia conforming to distinctions based on race, sex, language and ethnic or social origin. Vulnerable groups of children, including girl children, indigenous children and children living in poverty, are particularly disadvantaged in their access to adequate health and educational facilities and are the primary victims of such abuses as sale and trafficking, child labour and sexual and other forms of exploitation. ...

10. The Committee is concerned that only 47 per cent of births are supervised by qualified health care workers, and is alarmed at the implications this may have for increased likelihood of sickness and disability arising from preventable problems occurring during delivery. More budgetary support is needed to correct this situation, as well as sufficient support to programmes benefiting the mental and physical development of children. With respect to education, the Committee notes with concern that vulnerable groups of children, such as girl children, indigenous children and children living in rural areas, are over-represented in the number of children not enrolled in school.

14. The Committee emphasizes that the principle of non-discrimination, as provided for under article 2 of the Convention, must be vigorously applied, and that a more active approach should be taken to eliminate discrimination against certain groups of children, most notably girl children. In this connection, the Committee notes that the application of this and the other general principles of the Convention cannot be dependent upon budgetary resources. With regard to budgetary priorities in the allocation of available resources, the State party should be guided by the principle of the best interest of the child, as provided for in article 3 of the Convention,

particularly as this applies to the most vulnerable groups of children, such as girl children, indigenous children, and children living in poverty, including abandoned children.

B. Recommendations on the Rights of the Indigenous Child

3 October 2003

COMMITTEE ON THE RIGHTS OF THE CHILD

34th Session

15 September – 3 October 2003

DAY OF GENERAL DISCUSSION ON THE RIGHTS OF INDIGENOUS CHILDREN

RECOMMENDATIONS

Preamble

Recalling that article 30 and articles 17 (d) and 29.1 (c) and (d) of the Convention of the Rights of the Child are the only provisions of an international human rights instrument to explicitly recognize indigenous children as rights-holders, and

In light of the recommendations of the Special Rapporteur on the Situation of the Human Rights and Fundamental Freedoms of Indigenous People pertaining to children contained in his annual and mission reports to the UN Commission on Human Rights,

Following the request of the UN Permanent Forum on Indigenous Issues to the Committee on the Rights of the Child to hold a discussion day on the rights of indigenous children in order to promote greater awareness of the rights of indigenous children (E/2002/43 part I), and in light of the Permanent Forum's recommendations on the rights of indigenous children adopted during its first two sessions in 2002 and 2003,

In view of the 1994-2004 International Decade of the World's Indigenous;

Taking into account the International Labour Organization's Convention 169 concerning Indigenous and Tribal Peoples in Independent Countries,

Recognizing the ongoing work of the open-ended inter-sessional UN Working Group on the Draft Declaration on the rights of Indigenous Peoples and the UN Working Group on Indigenous Populations regarding issues such as self-determination, land rights and other collective rights,

And although indigenous children are disproportionately affected by specific challenges such as institutionalization, urbanization, drug and alcohol abuse, trafficking, armed conflict, sexual exploitation and child labour and yet are not sufficiently taken into consideration in the development and implementation of policies and programmes for children,

The Committee on the Rights of the Child:

General

1. Strongly recalls the obligations of States parties under articles 2 and 30 of the Convention to promote and protect the human rights of all indigenous children.
2. Reaffirms its commitment to promote and protect the human rights of indigenous children by addressing more systematically the situation of indigenous children under all relevant provisions and principles of the Convention when periodically reviewing State party reports.
3. Calls on States parties, UN specialized agencies, funds and programmes, the World Bank and regional development banks, and civil society to adopt a broader rights-based approach to indigenous children based on the Convention and other relevant international standards such as ILO Convention 169, and encourages the use of community-based interventions in order to ensure the greatest possible sensitivity to the cultural specificity of the affected community. Particular attention should also be paid to the variety of situations and conditions in which the children live.
4. Acknowledges that, as stated in the Human Rights Committee's General Comment No. 23 on the rights of minorities (1994) and in ILO Convention 169, the enjoyment of the rights under article 30, in particular the right to enjoy one's culture, may consist of a way of life which is closely associated with territory and use of its resources. This may particularly be true of members of indigenous communities constituting a minority.

Information, data and statistics

5. Requests States parties, UN specialized agencies, funds and programmes, in particular UNICEF and the ILO, the World Bank and regional development banks, and civil society including indigenous groups, to provide the Committee with specific information on laws, policies and programmes for the implementation of indigenous children's rights when the Committee reviews the implementation of the Convention at country level.
6. Recommends that States parties strengthen mechanisms for data collection on children so as to identify existing gaps and barriers to the enjoyment of human rights by indigenous children, and with a view to developing legislation, policies and programmes to address such gaps and barriers.
7. Encourages greater research, including the development of common indicators, into the situation of indigenous children in rural and urban areas by UN human rights mechanisms, UN specialized agencies, programmes and funds, international organizations, civil society and academic institutions. In this regard, the Committee requests all interested parties to consider initiating a global study on the rights of indigenous children.

Participation

8. In light of article 12, as well as articles 13 to 17, of the Convention, recommends that States parties work closely with indigenous peoples and organizations to seek consensus on development strategies, policies and projects aimed at implementing children's rights, and set up adequate institutional mechanisms involving all relevant

actors and provide sufficient funding to facilitate the participation of children in the design, implementation and evaluation of these programmes and policies.

Non-discrimination

9. Calls on States parties to implement fully article 2 of the Convention and take effective measures, including through legislation, to ensure that indigenous children enjoy all of their rights equally and without discrimination, including equal access to culturally appropriate services including health, education, social services, housing, potable water and sanitation.

10. Recommends that States parties, international organizations and civil society strengthen efforts to educate and train relevant professionals working with and for indigenous children on the Convention and the rights of indigenous peoples.

11. Recommends that State parties, with the full participation of indigenous communities and children, develop public awareness campaigns, including through the mass media, to combat negative attitudes and misperceptions about indigenous peoples.

12. Requests States parties, when updating the Committee on measures and programmes undertaken to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to provide specific and detailed information on the situation of indigenous children.

Law and public order including juvenile justice

13. To the extent compatible with articles 37, 39 and 40 of the Convention and other relevant UN standards and rules, the Committee suggests that States parties respect the methods customarily practised by indigenous peoples for dealing with criminal offences committed by children when it is in the best interests of the child.

14. Requests the Special Rapporteur on the Situation of the Human Rights and Fundamental Freedoms of Indigenous People to pay particular attention to juvenile justice issues in his report on indigenous people and the administration of justice to be submitted to the 60th session of the Commission on Human Rights in 2004.

Right to identity

15. Calls on States parties to ensure the full implementation of articles 7 and 8 of the Convention for all indigenous children, by inter alia,

a) ensuring the existence of a free, effective and universally accessible birth registration system;

b) allowing indigenous parents to give their children a name of their own choosing, and by respecting the right of the child to preserve her/his identity;

c) taking all necessary measures to prevent indigenous children from being or becoming stateless.

16. Recommends that States parties take all necessary measures to ensure that indigenous children enjoy their own culture and can use their own language. In that regard, States parties should pay particular attention to article 17 (d) of the Convention which calls on States parties to encourage the mass media to have particular regard to the linguistic needs of the child who is indigenous.

Family environment

17. Recommends that States parties take effective measures to safeguard the integrity of indigenous families and assist them in their child-rearing responsibilities in accordance with articles 3, 5, 18, 20, 25 and 27.3 of the Convention. For the purpose of designing such policies, the Committee recommends that States parties collect data on the family situation of indigenous children, including children in foster care and adoption processes. The Committee recommends that maintaining the integrity of indigenous families and communities be a consideration in development programmes, social services, health and education programmes affecting indigenous children. The Committee reminds States parties, in cases where it is in the best interest of the child to be separated from his or her family environment, and no other placement is possible in the community at large, institutionalization should only be used as a last resort and be subject to a periodic review of placement. In accordance with art. 20.3 of the Convention, due regard shall be paid to ensuring continuity in the child's upbringing and to his or her religious, cultural, ethnic and linguistic background.

Health

18. Recommends that States parties take all necessary measures to implement the right to health of indigenous children, in view of the comparatively low indicators regarding child mortality, immunization and nutrition that affect this group of children. Special attention should also be paid to adolescents regarding drug abuse, alcohol consumption, mental health and sex education. The Committee also recommends States parties to develop and implement policies and programmes to ensure equal access for indigenous children to culturally appropriate health services

Education

19. Recommends that States parties ensure access for indigenous children to appropriate and high quality education while taking complementary measures to eradicate child labour, including through the provision of informal education where appropriate. In this regard, the Committee recommends that States parties, with the active participation of indigenous communities and children,:

a) review and revise school curricula and textbooks to develop respect among all children for indigenous cultural identity, history, language and values in accordance with the Committee's General Comment no. 1 on the aims of education;

b) implement indigenous children's right to be taught to read and write in their own indigenous language or in the language most commonly used by the group to which they belong, as well as in the national language(s) of the country in which they live;

c) undertake measures to effectively address the comparatively higher drop out rates among indigenous youth and ensure that indigenous children are adequately prepared for higher education, vocational training and their further economic, social and cultural aspirations;

d) take effective measures to increase the number of teachers from indigenous communities or who speak indigenous languages, provide them with appropriate training, and ensure that they are not discriminated against in relation to other teachers;

e) allocate sufficient financial, material and human resources to implement these programmes and policies effectively.

International cooperation and follow-up

20. Encourages greater cooperation between human rights treaty bodies and UN mechanisms on indigenous issues.

21. Requests thematic and country-specific mandate holders of the Commission on Human Rights to pay special attention to the situation of indigenous children in their respective fields.

22. Recommends that the Special Rapporteur on the Situation of the Human Rights and Fundamental Freedoms of Indigenous People dedicate one of his annual reports to the Commission on Human Rights to the rights of indigenous children. The preparation of such a report should include a survey of the implementation of the recommendations arising from the Committee's discussion day by all States parties to the Convention.

23. Encourages UN agencies, multilateral and bilateral donors to develop and support rights-based programmes for and with indigenous children in all regions. 24. Recognizing the strengths of indigenous communities to address many of the aforementioned issues, the Committee calls on the Permanent Forum on Indigenous Issues and the Special Rapporteur on the Situation of the Human Rights and Fundamental Freedoms of Indigenous People, to coordinate the elaboration of a set of best practices for the promotion and protection of the rights of indigenous children in consultation with relevant NGOs, indigenous experts and indigenous children.

N.B: *These recommendations are the result of the day of general discussion on the rights of indigenous children and do not pretend to be an exhaustive list of recommendations regarding all rights covered by the Convention.*

C. General Comments

1. General comment No. 1: The aims of education (2001)

19. In addition, the school environment itself must thus reflect the freedom and the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin called for in article 29 (1) (b) and (d).

2. General comment No. 2: The role of independent national human rights institutions in the promotion and protection of the rights of the child (2002)

15. [National Human Rights Institutions] should be geographically and physically accessible to all children. In the spirit of article 2 of the Convention, they should proactively reach out to all groups of children, in particular the most vulnerable and disadvantaged, such as (but not limited to) children in care or detention, children from minority and indigenous groups, children with disabilities, children living in poverty, refugee and migrant children, street children and children with special needs in areas such as culture, language, health and education. NHRI legislation should include the right of the institution to have access in conditions of privacy to children in all forms of alternative care and to all institutions that include children.

3. General comment No. 3: HIV/AIDS and the rights of the child (2003)

18. In some countries, even when child and adolescent friendly HIV-related services are available, they are not sufficiently accessible to children with disabilities, indigenous children, children belonging to minorities, children living in rural areas, children living in extreme poverty or children who are otherwise marginalized within the society. In others, where the health system's overall capacity is already strained, children with HIV have been routinely denied access to basic health care. States parties must ensure that services are provided to the maximum extent possible to all children living within their borders, without discrimination, and that they sufficiently take into account differences in gender, age, and the social, economic, cultural and political context in which children live.

27. The vulnerability of children to HIV/AIDS resulting from political, economic, social, cultural and other factors determines their likelihood of being left with insufficient support to cope with the impact of HIV/AIDS on their families and communities, exposed to a risk of acquiring infection, subjected to inappropriate research, or deprived of access to treatment, care and support if HIV infection sets in. HIV/AIDS-related vulnerability is most acute for children living in refugee and internally displaced persons (IDP) camps, children in detention, children living in institutions, as well as children living in extreme poverty, children living in situations of armed conflict, child-soldiers, economically and sexually exploited children, disabled, migrant, minority, indigenous, and street children, but all children can be rendered vulnerable by the particular circumstances of their lives. Even in times of severe resource constraints, the Committee wishes to note that the rights of vulnerable members of society must be protected and that many measures can be pursued with

minimum resource implications. Reducing HIV/AIDS-related vulnerability requires first and foremost that children, their families and communities be empowered to make informed choices about decisions, practices or policies affecting them in relation to HIV/AIDS.

4. General Comment No. 4: Adolescent health and development in the context of the Convention on the Rights of the Child (2003)

9. Systematic data collection is necessary for States parties to be able to monitor the health and development of adolescents. States parties should adopt data-collection mechanisms that allow desegregation by sex, age, origin and socio-economic status so that the situation of different groups can be followed. Data should also be collected to study the situation of specific groups such as ethnic and/or indigenous minorities, migrant or refugee adolescents, adolescents with disabilities, working adolescents, etc. Where appropriate, adolescents should participate in the analysis to ensure that the information is understood and utilized in an adolescent-sensitive way.

V. The Committee on the Elimination of Discrimination Against Women

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B. General Comments

1. General recommendation No. 24: Article 12 of the Convention (women and health)

A. Concluding Observations

1. El Salvador 21/01/2003. A/58/38, paras. 231-280

261. The Committee is concerned at the high level of poverty among women, especially rural and indigenous women.

262. The Committee urges the State party to develop a poverty eradication strategy that gives priority attention to rural and indigenous women through the allocation of budgetary resources, and to take appropriate measures to inform itself about their situation with a view to formulating effective specific programmes and policies to improve their socio-economic situation and ensure that they receive the services and support they need.

263. Although the overall illiteracy rate has declined, the Committee is concerned that the problem persists, especially in rural areas. It is also concerned at the high drop-out rates among girls, especially in rural and indigenous areas.

264. The Committee recommends that efforts to address this problem should be intensified, through sustainable plans and programmes, particularly in rural and indigenous areas.

275. The Committee observes a lack of gender-disaggregated data in the reports, as well as insufficient information on indigenous women.

276. The Committee recommends the comprehensive and exhaustive compilation of sex-disaggregated data and urges the State party to include relevant statistics that show the evolution and impact of programmes on the country's female population, particularly indigenous women, and to include the data in its next periodic report.

2. Canada. 23/01/2003. A/58/38, paras. 325-389

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.

