

Twelve Periodic Reports Reviewed at 78th CERD Session

IMADR Geneva Office

*The Committee on the Elimination of all forms of Racial Discrimination (CERD) held its 78th session from February 14 to March 11, 2011, in Geneva, Switzerland. Reports of the following State Parties were considered by the Committee at this session: **Bolivia, Cuba, Uruguay, Norway, Ireland, Spain, Serbia, Yemen, Armenia, Moldova, Lithuania and Rwanda** (in the order of examination). On February 15 and 21, CERD had an **informal meeting with NGOs** that provided information on some of these countries (Bolivia and Uruguay on 15; Norway, Ireland, Spain and Serbia on 21). At this session, CERD also issued 10 letters to the States concerned (Brazil, Chile, Costa Rica, Kyrgyzstan, Papua New Guinea, Russia, Slovakia, South Africa, Tanzania and USA), adopted one decision (Côte d'Ivoire) and one statement (Libya) under its **Early Warning and Urgent Action procedure**.¹ In addition, a **thematic discussion** on discrimination against people of African descent was held on March 7² and a **general recommendation** on the same topic is now being prepared by CERD (further deliberations will be held at its 79th session). Based on our monitoring, this report summarizes the consideration of State reports and concluding observations adopted by CERD at its 78th session.³ Information on individual communications and follow-up procedures examined by the Committee is not included, since it took place in closed meetings.*

*CERD will hold its 79th Session from August 8 to September 2, 2011, in Geneva and examine State reports of **Albania, Czech Republic, Georgia, Kenya, Kuwait, the Maldives, Malta, Mexico, Paraguay, Ukraine and the UK**.*

Members of CERD are (as of 78th session): Mr. Nourredine AMIR (Algeria); Mr. Alexei AVTONOMOV (Russian Federation); Mr. José Francisco CALI TZAY (Vice-Chairperson, Guatemala); Ms. Anastasia CRICKLEY (Ireland); Ms. Fatimta-Binta Victoria DAH (Vice-Chairperson, Burkina Faso); Mr. Ion DIACONU (Romania); Mr. Kokou Mawuena Ika Kana (Dieudonné) EWOMSAN (Togo); Mr. Régis de GOUTTES (France); Mr. HUANG Yong'an (China); Mr. Anwar KEMAL (Chairperson, Pakistan); Mr. Dilip LAHIRI (India); Mr. Gün KUT (Turkey); Mr. José Augusto LINDGREN ALVES (Brazil); Mr. Pastor Elias MURILLO MARTINEZ (Colombia); Mr. Chris Maina PETER (Tanzania); Mr. Pierre-Richard PROSPER (Vice-Chairperson, USA); Mr. Waliakoye SAIDOU (Niger); and Mr. Patrick THORNBERRY (UK).

¹ All letters, decisions and statements made by CERD can be downloaded at:
<http://www2.ohchr.org/english/bodies/cerd/early-warning.htm>

² Contributions of the panelists and participants can be found at:
<http://www2.ohchr.org/english/bodies/cerd/AfricanDescentContributions.htm#Participants>

³ Due to the difference in working languages, some of the contents may differ from the original or official record of CERD.

Bolivia

2053rd Meeting (Feb 15 pm) and 2054th Meeting (Feb 16 am)

CERD considered the combined seventeenth through twentieth periodic reports of Bolivia⁴ on February 15 and 16, 2011. Nilda Copa, the Minister of Justice of Bolivia, led the state delegation including the Vice Minister for Decolonization in the Ministry of Culture, the Director General of Fundamental Rights in the Ministry of Justice and the President of the Human Rights Commission. During the presentation of the State report by the delegation, they stressed, among others, the efforts of the state with its first indigenous president, Evo Morales, in building an equal society in which each others' difference is respected; diversity of the State having 36 cultures and languages; secular nature of the State and freedom of religion; new constitution and other legislation addressing racism; and the nexus between colonialism and racism as well as importance of decolonization.

CERD's question

Welcoming the rich information provided by the State, in particular on new Constitution, new laws and measures taken, the Country Rapporteur for Bolivia, Mr. Avtonomov, asked questions on: the events surrounding September 11, 2008 in Pando; questions and population groups included in the census; the work of the new unit of Ministry of Justice to promote rights of indigenous peoples; and national judicial system in relation to customary laws.

During the dialogue between the Committee and the State delegation, CERD raised questions and requested more information on various topics including: the traditional justice system and the role it played in access to justice; how hate speech is addressed in the country; State's view on the concept of collective rights; quantitative data on racial violence; training of (local) law enforcement officers; the prior consultations for indigenous communities on issues that affected them; double discrimination experienced by women due to their gender and their belonging to indigenous or Afro-descendent communities; the status of Afro descendents in the county; the upcoming census and how it would enumerate indigenous peoples and people in remote areas; human rights training and education; the role of the media in fostering negative and discriminatory attitudes; and the State's progress on the Millennium Development Goals.

After the State delegation orally provided answers to some of the question asked by CERD, the Committee further asked questions and requested clarification. Points raised include: situation of "white" people; situation and discrimination against migrants, refugees and asylum seekers including issues affecting refugee women and children; ombudsman's office; whether various laws being translated into local languages; ratification of the amendment to ICERD Art. 8; and interactions between customary and civil law.

Concluding Observations⁵

While acknowledging positive aspects such as: ratification of ICRPD⁶ and ICPED⁷; new legislation

⁴ Available at : <http://www2.ohchr.org/english/bodies/cerd/cerds78.htm>

⁵ CERD/C/BOL/CO/17-20, available at: <http://www2.ohchr.org/english/bodies/cerd/cerds78.htm>

⁶ International Convention on the Rights of Persons with Disabilities

addressing racial discrimination; and adoption of the National Action Plan on Human Rights, CERD expressed concerns on, among others: social exclusion of Afro-Bolivian communities as well as discrimination against them; incidents of hate speech and racial incitement against indigenous peoples and Afro-Bolivians; lack of penal provision addressing racial incitement; threats and attacks against human rights defenders; discrimination and hostility against migrants, especially asylum seekers, unaccompanied children and female victims of human trafficking; arbitrary return of refugees and lack of national legislation on protection of refugees in line with international standards; compatibility of indigenous justice with the State Constitution and ICERD, especially regarding the coexistence of indigenous and non-indigenous persons.

Recommendations made by the Committee include: adoption and implementation of measures ensuring equality of rights for all citizens; adoption of mechanisms for the participation of Afro-Bolivians in the policy making; amendment of the national criminal code in line with ICERD Art. 4; establishment of ethical framework for journalism; training for and awareness raising among journalists; development of regulations establishing rights of refugees; and further cooperation with UNHCR.

