



**International Convention on  
the Elimination of All Forms  
of Racial Discrimination**

Distr.: General  
19 March 2010

Original: English

---

**Committee on the Elimination of Racial Discrimination**  
**Seventy-third session**

**Summary record of the second part (public)\* of the 1900th meeting**

Held at the Palais Wilson, Geneva, on Thursday, 14 August 2008, at 5 p.m.

*Chairperson:* Ms. Dah

**Contents**

Follow-up procedure

*Guatemala*

*Guyana*

*Liechtenstein*

*Turkmenistan*

---

\* The summary record of the first part (closed) of the meeting appears as document CERD/C/SR.1900.

---

This record is subject to correction. Participants wishing to submit corrections during the session of the Committee are asked to hand them, in typewritten form, to the Secretary of the Committee. A consolidated corrigendum to the summary records covering the closed meetings of the Committee will be issued shortly after the end of the session.

*The public part of the meeting was called to order at 5.05 p.m.*

**Follow-up procedure**

1. **Mr. Amir** (Follow-up Coordinator) said that four countries had submitted follow-up reports on their implementation of the Committee's recommendations: Guatemala, Guyana, Liechtenstein and Turkmenistan.

*Liechtenstein*

2. **Mr. Prosper** (Alternate Follow-up Coordinator) said that the Committee had asked for information about the implementation of the recommendations in paragraphs 17 and 18 of its concluding observations (CERD/C/LIE/CO/3) on the second and third periodic reports of Liechtenstein (CERD/C/LIE/3). The State party's response was contained in document CERD/C/LIE/CO/3/Add.1. In respect of the residency requirements for non-citizens wishing to obtain permanent residency rights in Liechtenstein (CERD/C/LIE/CO/3, para. 17), the State party had indicated that consultations were currently being held regarding the relevant draft legislation. In response to the Committee's recommendation that a sociological study of right-wing activities should be conducted in the light of the rise of xenophobia among young people and extremist right-wing groups (para. 18), the State party had replied that the study was under way. He suggested that the Committee should write to the State party thanking it for its cooperation and asking for the relevant information to be included in Liechtenstein's next periodic report, due in March 2009.

3. *It was so agreed.*

*Guyana*

4. **Mr. Prosper** (Alternate Follow-up Coordinator) said that at its sixty-eighth session, the Committee had considered the initial to fourteenth periodic reports of Guyana (CERD/C/472/Add.1) and had made a number of recommendations in its concluding observations (CERD/C/GUY/CO/14). The State party's response to those recommendations was contained in document CERD/C/GUY/CO/14/Add.1. In respect of the recommendation that the State party should abolish the discriminatory distinction between titled and untitled indigenous communities (CERD/C/GUY/CO/14, para. 15) the State party had reported that considerable progress had been made. The area of titled land in the hands of indigenous communities had nearly doubled over the past three years and the number of communities without land title had decreased significantly. Guyana did not, therefore, consider it necessary to abolish the distinction between titled and untitled communities.

5. In response to the Committee's concern that indigenous communities' rights of ownership of their lands were not recognized (para. 16) the State party had replied that the traditional rights of both titled and untitled communities over their lands were recognized and that the lands in question were treated as private property and protected by legislation. However, the State retained mining rights over indigenous lands and could authorize mining in the public interest, provided that compensation was paid to the indigenous community concerned.

6. In paragraph 19 of the concluding observations, the Committee had expressed concern at the low life expectancy among indigenous communities, partly due to malaria and environmental pollution from mining. The State party had replied that life expectancy had increased and infant mortality had decreased, that indigenous communities were consulted before mining took place and that the environmental protection agency conducted impact studies before large-scale mining projects were undertaken. He suggested that the Committee should write to the State party requesting that updated information on those

points should be included in its next periodic report, which had been due for submission in March 2008.

7. **Mr. de Gouttes** said that the letter should include a firm reminder to the State party that its periodic report was already overdue.
8. **The Chairperson** said she took it that the Committee wished to send a letter to the State party along the lines suggested by Mr. Prosper and Mr. de Gouttes.
9. *It was so agreed.*

#### *Guatemala*

10. **Mr. Amir** (Follow-up Coordinator) said that the Committee had requested information about follow-up action to implement the recommendations contained in its concluding observations (CERD/C/GTM/CO/11) relating to the eighth to eleventh periodic reports of Guatemala (CERD/C/469/Add.1). The State party had submitted a response, contained in document CERD/C/GTM/CO/11/Add.1. Regarding the Committee's concerns about the lack of specific legislation classifying racial discrimination as a punishable act (CERD/C/GTM/CO/11, para. 13) the State party had listed statutes which contained references to discrimination and given details of a bill currently being drafted by the Presidential Commission on Discrimination and Racism against Indigenous Peoples in Guatemala (CODISRA), as well as recent judgements in two cases from 2002 and 2003. However, the legislation specifically recommended by the Committee had still not been adopted.

11. He suggested that the Committee should write to the State party, expressing its appreciation of the information provided but pointing out that, with the exception of the Judicial Service Act (Decree No. 41-99), no penalties were laid down for acts of racial discrimination, and the penalties imposed thus far had been mainly administrative in nature. Acts of racial discrimination should be punishable, and the penalties incurred should be specified.

12. In response to the Committee's recommendations related to access to justice for indigenous people, especially indigenous women who were victims of domestic violence (CERD/C/GTM/CO/11, para. 15), the State party had given details of the mechanisms it had recently introduced to improve access to the justice system by all indigenous people, not just women.