361. While appreciating the federal Government's efforts to combat discrimination against aboriginal women, including the pending amendment to the Canadian Human Rights Act, and to achieve substantive equality for them, the Committee is seriously concerned about the persistent systematic discrimination faced by aboriginal women in all aspects of their lives. The Committee is concerned that aboriginal women, among other highly vulnerable groups of women in Canada, are over-concentrated in lower-skill and lower-paying occupations, they constitute a high percentage of those women who have not completed secondary education, they constitute a high

percentage of women serving prison sentences and they suffer high rates of domestic violence. The Committee is further concerned that the First Nations Governance Act currently under discussion does not address remaining discriminatory legal provisions under other Acts, including matrimonial property rights, status and band membership questions which are incompatible with the Convention.

362. The Committee urges the State party to accelerate its efforts to eliminate de jure and de facto discrimination against aboriginal women both in society at large and in their communities, particularly with respect to the remaining discriminatory legal provisions and the equal enjoyment of their human rights to education, employment and physical and psychological well-being. It urges the State party to take effective and proactive measures, including awareness-raising programmes, to sensitize aboriginal communities about women's human rights and to combat patriarchal attitudes, practices and stereotyping of roles. It also recommends to the State party to ensure that aboriginal women receive sufficient funding in order to be able to participate in the necessary governance and legislative processes that address issues which impede their legal and substantive equality. It also requests the State party to provide comprehensive information on the situation of aboriginal women in its next report.

377. While commending the State party's efforts towards bringing aboriginal women into improved income-generating positions, the Committee is concerned that the focus on entrepreneurs may not lead to aboriginal women's economic independence.

378. The Committee recommends that the State party ensure that income-generating activities for aboriginal women provide for a sustained and adequate income, including all necessary social benefits.

3. Costa Rica. 09/07/2003. A/58/38, paras. 31-75

62. The Committee notes with concern that although the Constitution guarantees the right to work and the principle of non-discrimination in the employment sphere, norms and practices still exist that discriminate against working women, and that there is a wage gap, to the disadvantage of women, which has greater impact in the private sector than in the civil service; it also notes with concern the precarious working and living conditions of women domestic workers, including migrant workers, as well as of salaried women workers, rural women, women in the informal sector and indigenous women.

63. The Committee requests the State party to continue promoting the approval of the reforms to the Labour Code contained in the draft Law on Gender Equity, and requests it to include in its next report information on the results of activities aimed at neutralizing the negative effects of free-trade agreements on female employment and the quality of life of women, as indicated by the State party. The Committee also requests the State party to adopt the legislative, administrative or other measures needed to ensure that women domestic workers, including migrant workers, temporary wage earners, women in the informal sector and rural and indigenous women have access to social security and other employment benefits, including paid maternity leave.

67. The Committee requests the State party to pay specific attention to households headed by women and to groups of women in a vulnerable situation, as well as to rural women, older women, indigenous women and disabled women, in drawing up and implementing programmes to combat poverty, and to seek to ensure their access to production resources, education and technical training.

4. Brazil. 07/07/2003. A/58/38, paras. 71-136

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.

114. The Committee is concerned about reports that indigenous women are being sexually abused by military units and prospectors (gold miners) on indigenous lands. The Committee notes that the Government is considering developing a code of conduct to regulate the presence of the armed forces on indigenous lands.

115. The Committee calls upon the State party to take necessary measures to raise awareness of the situation of indigenous women and girls and ensure that sexual violence against them is prosecuted and punished as a grave crime. It also urges the State party to adopt preventive measures, including swift disciplinary inquiries and human rights education programmes for the armed forces and law enforcement personnel.

134. The Committee requests the State party to respond in its next periodic report, due in 2005, to the issues covered in the present concluding comments. It also requests the State party to improve the collection and analysis of statistical data, disaggregated by sex, age, race and ethnicity, and to report on the results of programmes and policies, planned and undertaken, in its next periodic report to the Committee.

5. Ecuador. 11/07/2003. A/58/38, paras. 282-336.

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 promote gender equality, and to allocate to it the financial resources necessary for its operation and the exercise of its functions. Furthermore, the Committee encourages the State party to appoint a director to head the National Council for Women. 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.

307. The Committee is concerned at the high levels of poverty and extreme poverty among women, and notes in particular the situation of rural and indigenous women. Despite the existence of isolated anti-poverty plans, the Committee is concerned at the lack of a general and comprehensive poverty eradication policy specifically targeting rural and indigenous women.

308. The Committee urges the State party to develop a general poverty eradication policy incorporating a gender perspective and focusing particularly on rural and indigenous women.

329. While acknowledging efforts made by the State party to establish gender-disaggregated indicators, the Committee notes that the reports submitted contain an insufficient amount of gender-disaggregated data and insufficient information concerning rural and indigenous women.

330. The Committee recommends a broader and more exhaustive compilation of gender-disaggregated data and urges the State party to include in its next report statistics indicating the status of programmes and their impact on the country's female population, in particular rural and indigenous women.

6. New Zealand. 14/07/2003. A/58/38, paras. 379-431.

397. The Committee welcomes the State party's efforts in implementing the 'Treaty of Waitangi', which aim to 'strengthen national identity and uphold the principles of the Treaty of Waitangi'. It also commends the State party for the adoption of the New Zealand Public Health and Disability Act, 2000, which includes a section on the Treaty, intended to achieve the Act's objectives for the health of Maori women.

423. While recognizing the State party's efforts to address the needs of Maori and Pacific women and girls through the 'Reducing Inequalities' programme, the Committee is concerned that the situation of Maori and Pacific women and girls remains unsatisfactory in many areas, particularly with regard to employment, political participation, decision-making positions in the public and private sector, the judiciary and tertiary education and economic independence. The Committee is also concerned about Maori and Pacific women and girls' unfavourable health situation, including their limited access to health care and their high mortality rate as well as the high incidence of domestic violence and of arranged marriages. The Committee is also concerned that the Human Rights Act, 1993, does not explicitly cover non-discrimination on the basis of language and the cultural field, which are of particular relevance to Maori and Pacific women.

424. The Committee urges the State party to continue to implement the "Treaty of Waitangi" and to monitor the impact of measures taken through the "Reducing Inequalities" programme on Maori and Pacific women and girls, in particular in the social, economic and political areas and in criminal justice. It also recommends that the State party implement targeted measures to respond to the needs of Maori and Pacific women and girls, and to continue to invest in Maori and Pacific women and girls, taking into account their linguistic and cultural interests.

7. Suriname. 13/06/2002. A/57/38 (Part II), paras. 22-72

65. The Committee is concerned about the situation of rural women, in particular the indigenous Amerindians and the Maroons, in the coastal plain and in the interior of Suriname, who are disadvantaged by poor infrastructure, limited markets, obstacles in availability and accessibility of agricultural land and agricultural credit, low literacy rates, ignorance of existing regulations, lack of services and environmental pollution. It notes with concern the serious absence of specific policies in all these areas, including on family planning and preventing the spread of sexually transmitted diseases, including HIV. The Committee is also concerned that women's work in rural areas is not considered productive labour and that they are hardly represented at all in local government bodies. The Committee is also concerned about the absence of detailed information on the situation of older women in rural areas.

66. The Committee urges the State party to give full attention to the needs of rural women, including older women, particularly Amerindian and Maroon women, to ensure that they benefit from policies and programmes in all areas, in particular access to health, education, social services and decision-making. The Committee requests the State party to provide detailed information in this regard in its next periodic report.

8. Guatemala. 12/08/2002. A/57/38 (Part III), paras. 163-208.

188. While the Committee welcomes the development by the National Office for Women's Affairs of a methodology for eliminating sexual stereotypes in teaching materials and school textbooks, and the creation of a multisectoral commission for the application of the methodology, it expresses concern at the persistence of stereotypes concerning the role of women in the family and society. It notes that those stereotypes are particularly strong within the indigenous population. The Committee is also concerned that, notwithstanding the various efforts being made to achieve equality between women and men through legislative reform, the execution of gender-sensitive programmes, the training of officials and the creation of national machineries, the persistence of such stereotypes will impede the advancement of women in Guatemala, in particular among indigenous women, and the enjoyment of their human rights.

189. The Committee urges the State party to make the raising of awareness among the general public of the rights of women a priority in its strategy for the advancement of women by building upon existing media campaigns and introducing new awareness-raising and education campaigns on various women's human rights issues. Such campaigns must target men as well as women at all levels of society in particular among the indigenous population.

198. The Committee notes with concern the persistence of illiteracy among certain groups of women in Guatemala, particularly among the indigenous population.

199. The Committee calls on the State party to enhance its efforts to combat illiteracy, especially in the rural areas and among indigenous people, and to develop more programmes to address illiteracy among adult women.

9. Argentina. 16/08/2002. A/57/38 (Part III), paras. 339-369.

356. The Committee is concerned at the situation of women resulting from the growing increase in poverty, and extreme poverty, which has spread to more than half the population, and which can have a disproportionately heavy impact on the female population. Of special concern are women heads of household who are living in poverty and unemployed, with dependent children, and women from rural areas, indigenous populations and the most vulnerable sectors of the population.

357. The Committee recommends that the State party should pay special, ongoing attention to the situation of women and should take the necessary measures to prevent women, especially those from rural areas, indigenous populations and the most vulnerable sectors of the population, from bearing the heaviest burden of the crisis. It also requests the State party to ensure that the Programme for unemployed heads of household with children under 18 or disabled children includes a gender perspective in order that the few resources that are available for social allowances may be distributed without discrimination.

10. Mexico 06/08/2002. A/57/38 (Part III), paras. 410-453

433. The Committee is concerned that while the State party has implemented poverty reduction strategies, poverty constitutes a serious obstacle to enjoyment of rights by women, who make up the majority of the most vulnerable sectors, especially in rural and indigenous areas.

434. The Committee calls on the State party to give priority to women in its poverty eradication strategy, with special attention to women in rural and indigenous areas; in this context, measures and specific programmes should be adopted to ensure that women fully enjoy their rights on an equal footing in the areas of education, employment and health, with special emphasis on joint work with non-governmental organizations and on women's participation not only as beneficiaries, but also as agents of change in the development process.

11. Peru. 15/08/2002. A/57/38 (Part III), paras. 454-502.

484. The Committee notes with concern that, in the period covered by the report, mention is made of numerous cases of sterilization of women without prior informed consent, using psychological violence or the promise of financial incentives, thus affecting women's right to decide the number and spacing of their children. The Committee is also concerned that, although the Deputy Defender for Women's Rights and other organs have condemned these practices, those responsible have not been punished.

485. The Committee recommends that all necessary measures should be taken to continue to provide the service of surgical sterilization so as to give women the right of free choice as regards their reproductive health, after they have been duly informed of the medical details and consequences of the operation and have given their consent. The Committee also recommends that a recurrence of these incidents should be avoided in the future. It further recommends that efforts should be continued to bring before the courts the persons responsible for this violation of the right to health.

494. Although the Committee recognizes that the State party is taking action in the Amazon region, through the National Institute for Family Well-Being, primarily for children and adolescents living in situations of risk or abandonment, it is concerned that there are no specific programmes for indigenous women.

495. The Committee recommends that the State party should strengthen the current programme and set up specific programmes for indigenous women in order to improve their economic, social and family situation and develop their economic skills, and to promote respect for their rights on an equal footing with men.

12. Fiji. 07/05/2002. A/57/38 (Part I), paras.24-70.

48. The Committee is concerned that the Social Justice Act and the "Blue Print", which propose affirmative action for the indigenous Fijian population, do not integrate a gender perspective.

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 temporary special measures, and contributes to the elimination of discrimination against all Fijian women.

13. Guyana. 31/07/2001. A/56/38, paras.145-184.

158. ... The Committee welcomes the appointment of a young woman of Amerindian descent to a ministerial office, for the first time in the history of Guyana, assigned with the portfolio of Amerindian Affairs.

175. The Committee encourages the Government to give full attention to the needs of rural women and Amerindian women and to ensure that they benefit from policies and programmes in all areas, in particular access to decision-making, health, education and social services. The Committee requests that the Government provide detailed information in that regard in its next periodic report.

14. Nicaragua. 31/07/2001. A/56/38, paras.277-318.

314. The Committee expresses concern about the lack of information in the reports on the migration of women and girls, women working in the maquiladora factories and free trade zones, older women and minority and indigenous women, prostitution, and trafficking of women and girls.

315. The Committee requests the Government to provide in its next report information on ... indigenous women, especially as regards their health, employment and educational status

15. Sweden. 31/07/2001. A/56/38, paras.319-360.

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

16. Finland. 02/02/2001. A/56/38, paras.279-311.

305. The Committee expresses its concern at the continuing discrimination against immigrant and minority women living in Finland, particularly Roma and Sami women, who suffer from double discrimination, based on both their sex and ethnic background.

17. India. 01/02/2000. A/55/38, paras.30-90.

74. The Committee is concerned with the continuing discrimination, including violence, suffered by women of the Dalit community, despite the passage of the Scheduled Castes and Scheduled Tribes (prevention of atrocities) Act of 1989.

75. The Committee urges the Government to enforce laws preventing discrimination against Dalit women and prohibiting the devadasi system. It urges the Government to introduce affirmative action programmes in such areas as education, employment and health so as to provide life chances to Dalit women and girls and create an environment conducive to their progress. The Committee calls upon the Government to set a time-frame for those interventions and provide information on the progress made in the next report.

18. Chile. 09/07/99. A/54/38, paras.202-235.

232. The Committee requests the Government to include in its next report data on progress in the situation of rural and indigenous women, especially as regards their health, employment and educational status.

19. Thailand. 02/02/99. A/54/38, paras.213-250.

239. The Committee expresses concern about hill-tribe women and girls, whose rights may not be effectively protected by national laws.

240. The Committee recommends the introduction of legislation and other measures to protect effectively the rights of hill-tribe women and girls.

20. New Zealand. 09/07/98. A/53/38/Rev.1, paras.243-291.

260. The Committee commends the Government's sensitivity to the situation of Māori women, and its efforts to overcome obstacles to Māori women's achievement of equality.

278. The Committee recommends that the Government reconsider the content of the De Facto Relationships (Property) Bill with a view to bringing it in line with the Matrimonial Property Amendment Bill, especially since de facto relationships are more common among the Māori population and are growing among the population in general.

279. The Committee is concerned that the situation of Māori women remained unsatisfactory in many areas, including in respect to the high percentage of Māori girls leaving school early, higher-than-average teenage pregnancy rates, the continuing low number of Māori women in tertiary education, their employment situation, their absence from the judiciary and political decision-making, their health situation and access to health services and higher-than-average incidences of domestic violence.

280. The Committee urges the Government to continue its efforts to implement fully the Treaty of Waitangi, with particular emphasis on achieving equality for Māori women in all areas covered by the Convention.

281. The Committee urges the Government to translate, as a matter of priority, the Convention on the Elimination of All Forms of Discrimination against Women into the Māori language, and to distribute it widely in Māori communities, so as to increase New Zealand women's awareness of their rights.

