



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

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## Committee on the Elimination of Racial Discrimination

### Concluding observations on the combined fifteenth to twenty-first periodic reports of Nicaragua\*

1. The Committee considered the combined fifteenth to twenty-first periodic reports of Nicaragua,<sup>1</sup> submitted in one document, at its 2897th meeting,<sup>2</sup> held on 10 August 2022. At its 2918th and 2919th meetings, held on 25 August 2022, it adopted the present concluding observations.

#### A. Introduction

2. The Committee welcomes the submission, albeit late, of the combined fifteenth to twenty-first periodic reports of the State party, submitted in one document, on 13 May 2019.

3. The Committee notes the efforts made and the invitations and reminders sent to the State party to ensure its presence during the review of its periodic reports. In that connection, the Committee deeply regrets that the State party did not appear before the Committee during the review and that it was unable to conduct an interactive, open and constructive dialogue on the State party's implementation of the Convention. The Committee emphasizes that, in accordance with rule 64 of its rules of procedure, representatives of States parties are invited to attend the meetings of the Committee at which their reports are examined. It also refers the State party to General Assembly resolution 68/268, which recalls the importance of the full engagement of all States parties in the interactive dialogue with the human rights treaty bodies. The Committee believes that the dialogue is a key component of the report review process and that it provides a unique opportunity for the Committee and the State party to have an open, constructive and in-depth discussion on the progress made and the challenges encountered in the implementation of the Convention. The Committee reminds the State party that ratification of the Convention entails a number of international obligations and commitments and has therefore decided to proceed with this review in the absence of the State party's delegation.

#### B. Positive aspects

4. The Committee welcomes:

(a) The adoption in 2012 of the Ancestral Traditional Medicine Act and the regulations thereto;

(b) The adoption of the national poverty reduction and human development plan for the period 2022–2026 and the strategy and plan for the development of the Caribbean coast and Alto Wangki and Bocay;

\* Adopted by the Committee at its 107th session (8–30 August 2022).

<sup>1</sup> CERD/C/NIC/15-21.

<sup>2</sup> CERD/C/SR.2897.



(c) The establishment in 2014 of the Institute of Natural and Traditional Medicine and Complementary Therapies of the Ministry of Health;

(d) The adoption of the Education Plan 2014–2021 and the roll-out of the regional autonomous educational subsystem.

5. The Committee also welcomes the ratification by the State party of the following international instruments:

(a) The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on 25 February 2009;

(b) The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, on 25 February 2009;

(c) The International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169), on 25 August 2010;

(d) The ILO Domestic Workers Convention, 2011 (No. 189), on 10 January 2013.

## C. Concerns and recommendations

### Cooperation in the field of human rights

6. The Committee is deeply concerned that, since April 2018, when the sociopolitical crisis erupted, the State party has taken arbitrary and repressive actions to shut down forums for participation and dialogue at the national level. It is seriously concerned about the closure of a large number of civil society organizations working to defend human rights, including the rights of Indigenous Peoples and Afrodescendent peoples. It is also concerned at the State party's lack of cooperation and interaction with the regional and international human rights protection systems.

7. **The Committee, recalling the recommendation of the Committee on Economic, Social and Cultural Rights,<sup>3</sup> urges the State party to re-establish forums for open and constructive participation and dialogue with all stakeholders at the national level, including representatives of civil society, representatives and leaders of Indigenous Peoples and Afrodescendent peoples, and human rights defenders. The Committee recommends that the State party take the necessary measures to ensure that civil society organizations, particularly those working to defend human rights, can exercise their functions effectively, without arbitrary and disproportionate restrictions and without fear of reprisals. The Committee also urges the State party to re-establish dialogue and cooperation at the international level with regional and international human rights protection mechanisms, particularly the human rights treaty bodies.**

### Application of the Convention

8. The Committee regrets that it does not have information on whether the Convention has been granted constitutional status, as provided for in article 46 of the Constitution, or on cases in which the Convention has been invoked and applied in judicial decisions.

9. **The Committee reiterates its previous recommendation<sup>4</sup> that the State party include the Convention among the international treaties listed in article 46 of the Constitution. In addition, the Committee recommends that the State party take appropriate steps, such as training, to ensure that judges, prosecutors and lawyers are familiar with the Convention and are able to apply it in relevant cases. The Committee requests that the State party include, in its next periodic report, specific examples of cases in which the Convention has been applied by domestic courts.**

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<sup>3</sup> E/C.12/NIC/CO/5, para. 6.