13. He suggested that the Committee ask for updated information about the diagnostic study conducted by the Office for the Defence of Indigenous Women's Rights (DEMI) in 2007 (CERD/C/GTM/CO/11/Add.1, para. 19) and the progress of Initiative No. 3566 of November 2006 concerning acts of sexual harassment (CERD/C/GTM/CO/11/Add.1, para. 26). The legislation should define as an aggravating factor the fact that the offence in question had been committed against an indigenous woman. The Committee should also request updated information about the project on a strategy for gender and ethnic equality being implemented by the Department for the Coordination of Indigenous Peoples' Rights within the Public Prosecutor's Office (CERD/C/GTM/CO/11/Add.1, para. 41).

14. In response to the Committee's recommendation relating to consultation and informed consent in cases where the interests of indigenous people might be affected by proposed State projects (CERD/C/GTM/CO/11, para. 19), the State party had described the legislation governing consultations with indigenous people by municipal councils and rural and urban development councils.

15. He suggested that the Committee should ask the State party for more information about its efforts to secure informed consent from indigenous peoples and its observation of consultation procedures in cases where the State proposed to take action which ran counter

to their rights and interests. The Committee should request further information about the outcome of the consultations on mining and natural resource utilization referred to in the State party's reply (CERD/C/GTM/CO/11/Add.1, para. 53) and the progress of initiatives to establish a unified consultation process (para. 54). The Committee was greatly concerned by reports of the scale and potential impact of three major State projects planned for areas inhabited by indigenous peoples: it should ask the State party for information about its efforts to secure informed consent for those projects, drawing attention to the Committee's general recommendation No. 33 on indigenous peoples.

16. **Mr. Avtonomov** said that the letter should refer specifically to the three recent cases in which land had been taken from indigenous peoples without their consent.

17. **The Chairperson** said she took it that the Committee wished to send a letter to the State party, requesting further information along the lines suggested by Mr. Amir and Mr. Avtonomov.

18. *It was so agreed.*

#### *Turkmenistan*

19. **Mr. Amir** (Follow-up Coordinator) said that the Committee had requested information about follow-up action to implement the recommendations contained in its concluding observations (CERD/C/TKM/CO/5) relating to the initial to fifth periodic reports of Turkmenistan (CERD/C/441/Add.1). The State party had submitted a response, contained in document CERD/C/TKM/CO/5/Add.1.

20. In its response to the Committee's concerns about the promotion or incitement of racial hatred by public authorities or institutions (CERD/C/TKM/CO/5, para. 11), the State party had indicated that, in 2007, it had established a State commission within the office of the President to review complaints from citizens about the activities of law enforcement agencies and improve the procedures governing the review of such complaints. An interdepartmental commission on compliance with international human rights obligations, likewise established in 2007, also monitored those issues.

21. He suggested that the Committee should write to the State party welcoming the establishment of the State commission to review complaints about the activities of law enforcement agencies. It should ask the State party to submit its sixth and seventh periodic reports, which had been due in 2007, as quickly as possible, and to include the remaining information which the Committee had requested.

22. In response to the Committee's concerns about racial discrimination in access to employment and higher education (CERD/C/TKM/CO/5, para. 13), the State party had said that there were no "third-generation tests" or other restrictions related to ethnic origin for employment, in the public sector or elsewhere, or for access to higher education. No statistics were currently collected on the participation of members of national minorities in the labour force, in particular in public sector employment, although the interdepartmental commission on compliance with international human rights obligations had proposed doing so.

23. He suggested that the Committee should take note of the information provided and encourage the State party to collect further statistics, as proposed by the interdepartmental commission.

24. In response to the Committee's concerns about the situation of refugees (CERD/C/TKM/CO/5, para. 14), the State party had said that over 16,000 displaced persons and refugees, mainly ethnic Afghans and Tajiks, had been granted Turkmen citizenship and residence permits. The internal visa regime for citizens throughout Turkmenistan, including in border areas, had been abolished in 2007. He suggested that the

Committee should request the State party to incorporate in its migration law as soon as possible amendments relating to the abolition of the visa regime and to inform the Committee of the outcome. It should further express its regret that the State party had not addressed the issue of forcibly displaced populations and should reiterate its request for information about the number and ethnic origin of individuals who had been resettled under the terms of the Presidential Decree of 18 November 2002 and relevant provisions of the Criminal Code, the dates of and reasons for their resettlement and their place of residence prior to and following their resettlement.

25. In response to the Committee's concerns about education (CERD/C/TKM/CO/5, paras. 15 and 20), the State party had given details of recent educational reforms, including the revision of curriculums to take into account established ethnic traditions, customs, culture and educational standards. Secondary school curriculums now included foreign languages, the development of society, social science, the foundations of legal, moral, economic, political and ecological cultures and physical education. Secondary school students could apply independently to higher educational establishments in certain foreign countries. He suggested that the Committee should express its appreciation of those developments and ask for further details.

26. **Mr. de Gouttes** suggested that the State party should be asked to include the information requested in its next periodic report, instead of submitting it separately.

27. **Mr. Avtonomov** said that the Committee should strongly urge the State party to submit its next periodic report as soon as possible. The report was more valuable to the Committee than a few answers to specific questions.

28. After a discussion in which **Mr. de Gouttes**, **Mr. Sicilianos** and **Mr. Amir** (Follow-up Coordinator) took part, the **Chairperson** suggested that the Committee should send a letter to the State party drawing attention to the issues on which Mr. Amir had briefed it and requesting the State party to include the required information in its next periodic report, which it should submit as soon as possible.

29. *It was so agreed.*

*The meeting rose at 6 p.m.*