21. Peru. 08/07/98. A/53/38/Rev.1, paras.292-346.

310. One of the main obstacles to full implementation of the Convention is poverty, which affects 44 per cent of Peruvian women. The situation is worsening, with 18 per cent of women living in extreme poverty. ... Notwithstanding the national strategy for poverty alleviation introduced by the Government, the feminization of poverty is a reality in the country, and is worsening in rural areas and indigenous settlements, as well as in areas declared emergency zones. ...

327. ... Moreover, the Committee is deeply disturbed by the instances of sexual violence against rural and indigenous women and the high rate of sexual abuse of teenagers and girls in emergency zones.

329. The Committee emphasizes the vital importance of education in improving the situation of women. It notes with concern that drop-out rates among girls are very high, particularly in poor urban areas and in rural and indigenous areas.

330. The Committee recommends that programmes be undertaken to curb and reverse that trend and, where such programmes exist, it recommends that they should be made more systematic.

341. The Committee expresses concern at the lack of information and lack of access to adequate contraception among poor women in urban and rural areas, indigenous women and teenage girls.

342. The Committee recommends the establishment of family planning programmes that emphasize sex education, use of adequate contraception and responsible use of

sterilization services where necessary, with the patient's express authorization and after the consequences of such procedure had been fully explained.

22. Panama. 02/07/98. A/53/38/Rev.1, paras.175-205.

199. The Committee is concerned that 53 per cent of the female population is illiterate, the majority of these being indigenous women. It also expresses concern at the persistence of gender stereotypes, which results in a large number of adolescent girls terminating their education at an early age to marry or to undertake domestic work.

200. The Committee recommends that, as a matter of urgency, the Government of Panama should mount an aggressive educational campaign designed to ensure that all Panamanian girls and women have a full education and to reduce sharply the number of adolescent girls leaving school early to work in unskilled employment or to marry.

23. Mexico. 14/05/98. A/53/38, paras.354-427.

372. The Committee notes that the Mexican Government's report and its replies to the Committee's questions offer valuable, comprehensive information on the various programmes implemented and planned by the Government of Mexico. The Committee considers the specific information provided on the situation of indigenous women in Chiapas to be extremely important.

389. The Committee expresses its concern with regard to the discrimination faced by indigenous women, where the health, education and employment indicators are below the national average. It also expresses concern about the situation of rural women living in poverty and in extreme poverty.

390. The Committee expresses concern with regard to the situation of indigenous women and children, particularly in the state of Chiapas since, in conflict zones where the police or armed forces are operating, women are often the innocent victims of violence.

403. The Committee recommends that the Mexican Government continue its efforts to reduce poverty among rural women, particularly indigenous women, and to work together with non-governmental organizations, making special efforts to promote education, employment and health programmes conducive to the integration of women into the development process, both as beneficiaries and as protagonists. In view of the relatively high growth levels of the Mexican economy that have been mentioned, the Committee would welcome a more equitable redistribution of wealth among the population.

425. The Committee recommends that the Government of Mexico pay special attention to safeguarding the human rights of women, including indigenous women and women in conflict zones, especially where police and armed forces are operating.

24. Canada. 12/08/97. A/52/38/Rev.1, paras.306-343.

333. The Committee was concerned that programmes directed at aboriginal women might have discriminatory effects.

341. A comprehensive picture of the situation of aboriginal women should be provided, including their educational situation, their position in the labour force and a description and evaluation of past and present federal and provincial programmes for aboriginal women. Programmes directed at aboriginal women should be monitored for possible discriminatory effects. The plight of aboriginal women in prison is of urgent concern.

25. Australia. 12/08/97. A/52/38/Rev.1, Part II, paras.365-408.

390. The Committee was aware that Aboriginal and Torres Strait Islander women continued to face discrimination and disadvantages in terms of access to rights, opportunities and resources.

394. ... It noted the absence of data concerning violence against Aboriginal and Torres Strait Islander women and assessment of programmes directed at reducing such violence.

397. The Committee was concerned at the continuing adverse situation of Aboriginal and Torres Strait Islander women. Major causes of concern included a higher incidence of maternal mortality, lower life expectancy, reduced access to the full range of health services, a high incidence of violence, including domestic violence, and high unemployment rates. Their situation, as well as that of migrant women, was further compromised by an apparent rise in racism and xenophobia.

404. The Committee encouraged the Government to collect statistical data on the participation of Aboriginal and Torres Strait Islander women in the workforce, in decision-making, in politics and administration, and in the judiciary with a view to enhancing programmes that would benefit them. It suggested that the Government might include representatives of those communities when it presented its next report to the Committee.

405. The Committee recommended that, in the light of the Mabo and Wik judgements of the High Court, the Government should develop the necessary legislative and policy measures to ensure women's equal access to individual ownership of native land.

26. Paraguay. 09/05/96. A/51/38, paras.105-133.

124. The Committee acknowledged the State party's initiatives to provide bilingual education but expressed its concern at the inadequacy of those initiatives, which posed a major obstacle to women's access to social and economic opportunities, since a large percentage of the female population spoke only Guaraní, the predominant aboriginal language. The high illiteracy and drop-out rates were considered major impediments to the advancement of women.

133. The Committee recommended the wide dissemination of the Convention, primarily among women, and in particular among rural and indigenous people.

27. Peru. 31/05/95. A/50/38,paras.398-451.

438. The Committee raised concern about reports of rape, gang rape and custodial rape which had been documented by human rights organizations, especially those occurring in the "emergency zones" and affecting indigenous and peasant women.

28. Australia. 31/05/95. A/50/38,paras.593-601.

597. The Committee expresses its concern about indigenous women, migrant women and particularly women from aboriginal groups and Torres Strait Island who are the most disadvantaged people in Australian society. The Government has been frank in its information to the Committee about these women. However, the status of these women is significantly different from other women living in Australia. Violence, life expectancy, unemployment and the health situation among aboriginal women are remaining problems.

598. The Committee urges that in the next report the Government provide more specific data concerning aboriginal women and about remaining obstacles that impede their progress to full equality.

599. The Committee also asks for information about improvements for the aboriginal women after the court decision Mabo and Others v. The State of Queensland. Will that decision permit aboriginal women to receive redistributed land on an equal basis with aboriginal men?

29. Guatemala. 12/04/94. A/49/38,paras.38-87.

81. In short, the members of the Committee commented that women did not appear to be a priority for the Government, that there was far-reaching legal discrimination, and that there was no information on initiatives to combat discrimination resulting from highly stereotyped cultural patterns or on the actual situation of women among indigenous ethnic groups. In general, they regarded the report as inadequate in the light of the recommendations made by the Committee in that connection. They expressed the view that the very wording of the report was sometimes discriminatory; that showed that the Government needed to review and adjust its approach so as to improve the situation of Guatemalan women.

B. General Comments

1. General recommendation No. 24: Article 12 of the Convention (women and health)

6. While biological differences between women and men may lead to differences in health status, there are societal factors that are determinative of the health status of women and men and can vary among women themselves. For that reason, special attention should be given to the health needs and rights of women belonging to

vulnerable and disadvantaged groups, such as migrant women, refugee and internally displaced women, the girl child and older women, women in prostitution, indigenous women and women with physical or mental disabilities.

International Jurisprudence on Indigenous Peoples

Organized Alphabetically by Topic

Topic	Treaty Body Observation/Conclusion (Paragraph(s))
Affirmative Action	<p>Fiji: 02/06/2003. CERD/C/62/CO/3, par. 15 Bangladesh: 27/04/2001. CERD/C/304/Add.118, par. 4 Guatemala. 28/05/96. E/C.12/1/Add.3, par. 27 Fiji. 07/05/2002. A/57/38 (Part I), par. 48 India. 01/02 /2000. A/55/38, paras.30 -90, par. 74</p>
Apology	<p>New Zealand: 01/11/2002. A/57/18, par. 416 Chile: 12/04/2001. CERD/C/304/Add.81, par. 13 Australia: 19/04/2000. CERD/C/304/Add.101, par. 13</p>
-Compensation	<p>Sweden: 10/05/2004. CERD/C/64/CO/8, par. 14 Suriname: 12/03/2004. CERD/C/64/CO/9, par.14 Ecuador: 21/03/2003. CERD/C/62/CO/2, par. 16 New Zealand: 01/11/2002. A/57/18, par. 416 United States: 14/08/2001. A/56/18,par. 400 Japan: 27/04/2001. CERD/C/304/Add.114, par. 17 Chile: 12/04/2001. CERD/C/304/Add.81, par. 13 Australia: 19/04/2000. CERD/C/304/Add.101, par. 13 Costa Rica: 07/04/99. CERD/C/304/Add.71, par. 10 Guatemala: 23/04/97. CERD/C/304/Add.21, par. 19, 31 Brazil: 27/09/96. CERD/C/304/Add.11, par. 19 Denmark. 28/03/96. CERD/C/304/Add.2, par. 20 Mexico. 22/09/95. A/50/18, par. 395 Australia. 19/09/94. A/49/18, par. 547 Ecuador. 18/03/93. A/48/18, par.136 Gen. Rec. XXIII on Indigenous Peoples (1997), par. 5 New Zealand. 07/08/2002. CCPR/CO/75/NZL, par. 7 Denmark. 31/10/2000. CCPR/CO/70/DNK, par. 10 Chile. 30/03/99. CCPR/C/79/Add.104, par. 22 Denmark. 18/11/96. CCPR/C/79/Add.68, par. 15 Honduras. 21/05/2001. E/C.12/1/Add.57, par. 23</p>
-Reconciliation	<p>Canada: 01/11/2002. A/57/18, par.321 Chile: 12/04/2001. CERD/C/304/Add.81, par. 13 Australia: 19/04/2000. CERD/C/304/Add.101, par. 12 Guatemala: 23/04/97. CERD/C/304/Add.21, par. 9 Australia. 19/09/94. A/49/18,par 542 Australia. 01/09/2000. E/C.12/1/Add.50, par. 8, 16, 25</p>
Autonomy	<p>Costa Rica: 20/03/2002. CERD/C/60/CO/3, par. 12 Colombia: 20/08/99. CERD/C/304/Add.76, par. 10 Russian Federation. 28/03/96. CERD/C/304/Add.5, par. 15 Nicaragua. 22/09/95. A/50/18, par. 523 Denmark. 14/05/99. E/C.12/1/Add.34, par. 6</p>
Birth Registration	<p>Panama: 30/06/2004. CRC/C/15/Add.233., par. 29, 30 Mexico: 10/11/99. CRC/C/15/Add.112., par. 21 Thailand: 26/10/98. CRC/C/15/Add.97., par. 20</p>

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<p>Belize: 10/05/99</p>	<p>CRC/C/15/Add.99. Par. 10</p> <p>CRC/C/15/Add.99. Par. 13</p> <p>CRC/C/15/Add.99. Par. 16</p> <p>CRC/C/15/Add.99. Par. 27</p>	<p>Data collection (children)</p> <p>Awareness (Convention)</p> <p>Non-discrimination (article 2, Convention) (children)</p> <p>Education</p>

Bolivia: 10/12/2003	CERD/C/63/CO/2. Par. 6	Party to Int'l Human Rights Instruments, i.e. ILO Convention 169 Languages Fundamental rights; Communal lands Protection Human Rights Defenders
27/09/96 ...	CERD/C/63/CO/2. Par. 11 CERD/C/63/CO/2. Par. 13 CERD/C/63/CO/2. Par. 14 ... CERD/C/304/Add.10. Par. 4 CERD/C/304/Add.10. Par. 5 CERD/C/304/Add.10. Par. 6 and 18 CERD/C/304/Add.10. Par. 18 CERD/C/304/Add.10. Par. 19 CERD/C/304/Add.10. Par. 20	Poverty ... Illiteracy Drug trafficking Population, standard of living, education and social indices Sustainable development Economic and social infrastructure
01/05/97 ...	... CCPR/C/79/Add. 74, Par. 25 CCPR/C/79/Add. 74, Par. 35	Violence (security forces)(article 27, Covenant); Discrimination; Rights Culture; Language; Religion
21/05/2001 ...	... E/C.12/1/Add.60. Par. 7 E/C.12/1/Add.60. Par. 14 and 30 E/C.12/1/Add.60. Par. 21 and 41 E/C.12/1/Add.60. Par. 24 E/C.12/1/Add.60. Par.45	Article 1, Constitution; Languages (judicial and administrative procedures) Discrimination; Economic, social and cultural rights Housing shortages; Forced evictions (Gen. Comment No. 7) Education; Mother tongue Languages; Judicial and administrative tribunals
26/10/98 ...	... CRC/C/15/Add.95. Par. 13 CRC/C/15/Add.95. Par. 17 CRC/C/15/Add.95. Par. 26	Dissemination (Convention) Economic and social disparities; Discrimination; Recommendations: CRC/C/15/Add.1, para. 9 and CRC/C/15/Add.1, para. 14 Protection (children, Chapare region)
18/02/93 ...	... CRC/C/15/Add.1. Par. 9 CRC/C/15/Add.1. Par. 10	Disparities; Status and treatment; Poverty; Health and Education; Sale and trafficking; Child labour; Sexual exploitation (children) Health care – births; Sickness and disability; Education (children) Non-discrimination (article 2,

		Convention)
	CRC/C/15/Add.1. Par. 14	
Botswana: 01/11.2002	A/57/18, paras.292-314 Par. 300 A/57/18, paras.292-314 Par. 301 A/57/18, paras.292-314 Par. 302 A/57/18, paras.292-314 Par. 303 A/57/18, paras.292-314 Par. 304 A/57/18, paras.292-314 Par. 305	Unresponsive (art. 1, Convention) Constitutional Equality Racial Discrimination Poverty Informed consent (Gen. Rec. XXIII) Cultural and linguistic rights
Brazil: 12/03/2004	CERD/C/64/CO/2. Par. 9 CERD/C/64/CO/2. Par. 12 CERD/C/64/CO/2. Par. 13 CERD/C/64/CO/2. Par. 14 CERD/C/64/CO/2. Par. 15	ILO Convention 169 Racial Discrimination Racial Segregation Statute of Indigenous Peoples Demarcation of lands; Right to own, develop, control and use their lands; Conflicting interests over lands ... Poverty; Violence and death
27/09/96 ...	CERD/C/304/Add.11. Par. 4 and 19 CERD/C/304/Add.11. Par. 5 CERD/C/304/Add.11. Par. 6 CERD/C/304/Add.11. Par. 8 CERD/C/304/Add.11. Par. 9 and 17 CERD/C/304/Add.11. Par.10 and 14 CERD/C/304/Add.11. Par. 11 CERD/C/304/Add.11. Par. 12 and 21 CERD/C/304/Add.11. Par. 13 CERD/C/304/Add.11. Par. 20 CERD/C/304/Add.11. Par. 21 ... A/51/40, paras.306-338, Par. 311 A/51/40, paras.306-338, Par. 320 A/51/40, paras.306-338, Par. 337	Fundamental rights (national), Convention ILO Convention 169 Political, economic, social and cultural rights Social indicators Discrimination Fate of vulnerable populations (article 2 Convention); Civil rights Political elections (article 5 Convention) Land ILO Convention 169 ... Execution (security forces) Racial discrimination; Lands (demarcation) Rights
24/07/96 ...	E/C.12/1/Add.87. Par. 20 and 44 E/C.12/1/Add.87. Par. 35 and 58	... Discrimination Forcible eviction; Consent; ILO Convention 169
23/05/2003 ...	CRC/C15/Add.241. Par. 20	... Social expenditure (increase); Budget allocations (lack information); Regional disparities
01/10/2004 ...	CRC/C15/Add.241. Par. 21 CRC/C15/Add.241. Par. 22 and 23	Article 4, Convention (full implementation) Disaggregated data (all areas,