⁷ International Convention for the Protection of All Persons from Enforced Disappearance

Cuba

2055th Meeting (Feb 16 pm) and 2056th Meeting (Feb 17 am)

CERD considered the combined fourteenth through eighteenth periodic reports of Cuba⁸ on February 16 and 17, 2011. Abelardo Moreno, the Vice Minister of Foreign Affairs of Cuba, led the state delegation which included: Chief Prosecutor of the Department for the Control of Legality in Prisons of the Attorney General's Office; Deputy Director in the Multilateral Affairs Division of the Ministry of Foreign Affairs; Vice President of the magazine Casa de las Americas and associate professor at the University of Havana; and President of the Commission against Racism and Racial Discrimination of the Association of Writers and Artists of Cuba. Presenting the State report, the delegation stressed, among others: the broadness of the consultation for the preparation of the state report; Cuban legislation criminalizing and penalizing any act of racism against a person, group of persons or institutions as well as segregation, propaganda and hate speech; equality of all persons before the law; freedoms of religion, information, expression and press recognized in the society; high percentage of people who studied at Universities and low rate of unemployment; access of all to and high quality of healthcare ensured by the State; efforts of the State in combating racial discrimination since the 1959 revolution; progressiveness of penitentiary system; women's representation in various institutions; and the significance of Cuban revolution in changing the society.

CERD's question

Pointing out the small amount of information provided by Cuban civil society to the Committee, the Country Rapporteur for Cuba, Mr. Murillo Martinez, first summarized demographic and historical background of the country. The Rapporteur then raised questions and asked clarifications on, among others: the view of the State and Cuban society on racism; situation and representation of people of African descent; limitations on the rights of Cubans to leave the country; existence of many stateless persons due to restrictions put on them to come in and out the country; update housing and census statistics; self-identification in the census; economic marginalization of black people; predominance of black and mixed people in prison; remedies ensured to the victims of racial discrimination; political representation of black and mestizo groups; disaggregated data by sex, age, racial or ethnic group and location; impact of massive layoffs of civil servant announced earlier this year; legal framework of migration; definition and penalization of human trafficking in the country; and statistics on the human trafficking cases and training to the law enforcement officials.

During the dialogue between the Committee and the State delegation, CERD raised questions and requested more information on various topics including: measures taken to prevent segregation; status of refugees; inheritance rights of non-Cuban spouses and dual nationality children; lack of civil society alternative information; lack of data on complaints, prosecutions or convictions for the acts of racism through which practical application of criminal provisions can be examined; and freedom of expression and harassment of journalists..

⁸ Available at : <http://www2.ohchr.org/english/bodies/cerd/cerds78.htm>

Concluding Observations

While acknowledging positive aspects and efforts of the State such as establishment of a series of commissions dealing with racial discrimination, CERD expressed concerns on, among others: the fact that Cuban criminal legislation does not provide racial motivation as an aggravating circumstance; lack of independent body monitoring, supervising and evaluating progress in combat against racism and racial discrimination; lack of explicit policies that successfully addressed the status of historically excluded groups; lack of information on internal human trafficking as well as incidents of this among black population; and limited information on illegal immigration and treatment of Haitians immigrants.

Recommendations made by the Committee include: amendment to legislation so that racial motivation constitutes aggravating circumstance in crimes; establishment of independent body or national human rights institution in accordance with Paris Principles; intensification of efforts in carrying out special measures for people of African descent taking into account the CERD's General Recommendation No. 32; provision of detailed information, broken down by sex, age, ethnicity and nationality of victims, on the number of investigations, convictions and sentences in case of human trafficking; legislative reform on migration and immigration and the nationality law to prevent statelessness; ratification of other international human rights instruments, in particular IESCR⁹ and ICRMW¹⁰.

⁹ International Covenant on Economic, Social and Cultural Rights

¹⁰ International Convention on the Protection of the Rights of All Migrant Workers and Their Families

Uruguay

2057th Meeting (Feb 17 pm) and 2058th Meeting (Feb 18 am)

CERD considered the combined sixteenth through twentieth periodic reports of Uruguay¹¹ on February 17 and 18 2011. Ricardo Gonzalez Arenas, the Director General for Political Affairs of the Ministry of Foreign Affairs of Uruguay, led the state delegation which included: Director of Human Rights for the Ministry of Education and Culture; member of the Commission against Racism, Xenophobia and other forms of Discrimination; and Chief of the Department of Women of African Descent of the National Institute of Women in the Ministry of Social Development. Presenting the State report, the delegation stressed, among others: egalitarian character of Uruguay; democracy underlining the system of human rights in Uruguay; legislative and institutional developments in the country including establishment of national human rights institution and the Commission against Racism, Xenophobia and other forms of Discrimination; National Priority Programme for Female Health designed to address multiple discrimination suffered by women of African descent; national action plan to combat racism which is now in process of development; establishment and work of the Department of Women of African Descent of the National Institute of Women in the Ministry of Social Development; criminal legislation addressing racism and racial discrimination, propaganda and racial incitement; and availability of public defenders to vulnerable groups.

CERD's question

Beginning his presentation on the demographical, historical and socio-economic background of the country, the Country Rapporteur for Uruguay, Mr. Lahiri, stated that "the Switzerland of America" had only recently become inclusive. The Rapporteur then pointed out the lack of disaggregated data and statistics and said that it should not be difficult for Uruguay to gather such data and use it to improve the situation of disadvantaged groups, if it genuinely made up its mind to do so. He raised questions and asked clarifications on, among others: national human rights institution; prison population; latest census figures; applicability of international human rights instruments in domestic law; racial/ethnic origin of elected officials; and existence and content of special measures to address the situation of African descendants especially in employment and education.

During the dialogue between the Committee and the State delegation, CERD raised questions and requested more information on various topics including: perception of indigenous culture in the society; ratification of the amendment to ICERD Art.8; multiple discrimination against women of African descent, especially in employment; political representation of Afro descendants; progress in implementing UPR recommendations; exact mandate of the national human rights commission; and exact person or department that will be responsible for implementing CERD's recommendations.

After the State delegation orally provided answers to some of the question asked by CERD, the Committee further asked questions and requested clarification. Points raised include: Afro descendants in prison population; budgetary allocations for the Afro descendants; criminal

¹¹ Available at : <http://www2.ohchr.org/english/bodies/cerd/cerds78.htm>

sanction for discrimination; identities of minority groups; lack of complaints and sensitiveness of justice system; existence of administrative remedies to combat discrimination in the workplace or governmental jobs; and the issue of street children.