<sup>4</sup> CERD/C/NIC/CO/14, para. 14.

### Data collection

10. The Committee notes with concern that the State party has not conducted a national census since 2005, so that there is no reliable, up-to-date information on the demographic composition of the population. The Committee is also concerned about the lack of the disaggregated statistics and socioeconomic indicators needed to assess the realization and enjoyment of the rights under the Convention by Indigenous Peoples, Afrodescendent peoples and other ethnic groups in the State party.

**11. The Committee reiterates its previous recommendation<sup>5</sup> and urges the State party to collect and provide the Committee with reliable, up-to-date and comprehensive statistics on the demographic composition of the Nicaraguan population, as well as socioeconomic indicators disaggregated by ethnicity, gender, age, regions, urban and rural areas, including the most remote areas, to enable it to develop appropriate public policies and programmes for the segments of the population that are vulnerable to racial discrimination and to assess the application of the Convention with regard to the different groups that make up society. The Committee encourages the State party, with the active participation of Indigenous Peoples, Afrodescendent peoples and other ethnic groups, to review the self-identification categories in order to collect information on all the ethnic groups in the State party.**

### Legislative framework

12. The Committee regrets that it has no information on the existence of a domestic law prohibiting racial discrimination in the terms set out in the Convention or on whether the conduct described in the Convention has been incorporated into the Criminal Code. While the Committee notes that racial motivation in the commission of a crime is considered an aggravating circumstance under article 36 (5) of the Criminal Code, it is concerned that article 427 of the Criminal Code, which establishes discrimination as a crime, does not mention racially motivated discrimination (arts. 1, 2 and 4).

**13. The Committee recommends that the State party prohibit racial discrimination in keeping with the Convention and adopt a comprehensive anti-discrimination law prohibiting racial discrimination in all its forms, including indirect discrimination, covering all fields of law and public life, in accordance with article 1 (1) and (2) of the Convention. The Committee recommends that the State party incorporate into the Criminal Code the actions described in article 4 of the Convention. The Committee refers the State party to its general recommendations No. 14 (1993) and No. 29 (2002) on article 1 (1) of the Convention, and No. 35 (2013) on combating racist hate speech.**

### Institutional framework to combat racial discrimination

14. The Committee is concerned that it has not received information on the functioning and activities of the National Commission for the Elimination of Racial Discrimination and on the development of a national policy to combat racism and racial discrimination. It is further concerned that, in 2019, the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions downgraded the Office of the Human Rights Advocate to B status, mainly owing to its lack of independence and its passivity in responding to allegations of human rights violations (art. 2).

**15. The Committee reiterates its previous recommendation<sup>6</sup> and urges the State party to take the necessary measures to ensure the effective functioning of the National Commission for the Elimination of Racial Discrimination and empower it to develop and carry out a national policy to combat racism and racial discrimination. The Committee urges the State party to ensure that the Office of the Human Rights Advocate is in full compliance with the Paris Principles and pays due regard to the recommendations of the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions.**

<sup>5</sup> Ibid., para. 13.

<sup>6</sup> Ibid., para. 16.

**Structural discrimination**

16. The Committee takes note of the information provided by the State party on the steps it has taken to restore and revitalize the economic, social and cultural rights of Indigenous Peoples and Afrodescendent peoples, as well as to eliminate racial discrimination, by implementing the strategy and plan for the development of the Caribbean coast and Alto Wangki and Bocay. However, it is concerned that, according to the information available, Indigenous Peoples and Afrodescendent peoples continue to face structural discrimination, as reflected in the poverty rates, precarious living conditions and exclusion and violence that these peoples and communities continue to face. The Committee reiterates its concern about the lack of explicit protection and legal recognition of the Indigenous Peoples of the Pacific, central and northern regions. Furthermore, the Committee is seriously concerned about reports that the State party has taken a step backwards in terms of protecting and upholding the rights of Indigenous Peoples and Afrodescendent peoples (arts. 2 and 5).