07/07/2003	<p>CRC/C15/Add.241. Par. 28 and 29</p> <p>CRC/C15/Add.241. Par. 37 and 38</p> <p>CRC/C15/Add.241. Par. 70</p> <p>CRC/C15/Add.241. Par. 71 and 72</p> <p>...</p> <p>A/58/38,paras.71-136. Par. 110</p> <p>A/58/38,paras.325-389. Par. 111</p> <p>A/58/38,paras.325-389. Par. 114</p> <p>A/58/38,paras.325-389. Par. 115</p> <p>A/58/38,paras.325-389. Par. 134</p>	<p>Convention)</p> <p>Discrimination (article 2, Convention)</p> <p>Death and birth registration</p> <p>Standard of living; education; Malnutrition</p> <p>Children; Historical, cultural identity, customs, traditions and language (preservation)</p> <p>...</p> <p>Poverty (women); Education, health, basic sanitation, employment, information and justice</p> <p>Poverty (eradication); Funding</p> <p>Sexual abuse (indigenous women, military, miners)</p> <p>Sexual violence (indigenous women, girls); Preventative measures</p> <p>Statistical data (2005 Periodic report)</p>
Burundi: 16/10/2000	CRC/C/15/Add.133. Par. 77 and 78	Rights; Health care; Culture and Discrimination (children)
<p>Cambodia: 31/03/98</p> <p>27/07/99</p> <p>28/06/2000</p>	<p>CERD/C/304/Add.54. Par. 10 and 19</p> <p>CERD/C/304/Add.54. Par. 13 and 19</p> <p>CERD/C/304/Add.54. Par. 19</p> <p>...</p> <p>CCPR/C/79/Add. 108, Par. 19</p> <p>...</p> <p>CRC/C/15/Add.128. Par. 28</p>	<p>Citizenship</p> <p>Legal status; Rights, Culture and Traditional lands;</p> <p>Participation in management of natural resources</p> <p>Distinct identity, culture and way of life; Gen. Rec. XXIII; Informed consent</p> <p>...</p> <p>Cultural traditions (article 27, Covenant)</p> <p>...</p> <p>Discrimination; Education (children, girls)</p> <p>Recommendations: CCPR/C/79/Add.108, para. 17; CERD/C/304/Add.54, paras. 11-13</p>
<p>Cameroon: 20/03/98</p> <p>08/12/99</p> <p>06/11/2001</p>	<p>CERD/C/304/Add.53. Par. 4</p> <p>CERD/C/304/Add.53. Par. 9 and 17</p> <p>...</p> <p>E/C.12/1/Add. 40. Par. 23 and 39</p> <p>...</p> <p>CRC/C/15/Add.164. Par. 18</p> <p>CRC/C/15/Add.164. Par. 25</p> <p>CRC/C/15/Add.164. Par. 58</p> <p>CRC/C/15/Add.164. Par. 69</p>	<p>1996 Constitution; Human rights conventions</p> <p>Rights of minorities</p> <p>...</p> <p>Standard of living; Natural resources; Subsistence</p> <p>...</p> <p>Data collection (children)</p> <p>Discrimination; Rights (children)</p> <p>Forced Labour (children)</p>

	CRC/C/15/Add.164. Par. 70	Discrimination; Own culture; Displacement (children) Rights (protection of)
Canada:01/11/2002	A/57/18, paras.315-343. Par. 329 A/57/18, paras.315-343. Par. 330 A/57/18, paras.315-343. Par. 331 A/57/18, paras.315-343. Par. 332 A/57/18, paras.315-343. Par. 333 A/57/18, paras.315-343. Par. 334	Royal Commission Aboriginal title Extinguishment Aboriginal women; Consultation Incarceration; Violence and Deaths in custody Racial discrimination
02/08/94 ...	A/49/18, paras.298-331. Par. 306 and 326 A/49/18, paras.298-331. Par. 308 A/49/18, paras.535-551, Par. 322 A/49/18, paras.298-331. Par. 325	... Comprehensive land settlement; Self-Government; Social indicators; Access to justice Article 5 Convention; Health; Employment; Education; Religious freedom Land claim settlements Rights to land and resources
07/04/99 ...	... CCPR/C/79/Add. 105, Par. 5 CCPR/C/79/Add. 105, Par. 7 CCPR/C/79/Add. 105, Par. 4 and 8 CCPR/C/79/Add. 105, Par. 11 CCPR/C/79/Add. 105, Par. 19	... Nunavut Agreement Self-determination (article 1, Covenant) Human rights; Royal Commission; Self-government; Aboriginal rights (extinguishment of) Public inquiry Discrimination; Aboriginal women
(1991) ...	... CCPR/C/39/D/205/1986 Mikmaq Tribal Society vs. Canada Par. 1, 5.1 Par. 3.1 Par. 3.2, 5.3, 5.4, 5.5, 6, Par. 5.2 (a)(b)(c)	... Communication; admissibility (article 25(a) and 1, Covenant) Constitutional conference Self-determination; Public affairs Public Affairs; Elected; Equality; Article 25, Covenant
(1981) ...	... CCPR/C/13/D/24/1977 Lovelace vs. Canada. Par. 1 Par. 12	Articles 2(1), 2, 23(1) and (4), 26, and 27, Covenant; Discrimination Rights (articles 2(1) and (2), Covenant); Equality (article 3, Covenant) Cultural benefits; Identity Culture, religion and language

	<p>Par. 13.1 Par. 13.2, 14, 15 and 19</p> <p>Par. 16 and 18</p> <p>Par. 17 and 19</p>	<p>(article 27, Covenant) Articles 2, 3, 12, 17, 23 and 26, Covenant Cultural attachment (article 27, Covenant) ...</p>
(1990) ...	<p>... CCPR/C/38/D/167/1984 Ominayak and the Lake Lubicon Band vs. Canada. Par. 1 Par 2.1</p> <p>Par. 13.3</p> <p>Par. 13. 4 and 32.2.</p> <p>Par. 32.1</p> <p>Par. 32.3 Par. 33</p>	<p>Communication Political status; Economic, social and cultural development; Natural wealth; Subsistence (article 1, para. 1 to 3, ICCPR) Self-determination (article 1, Covenant) Violations (article 27, Covenant) “Peoples”, Individuals (article 1, Covenant) Competing claims Way of life; Culture (article 27, Covenant) ...</p>
10/12/98 ...	<p>... E/C.12/1/Add.31. Par. 17</p> <p>E/C.12/1/Add.31. Par. 18 E/C.12/1/Add.31. Par. 7 and 18</p> <p>E/C.12/1/Add.31. Par. 29 E/C.12/1/Add.31. Par. 43</p> <p>E/C.12/1/Add.31. Par. 47</p>	<p>... Social and economic deprivations; Suicide; Safe drinking water Treaty obligations; Aboriginal rights and title (extinguishment) Royal Commission on Aboriginal Peoples Matrimonial property Land and resources; Economy and culture Human rights; Consultation ...</p>
27/10/2003 ...	<p>... CRC/C/15/Add.215. Par. 6 and 7</p> <p>CRC/C/15/Add.215. Par. 12 and 13 CRC/C/15/Add.215. Par. 19</p> <p>CRC/C/15/Add.215. Par.20</p> <p>CRC/C/15/Add.215. Par. 21 CRC/C/15/Add.215. Par. 22</p> <p>CRC/C/15/Add.215. Par. 24 and 25 CRC/C/15/Add.215. Par. 26</p>	<p>... Reservations (articles 21 and 37 (c), Convention) National plan of action (children) Recommendation: CRC/C/15/Add. 37, para 20 Disaggregated data (children) Violence (children) Non-discrimination (article 2, Convention); Violence Best interests (child)</p> <p>Citizenship Act; First Nations Child and Family Service Health-care/services</p> <p>Mortality rates; suicide;</p>

<p>20/06/95 ...</p> <p>23/01/2003 ...</p> <p>12/08/97 ...</p>	<p>CRC/C/15/Add.215. Par. 34 and 35 CRC/C/15/Add.215. Par. 36 and 37 CRC/C/15/Add.215. Par. 44 and 45</p> <p>CRC/C/15/Add.215. Par. 58 CRC/C/15/Add.215. Par. 59</p> <p>... CRC/C/15/Add.37. Par. 17 and 26</p> <p>CRC/C/15/Add.37. Par. 20</p> <p>CRC/C/15/Add.37. Par. 26</p> <p>... A/58/38,paras.325-389. Par. 357</p> <p>A/58/38,paras.325-389. Par. 361</p> <p>... A/58/38,paras.325-389. Par. 362</p> <p>A/58/38,paras.325-389. Par. 377 and 378</p> <p>... A/52/38/Rev.1,paras.306-343. Par. 333</p>	<p>substance abuse Literacy; Education (article 29(1), Convention); Gen. Comment No.1 Residential school system Recommendations: CCPR/C/79/Add.105, para. 8; A/57/18, para. 330; E/C.12/1/Add.31, para. 18</p> <p>... Fundamental rights; Education; Housing Data collection (Convention) Infant mortality and suicide (children)</p> <p>... Poverty (women); social service cuts Discrimination (aboriginal women); Canadian Human Rights Act; Lower skilled; Incomplete secondary education; imprisonment; Domestic violence; First Nations Governance Act De facto/de jure discrimination (aboriginal women) Income-generating positions (aboriginal women); Social benefits</p> <p>... Discriminatory effects (programmes, Aboriginal women) Comprehensive picture of situation of Aboriginal women; Imprisonment</p>
<p>Central African Republic: 15/09/93</p> <p>18/10/2000 ...</p>	<p>A/48/18, paras.147-151. Par. 148</p> <p>... CRC/C/15/Add.138</p>	<p>Discrimination and exploitation</p> <p>... Discrimination (children)</p>
<p>Chile: 12/04/2001</p>	<p>CERD/C/304/Add.81. Par. 3 CERD/C/304/Add.81. Par. 5 CERD/C/304/Add.81. Par. 6 CERD/C/304/Add.81. Par. 7</p> <p>CERD/C/304/Add.81. Par. 8</p> <p>CERD/C/304/Add.81. Par. 10</p>	<p>Racial discrimination Rights ILO Convention 169 Declaration (article 14, Convention) Educational reform (article 7, Convention) Article 2, paras. 1(d) and 4, Convention</p>

<p>30/03/99 ...</p> <p>01/02/2002 ...</p> <p>09/07/99 ...</p>	<p>CERD/C/304/Add.81. Par. 11 CERD/C/304/Add.81. Par. 14 CERD/C/304/Add.81. Par. 16</p> <p>CERD/C/304/Add.81. Par. 17</p> <p>...</p> <p>CCPR/C/79/Add. 104, Par. 22</p> <p>...</p> <p>CRC/C/15/Add.173. Par. 18 CRC/C/15/Add.173. Par. 19</p> <p>CRC/C/15/Add.173. Par. 26 CRC/C/15/Add.173. Par. 27 CRC/C/15/Add.173. Par. 39 CRC/C/15/Add.173. Par. 43 CRC/C/15/Add.173. Par. 45</p> <p>...</p> <p>A/54/38,paras.202-235</p>	<p>Land disputes Racial discrimination Human rights (Gen. Rec. XIII) Land distribution; Indigenous Judicial system (article 4 and 5, Convention)</p> <p>...</p> <p>Indigenous culture and way of life (sustainability); Participation</p> <p>...</p> <p>Dissemination (Convention) Language (informative materials) Non-Discrimination Discrimination Mortality rates Disabilities (children with) Education (enrolment) (articles 28 and 29, Convention)</p> <p>...</p> <p>Health, employment and educational status (rural and Indigenous women); Next periodic report</p>
<p>Columbia: 20/08/99</p> <p>...</p>	<p>CERD/C/304/Add.76. Par. 3</p> <p>CERD/C/304/Add.76. Par. 4 CERD/C/304/Add.76. Par. 5 CERD/C/304/Add.76. Par. 10</p> <p>CERD/C/304/Add.76. Par. 11 CERD/C/304/Add.76. Par. 12 CERD/C/304/Add.76. Par. 13</p> <p>CERD/C/304/Add.76. Par. 14 and 25 CERD/C/304/Add.76. Par. 15</p> <p>CERD/C/304/Add.76. Par. 16</p> <p>CERD/C/304/Add.76. Par. 19 CERD/C/304/Add.76. Par. 20 CERD/C/304/Add.76. Par. 23</p> <p>CERD/C/304/Add.76. Par. 25</p> <p>...</p> <p>CERD/C/304/Add.1. Par. 5</p>	<p>Racial discrimination; Marginalization; Poverty; Violence</p> <p>Cultural and ethnic diversity Human rights (Plan) Violence; Cultural autonomy and identity Human rights violations Violence</p> <p>Under-representation: State institutions</p> <p>Displaced persons (and protection of) Women: discrimination re: gender and race Resource development; Property rights; and Consultation Financial limitations re: development programmes Land titles; Property Rights Employment; social, political, economic and educational status Security of community leaders; Human rights</p> <p>...</p>

28/03/96	CERD/C/304/Add.1. Par. 6	Human rights
	CERD/C/304/Add.1. Par. 7	Demographic composition
	CERD/C/304/Add.1. Par. 8	Political, economic, social and cultural rights
	CERD/C/304/Add.1. Par. 9 and 10	Land Use and ownership
	CERD/C/304/Add.1. Par. 9(a)	Environment and exploitation of territory
	CERD/C/304/Add.1. Par. 13	Article 4 and 5, Convention)
	CERD/C/304/Add.1. Par. 17	Rights (violation)
	...	Human rights; life and security; public life
	CCPR/CO/80/COL. Par. 20	Land (use and ownership)
26/05/2004	...	...
	CCPR/C/79/Add. 76. Par. 28	Land (distribution); Natural resources
05/05/97	CCPR/C/79/Add. 76. Par. 33	...
	CCPR/C/79/Add. 76. Par. 44	Discrimination (article 27, Covenant)
	...	Rights; Freedoms
	A/47/40,paras.390-394. Par. 391	Rights (articles 2, para. 1, 26 and 27, Covenant); Illiteracy
25/09/92	...	...
	E/C.12/1/Add.74. Par. 11 and 32	Constitutional reform; Self-determination; Full equality
30/11/2001	E/C.12/1/Add.74. Par. 12 and 33	...
	...	Internally displaced persons; Violence; Armed conflict
	E/C.12/1995/12;E/1996/12,paras.173-202. Par. 194	Traditional lands; Consent; Consultation; Culture; Ecosystem
28/12/95	E/C.12/1995/12;E/1996/12,paras.173-202. Par. 177	...
	...	Displaced persons; Basic needs
	CRC/C/15/Add.137. Par. 32 and 33	Development Plan; Social problems/improvements
16/10/2000	CRC/C/15/Add.137. Par. 52 and 53	...
	CRC/C/15/Add.30. Par. 11	Economic and social disparities; Discrimination; Marginalization; Internally displaced person; Housing; Education; and Health (children)(article 2, Convention)
	CRC/C/15/Add.30. Par. 15	Education (articles 28, 29 et al, Convention)(children)
15/02/95	CRC/C/15/Add.15. Par. 8	...
	...	Poverty; Education; Health services
	...	Data collection; Rights (children)