Concluding Observations

While acknowledging positive aspects and efforts of the State such as a series of legislative, institutional and policy measures to combat racial discrimination, CERD expressed concerns on, among others: absence of provisions in the legislation that specifically and clearly prohibit racism and racial discrimination; undue delay in the finalization of the National Plan against Racism and Discrimination; lack of resources to, unknown effectiveness and overlapping of various plans, programmes and strategies to address inequalities faced by people of African descent; insufficient compliance of the national Criminal Code with ICERD Art.4; ongoing inequality faced by the people of African descent; double discrimination faced by the women of African descent; actual access to justice and administrative remedies ensured to Afro-descendants and indigenous people; and lack of information on complaints, prosecutions, convictions, and sentences for the acts of racial discrimination.

Recommendations made by the Committee include: collection and publication of statistical data disaggregated by ethnicity and race; adoption of a special law against racial discrimination or integration of provisions into the current legislation that specifically prohibit racial discrimination; further development of special measures in favour of Afro-descendants and indigenous people; acceleration of the adoption process of National Plan against Racism and Discrimination in consultation with all stakeholders concerned; full implementation of ICERD Art. 4; making additional efforts to facilitate equal access to judicial and administrative remedies for people of African descent and indigenous origin; strengthening of efforts to promote participation of people of African descent and indigenous origin in public affairs; and additional measures to eliminate stereotypes on Afro-descendant and indigenous people.

Norway

2061st Meeting (Feb 21 pm) and 2062nd Meeting (Feb 22 am)

CERD considered the nineteenth and twentieth periodic reports of Norway¹² on February 21 and 22, 2011. Tora Aasland, Minister of Education and Research and Acting Minister of Children, Equality and Social Inclusion, led the state delegation which included: Director General of the Ministry of Children, Equality and Social Inclusion; Senior Advisor to the Ministry of Justice and Police; Deputy Director General of the Ministry of Children; and Deputy Director General of the Ministry of Government Administration, Reform and Church Affairs. Presenting the State report, the delegation stressed, among others: the promise made by the Norwegian Prime Minister on January 26, 2011 to prioritise the fight against hate crimes in memory of Benjamin Hermansen; that the advancement of universal human rights is a principal objective for the Norwegian government; the involvement of the Sami parliament in the preparation of the State report and their presence as observers at the session; that Norwegian society is seen as homogenous society despite the diversity; that integration policies are based on the fundamental values of Norway including freedom of opinion and expression as well as gender equality; existence and function of the Sami parliament; the government's wish to maintain close dialogue with minority organisations; the main legal and institutional pillars of Norway to prevent ethnic discrimination i.e. the Anti-Discrimination Act, the Equality and Anti-Discrimination Ombudsman, and the national and cross-sectoral action plan; various data collection efforts; Norway's efforts to combat hate crimes and difficulties faced; government's commitment to improve the situation of children of foreign born parents; "well" structure of integration policy of Norway; the government's efforts in dealing with minority issues including measures such as awareness raising, special adult education, guidance to Roma families and building of a Sami museum.

CERD's question

Noting the timely submission of its periodic report by Norway, the Country Rapporteur for Norway, Mr. de Gouttes, expressed the need for more detailed information, in particular on the composition of the population with their origin, Sami, and on the incorporation of ICERD and CERD's recommendations into domestic legislation. The Rapporteur further pointed out that the government does not use the word "race" to avoid division of the population along racial grounds and asked whether the term used is properly defined according to the CERD's prescriptions. He indicated insufficient protection of the rights of immigrants, issue of detention of foreigners, very stringent language requirement and the need for case by case approach, the plight of asylum seekers and other immigrants including unaccompanied foreign minors, and noted that Norway did not yet ratify the ICRMW. Questions raised by the Rapporteur include: evaluation and monitoring of the national action plan; measures taken to improve situation of migrant workers working in the oil and gas industry; grounds for the delay in incorporating CERD's recommendations into national civil and criminal codes; information on laws regulating asylum application and length of stay; claims of racial profiling by the police; programme to train new teachers to deepen the knowledge on Roma communities; and freedom of press and the issue of hate crime.

¹² Available at : <http://www2.ohchr.org/english/bodies/cerd/cerds78.htm>

During the dialogue between the Committee and the State delegation, CERD members further raised questions and requested more information, these include: negative impact of certain Norwegian companies' activity in foreign countries such as Chile or the Philippines, especially on the living conditions of indigenous peoples there, and measures taken by Norway on this matter; information on the situation of Roma; public discourse in Norway regarding the "islamisation"; identity checking of minorities and systematic blockage of their access to certain public spheres; preservation of minority cultures; victims and perpetrators of female genital mutilation specifically regarding people of Somali origin; prison population; and condition of detention centres.

Statement of NHRI and Ombudsman:

It was regretted that the State rejects CERD's recommendations to incorporate ICERD into national legislation through the Human Rights Act and pointed out that Norwegian constitution does not contain any specific provision against ethnic discrimination. The ombudsman expressed its concern on indirect discrimination against certain groups especially in terms of language training, interpretation in health and other public services, treatment of traumatised refugees, lengthy stay endured by minority women in crisis centres, and lack of coordinated public services for women facing domestic violence and trafficking.

After the State delegation orally provided answers to the first round of the question asked by CERD, further rounds of dialogue took place. Questions raised by CERD include: whether and how consultation has been initiated, regarding the mining law; in corporation of ICERD into national legislation as the case of CEDAW; and punishment of non-Norwegian perpetrator of FGM.

Concluding Observations

While acknowledging positive aspects such as various initiatives adopted by the State to combat racial discrimination, CERD expressed concerns on, among others: lack of data on ethnic composition of the population; the fact that the envisaged amendment of the Anti-Discrimination Act does not reflect all grounds of discrimination as set out by ICERD and also the exclusion of language as a ground for discrimination; situation of migrants, asylum seekers and refugees, in particular in terms of access to public services, housing, labour market and health; drop-out rate of students with migrant background at the higher education; lack of qualified and professional interpreters, in particular in medical and legal fields; language requirement in the process of acquiring citizenship and naturalisation; situation of unaccompanied asylum-seeking children aged between 15 and 18 and their access to health services, education as well as qualified guardians; conditions of reception centres, special return centres, and detention centres for asylum seekers and rejected asylum seekers; possible stigmatisation of women and girls belonging to certain minority groups through excessive focus of the national plans on FGM; multiple discrimination against women belonging to minority groups including the victims of violence and/or trafficking; lack of adequate knowledge and specific competence of crisis centre staffs; negative impact on people and environment in other countries, of the activities by transnational corporations domiciled in the territory and/or under the jurisdiction of Norway; situation of Sami people; situation of Roma and Romani/Tater communities; hate speech including racist views expressed by some political figures and the law number of complaints against racist acts as well as the lack of information on this matter.

