

TREATY BODY MONITOR

International Service for Human Rights



Human Rights Monitor Series

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION 70TH SESSION, 19 FEBRUARY – 9 MARCH 2007 OVERVIEW OF THE SESSION

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Introduction

The Committee on the Elimination of Racial Discrimination (the Committee) held its 70th session in Geneva from 19 February to 9 March 2007. It considered the periodic reports of Antigua and Barbuda, Canada, the Czech Republic, India, Israel, Liechtenstein, and the Former Yugoslav Republic of Macedonia under the *International Convention on the Elimination of All Forms of Racial Discrimination* (the Convention).

Main themes and issues of the session

The main themes and issues of the session were: the status of the Convention in national law; the application of the Convention to women, migrants, refugees, non-citizens, indigenous peoples, minorities (namely the Roma) and caste; racial discrimination in the context of security and counter-terrorism measures; discrimination by State actors; right-wing extremism and hate crimes; and the impact of racial discrimination upon the rights to education, employment, housing, health and freedom of movement.

Antigua and Barbuda - initial to ninth periodic reports

The examination of Antigua and Barbuda's initial to ninth periodic reports was a constructive dialogue welcomed by the Committee. Chief amongst the Committee's concerns was the lateness of the reports, the

lack of available statistical data on the State, and Antigua and Barbuda's declaration on Article 4¹ and reservation to Article 14² of the Convention.

Discussion during the examination also centred on: the status of the Convention in domestic law; measures of implementation; and the application of the Convention to education, employment, freedom of movement and freedom of information, and to vulnerable groups, including women, migrants and non-citizens, indigenous people and minorities.

Antigua and Barbuda is to submit its combined 10th and 11th periodic reports to the Committee by 29 November 2009.

Canada - 17th and 18th periodic reports

Both the Committee and the Canadian delegation welcomed the constructive and broad discussion held during the examination of Canada's combined 17th and 18th periodic reports. The Committee, while acknowledging Canada as a tolerant and multicultural nation, expressed particular concern at: the issue of Aboriginal land rights; the access of 'visible' minorities to education and employment opportunities; and the impact of counter-terrorism policies on members of Canada's Arab and Muslim communities.

Other issues addressed by the Committee included: the status of the Covenant in domestic law; Canada's action plan against racism and its position on the UN Draft Declaration on the Rights of Indigenous Peoples; the over-representation of Aboriginal people in the criminal justice system; the impact of racial discrimination upon the rights to education and employment, and upon stateless persons and migrant workers (including with regard to trafficking); and hate crimes.

Fifteen parallel reports were submitted by non-governmental organisations (NGOs) to the Committee. These NGOs included the African Canadian Legal Clinic, Amnesty International, Canadian Feminist Alliance for International Action, Global African Congress, KAIROS: Canadian Ecumenical Justice Initiatives, Lubicon Lake Indian Nation, Ligue des droits et libertes du Quebec, National Anti-Racism Council of Canada, Centre for Research on Race Relations, Canadian Council on Muslim Women, Indian International Treaty Council, and the British Columbia First Nations Leadership Council.

Canada is to submit its combined 19th and 20th periodic reports to the Committee by 15 November 2009.

Czech Republic - 6th and 7th periodic reports

The examination of the Czech Republic's 6th and 7th periodic reports focused heavily upon the treatment of the Roma population. This discussion addressed police discrimination against the Roma and the impact of general racial prejudice as it affected the Roma population's rights to education, employment, and housing. The Committee expressed appreciation to the Czech Republic for submitting the periodic reports and written responses to the Committee's list of issues.

Other areas of examination were: the incorporation of the Convention into national law; the Czech Republic's reservation to Article 14 of the Convention; the treatment of non-citizens; and rightwing extremism, including the existence of neo-Nazi groups.

¹ States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form. It requires States to adopt immediate measures to this end.

² Article 14 allows the Committee to receive and consider communications from individuals or groups of individuals within the State Party.

The Committee also identified several areas of concern that remained inadequately addressed by the State during the examination, including: its response to right wing extremism; its investigation of police discrimination and violence against the Roma; and the unavailability of information on the alleged forced sterilisation of Roma women.