	...	Poverty; Education; Health

... 07/02/94	CRC/C/15/Add.15. Par. 12	(children) Data collection (children)
Congo: 27/03/2000	CCPR/C/79/Add.118, Par. 21	Civil and political rights; Cultural traditions (article 27)
... 23/05/2000	... E/C.12/1/Add.45. Par. 18 E/C.12/1/Add.45. Par. 25	... Equal treatment; Employment; Health and Education Economic, social and cultural rights

Costa Rica	CERD/C/60/CO/3. Par. 5 CERD/C/60/CO/3. Par. 11(a) CERD/C/60/CO/3. Par. 11(b) CERD/C/60/CO/3. Par. 11(c) CERD/C/60/CO/3. Par. 11(d) CERD/C/60/CO/3. Par. 11 CERD/C/60/CO/3. Par. 12 CERD/C/60/CO/3. Par. 13	Language (art. 76, Constitution) Remote living conditions Land ownership Living conditions Infant Mortality Land rights and restitution Draft Act, Autonomous Dev. for Indigenous Peoples Effective participation in public life; Informed consent; Gen. Rec. XXIII.
07/04/99 ...	... CERD/C/304/Add.71. Par. 4 CERD/C/304/Add.71. Par. 10 CERD/C/304/Add.71. Par. 11 CERD/C/304/Add.71. Par. 12 and 20 CERD/C/304/Add.71. Par. 17 CERD/C/304/Add.71. Par. 18 CERD/C/304/Add.71. Par. 19 CERD/C/304/Add.71. Par. 20	... ILO Convention 169; Equal opportunities Land rights (allocation of, compensation; death and vandalism because of) Racial discrimination (protection and remedies) Rights Article 5, Convention Land distribution; Spiritual and cultural identity; Concept of land use and occupancy Equal access to courts and administrative tribunals Racial discrimination
08/04/99 ...	... CCPR/C/79/Add. 109, Par. 19	... Effective remedies (article 27, Covenant)
24/02/2000 ...	... CRC/C/15/Add.117. Par. 15 CRC/C/15/Add.117. Par. 25	... Discrimination (article 2, Convention); Marginalization (children); Socio-economic and regional disparities; Recommendations: CCPR/C/79/Add.107; CERD/C/304/Add.71 Living conditions; Discrimination (article 2 and 30, Convention)
09/07/2003 ...	... A/58/38, paras.31-75. Par. 62 A/58/38, paras.325-389. Par. 63 A/58/38, paras.325-389. Par. 67	... Discrimination; Living and working conditions (women) Free-Trade (negative impact, women); Social benefits (women) Poverty (combat, women)
Democratic Republic of the Congo: 27/09/96	CERD/C/304/Add.18. Par. 12 CERD/C/304/Add.18. Par. 16	Discrimination; Violence Article 5(b), Convention; Constitutional Act (article 9)

Denmark: 21/05/2002	CERD/C/60/CO/5. Par. 8 CERD/C/60/CO/5. Par. 18	Commission on Self-Gov't Ethnic or tribal entities; Gen. Rec. XXIII; Gen. Rec. VII (article 1); Gen. Rec. XXIV (article 1)
28/03/96	... CERD/C/304/Add.2. Par 13 and 20	... Convention; Compensation
31/10/2000	... CPPR/CO/70/DNK, Par. 6 CPPR/CO/70/DNK, Par. 10	... Commendations Displacement; Land; Traditional hunting rights; Compensation
18/11/96	... CCPR/C/79/Add. 68, Par. 15	... Land; Displacement; Compensation; Traditional hunting lands
14/05/99	... E/C.12/1Add.34. Par. 6	... Autonomy (people); Greenlandic cultures; Indigenous languages
10/07/2001	... CRC/C/15/Add.151. Par. 10 and 11	... Children
Dominica: 30/06/2004	CRC/C/15/Add.238. Par. 49 and 50	Education; Health and Poverty (children)

Ecuador: 21/03/2003	<p>CERD/C/62/CO/2. Par. 3 CERD/C/62/CO/2. Par. 4 CERD/C/62/CO/2. Par. 5</p> <p>CERD/C/62/CO/2. Par. 6 CERD/C/62/CO/2. Par. 7 CERD/C/62/CO/2. Par. 11 CERD/C/62/CO/2. Par. 12 CERD/C/62/CO/2. Par. 13</p> <p>CERD/C/62/CO/2. Par. 14 CERD/C/62/CO/2. Par. 16</p>	<p>Special measures National Human Rights Plan Ombudsman; Commission- Human Rights Education (bilingual) ILO Convention 169 Racial discrimination Excessive use of force Economic, social and cultural rights; Living standards Education Land titles; Compensation: environmental depletion</p> <p>...</p> <p>Demographic information; Racial discrimination Natural resources; environmental protection; cultural and social life Identity (article 2, Convention) Language (article 5, Convention) Decision-making; Lands (exploration and exploitation); Cultural values; Consultation; and Compensation Land; paramilitary groups; and prison Economic, social and cultural status Economic exploitation</p> <p>...</p> <p>Cultural identity; traditional livelihood (article 27, Covenant)</p> <p>...</p> <p>New Constitution Economic, social and cultural rights Discrimination Communal property; Consultation; Health and environmental impacts; cultural rights; Ecosystems Forced evictions (Gen. Comment No. 7) Illiteracy Languages Public policy; ILO Convention 169</p> <p>...</p> <p>Hague Convention of 1998 (Protection of children...); ILO Convention 169 Curricula (Convention);</p>
18/03/93	<p>...</p> <p>A/48/18, paras.128-146. Par. 131</p> <p>A/48/18, paras.128-146. Par. 132</p> <p>A/48/18, paras.128-146. Par. 133</p> <p>A/48/18, paras.128-146. Par. 135</p> <p>A/48/18, paras.128-146. Par. 136</p>	<p>...</p> <p>Demographic information; Racial discrimination Natural resources; environmental protection; cultural and social life Identity (article 2, Convention) Language (article 5, Convention) Decision-making; Lands (exploration and exploitation); Cultural values; Consultation; and Compensation Land; paramilitary groups; and prison Economic, social and cultural status Economic exploitation</p> <p>...</p> <p>Cultural identity; traditional livelihood (article 27, Covenant)</p> <p>...</p> <p>New Constitution Economic, social and cultural rights Discrimination Communal property; Consultation; Health and environmental impacts; cultural rights; Ecosystems Forced evictions (Gen. Comment No. 7) Illiteracy Languages Public policy; ILO Convention 169</p> <p>...</p> <p>Hague Convention of 1998 (Protection of children...); ILO Convention 169 Curricula (Convention);</p>
18/08/98	<p>...</p> <p>CCPR/C/79/Add. 92, Par. 19</p>	<p>...</p> <p>New Constitution Economic, social and cultural rights Discrimination Communal property; Consultation; Health and environmental impacts; cultural rights; Ecosystems Forced evictions (Gen. Comment No. 7) Illiteracy Languages Public policy; ILO Convention 169</p> <p>...</p> <p>Hague Convention of 1998 (Protection of children...); ILO Convention 169 Curricula (Convention);</p>
07/06/2004	<p>...</p> <p>E/C.12/1/Add.100. Par. 4 E/C.12/1/Add.100. Par. 9</p> <p>E/C.12/1/Add.100. Par. 11 and 34 E/C.12/1/Add.100. Par. 12 and 35</p> <p>E/C.12/1/Add.100. Par. 28 and 53</p> <p>E/C.12/1/Add.100. Par. 31 E/C.12/1/Add.100. Par. 32 and 58 E/C.12/1/Add.100. Par. 35</p>	<p>...</p> <p>New Constitution Economic, social and cultural rights Discrimination Communal property; Consultation; Health and environmental impacts; cultural rights; Ecosystems Forced evictions (Gen. Comment No. 7) Illiteracy Languages Public policy; ILO Convention 169</p> <p>...</p> <p>Hague Convention of 1998 (Protection of children...); ILO Convention 169 Curricula (Convention);</p>
26/10/98	<p>...</p> <p>CRC/C/15/Add.93. Par. 8</p>	<p>...</p> <p>Hague Convention of 1998 (Protection of children...); ILO Convention 169 Curricula (Convention);</p>

<p>11/07/2003</p>	<p>CRC/C/15/Add.93. Par. 5 CRC/C/15/Add.93. Par. 14 CRC/C/15/Add.93. Par. 18 CRC/C/15/Add.93. Par. 24 A/58/38,paras.282-336. Par. 304 A/58/38,paras.282-336. Par. 307 and 308 A/58/38,paras.282-336. Par. 329 and 330</p>	<p>Education (bilingual) Data collection (Convention) (children) Non-discrimination (article 2, Convention); Economic and social disparities Environmental threats (article 24, Convention) National Council for Women (strengthen) Poverty; Eradication (indigenous women) Gender-disaggregated data (insufficient, indigenous and rural women); Next periodic report</p>
<p>El Salvador 30/06/2004</p> <p>21/01/2003</p>	<p>CRC/C/15/Add.232. Par. 5, 6, 15, 16, 25 and 26 A/58/38,paras.231-280, Par. 261 A/58/38,paras.231-280, Par. 262 A/58/38,paras.231-280, Par. 263 and 264 A/58/38,paras.231-280, Par. 275 A/58/38,paras.231-280, Par. 276</p>	<p>Recommendations: CRC/C/15/Add.9; CRC/C/3/Add.9 (child care, education, discrimination, disabilities, girls, children) Poverty (women) Poverty (eradication strategy); Socio-economic (improvement) Illiteracy; Drop-out rates (pans and programmes) Gender disaggregated-data (lack of); Indigenous women (insufficient information) Sex-disaggregated data; Impact of programmes (women)</p>
<p>Fiji: 02/06/2003</p> <p>07/05/2002</p>	<p>CERD/C/62/CO/3. Par. 12 CERD/C/62/CO/3. Par. 13 CERD/C/62/CO/3. Par. 14 CERD/C/62/CO/3. Par. 15 CERD/C/62/CO/3. Par. 21 A/57/38(Part I),paras.24-70. Par. 48 and 49</p>	<p>Reservations (arts. 2, 3, 4,6 and 6, Convention) Racial discrimination S.99, 1997 Constitution Race relations Ethnic groups (article 1, para. 4; article 2, para. 2, Convention) Racial statements Social Justice Act/"Blue Print" (non-gendered); Compliance with constitutional rights and Convention; Elimination of discrimination, Women</p>

Finland: 10/12/2003	CERD/C/63/CO/5. Par. 11	Self-Identification (Gen. Rec. VIII)
	CERD/C/63/CO/5. Par. 12	ILO Convention 169; Land disputes
01/05/2001	...	...
	CERD/C/304/Add.107. Par. 11	ILO Convention 169 Land ownership; Culture; and Land disputes (Gen. Rec. XXIII)
07/04/99	...	...
	CERD/C/304/Add.66. Par. 5	Immigrant children; Sami language
	CERD/C/304/Add.66. Par. 10	Land ownership; ILO Convention 169
	CERD/C/304/Add.66. Par. 14	Land Disputes
28/03/96	...	...
	CERD/C/304/Add.7. Par. 11 and 23 CERD/C/304/Add.7. Par.12 and 24	Land rights; ILO Convention 169 Mother tongue (parliament and education)
27/10/2004	...	...
	CCPR/CO/82/FIN/Rev.1(FUTURE), Par. 17	Land; Traditional subsistence; Identity (article 1, Convention)
08/04/98	...	...
	CCPR/C/79/Add. 91, Par. 5 CCPR/C/79/Add. 91, Par.11 CCPR/C/79/Add. 91, Par. 12	Language Land rights Translation: human rights documents; Language
(2001)	...	...
	CCPR/C/73/D/779/1997 Äärelä and Näkkäläjärvi vs. Finland. Par. 1, 7.7, 8.1 and 9	...
	Par. 3.1	Communication; Violations (articles 2(3), 14(1) and (2), and 27, Covenant)
	Par. 3.2	Logging; Culture (article 27, Covenant)
	Par. 3.3	Culture; Livelihood
	Par. 3.4	Economic development
	Par. 6.1, 6.2, 6.4, 7.1, 8.1 and 8.2	Effective remedy (article 14, Covenant)
	Par. 7.2 and 8.2	Admissibility (articles 2 and 5(1), Optional Protocol)
	Par. 7.3 and 7.4	Costs (violation)(articles 14(1) and 2, Covenant)
	Par. 7.5	Unfairness; Denial of justice; Equality; Violations (article 14, Covenant)
	Par. 7.6	Logging; Culture (article 27, Covenant)
		Consultation; Sustainability (article 27, Covenant)
...
	E/C.12/1Add.8. Par. 7	Sami languages; Sami address