Recommendations made by the Committee include: provision of updated information on the composition of population according to CERD reporting guidelines and the General Recommendation No. 8 on self-identification; incorporation of ICERD into domestic legislation through the Human Rights Act of 1999; amendment to the Anti-Discrimination Act to include all grounds of discrimination set out by ICERD; further efforts and measure to improve the situation of Non-citizens; improvement of the availability, accessibility and quality of professional interpretation services, especially in the medical and judicial fields; measures to ensure that the free language programme is available to everyone wanting it; measures to address the situation of asylum seekers and to ensure the special protection of unaccompanied asylum-seeking children; adjustment of the conditions of in reception and special return centres, and in reception centres for children in line with relevant international human rights standards; equal legal footing of the free legal aid made by the Anti-Discrimination Ombud and Anti-Discrimination Tribunal with those made by the Parliamentary Ombudsman; update evaluation and assessment of effectiveness of the Action Plan against FGM and the Action Plan against Forced Marriage; monitoring and assessment of care provided and financed by municipalities to crisis centres, ensuring that crisis centres have professional staff with adequate knowledge and specific competence; measures to ensure that the activities of transnational corporations domiciled in the territory and/or under the jurisdiction of Norway do not have a negative impact on the enjoyment of rights of indigenous peoples and other ethnic groups, in territories outside Norway; consultation with Sami population, measures to preserve Sami culture and prevent discrimination against them; active measures to prevent discrimination against the Roma and Romani communities; and establishment of clear and transparent definition of hate speech and hate crimes.

Ireland

2063rd Meeting (Feb 22 pm) and 2064th Meeting (Feb 23 am)

CERD considered the combined third and fourth periodic reports of Ireland¹³ on February 22 and 23, 2011. Diarmund Cole, Director General of the Department of Community, Equality and Gaeltacht Affairs of the Ministry of Integration, Equality and Human Rights, led the state delegation which included representatives from the Department of Justice and Law Reform; the Department of Education and Skills; the Department of Foreign Affairs and the Permanent Mission of Ireland to the UN in Geneva. Presenting the State report, the delegation highlighted, among others: developments in the country since the submission of the state report to CERD in December 2009; strict prohibition of racial profiling; integration measures for migrants; encouragement of victims of racist crimes to report offences; dissemination of statements of several ministers to combat racial prejudice, xenophobia, and stereotyping; employment of immigrants as interns in local and regional newspapers as a measure to enhance integration; situation of Travellers, including the increase in registered Travellers families and decrease in those living in the unauthorised areas; the need for discussions to take place within the Travellers communities regarding their recognition; investment in the health service for Travellers; and measures taken to ensure that all students have a wider choice of non-denominational schools.

CERD's question

Noting the impact of financial crisis, the Country Rapporteur for Ireland, Mr. Amir, expressed his concern that it might also have negative impact on the situation of racial discrimination. The Rapporteur further pointed out that the National Plan of Action against Racial Discrimination launched in 2005 still does not foresee the incorporation of ICERD into domestic legislation and questioned: State's reservation on ICERD Art. 4; involvement of NGOs in preparation of State report; recognition of Travellers; and the severe budget cuts and the effectiveness of addressing discrimination issue.

During the dialogue between the Committee and the State delegation, CERD members raised questions and requested more information on several topics, these include: situation of asylum seekers and their children such as their status, employment and health care; measures taken by the state to implement ICERD at the local level; situation of Travellers, especially the access of their children to education; status of migrants; issue of migrant women facing domestic violence and their immigration status depending on their husband; impact of budget cuts on the State's commitment to provide training for civil servants; domestication of ICERD; existence of any objective criteria for recognition of a group as minority; ethnicity and access to primary education; training of judges on the issue of racial discrimination; lack of mandate of the ombudsman for immigration issues; healthcare of unaccompanied minor migrants; incidents of rape of migrant women; and EU Plan for Minority Community and the State's intention to take it up.

Statement of NHRI:

¹³ Available at : <http://www2.ohchr.org/english/bodies/cerd/cerds78.htm>

A representative of the Irish Human Rights Commission expressed concern on budget cuts and its negative impact on protection and promotion of human rights in the country; lack of education and training for civil and public servants; needs for mainstreaming anti-discrimination measures in the Irish law, policy and practice; lack of data on incidents of racial crime and discrimination; discrimination against Travellers in health, education, employment, housing and needs for concerted approach by the State with full participation of Traveller communities; and the plight faced by asylum seekers.

Questions raised by CERD in the further course of dialogue include: lack of data on racist incidents and need for state led data collection; treatment of children of asylum seekers and refugees, whose parents are placed in holding centres; low number of reports to the police on discrimination against people of African origin; lack of data on racial profiling; and disappearance of children in detention centres.

Concluding Observations

While acknowledging positive aspects such as establishment of several institutions, CERD expressed concerns on, among others: disproportionate budget cuts to various human rights institutions; Ireland's persistent refusal to recognise Travellers as an ethnic group notwithstanding that they satisfy the internationally recognised criteria; situation of Travellers in the fields of health, education, housing, and employment; lack of affirmative measure in favour of Travellers; no efforts being made by Ireland to incorporate ICERD into domestic law; reservation on ICERD Art. 4; lack of legislation prescribing racial profiling by the police; legislative framework which does not cover all the elements of ICERD Art. 4; treatment of asylum seekers, inordinate delay in the processing, poor living condition and their physical and mental health; discrimination against people of African origin; reported prevalence of "knife stabbing", with people from sub-Saharan Africa representing a disproportionate number of the victims; human rights training being not mainstreamed in the civil service; lapsing of the Immigration Residence and Protection Bill which provided that family reunification would be provided for in a statutory instrument; and the education system which is still largely denominational and mainly dominated by Catholic Church..

Recommendations made by the Committee include: to make enhanced efforts to protect individuals from racial discrimination, despite the financial crisis; to ensure that the budget cuts do not negatively influence the work of human rights institutions; continuation of engagement with the Travellers community and recognition of this group as an ethnic group; adoption of affirmative action programmes seeking to improve the representation of Travellers in political institutions; improvement of the Immigration and Residence Protection Bill 2010; incorporation of ICERD into legal system; withdrawal of reservation/interpretative declaration on ICERD Art. 4; adoption of legislation prohibiting any form of racial profiling; establishment of appropriate mechanisms to encourage the reporting of racist incidents and crimes; full implementation of ICERD Art. 4; improvement of conditions endured by asylum seekers; legislation adequately protecting rights and welfare of separated and unaccompanied children seeking asylum; investigation into "knife stabbings"; efforts to sensitise relevant civil servants on human rights issues; adoption of legislation elaborating principles, rights and obligations governing family reunification; and acceleration of efforts to establish alternative non-denominational or multi-denominational schools and to amend existing legislation on this matter.