In conclusion, the Committee asked the Czech Republic to provide within one year updated information on the steps that it has taken to: implement its anti-discrimination legislation; ensure access to justice for victims of racial discrimination; and to assess the situation of the Roma in the field of education. The Czech Republic is to submit its combined 8th and 9th periodic reports to the Committee by 1 January 2010.

Parallel reports were submitted to the Committee by NGOs that included the European Roma Rights Centre, the Dženo Association, and the League of Human Rights of the Czech Republic (LIGA or Lidských Práv).

India - 15th – 17th periodic reports

The issue of caste dominated the Committee's examination of the 15th – 17th periodic reports of India. In a very technical legal exchange, India insisted that caste fell outside the definition of racial discrimination and the remit of the Committee. The Committee argued the contrary.

Other issues addressed in the examination included the effect of counter-terrorism legislation that provided effective immunity to the armed forces in North East India (the *Armed Forces Special Powers Act*) and the resulting discriminatory application against minority groups, the legal protection of refugees, indigenous and tribal persons, and the rights of persons from low and scheduled castes, including Dalit women.

Parallel reports were submitted to the Committee by NGOs that included the: Asian Legal Resource Centre; National Campaign on Dalit Human Rights; Centre for Human Rights and Global Justice with Human Rights Watch; Tamil Nadu Women's Forum; Matoshri Ramabai Centre for Dignity and Rights of Dalit Women; and the Dalit Network Netherlands.

In its concluding remarks the Committee expressed regret that the delegation did not provide more information on its efforts to combat caste-based discrimination. India is to submit its combined 20th and 21st periodic reports to the Committee by 4 January 2010.

Israel - 10th – 13th periodic reports

The Committee welcomed the 10th – 13th periodic reports of Israel, describing its examination of Israel as an ongoing dialogue. Nonetheless, it expressed regret that Israel did not provide written responses to the Committee's list of issues, or information on the Palestinian Territories that it has occupied since 1967.

The main issues covered in the examination included: the status of the Convention in national law; the distinction between Israeli nationality and citizenship; Arab Israeli access to education, housing, and health; the continued establishment of Israeli settlements in the West Bank and East Jerusalem; the representation of Arab citizens in the Israeli civil service and government corporations; the treatment of migrant workers; and the rights and status of Bedouin Arabs.

Parallel reports were submitted by NGOs that included Amnesty International, B'tselem, Association for Civil Rights in Israel, Adalah, Al-Marsad, Israel Religious Action Centre, Laborer's Voice, Negev Coexistence Forum for Civil Equality, and the World Organization Against Torture (OMCT).

Israel is to submit its combined 14th, 15th and 16th periodic reports to the Committee by 2 February 2010.

Liechtenstein- 2nd and 3rd periodic reports

The Committee welcomed its open and frank dialogue with the delegation of Liechtenstein during its examination of the State Party's 2nd and 3rd periodic reports. The examination addressed Liechtenstein's national laws against racism; policies concerning the integration of foreigners, including Muslims; the status of cross-border commuters; and the phenomenon of right wing extremism.

The Committee pressed that no distinction should be made on the basis of race and ethnicity in Liechtenstein's naturalisation process. It also welcomed Liechtenstein's declaration under Article 14 of the Convention.

Liechtenstein is to submit its combined 4th and 5th periodic reports to the Committee by 22 March 2009.

The Former Yugoslav Republic of Macedonia 4th - 7th periodic reports

The Committee's examination of the 4th – 7th periodic reports of the Former Yugoslav Republic of Macedonia (Macedonia) focused mostly on Macedonia's policies relating to its Roma population, and its treatment of ethnic Albanians, immigrants, and asylum seekers. The Committee welcomed Macedonia's open and cooperative approach to dialogue and its comprehensive written responses to the Committee's list of issues.

The examination also addressed: the status of the Convention in national law; Roma access to housing and education; legislation tackling racial discrimination and hate speech; and Macedonia's classification of Muslims as an ethnic group. No NGOs submitted parallel reports to the Committee toward its examination of Macedonia.

Macedonia is to submit its combined 8th, 9th and 10th periodic reports to the Committee by 17 September 2010.

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