<p>05/12/96</p> <p>...</p> <p>16/10/2000</p> <p>...</p> <p>02/02/2001</p>	<p>...</p> <p>CRC/C/15/Add.132. Par. 21</p> <p>...</p> <p>A/56/38,paras.279-311. Par. 305</p>	<p>to Parliament</p> <p>...</p> <p>Dissemination; Training (children) (Convention)</p> <p>...</p> <p>Discrimination (immigrant, minority, Sami women)</p>
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<p>France: 04/08/97</p> <p>(1997) ...</p>	<p>CCPR/C/79/Add. 80, Par. 8 and 13</p> <p>CCPR/C/79/Add. 80, Par. 24 CCPR/C/79/Add. 80, Par. 27</p> <p>... CCPR/C/60/D/549/1993/Rev.1 Hopu & Bessert vs. France Par. 1, 11 and 12</p> <p>Par. 3.1 and 13</p> <p>Par. 3.2</p> <p>Par. 1 and 10.1 Par. 10.4, 10.5 and 3.3</p> <p>Par. 10.2</p> <p>Par. 10.3</p>	<p>New Caledonia (article 1, Covenant); Amnesty Acts Culture; Religion; Language Cultural, religious and linguistic rights</p> <p>...</p> <p>Violations; Remedy (articles 2 (1) and 3(a), 14, 17(1), 23(1), and 27, Covenant) Effective remedy; Land claims and disputes (article 2, 3(a) and <u>juncto</u> 14(1), Covenant Forcible removal; Burial rights (articles 17(1) and 23(1), Covenant) Communication (article 5, para. 1, Op. Prot.) Effective participation; (article 27, Covenant) Consultation; Domestic courts; Discrimination No violation (article 14(1), Covenant) Ancestral burial grounds; Privacy and family life (articles 17 and 23, Covenant)</p>
<p>Gabon: 10/02/99</p> <p>10/11/2000 ...</p> <p>01/02/2002 ...</p>	<p>CERD/C/304/Add.58. Par 8 CERD/C/304/Add.58. Par. 15</p> <p>... CCPR/CO/70/GAB, Par. 17</p> <p>... CRC/C/15/Add.171. Par. 15 CRC/C/15/Add.171. Par. 24 CRC/C/15/Add.171. Par. 69 and 70</p>	<p>Demographic composition Rights (article 5, 5I and 5(e), Convention)</p> <p>... Rights (article 27, Covenant)</p> <p>... Data collection (children) Discrimination (children) Social services (children)</p>
<p>Guatemala: 23/04/97</p>	<p>CERD/C/304/Add.21. Par. 5</p> <p>CERD/C/304/Add.21. Par. 7 CERD/C/304/Add.21. Par. 9</p> <p>CERD/C/304/Add.21. Par. 11 CERD/C/304/Add.21. Par. 12</p> <p>CERD/C/304/Add.21. Par. 13</p> <p>CERD/C/304/Add.21. Par. 17 and 18</p> <p>CERD/C/304/Add.21. Par. 19</p> <p>CERD/C/304/Add.21. Par. 20</p>	<p>Civil unrest; Racial discrimination ILO Convention 169 Racial reconciliation; Democratic society; Equality Resettlement Indigenous delegation member Violence; Security of person (article 5(b), Convention) Human rights (violation of protection in courts, lack of interpreters and availabilities of public defenders, State impunity) Land rights (allocation of, compensation for, ownership of)</p>

	CERD/C/304/Add.21. Par. 21 CERD/C/304/Add.21. Par. 26 CERD/C/304/Add.21. Par. 30 and 31 ...	Law enforcement (Gen. Rec. XIII) Public service (participation in) Racial discrimination; identity and rights Land (equitable and resolution of distribution, spiritual and cultural importance, difference in land use and ownership, compensation) ...
22/09/95	... A/50/18, paras.279-320. Par. 303 A/50/18, paras.279-320. Par. 304 and 305 A/50/18, paras.279-320. Par. 305 A/50/18, paras.279-320. Par. 307 A/50/18, paras.279-320. Par. 308 A/50/18, paras.279-320. Par. 309 A/50/18, paras.279-320. Par. 311 A/50/18, paras.279-320. Par. 313 and 315 A/50/18, paras.279-320. Par. 317 ...	Armed conflict Racial discrimination Civil, political, economic, social and cultural rights (article 5 (c), Convention) Cruel, inhumane or degrading treatment Non-prosecution (persecutors) Recourse procedures Poverty and social exclusion Illiteracy Economic, social, cultural, civil and political rights (article 5, Convention) ILO Convention 169 ...
27/08/2001	... CCPR/CO/72/GTM, Par. 29 ...	Communal lands; Discrimination (article 27, Covenant) ...
03/04/96	... CCPR/C/79/Add.63, Par. 5 ... CCPR/C/79/Add.63, Par. 34	Social and economic disparities; Poverty; Illiteracy; Discrimination; Human rights Violence (article 27, Covenant), Cultural identity, language and religion ...
12/12/2003	... E/C.12/1/Add.93. Par. 5 E/C.12/1/Add.93. Par. 6 E/C.12/1/Add.93. Par. 10 and 24 E/C.12/1/Add.93. Par. 11 and 29 E/C.12/1/Add.93. Par. 13 E/C.12/1/Add.93. Par. 24 E/C.12/1Add.93. Par. 25 and 45 E/C.12/1Add.93. Par. 42	Women's rights Legislative Decree No. 19 Violence; Economic, social and cultural rights Discrimination Unemployment Distribution of wealth; Social exclusion Education; Mother tongue; Bilingual Agrarian reform; Communal lands ...
		National developments (rights, human rights); ILO Convention 169

<p>28/05/96 ...</p>	<p>... E/C.12/1/Add.3. Par. 5</p> <p>E/C.12/1/Add.3. Par. 10 and 14</p> <p>E/C.12/1/Add.3. Par. 15 and 27 E/C.12/1/Add.3. Par.17 and 24 E/C.12/1/Add.3. Par. 27</p>	<p>Armed conflict; Socio-economic disparities; land distribution Racial discrimination; Poverty; Social exclusion Land ownership; Economic, social and cultural rights Equality; Affirmative action</p>
<p>09/07/2001 ...</p>	<p>... CRC/C/15/Add.154. Par. 9</p> <p>CRC/C/15/Add.154. Par. 17</p> <p>CRC/C/15/Add.154. Par. 18 CRC/C/15/Add.154. Par. 26</p> <p>CRC/C/15/Add.154. Par. 42 CRC/C/15/Add.154. Par. 46 CRC/C/15/Add.154. Par. 56</p>	<p>... Implementation (Convention); Human rights violations; Economic and social disparities Data collection (children)(Convention) Human rights (promotion) Non-discrimination (article 2, Convention) Malnutrition Education (bilingual) Juvenile justice system</p>
<p>07/06/96 ...</p>	<p>... CRC/C/15/Add.58. Par. 4</p> <p>CRC/C/15/Add.58. Par. 9</p> <p>CRC/C/15/Add.58. Par. 16</p> <p>CRC/C/15/Add.58. Par. 28 CRC/C/15/Add.58. Par. 29</p> <p>CRC/C/15/Add.58. Par. 37</p>	<p>... Peace; Human rights (Agreements); ILO Convention 169 Armed conflict; Socio-economic disparities; Poverty; Illiteracy; Discrimination; Human rights (violations) Economic, social and cultural rights (articles 2, 3 and 4 Convention) (children) Data collection (children) Dissemination; Training; Education (children rights); Language Implementation (articles 28 and 29, Convention)</p>
<p>12/08/2002 ...</p>	<p>... A/57/38(Part III),paras.163-208. Par. 188</p> <p>A/57/38(Part III),paras.163-208. Par. 189</p> <p>A/57/38(Part III),paras.163-208. Par. 198 and 199</p>	<p>... Persistent stereotypes (Indigenous women); Human rights Education/media awareness (women's human rights; Indigenous) Illiteracy (women, Indigenous)</p> <p>... Legal discrimination; No information to combat; stereotype cultural patterns; Inadequate government report; wording of discriminatory</p>

12/04/94	... A/49/38,paras.38-87. Par. 81	
Guyana: 21/08/97	A/52/18.paras.484-486. Par. 485	Population composition; Reporting obligations
09/03/2004	... CERD/C/64/Dec.1. Par. 4	... Racial violence; Human rights; Poverty
03/06/2003	... CERD/C/62/Dec.2. Par. 5	... Racial violence; Human rights; Poverty
25/04/2000	... CCPR/C/79/Add.121, Par. 21	... Lands (demarcation) (article 27, Covenant)
26/02/2004	... CRC/C/15/Add.224. Par. 3 CRC/C/15/Add.224. Par. 16, 22 and 58 CRC/C/15/Add.224. Par. 18 and 19 CRC/C/15/Add.224. Par. 29 CRC/C/15/Add.224. Par. 57	... Ministry Amerindian Affairs Poverty; Disabilities; Discrimination (children) Awareness (Convention) Birth registration Living conditions; Language (children)
31/07/2001	... A/56/38,paras.145-184. Par. 158 A/56/38,paras.145-184. Par. 175	... Amerindian Affairs (appointment of Amerindian women) Amerindian and rural women; Benefit from all policies; Next periodic report
Honduras: 21/05/2001	E/C.12/1/Add.57. Par. 14 and 33 E/C.12/1/Add.57. Par. 23 E/C.12/1/Add.57. Par. 25 E/C.12/1/Add.57. Par. 29 and 52 E/C.12/1/Add.57. Par. 44 E/C.12/1/Add.57. Par. 45	Discrimination Forced evictions; Compensation; Relocation Deforestation Education; Language Land tenure; Land rights Mining
24/08/99	... CRC/C/15/Add.105. Par. 15 CRC/C/15/Add.105. Par. 19 CRC/C/15/Add.105. Par. 31	... Dissemination(Convention); Recommendation: CRC/C/15/Add.105 Discrimination (child girls) Recommendation: CRC/C/15/Add.24, para. 24 Living conditions; Rights; Discrimination (article 2 and 30, Convention)
24/10/94	... CRC/C/15/Add.24. Par. 23 CRC/C/15/Add.24. Par. 35	... Awareness (article 12, Convention); Languages ILO Convention 169

India: 17/09/96	CERD/C/304/Add.13. Par. 2, 5, 14, 17, 23, 27 and 32 CERD/C/304/Add.13. Par. 26 CERD/C/304/Add.13. Par. 29	Castes/Tribes (Human rights); Convention, Discrimination Civil, cultural, economic, political and social rights (article 5, Convention) National Commissions ...
04/08/97 ...	... CCPR/C/79/Add. 81, Par. 8 CCPR/C/79/Add. 81, Par. 10 CCPR/C/79/Add. 81, Par. 11 CCPR/C/79/Add. 81, Par. 14 CCPR/C/79/Add. 81, Par. 15 CCPR/C/79/Add. 81, Par. 30	National commissions (castes/tribes, women, minorities)(est. of) Elected positions (castes/tribes, women) Elected legislatures and governments Reservations/declarations to arts. 1, 9, 13, 12, 19, para. 3, 21, and 22, Covenant Discrimination; castes/tribes; Bonded labour Asylum seekers ...
26/02/2004 ...	... CRC/C/15/Add.228. Par. 22 CRC/C/15/Add.228. Par. 22, 27, 28, 31 and 81 CRC/C/15/Add.228. Par. 26 CRC/C/15/Add.228. Par. 62 and 63 CRC/C/15/Add.228. Par. 81 CRC/C/15/Add.228. Par. 82	Data collection; Implementation (Convention) Castes/tribes; Children, Discrimination (article 2, Convention) Social inequalities Standard of living (children)(article 27, Convention) Social services; Culture Recommendation: CRC/C/133, para. 624 ...
23/02/2000 ...	... CRC/C/15/Add.115. Par. 3 CRC/C/15/Add.115. Par. 12 CRC/C/15/Add.115. Par. 13 CRC/C/15/Add.115. Par. 16 CRC/C/15/Add.115. Par. 30 and 31 CRC/C/15/Add.115. Par. 31 and 59 ... A/55/38,paras.30-90. Par. 74 and 75	Constitutional, legislative provisions, commissions (human rights/children) Implementation legislation and court decisions (insufficient) Human rights (institutions, implementation) Data collection (children) Rights (children) (article 2, Convention) Discrimination (caste/tribes) Human Rights (curricula)(article 29, Convention) ... Discrimination, violence (Dalit)

01/02/2000 ...		women/girls); Devadasi system; Affirmative action; Next periodic report
Japan: 27/04/2001	CERD/C/304/Add.114. Par. 4 CERD/C/304/Add.114. Par. 5 CERD/C/304/Add.114. Par. 17	Human rights; Economic, social and cultural development Unique culture (Ainu) Land rights; Restitution and compensation
19/11/98 ...	CCPR/C/79/Add. 102. Par. 14	Language; Higher education; Land rights
05/11/93 ...	CCPR/C/79/Add.28. Par. 9	Discriminatory practices
24/09/2001 ...	E/C.12/1/Add.67. Par. 13 and 40 E/C.12/1/Add.67. Par. 39 E/C.12/1/Add.67. Par. 18 and 45	Discrimination Non-discrimination legislation ILO Conventions 105, 111 and 169
26/02/2004 ...	CRC/C/15/Add.231. Par. 17 CRC/C/15/Add.231. Par. 54 CRC/C/15/Add.231. Par. 50	Data collection Discrimination (children) Religion; Language (children)
05/06/98 ...	CRC/C/15/Add. 90. Par. 13 and 35	Non-discrimination (article 12, Convention); Best Interests of child (article 3, Convention); Right to participate (article 12, Convention)
Mali: 10/03/94	A/49/18, paras.275-283. Par. 277 A/49/18, paras.275-283. Par 278 and 282	Peace agreement (1991) Article 4 (b) and 5), Convention

Mexico: 11/12/97	<p>CERD/C/304/Add.30 Par. 4 and 6</p> <p>CERD/C/304/Add.30 Par. 7</p> <p>CERD/C/304/Add.30 Par. 9</p> <p>CERD/C/304/Add.30 Par. 11</p> <p>CERD/C/304/Add.30 Par. 12</p> <p>CERD/C/304/Add.30 Par. 13</p> <p>CERD/C/304/Add.30 Par. 14 and 27</p> <p>CERD/C/304/Add.30 Par. 17</p> <p>CERD/C/304/Add.30 Par. 18 and 20</p> <p>CERD/C/304/Add. 30 Par. 19</p> <p>CERD/C/304/Add. 30 Par. 21</p> <p>CERD/C/304/Add. 30 Par.22</p> <p>CERD/C/304/Add.30 Par. 24</p> <p>CERD/C/304/Add.30 Par. 25</p> <p>CERD/C/304/Add.30 Par. 26</p> <p>CERD/C/304/Add.30 Par. 27</p> <p>...</p>	<p>Poverty; Restoration of peace; and Human rights violations</p> <p>Poverty; Economic, social and cultural development</p> <p>Discrimination</p> <p>Equality in court and use of own language therein (article 5, Convention)</p> <p>Security of person</p> <p>Political rights</p> <p>Economic, social and cultural rights; Social and economic indicators; and Land rights (delimitation and distribution of)</p> <p>Education (bilingual and bicultural)</p> <p>Population statistics</p> <p>Chiapas (unstable)</p> <p>Economic, social and cultural rights (protection of); Human rights</p> <p>Social and economic indicators</p> <p>Political election; access to civil service</p> <p>Equality before the law; own language in court</p> <p>Human and fundamental rights</p> <p>Discrimination (protection from)</p> <p>...</p> <p>Racial discrimination</p>
22/09/95	<p>...</p> <p>A/50/18, paras.353-398. Par. 358 and 386</p> <p>A/50/18, paras.353-398. Par. 359 and 376</p> <p>A/50/18, paras.353-398. Par. 360</p> <p>A/50/18, paras.353-398. Par. 362, 384, 386, 389 and 390</p> <p>A/50/18, paras.353-398. Par. 363 and 386</p> <p>A/50/18, paras.353-398. Par. 377</p> <p>A/50/18, paras.353-398. Par. 378 and 386</p> <p>A/50/18, paras.353-398. Par. 379</p> <p>A/50/18, paras.353-398. Par. 380</p> <p>A/50/18, paras.353-398. Par. 382 and 386</p> <p>A/50/18, paras.353-398. Par. 383 and</p>	<p>Article 4, Mexican Constitution</p> <p>Cultural recognition; Consultation; Poverty Rights</p> <p>Land (distribution, restitution); Subsistence</p> <p>Conflict (Chiapas)</p> <p>Education (bilingual-bicultural)</p> <p>Articles 18-22, Constitution</p> <p>Poverty; Economic and social situation</p> <p>Discrimination; Social and economic development (and marginalization)</p> <p>Economic situation; Land ownership</p>