Spain

2065th Meeting (Feb 23 pm) and 2066th Meeting (Feb 24 am)

CERD considered the combined eighteenth through twentieth periodic reports of Spain¹⁴ on February 23 and 24, 2011. Javier Garrigues, Permanent Representative to the Permanent Mission of Spain to UN at Geneva, led the state delegation which included: State Counsel at the Ministry of Justice; Director of the Observatory against Racism and Xenophobia at the Ministry of Labour and Immigration; Advisor to the Ministry of Health, Social Policy and Equality; and Technical Assistant of the Cabinet in the Ministry of Education. Presenting the State report, the delegation referred to, among others: commitment of the State to protect the rights of aliens, including those who lack documentation; creation of a council to foster equal treatment irrespective of racial grounds and the protection and fostering of the situation of Gypsy community; planned reform of Criminal Code having severe sentences on perpetrators of racial discrimination; investment made to eliminate discrimination against migrants; economic and social rights of migrants guaranteed in Spain irrespective of their legal status; various programmes under development; compulsory human rights training to security forces; State's commitment to monitor media to prevent stereotyping of immigrants; and various measures taken to improve the situation of Gypsy community.

CERD's question

Noting the lacking consultation with ombudsman, regional human rights commissions or civil society in preparing state report, the Country Rapporteur for Spain, Mr. Cali Tzay, first of all, asked about legal framework banning racial discrimination. The Rapporteur further raised issues and questions such as: practical application of ICERD articles in the country; torture and ill-treatment of aliens by State police; incompatibility of the immigration law with ICERD; progress made on establishment of the monitoring committee on the application of the National Human Rights Plan; ground why xenophobic attitudes towards Arab population is not prohibited; predominant racial utterances in Spanish media; State's views on human trafficking; lack of data on demographic composition of immigrant and other minority communities, apart from the Gypsies; legal provisions for detaining aliens in special internment centres and living conditions there; and efforts made on the education of the female children in the Gypsy community.

During the dialogue between the Committee and the State delegation, CERD members raised questions and requested information on some topics, such as: evaluation of the effectiveness of action plans against racial discrimination; lack of data on complaints of racial discrimination; emergence of sociological racism claiming cultural superiority; and hate speech, in particular in football milieu.

Statement of Ombudsman:

A representative of the Ombudsman for Human Rights stated that the office is not fully integrated in the State's activities against racial discrimination and raised the issue of systematic control of IDs of foreigners by the police.

¹⁴ Available at : <http://www2.ohchr.org/english/bodies/cerd/cerds78.htm>

Concluding Observations

While acknowledging positive aspects such as launching of Human Rights Plan 2008 to 2012 and implementation of various measures that helped improve situation of Roma, CERD expressed concerns on, among others: identification checks or police raids based on racial and ethnic profiling; lack of official figures on racist and xenophobic incidents; lack of data on complaints, prosecutions, convictions or sentences imposed on racial crimes; situation of irregular migrants in the Internment Centres for Foreigners (CIE); persistence of racist stereotypes and prejudices in the Spanish media; existence of “ghetto” schools of migrant and Roma children; and still existing discrimination against and difficulties faced by Roma community, particularly women and girls, in employment, housing and education.

Recommendations made by the Committee include: effective measures to eradicate the practice of identification checks based on ethnic and racial profiles; review of provisions of Circular 1/2010 and the relevant legislation; and intensive human rights training to law enforcement officials.

Serbia

2067rd Meeting (Feb 24 pm) and 2068th Meeting (Feb 25 am)

CERD considered the initial report of Serbia¹⁵ on February 24 and 25, 2011. Sanja Jasarevic-Kuzic, Assistant Minister for Human and Minority Rights of Serbia, led the state delegation which included: Counsellor at the Office for the Implementation of Roma Strategy; and Counsellor, Return and Reintegration Sector, Commissariat for Refugees. Presenting the State report, the delegation highlighted, among others: an agreement signed by the Government and civil society in 2009 on information exchange; problems faced by the State in implementing ICERD in Kosovo and Metohija; the legal system which prohibits discrimination on all grounds including race, sex, ethnic affiliation, social origin, religion, political or other affiliation, language, age and mental or physical disability; adoption of the Law on Gender Equality; protection of minorities provided by the Constitution; State's efforts to improve the situation of Roma; and situation of refugees and IDPs.

CERD's question

Noting the existence of legal and institutional framework on human rights, the Country Rapporteur for Serbia, Mr. Kut, pointed out the importance of implementation of provisions, follow-up and the Government's intention to do so with concrete results. Questions and issues raised by the Rapporteur include: evaluation and effectiveness of the activities done on Roma; framework to deal with racist organisation; racism in sport; results achieved through investment and programmes for Roma education and housing; segregation of Roma; lack of political will; and overlaps in the competences of institutions and frameworks.

Questions and issues raised by other CERD members during its dialogue with State delegation include: progress made in addressing war crimes; political will to find whereabouts of remaining fugitives; Government's responsibility to address the harassment to Kosovo Albanians; clarification on partisan organisations prohibited in the country; clarification on "least advantaged gender" mentioned by the State; political representation of minorities; role of orthodox churches and preservation of minority cultures; issue of legally invisible persons, especially Roma who cannot get any identification documents from the State; racist propaganda organisations; segregation of Roma, especially in education; informal settlement and forced eviction; measures taken to address high unemployment of Romani women; measures taken to address the issues faced by female returnees; organ trafficking in Kosovo and Serbia's position; the issue special schools for Roma children, classified as mentally disabled; need for special measures; implementation of UPR recommendations; hate speech among politicians; and definition of national minority.

Statement of the Ombudsman:

A representative of the Ombudsman referred to efforts made and remaining challenges on minority issues, State's failure to build capacities to ensure the collective rights of minorities, and the State's failure to implement recommendations made by Ombudsman. Open forms of

¹⁵ Available at : <http://www2.ohchr.org/english/bodies/cerd/cerds78.htm>

racism and chauvinism, large division between the majority and the minorities as well as distrust among minority communities themselves were also highlighted.

Questions and issues raised by CERD in the further course of dialogue include: the need for a solid political will and concrete measures to halt the propagation of hate speech; nationalists movement and xenophobia; violence against and forced evictions of certain groups and available compensation; resources provided for the Ombudsman's office; and political figures involved in hate speech and racial incitement.

Concluding Observations

While noting positive aspects such as adoption of a series of laws aimed at preventing or combating racial discrimination, CERD expressed concerns on, among others: possible overlap of roles and jurisdictions of institutions dealing with racial discrimination; lack of disaggregated indicators in the upcoming Census 2011 on the enjoyment of the rights by minority groups; prevalence of racial discrimination, exclusive nationalism and hate speech; absence of a codification of hate crimes; segregation of Roma, discrimination against them and their forced eviction without any alternative housing, remedies or compensation; segregation of Roma in education including issues faced by Roma children returnees from Western European countries; prejudice and stereotyping against Roma, Ashkali and Egyptians; structural discrimination against minorities including Bosniaks, Albanians, as well as Vlachs and Bunjevac communities; registration of religious authorities of minority groups; issue of legally invisible persons and those who do not have personal ID documents or birth certificates; vulnerability of returnees and IDPs; low number of complaints of racial discrimination as and the low number court decisions issued on any complaint; insufficiency in human rights training and stereotyping of minorities among general public as well as judicial and administrative staffs; and fugitives Mladić and Hadžić.

Recommendations made by the Committee include: clarification of competences and jurisdictions among institutions dealing with racial discrimination; preparation of state reports according to the Committee's guidelines; guarantee of self-identification in the next census; all necessary legislative, judicial and administrative measures to give effect to ICERD Art. 2 and 4; State to ensure that any resettlements do not invoke further forced evictions; improvement of the housing conditions of Roma; intensification of efforts to avoid residential segregation of minorities; solution to the de facto public school segregation of Roma pupils; intensification of efforts to address racial discrimination against Roma, Ashkali and Egyptians; prevention of stereotyping and prejudice against Bosniaks, Albanians, Vlachs and Bunjevac; equal right to freedom of religion for all; access of persons lacking identity documents to registration and documents; and inclusion of statistics on complaints, prosecutions and judgements relating to acts of racial or ethnic discrimination.

Yemen

2069rd Meeting (Feb 25 pm) and 2070th Meeting (Feb 28 am)

CERD considered the combined seventeenth and eighteenth periodic reports of Yemen¹⁶ on February 25 and 28, 2011. Huda Abdullatef Alban, Minister of Human Rights of Yemen, led the state delegation which included: Deputy Minister of Planning; Deputy Minister of Labour and Social Affairs; Chargé D'affaires of the Director of Human Rights; Deputy Minister of Legal Affairs; Chief of the International Conferences and Reports in the Ministry of Justice; Director General for External Relations and International Criminal Police; and Deputy Minister of Human Rights. Presenting the State report, the delegation highlighted, among others: representation of citizens from all segments of the society in all government organisations; establishment of a code of conduct for the members of the judiciary; State's intention to establish measures to combat discrimination against women and refugees; improvement in the level of education; State's efforts to decrease poverty; representation of women; government's decree to improve legislation dealing with refugees; education provided to refugee children; single legislative system of Yemen; and training of judges on human rights, women and treatment of minors.

CERD's question

Noting the protests of citizens, the Country Rapporteur for Yemen, Mr. Prosper, expressed concern on immigrants being targeted and lack of information on facts. Questions and issues raised by the Rapporteur include: existence of population groups which are not represented in the state report; living condition of refugees and rules for acquiring citizenship; clarification on the situation of IDPs in relation to the indiscriminate bombing of IDP camps in 2009; and the reason for the reservation put on ICERD Art. 5 c.

Questions and issues raised by other CERD members during its dialogue with State delegation include: existence and situation of Bedouins; situation of people of African descent; need and importance of protection of minorities; application of Sharia law to foreigners; equality and rights of women in the Civil Code; rights of the Paktam community; FGM practice among some communities; girl child marriage; and representation of women in parliament.

Questions and issues raised by CERD in the further course of dialogue include: more information on the size and economic as well as social make up of various groups living in Yemen; and relation between general civil law and Sharia law.

Concluding Observations

While welcoming some positive aspects such as amendment of the Nationality Act, CERD expressed concerns on, among others: slow progress in the establishment of NHRIs; State's view on the country as homogenous despite the existence of numerous national and ethnic groups; lack of disaggregated data on the ethnic composition of the population; lack of information on the application of Sharia law; absence of explicit provisions in the penal code that gives effect to ICERD Art. 4; State's reservation on ICERD Art. 5; lack of legislation governing asylum

¹⁶ Available at : <http://www2.ohchr.org/english/bodies/cerd/cerds78.htm>

applications; lack of recognition of refugee certificates issued by UNHCR; plight of IDPs; persistent and continued social-economic exclusion of descent-based communities such as Al-Akhdam; State's failure to acknowledge Al-Akhdam's ethnic characteristics; and limitation on the practice of minority religions.

Recommendations made by the Committee include: incorporation of definition of racial discrimination according to ICERD; sooner establishment of NHRI according to Paris Principles; formal recognition of the existence of various ethnic groups within the territory; application of Sharia Law in consistency with State's obligation under international instruments; collection and presentation of disaggregated data on prosecutions on racial discrimination; withdrawal of reservation on ICERD Art. 5; establishment of a legal framework to govern the application process of asylum; recognition of UNHCR refugees and protection of the rights of refugees and asylum seekers; improvement of the welfare of all marginalised and vulnerable descent-based groups, particularly the Al-Akhdam; and protection of the rights of persons having minority religions to freely practice it.

Armenia

2071st Meeting (Feb 28 pm) and 2072nd Meeting (March 1 am)

CERD considered the combined fifth and sixth periodic reports of Armenia¹⁷ on February 28 and March 1, 2011. Arman Kirakkossian, Deputy Minister of Foreign Affairs of Armenia, led the state delegation. Presenting the State report, the delegation highlighted, among others: national legislation ensuring equality of all citizens; National Programme on Human Rights to be adopted soon; 15 % quota for women established by the Electoral Code; National Action Plan on Combating Trafficking of Human Beings; constitutional complaint mechanism; Penal Code prohibiting racial incitement; measures taken by the State to protect the rights and freedoms of refugees and asylum seekers; and State's commitment to guarantee freedom of thought and conscience.

CERD's question

The Country Rapporteur for Armenia, Mr. Diaconu, noted that the state report of Armenia included references to actions of other States parties which violated the Convention, but the Committee was not accepting such allegations by States parties whose reports are being reviewed. Questions and issues raised by the Rapporteur include: supplementary data on minority groups; information on Azeris minority group; information on cases received by the Human Rights Defender regarding racial discrimination and results of his activity; information on cases in which ICERD was invoked in courts; information and State's position on racist organisation such as the Union of Armenian Aryans; updated and detailed information on refugees and IDPs; information on Yezidi minority and State's measures to address issues faced by the group; and practice of religions of minority groups..