	386 A/50/18, paras.353-398. Par. 395	Human rights; Compensation ...
	...	Conflicts (Chiapas)
	A/50/18, para.25(2)	...
09/03/95 [Decision 2(46)	...	Comments by Government of Mexico on concluding observations
	CCPR/C/79/Add.123.	...
24/08/2000	...	Self-determination (article 27, Covenant)
	CCPR/C/79/Add.109	...
27/07/99	...	Marginalization
	CCPR/C79/Add.32. Par. 4	Violations (Chiapas)(article 6, 7 and 9, Covenant)
	CCPR/C79/Add.32. Par. 6	Discrimination
18/04/94	CCPR/C79/Add.32. Par. 12	Land distribution; Decision- making
	CCPR/C79/Add.32. Par. 18	...
	...	Health services; Education, Work; Nutrition and Housing
	E/C.12/1/Add.40. Par. 18	Chiapas (consultation)
08/12/99	...	Economic, social and cultural rights
	E/C.12/1/Add.40. Par. 25	Chiapas (military or paramilitary)
	E/C.12/1/Add.40. Par. 34	...
	E/C.12/1/Add.40. Par. 44	Economic and social difficulties; Poverty; Migrant workers
	...	Children; Criminality; Drug addiction; Sexual exploitation; Education
05/01/94	E/C.12/1993/16. Par. 5	Economic, social and cultural rights
	E/C.12/1993/16. Par. 7	Minimum wage; Language, culture and traditional way of life
	E/C.12/1993/16. Par. 7 and 8	Forced eviction
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	CRC/C/15/Add.112. Par. 28	Disparities; Poverty; Violence (partic. Chiapas)
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Nepal: 12/03/2004	<p>CERD/C/64/CO/5. Par. 5</p> <p>CERD/C/64/CO/5. Par. 13</p>	<p>Human rights; Discrimination Human rights; Forced relocation; Traditional homelands; Preservation of wildlife; Discrimination (Gen. Rec. XXIII); ILO Convention 169</p>
New Zealand: 01/11/2002	<p>A/57/18, paras.412-434. Par. 416</p> <p>A/57/18, paras.412-434. Par. 417</p>	<p>Fair and equitable settlements Social initiatives Maori electoral option</p>

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<p>07/08/2002 ...</p>	<p>... CCPR/CO/75/NZL. Par. 9</p>	<p>... Language (articles 2 and 26, Covenant)</p>
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<p>(2000) ...</p>	<p>... CCPR/C/70/D/547/1993 Apirana Mahuika et al. vs. New Zealand. Par. 1 and 3 ... Par. 9.2 and 9.6 Par. 9.3 and 9.9 ... Par. 9.4</p>	<p>... Communication; Violations (articles 1, 2, 16, 18, 26 and 27, Covenant); Admissibility (articles 14(1) and 27, Covenant) Individual and group rights Economic activities (fisheries); Culture (article 27, Covenant) Traditional means; Modern way of life (article 27, Covenant)</p>

		Effective participation Consultation Effective control Discontinuance (article 14(1), Covenant) ... Enjoyment of rights (Maori) Domestic violence Health Education Poverty ... Employment; Education and technical qualifications ... Disaggregated data Discrimination (children) Non-Discrimination (article 2, Convention) Health indicators (disparities) Suicide; Pregnancies; Alcohol abuse (youth) Poverty (children) Standard of living (article 27(3), Convention) Education (exclusion) ... Reservations (Convention) Rights (protection/promotion)(childre n) Health; Education and Welfare (children) ... Treaty of Waitangi; Public Health and Disability Act, 2000 'Reducing Inequalities' programme (Maori and pacific women/girls); Human Rights Act ... Maori women equality De Facto Relationships (Property Bill); Reconsideration Maori women (unsatisfactory situation of) Treaty of Waitangi (Maori women equality) Translate Convention, Elimination of All Forms of
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Nicaragua: 22/09/95	A/50/18,paras.499-541. Par. 521 A/50/18,paras.499-541. Par. 523 A/50/18,paras.499-541. Par. 524, 534 and 535 A/50/18,paras.499-541. Par. 525 A/50/18, paras.499-541. Par.526 A/50/18, paras.499-541. Par. 527 A/50/18, paras.499-541. Par. 532 A/50/18, paras.499-541. Par. 535	Armed conflict; Human rights Land ownership; Education Natural resources; Land (communal) Amparo Act (1988); Criminal Code Regional councils Multi-lingual Education Economic, social and cultural rights Consultation
24/08/99 CRC/C/15/Add.108. Par. 20 CRC/C/15/Add.108. Par. 24 CRC/C/15/Add.108. Par. 26 CRC/C/15/Add.108. Par. 39	... Dissemination (Convention) (children rights) Economic, social and regional disparities; Recommendation: CRC/C/15/Add.36, para. 15 Birth registration; Recommendation: CRC/C/15/Add.36, para. 16 Rights, Health; Education (article 30, Convention)
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31/07/2001 A/56/38,paras.277-318. Par. 314 A/56/38,paras.277-318. Par. 315	... Lack of Information (women/girls, Indigenous) Health, employment; educational status (Indigenous women); Next Periodic report

Nigeria: 22/09/95	A/50/18,paras.598-636. Par. 603 A/50/18,paras.598-636. Par. 625 and 633	Discrimination; Human rights Ethnic groups (antagonism) ...
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01/11/99 CCPR/C/79/Add.112. Par. 10 CCPR/C/79/Add.112. Par. 16 CCPR/C/79/Add.112. Par. 17	... Human rights (Sami) Traditional livelihood (article 27, Covenant); Land Self-determination (article 1, para. 2, Covenant)
04/11/93 ...	... CCPR/C/79/Add.27. Par. 6	... Devolution of Responsibility (Sami Assembly); Language (public bodies/courts)
(2002) ...	... CCPR/C/76/D/942/2000 Jarle Jonassen & Members of the Riast/Hylling Reindeer Herding District vs. Norway. Par. 1, 3.4, 3.6, 3.7, 3.9, 3.10, 3.15, 3.17 Par. 3.1, 3.2, 3.6, 3.7, 3.8, 3.14, 3.16 Par. 3.3 Par. 3.9 Par. 3.11 Par. 3.12 Par. 3.13 Par. 3.17, 8.6, 8.7, 8.8, 8.9 Par. 8.1, 8.2, 8.3, 8.4, 8.5, 8.10, 9(a)	... Communication; Violations (articles 2, 26 and 27, Covenant); Traditional grazing grounds; Discrimination; Private property rights Culture; Nomadic lifestyle (article 2 and 27, Covenant) Natural wealth and resources; Subsistence Land rights Written culture Conflicts Reindeer grazing Domestic remedies Admissibility
01/12/97 ...	... E/C.12/199518, paras.203-227. Par. 211	... Devolution (responsibility)(Sami Assembly); Sami language (public bodies/courts)

<p>Pakistan: 23/04/97</p> <p>...</p> <p>27/10/2003</p>	<p>CERD/C/304/Add. 25. Par. 9 CERD/C/304/Add. 25. Par. 15</p> <p>CERD/C/304/Add. 25. Par. 24</p> <p>CERD/C/304/Add. 25. Par. 25</p> <p>...</p> <p>CRC/C/15/Add.217. Par. 9 and 10</p>	<p>Participation (elections) Economic and social situation Federally Administered Tribal areas; North-West Frontier Province Human rights (protection of, international instruments)</p> <p>...</p> <p>Rights of the Child (Convention) (Implementation)</p>
<p>Panama: 23/04/97</p> <p>...</p> <p>24/09/2001</p> <p>...</p> <p>20/06/95</p> <p>...</p> <p>30/06/2004</p>	<p>CERD/C/304/Add.32. Par. 4 CERD/C/304/Add. 2. Par. 9 CERD/C/304/Add.32. Par. 11 and 23</p> <p>CERD/C/304/Add.32. Par. 12 and 24 CERD/C/304/Add.32. Par. 15 and 25 CERD/C/304/Add.32. Par. 20 CERD/C/304/Add.32. Par. 16 CERD/C/304/Add.32. Par. 22</p> <p>CERD/C/304/Add.32. Par. 28</p> <p>...</p> <p>E/C.12/1/Add.64. Par. 6 E/C.12/1/Add.64. Par. 12 and 28</p> <p>...</p> <p>E/C.12/1995/8. Par. 66 and 79(iii) E/C.12/1995/8. Par. 67</p> <p>...</p> <p>E/C.12/1995/8. Par. 68</p> <p>...</p> <p>E/C.12/1995/8. Par. 69</p> <p>E/C.12/1995/8. Par. 70 and 79(iv)</p> <p>...</p> <p>CRC/C15/Add.241. Par. 3</p> <p>...</p> <p>CRC/C/15/Add.233. Par. 17 and 28 CRC/C/15/Add.233. Par. 18 CRC/C/15/Add.233. Par. 24 and 25 CRC/C/15/Add.233. Par. 29 and 30 CRC/C/15/Add.233. Par. 41, 51, 52, 63 and 64</p> <p>CRC/C/15/Add.233. Par. 25 and 42 CRC/C/15/Add.233. Par. 63 and 64</p> <p>...</p>	<p>Human rights Rights (Convention) Land rights (ownership)(article 5, Convention) Legal status</p> <p>Elections and public service</p> <p>Language (Convention) Statistical information Article 5(e)(3),(4) and (5), Convention ILO Convention 169</p> <p>...</p> <p>Territorial demarcation Poverty; Illiteracy; Access to social services; Land rights; Displacement; ILO Convention 169</p> <p>...</p> <p>Expulsions Mission; Site inspection; Interview (Chiefs) Poverty; Legal insecurity; Land ownership; land demarcation Subsistence; Ecological difficulties ILO Convention 169</p> <p>...</p> <p>Laws (protection/promotion) (children) Disaggregated data (Children) Standard of living (children) Discrimination (children)</p> <p>Birth registration (children)</p> <p>Health; Education (bilingual) (children)</p> <p>...</p> <p>Disabilities (children)</p>

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<p>Papua New Guinea: 01/11/2002 ...</p> <p>21/08/07 [Decision 4(51)]</p> <p>...</p> <p>16/08/95 [Decision 3(47)]</p> <p>...</p> <p>10/03/95 [Decision 8(46)]</p>	<p>A/57/18, para.514A. Par. 2, 3 and 4</p> <p>...</p> <p>A/52/18, para.19(4). Par. 3, 4, 5, 6, 7, 8</p> <p>A/52/18, para.19(4). Par. 8</p> <p>...</p> <p>A/50/18, para.26(3)</p> <p>...</p> <p>A/50/18, para.25(8)</p>	<p>Article 9, para. 1, Convention</p> <p>...</p> <p>Bougainville</p> <p>Bougainville (article 9(1), Convention)</p> <p>...</p> <p>Human rights; Bougainville (article 9, Convention)</p> <p>...</p> <p>Human rights; Bougainville; executions; population transfers; Rights; Environmental degradation; Racial discrimination</p>

Paraguay: 03/10/95	A/50/40, paras.266-304, Par. 213	Poverty; Education; Civil and Political rights
28/05/96 ...	... E/C.12/1/Add.1. Par. 9	... Hunger and malnutrition; Traditional and ancestral lands Fundamental rights
	E/C.12/1/Add.1. Par. 18 E/C.12/1/Add.1. Par. 21	Discrimination; Economic, social and cultural rights; women
06/11/2001 ...	... CRC/C/15/Add.166. Par. 6	... Economic and social disparities Recommendation: CRC/C/15/Add.75, para. 33
	CRC/C/15/Add.166. Par. 19	Language (informative materials)
	CRC/C/15/Add.166. Par. 20	Non-discrimination (principle)
	CRC/C/15/Add.166. Par. 27	Registration (children); Recommendation: CRC/15/Add.75, para. 38)
	CRC/C/15/Add.166. Par. 29	Mortality; Morbidity and malnutrition rates
	CRC/C/15/Add.166. Par. 37	(Recommendation: CRC/C/15/Add. 75, para. 45)
18/06/97 ...	... CRC/C/15/Add.75. Par. 16 and 37	... Discrimination (article 2, Convention) (children) Birth registration; Preservation of identity (articles 7 and 8, Convention)
	CRC/C/15/Add.75. Par. 18 and 38	Education (own language) Basic services
	CRC/C/15/Add.75. Par. 24 CRC/C/15/Add.75. Par. 37	... Discrimination (article 2, Convention) (girl child)
24/10/94 ...	... CRC/C/15/Add.27. Par. 8	... Bilingual education; social and economic opportunities; Illiteracy/drop out rates (women)
09/05/96 ...	... A/51/38,paras.105-133. Par. 124	Dissemination (Convention)(women)
	A/51/38,paras.105-133. Par. 133	
Peru: 13/04/99	CERD/C/304/Add.69 Par. 5 CERD/C/304/Add.69 Par. 6 CERD/C/304/Add.69 Par. 8 CERD/C/304/Add.69 Par. 12 CERD/C/304/Add.69 Par. 18 CERD/C/304/Add.69. Par. 19	Agenda 21 Human rights (violations) Ombudsman Socio-economic indicators Deprivation of civic and political rights Health services; Forced sterilization; Life expectancy Employment

<p>22/09/95 ...</p>	<p>CERD/C/304/Add.69. Par. 20 CERD/C/304/Add.69. Par. 22</p> <p>CERD/C/304/Add.69. Par. 23</p> <p>A/50/18, paras.194-204. Par. 196</p> <p>A/50/18, paras.194-204. Par. 199</p> <p>A/50/18, paras.194-204. Par. 201, 202 and 203</p>	<p>Inalienable communal property rights Education (children)</p> <p>...</p> <p>Human rights; ILO Convention 169 Socio-economic conditions/rights; Cultural identity Violence; Human rights; Racial discrimination (article 6 and 14, Convention)</p> <p>...</p> <p>Forced sterilization</p>
<p>15/11/2000 ...</p> <p>16/05/97 ...</p>	<p>CCPR/CO/70/PER, Par. 21</p> <p>E/C.12/1/Add.14. Par. 10 E/C.12/1/Add.14. Par. 11 and 30</p> <p>E/C.12/1/Add.14. Par. 12, 12(b), 27 and 30 E/C.12/1/Add.14. Par. 15 E/C.12/1/Add.14. Par. 16 E/C.12/1/Add.14. Par. 26 and 39 E/C.12/1/Add.14. Par. 28</p>	<p>...</p> <p>Educational reforms Economic, social and cultural rights Violence; Discrimination against women Education Maternal mortality rates Forced evictions Covenant (translation Indigenous languages)</p> <p>...</p>
<p>22/02/2000 ...</p>	<p>CRC/C/15/Add.120. Par. 16</p> <p>CRC/C/15/Add.120. Par. 19 CRC/C/15/Add.120. Par. 24</p> <p>CRC/C/15/Add.120. Par. 25 CRC/C/15/Add.120. Par. 26</p>	<p>...</p> <p>Discrimination; Marginalization (children) Birth registration Health; Infant mortality; Malnutrition (children) Education (children) Economic exploitation (children)</p> <p>...</p>
<p>15/08/2002 ...</p>	<p>A/57/38(Part III),paras.454-502. Par. 484 A/57/38(Part III),paras.454-502. Par. 484</p> <p>A/57/38(Part III),paras.454-502. Par. 494 and 495</p>	<p>...</p> <p>Forced sterilization; no informed consent Surgical sterilization; informed consent; prosecution of violators National Institute for Family Well-Being (abandonment, non-existent for Indigenous women); Creation of</p> <p>...</p>
<p>08/07/98 ...</p>	<p>A/53/38/Rev.1,paras.292-346. Par. 310 A/53/38/Rev.1,paras.292-346. Par. 327 A/53/38/Rev.1,paras.292-346. Par. 329 and 330</p>	<p>...</p> <p>Poverty (worsening, feminization of) Sexual abuse (rural and Indigenous women) Education/drop out rates; Programmes Contraception (inadequate); Family planning</p>

31/05/95 ...	A/53/38/Rev.1, paras.292-346. Par. 341 and 342 ... A/50/38, paras.398-451. Par. 438	... Rape (Indigenous and peasant women); Emergency zones
Phillipines: 15/10/97	CERD/C/304/Add.34. Par. 3 CERD/C/304/Add.34. Par. 4 CERD/C/304/Add.34. Par. 7 CERD/C/304/Add.34. Par. 14 CERD/C/304/Add.34. Par. 15 CERD/C/304/Add.34. Par. 16 CERD/C/304/Add.34. Par. 17 CERD/C/304/Add.34. Par. 19 CERD/C/304/Add.34. Par. 20 CERD/C/304/Add.34. Par. 21 CERD/C/304/Add.34. Par. 22	Poverty Human rights (Plan) Article 5(d)(v), Convention; Land Economic and social disparities Enjoyment of rights (article 5, Convention) Disappearances (article 5(a) and (b), Convention) Forced evictions and displacement under article 5 (d)(I)(v), Convention); Denial of right to return to ancestral lands Population census Human Rights (generally under Convention); Racial discrimination Interests and welfare of Standard of living; Social indicators
01/12/2003 ...	CCPR/CO/79/PHL. Par. 8 CCPR/CO/79/PHL. Par. 15 CCPR/CO/79/PHL. Par. 16	Violations (article 2, 6 and 9, Covenant) Displacement of persons Land; Resources
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Rwanda: 04/06/2004	CRC/C/15/Add.234. Par. 23 CRC/C/15/Add.234. Par. 75 CRC/C/15/Add.234. Par. 76	Disparities (children) Discrimination; Culture; Social services (children) Recommendation: CRC/C/133, para. 624)
Russian Federation 21/03/2003	CERD/C/62/CO/7. Par. 6 CERD/C/62/CO/7. Par. 20	ILO Convention 169 Protection of rights of Indigenous peoples Property rights
30/03/98 ...	CERD/C/304/Add.43. Par. 9 CERD/C/304/Add.43. Par. 10 CERD/C/304/Add.43. Par. 18	Rights (guarantee) Federal laws Indigenous peoples of North, South and Russian Far East ILO Convention 169

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South Africa: 23/02/2000	CRC/C/15/Add.122. Par. 14 and 41	Data collection (children) Culture, Religion, Language, and Access to Information
Sri Lanka: 14/09/2004	A/56/18, paras.321-342.Par. 335	Communal lands; Gen. Rec. XXIII
Suriname: 12/03/2004	CERD/C/64/CO/9. Par. 11 CERD/C/64/CO/9. Par. 12 CERD/C/64/CO/9. Par. 13 CERD/C/64/CO/9. Par. 14 CERD/C/64/CO/9. Par. 15 CERD/C/64/CO/9. Par. 16 CERD/C/64/CO/9. Par. 17 CERD/C/64/CO/9. Par. 18 CERD/C/64/CO/9. Par. 19 CERD/C/64/CO/9. Par. 21 CERD/C/64/CO/9. Par. 22 CERD/C/64/CO/9. Par. 23 ... CERD/C/62/Dec. 3. Par. 3 ... CERD/C/62/Dec. 3. Par. 4 ...	Right to land; Natural resources Identification and demarcation of lands Consultation Right to appeal to court Consultation; Compensation Environmental Impacts Child sexual exploitation HIV/AIDS Natural resources Human rights Language Cultural Rights Gen. Rec. XXIII (1997); ILO Convention 169 ... Discrimination; Employment; Education; Culture; Land; Resources; Consultation; Health and Environment Gen. Rec. XXIII (1997) ... Education
21/03/2003 ...		
04/05/2004 ...		

<p>07/06/95 ...</p> <p>28/06/2000 ...</p> <p>13/06/2002 ...</p>	<p>CCPR/CO/80/SUR. Par. 19 CCPR/CO/80/SUR. Par. 21</p> <p>...</p> <p>E/C.12/1995/6. Par. 3 E/C.12/1995/6. Par. 7</p> <p>...</p> <p>E/C.12/1995/6. Par. 13 and 21 E/C.12/1995/6. Par. 15 and 22 E/C.12/1995/6. Par. 21</p> <p>...</p> <p>CRC/C/15/Add.137. Par. 6</p> <p>...</p> <p>CRC/C/15/Add.137. Par. 12</p> <p>...</p> <p>CRC/C/15/Add.137. Par. 18 CRC/C/15/Add.137. Par. 25</p> <p>...</p> <p>CRC/C/15/Add.137. Par. 43 and 44 CRC/C/15/Add.137. Par. 51 and 52</p> <p>...</p> <p>A/57/38(Part II), paras. 22-72. Par. 65 and 66</p>	<p>Right to land; Consultation; Life, health and environment; Discrimination; Article 27, Covenant</p> <p>...</p> <p>1992 Peace Accord Economic crisis; Unemployment; Economic, social and cultural rights Housing; Displaced persons Education Armed conflict</p> <p>...</p> <p>Implementation programmes and services (difficult, isolated children) Data collection (children)(Convention) Translation (Convention) Non-discrimination (principle) Health (children)</p> <p>Education (children)</p> <p>...</p> <p>Rural women, Indigenous, older women (disadvantaged); Policies and programmes; Next periodic report</p>
<p>Sweden: 10/05/2004</p> <p>01/05/2001 ...</p> <p>18/09/97 ...</p> <p>03/03/94 ...</p> <p>24/04/2002 ...</p>	<p>CERD/C/64/CO/8. Par. 6 CERD/C/64/CO/8. Par. 12 CERD/C/64/CO/8. Par. 13 CERD/C/64/CO/8. Par. 14</p> <p>...</p> <p>CERD/C/304/Add.103. Par. 12</p> <p>...</p> <p>CERD/C/304/Add.103. Par. 13</p> <p>...</p> <p>CERD/C/304/Add.37. Par. 9 CERD/C/304/Add.37. Par. 19</p> <p>...</p> <p>A/49/18, paras.181-208, Par. 185</p> <p>...</p> <p>A/49/18, paras.181-208, Par. 187</p> <p>...</p> <p>A/49/18, paras.181-208, Par. 200 A/49/18, paras.181-208, Par. 207</p> <p>...</p> <p>CCPR/CO/74/SWE, Par. 3</p>	<p>Information campaign Consultation ILO Convention 169 Land disputes; Compensation</p> <p>...</p> <p>Language in court proceedings Land rights; ILO Convention 169</p> <p>...</p> <p>Sami Parliament Language</p> <p>...</p> <p>Language (article 2, Convention); Culture and identity Reindeer herding (article 5, Convention); Language Traditional activities Sami Assembly</p> <p>...</p> <p>National Plan (human rights) Rights (articles 25, 26 and 27, Covenant)</p>

	CCPR/CO/74/SWE, Par. 6	Decision-making, Economic activities (articles 1, 25 and 27, Covenant)
	CCPR/CO/74/SWE, Par. 15	...
09/11/95	...	Traditional rights
	CCPR/C/79/Add.58, Para. 18	Customary rights (article 27, Covenant)
	CCPR/C/79/Add.58, Para. 26	...
(1988)	...	Communication
	CCPR/C/33/D/197/1985	Immemorial rights;
	Kitok vs. Sweden.	Membership; Reindeer husbandry (article 27, Covenant)
	Par. 1	Economic activity (article 27, Covenant)
	Par. 9.1, 9.3, 9.4, 9.5, 9.6 and 9.7	Individual member (viability and welfare of)
	Par. 9.2	...
	Par. 9.8	Violations; Economic activity; Traditional livelihoods; Traditional activities; Reindeer husbandry; Culture (article 27, ICCPR); ILO Convention 169
(undated)	...	...
	Ilmari Lansman et al. vs. Finland	Communication; Admissibility
	Par. 1, 3.1, 3.2, 9.1, 9.2, 9.3, 9.4, 9.5, 9.6, 9.7, 9.8 and 10	Culture (article 27 Covenant)
		Traditional economic; Cultural rights
(1994)	...	Interim measures (rule 86)
	CCPR/C/50/D/431/1990	Logging; Road construction
	O. Sara et al. vs. Finland.	Admissibility (article 27, Covenant)
	Par 1 and 5.1	Irreparable harm
	Par. 3.1	Domestic courts (article 27, Covenant)
	Par. 3.2	Domestic remedies
	Par. 3.3	Decision 9 July 1991;
	Par. 5.2, 5.3, 8.1	Inadmissibility (article 5, para. 2(b), Optional Protocol)
	Par. 5.5	...
	Par. 5.6	Violation (article 1, Covenant)
	Par. 8.2 and 8.3	Article 27, Covenant; Rights, ILO Convention 169; Gen. Comment No. 23[50]; United Nations Draft Declaration on Indigenous Peoples
	Par. 8.4	Logging; Road construction;
	Par. 9	Irreparable damage
(1996)	...	
	CCPR/C/58/D/671/1995	
	J. Lansman et al. vs. Finland.	

<p>30/11/2001 ...</p> <p>31/07/2001 ...</p>	<p>Par. 1</p> <p>Par. 3.1</p> <p>Par. 3.2</p> <p>Par. 10.1, 10.2 and 10.3</p> <p>Par. 10.4</p> <p>Par. 10.5</p> <p>Par. 10.6</p> <p>Par. 10.7</p> <p>Par. 11</p> <p>... E/C.12/1/Add.70. Par. 16, 17 and 28</p> <p>... A/56/38, paras.319-360. Par. 356</p>	<p>Violation (article 27, Covenant); Culture; Economic activities; Way of life; Livelihood</p> <p>Effective participation</p> <p>Consultation; Domestic courts</p> <p>Threat to survival reindeer husbandry</p> <p>Future large scale logging (article 27, Covenant)</p> <p>Breach (article 27, Covenant)</p> <p>...</p> <p>Land rights; ILO Convention 169</p> <p>...</p> <p>Discrimination (immigrant, refugee, minority, Sami and Roma women)</p>
<p>Thailand: 26/10/98</p> <p>02/02/99 ...</p>	<p>CRC/C/15/Add.97. Par. 12</p> <p>CRC/C/15/Add.97. Par. 15</p> <p>CRC/C/15/Add.97. Par. 18 and 27</p> <p>CRC/C/15/Add.97. Par. 20</p> <p>... A/54/38, paras.213-250. Par. 239 and 240</p>	<p>Data collection (Convention) (children)</p> <p>Awareness (Convention)</p> <p>Non-discrimination; Education and health (Convention);</p> <p>Poverty</p> <p>Birth registration (article 7, Convention)</p> <p>...</p> <p>Rights (Hill-tribe women and girls, non-protection);</p> <p>Legislation (protection of, recommended)</p>
<p>Tunisia: 02/06/2001</p>	<p>CERD/C/62/CO/10. Par. 8</p>	<p>Culture; Language</p>
<p>Uganda: 02/06/2003</p>	<p>CERD/C/62/CO/11. Par. 14</p>	<p>Land rights; Human rights</p>
<p>United States of America: 14/08/2001</p> <p>03/10/95 ...</p>	<p>A/56/18, paras.380-407. Par. 400</p> <p>... A/50/40, paras.266-304. Par. 270,</p>	<p>Discriminatory effects; Land rights (article 5(c), Convention); Informed consent (Gen. Rec. XXIII);</p> <p>Recognition and compensation for land; ILO Convention 169</p> <p>...</p> <p>Discrimination</p> <p>Aboriginal rights</p>

	290, 291 and 302	(extinguishment); Poverty, sickness and alcoholism
Venezuela: 26/04/2001 ... 28/12/92 ... 21/05/2001 ... 02/11/99	CCPR/CO/71/VEN. Par. 28 ... CCPR/C/79/Add.13. Par. 5 CCPR/C/79/Add.13. Par. 10 ... E/C.12/1/Add.56. Par. 12 ... E/C.12/1/Add.56. Par. 17 and 22 ... E/C.12/1/Add.56. Par. 29 ... CRC/C/15/Add.109. Par. 18 CRC/C/15/Add.109. Par. 21 CRC/C/15/Add.109. Par. 30	Natural resources ... Democracy; Human rights Cultural life; Language (article 27, Covenant) ... Discrimination; Economic activities; Natural resources; Health; Living environment and Way of life Poverty; Economic, social and cultural rights Health-care system ... Discrimination (children) Birth registration Living conditions (articles 2 and 30, Convention)(children)
Vietnam: 15/08/2001 ... 15/09/93 ... 26/07/2002 ... 18/03/2003	A/56/18, paras.408-428, Par. 417 A/56/18, paras.408-428, Par. 418 A/56/18, paras.408-428, Par. 417 ... A/48/18, paras.348-358, Par. 351 ... A/48/18, paras.348-358, Par. 353 A/48/18, paras.348-358, Par. 354 A/48/18, paras.348-358, Par. 356 ... CCPR/CO/75/VNM, Par. 19 ... CRC/C/15/Add.200. Par. 14 CRC/C/15/Add.200. Par. 15 and 21 ... CRC/C/15/Add.200. Par. 31 and 32 CRC/C/15/Add.200. Par. 41 and 42 CRC/C/15/Add.200. Par. 47 and 48	Reproductive rights Rights Population transfer; Social, economic and cultural rights ... Socio-economic development (minorities) Article 4, Convention State reconstruction Development plans ... Cultural traditions; Religion and language; Violations, articles 7 and 27, Covenant ... Budget allocations (insufficient, children) Economic, social and cultural rights (implementation) (article 4, Convention) Birth registration Health; Safe drinking water Education; teaching