Questions and issues raised by other CERD members during its dialogue with State delegation include: existence and situation of Roma; and requirements for application and getting Armenian citizenship.

Concluding Observations

While welcoming some positive aspects such as legislative institutional and other measures taken by the State to combat racial discrimination, CERD expressed concerns on, among others: national legislation which does not give full effect to ICERD; lack of legal prohibition of racist organisation; representation and participation of minorities in public life; and existence of political organisation calling for expulsion of some ethnic groups.

Recommendations made by the Committee include: incorporation of ICERD into national legislation; implementation of laws; submission of information on complaints; submission of information on minority groups; submission of information on the situation of refugees and asylum seekers; representation of minorities in the National Assembly; and to outlaw any organisation which promotes or incites racial discrimination.

¹⁷ Available at : <http://www2.ohchr.org/english/bodies/cerd/cerds78.htm>

Moldova

2073rd Meeting (March 1 pm) and 2074th Meeting (March 2 am)

CERD considered the combined eighth and ninth periodic reports of Moldova¹⁸ on March 1 and 2, 2011. Elena Beleacova, Director General of the Office of Interethnic Relations, led the state delegation which included representatives from: the Ministry of Justice; the Unit of Minors and Protection of Human Rights; the Parliament; and the Permanent Mission of Moldova to the UN at Geneva. Presenting the State report, the delegation highlighted, among others: that no case of racial discrimination was reported in the country; more than 40 international instruments signed by Moldova; that the State has a comprehensive policy of interaction with minority representatives; Plan of Action; education for Roma children; awareness raising campaign carried out by the Ministry of health among Roma community about health issues; measures taken to address unemployment among Roma; and State's support to activities to prevent Anti-Semitism.

CERD's question

Noting the generally good record of Moldova with international human rights mechanism, the Country Rapporteur for Moldova, Mr. Thornberry, also welcomed the State's consideration on the declaration under ICERD Art. 14. Questions and issues raised by the Rapporteur include: involvement of civil society in the preparation of the state report; clarification on Roma, no reference in the state report, varying number referring the population, method in census etc; registration of Roma children; situation of Roma women and other intersectional issues including women; clarification on the Constitution and Criminal Code concerning protection of non-citizens; practical implementation of ICERD Art. 4; existence of racial organisation; lack of complaint and burden of proof; grounds of discrimination prohibited in the country; actual usage of complaint and Ombudsman mechanism; situation of Tatars; dominance of Moldovan Orthodox Church and registration of religious minority organisation especially Islamic organisation; problem of Muslim burial cite; issue of Anti-Semitism; improvement in data collection regarding Roma; representation of Roma in public services and parliament; testing of HIV status of foreigners, asylum seekers and refugees; difficulty of the national language test for getting permit; situation of migrant workers; education of migrant and refugee children; and situation of Transnistria.

Questions and issues raised by other CERD members during its dialogue with State delegation include: written language used by Roma; appointment procedure of parliamentary advocates; representation of national minorities in civil servants; State's usage of the term "extremists' acts"; lack of identity documents of Roma; National Plan of Action; effectiveness of the work of the Bureau on interethnic relation; involvement of local Roma community in relation to the State's Council of Europe on Roma; racial crime against Roma; social service provided to Roma; and freedom of religion or belief.

Questions and issues raised by CERD in the further course of dialogue include: situation of Gagaouz; and governance of registration of religious groups by the Ministry of Justice.

¹⁸ Available at : <http://www2.ohchr.org/english/bodies/cerd/cerds78.htm>

Concluding Observations

While noting positive aspects such as legislative measures taken by the State, CERD expressed concerns on, among others: lack of precise and reliable data on the actual ethnic make-up of the population; lack of systematic collection of data on social inclusion and discrimination issues and cases; current data collection methodology of census which does not give full effect to self-identification; lack of effective implementation of existing national law provisions and small number of complaints; limited provision for human rights training for the police, prosecutors and judges; absence of NHRI fully compliant with the Paris Principles; serious discrimination faced by migrant workers from Africa and Asia; mandatory HIV/AIDS test to non-citizens; restricted right to freedom of religion, especially of persons belonging to ethnic minorities; continuing marginalisation of and discrimination against Roma; issue of State, Russian and minority language; and the lack of acknowledgement of the existence of racial discrimination among some media, politicians and members of religious groups.

Recommendations made by the Committee include: improvement of the data collection system; provision of comprehensive, precise and reliable data in the next periodic report on the ethnic composition of the population disaggregated by gender, age, religion, ethnic group and nationality; adoption of the Law on Preventing and Combating Discrimination in conformity with international standards; effective investigation and persecution of racially motivated offences; assistance to victims of racial discrimination seeking remedies; assessment of the reasons for very low number of complaints relating to racial discrimination; mandatory training for the police, prosecutors and judges on the application of anti-discrimination legislation and ICERD; establishment of independent NHRI in accordance with the Paris Principles; to ensure that the legislative guarantees against racial discrimination apply to non-citizens regardless of their immigration status; measures to ensure that all persons enjoy their right to freedom of religion in accordance with ICERD Art. 5; enhancement of efforts aimed at combating discrimination against Roma; extension of free training programmes of the State language and official languages, especially the Gagauz language, to those who are willing to learn; and more efforts, in the fields of teaching, education, culture and information, to combat prejudices against ethnic minorities.

Lithuania

2075th Meeting (March 2 pm) and 2076th Meeting (March 3 am)

CERD considered the combined fourth and fifth periodic reports of Lithuania¹⁹ on March 2 and 3, 2011. Asta Skaisgirytė Liauskiene, Vice Minister of Foreign Affairs, led the state delegation which included representatives from: the Ministry of Foreign Affairs; Ministry of Justice; Ministry of Culture; Ministry of Interior; Ministry of Social Security and Labour; Office of the Prime Minister; Office of the Prosecution Service; Office of the Equal Opportunities Ombudsman; and the Permanent Mission to the UN at Geneva. Presenting the State report, the delegation highlighted, among others: multi-cultural character of Lithuania; variety of measures taken by the State to combat intolerance and racial discrimination; implementation of recommendations made by the then UN Special Rapporteur on racism on his country visit; trainings organised for law enforcement officials; uncommonness of racially motivated crimes; State policy towards national minorities; and existence of policies and programmes focused on Roma.

CERD's question

Noting that the State ratified most of international legal instruments, the Country Rapporteur for Lithuania, Mr. Peter, pointed out that it has not yet made declaration under ICERD Art. 14 recognising individual communication procedure. Questions and issues raised by the Rapporteur include: collection of disaggregated data through next census planned this year; update information on the implementation of CERD's recommendation to introduce in its criminal law a provision that makes committing an offence with a racist motivation an aggravating offence requiring severe punishment; clarification and detailed information on the specific powers given to the Inspector of Journalist Ethics concerning the issue of racist and xenophobic practices in the media; results and achievements of the national anti-discrimination programme 2006-2008; progress in integration of national minorities; racist violence and hate speech against minorities; situation of Roma in housing, education; and treatment of Roma children and women.

Questions and issues raised by other CERD members during its dialogue with State delegation include: more information on the Tabor community; situation of Roma children in special schools; Christian community in the country; guarantees put in place with regard to the burden of proof; effectiveness of legal instruments in addressing crimes committed via the internet; measures taken to combat human trafficking; discrimination against stateless persons; results of the programme for Roma; and situation of Tartars and Kariates.

Questions and issues raised by CERD in the further course of dialogue include: function of the Ombudsman; situation of Roma women; data on complaints submitted by Roma; information on the existence of the Liva people; clarification on the police investigations in the human rights violation committed by police officers; and independence of judiciary.

Concluding Observations

While noting positive aspects such as amendment of legislation aimed at discrimination, CERD

¹⁹ Available at : <http://www2.ohchr.org/english/bodies/cerd/cerds78.htm>

expressed concerns on, among others: budget cuts imposed on human rights advisory bodies; absence of NHRI; continuance of racist and xenophobic incidents; lack of information on racial segregation; reprisals feared by victims making them not submit complaints; continuance of marginalisation and plight of Roma; lack of statistics on the Roma children completing secondary education and being placed in special schools; budget cuts on the programmes aimed at addressing racial discrimination; absence of comprehensive information on the women belonging to minority groups; high number of stateless persons; and the fact that the victims of trafficking are hesitant to complain due to lack of confidence in law enforcement institutions.

Recommendations made by the Committee include: appropriate human and financial resources to the human rights advisory bodies; establishment of an NHRI in accordance with the Paris Principles; soonest adoption of the law on national minorities; effective combat against racist and xenophobic incidents and hate crimes; monitoring of any form of racial segregation; representation of persons belonging to minorities in the police and the judiciary; allocation of sufficient resources to the programmes targeting at Roma; and continuation of efforts to combat human trafficking.

Rwanda

2082nd Meeting (March 8 am) and 2083rd Meeting (March 8 pm)

CERD considered the combined thirteenth and seventeenth periodic reports of Rwanda²⁰ on March 8, 2011. Tharcisse Karugarama, Minister of Justice, led the state delegation which included representatives from: the Ministry of Foreign Affairs; the Rwanda National Commission on Human Rights; the Rwanda National Unity and Reconciliation Commission; and the Permanent Mission to the UN at Geneva. Presenting the State report, the delegation highlighted, among others: Rwanda's position that there is only Rwandans, Hutu, Tutsi and Batwa belonging to same clan; reintegration of refugees, returnees and former combatants; ongoing reconciliation process; policy to give perpetrators the opportunity to seek forgiveness and the survivors the opportunity to forgive; and guarantee of access to justice bureau which provides free legal aid to communities.

CERD's question

Noting the impact of genocide and certain delay in submission of State report, the Country Rapporteur for Rwanda, Mr. Ewomsan, also recalled the previous recommendations made by CERD in 2000. Questions and issues raised by the Rapporteur include: civil society participation in preparation of state report; situation of Batwas and measures taken by the State to address issues faced by this group; double discrimination faced by Batwa women; functioning of the NHRI and resources given to it; outcome of the Commission for Reconciliation; social services provided to Batwas, especially their children; the issue of law prohibiting genocide, which can be used to limit government oppositions and freedom of expression; negative aspects of Gacaca jurisdiction; current number and situation of refugees; situation of Rwandan refugees in neighbouring countries who are forced to go back to Rwanda; and situation of Rwandan refugees coming back from DRC.

Questions and issues raised by other CERD members during its dialogue with State delegation include: role of gacaca court in reconciliation; status of returned refugees; current status of National Social Protection Strategy; issue of language transition; recognition of Batwa as indigenous people; division between Hutu and Tutsi; reality of reconciliation; State's intention how to deal with the gacaca system, in relation to other laws and international standards; data on women's representation and its impact; State's intention to make declaration under ICERD Art. 14; and measures taken to avoid racial stereotypes and prejudices.

Statement of the President of the Rwanda National Commission on Human Rights

After explaining its general structure and mandate, the president of the Rwandan NHRI provided information on the NHRI's role in disseminating information on CERD including training. Recognising people with HIV/AIDS, people with disabilities and Batwa as commonly marginalised groups, she stated that the NHRI ensures special attention in monitoring all policies and the programme are developed for promotion of their rights and provided training for the representative of these groups. While, the issue of shelter for poor families was identified as one of the biggest challenges, it is also stated that, according to the survey conducted by the

²⁰ Available at : <http://www2.ohchr.org/english/bodies/cerd/cerds78.htm>

NHRI, people observed that securing shelter is no longer an issue. The role the NHRI played in lobbying government and preparing reports to UN organs was also emphasised, while further plan of lobbying regarding implementation of national action plan based on DDPA and monitoring of implementation of international standards were introduced.

Questions and issues (re-)raised by CERD in the further course of dialogue include: recognition and status of Batwa; status of foreigners; system and relation of higher courts and traditional courts; State's interpretation of ethnicity and social classes in relation to five grounds set forth in ICERD; and existence of definition of different minority or ethnic groups.

Concluding Observations

While noting positive aspects such as the new Constitution which contains provisions for the prevention of racial discrimination and adoption of several laws aimed at combating discrimination, CERD expressed concerns on, among others: unity and reconciliation effort which might not consider the specificities of certain groups; State's non-recognition of Batwa as an indigenous people; persistent negative stereotypes on Batwa; lacking impact of measures taken in favour of Batwa; land issues concerning Batwa; inequality faced by Batwa regarding the access to justice; lack of information on complaint, prosecution, sanctions and reparation of cases of racial discrimination; lack of data on the composition of population as well as foreign residents; Rwandan Constitution's compliance with ICERD Art. 1; and Rwanda's decision to close gacaca.

Recommendations made by the Committee include: to take into account of specificities of each group in Rwanda's efforts to reconcile, unite and reconstruct social cohesion; comprehensive and disaggregated data on foreign residents in Rwanda; clarification on the term "historically marginalised groups" used in the state reports; revision of the Law No. 18/2008 on the repression of the genocide ideology in order to provide full guarantee in relation to susceptibility and judicial security for penal law as well as to avoid arbitrary interpretation and application; intensification of efforts to combat inequalities, marginalisation and poverty of Batwa; and training for law enforcement officials on human rights and ICERD.