**17. The Committee urges the State party to take, as a matter of urgency, the steps needed to ensure the effective protection of and respect for the rights of Indigenous Peoples and Afrodescendent peoples, particularly in the Atlantic coast area. The Committee reiterates its previous recommendation<sup>7</sup> and urges the State party to ensure that the Indigenous Peoples of the Pacific, central and northern regions of Nicaragua are recognized and have effective legal protection, including through the adoption of a specific law. The Committee urges the State party to continue its efforts to effectively promote social inclusion and reduce the rates of poverty and inequality among Indigenous Peoples and Afrodescendent peoples, including through the adoption of special or affirmative action measures designed to eliminate the structural discrimination that they continue to face. The Committee requests the State party to provide information on the concrete results of the implementation of the strategy and plan for the development of the Caribbean coast and Alto Wangki and Bocay.**

**Access to territories**

18. Although the Committee takes note of the progress made with respect to the demarcation and titling of 23 Indigenous territories and the granting of collective rights to Indigenous communities, it is concerned that the State party, according to the allegations received, has not carried out the rehabilitation of Indigenous territories as provided for in Act No. 445, on the communal property regime of the Indigenous Peoples and ethnic communities of the autonomous regions of the Atlantic coast of Nicaragua and of the Bocay, Coco, Indio and Maiz Rivers, which in turn has given rise to attacks and illegal invasions by settlers and non-Indigenous persons in Indigenous territories, thereby generating serious conflicts and violence over access to land and natural resources. The Committee also regrets that it has not been able to obtain information on the demarcation and titling of land in the Bluefields Creole territory (arts. 2 and 5).

19. **The Committee urges the State party to:**

(a) **Take the steps necessary to guarantee the protection of Indigenous Peoples' rights to own, use, develop and exercise full control over their lands, territories and resources, including the adequate rehabilitation of territories, in accordance with Act No. 445, on the communal property regime of the Indigenous Peoples and ethnic communities of the autonomous regions of the Atlantic coast of Nicaragua and of the Bocay, Coco, Indio and Maiz Rivers;**

(b) **Continue its efforts involving the demarcation and titling of Indigenous territories, particularly in the Bluefields Creole territory;**

(c) **Ensure legal recognition and legal protection of the collective rights of Indigenous Peoples with respect to their lands and territories, in accordance with international standards.**

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<sup>7</sup> *Ibid.*, para. 15.

### **Attacks against Indigenous Peoples and Afrodescendent peoples**

20. The Committee is deeply alarmed by the allegations it has received concerning acts of violence against and attacks on the life and physical integrity of members of Indigenous Peoples and Afrodescendent peoples within their territories. In particular, the Committee is seriously concerned about the numerous attacks that have been perpetrated against Indigenous Peoples in the Mayangna Sauni As territory in the area of the Bosawás Biosphere Reserve. The Committee regrets the lack of information on the investigations carried out into these acts and is seriously concerned that such acts may go unpunished (arts. 1, 2, 5 and 6).

**21. The Committee recommends that the State party prevent, effectively and as a matter of urgency, acts of violence against and attempts on the lives of members of Indigenous Peoples and Afrodescendent peoples, particularly in the autonomous regions of the Caribbean coast. It also urges it to adopt, as a matter of urgency, the necessary measures to ensure that all allegations of attempts on the lives of and acts of violence against Indigenous Peoples and Afrodescendent peoples are investigated in an exhaustive, impartial and effective manner, so that those responsible are prosecuted and duly punished. The Committee requests the State party to provide in its next report detailed information on the investigations carried out into these allegations and their results, particularly regarding the attacks that occurred in the area of the Bosawás Biosphere Reserve.**

### **Prior consultation**

22. The Committee is concerned about the absence of effective mechanisms to guarantee the right of Indigenous Peoples to be consulted with a view to obtaining their free, prior and informed consent on any legislative or administrative measure that may affect the effective exercise of their rights. It is also concerned about allegations regarding the granting of licenses for the exploitation of natural resources and development projects in Indigenous territories even where prior consultation procedures have not been carried out, or where such procedures are carried out with persons who cannot legitimately represent the affected peoples. The Committee is seriously concerned that the necessary prior consultation procedures were not carried out with the affected peoples and communities regarding the Grand Interoceanic Canal project, which affects the territory of the Rama Indigenous People and the Afrodescendent Kriol communities and the territory of the black Creole Indigenous community of Bluefields, or regarding the deep sea project in Bluefields, the carbon and forest conservation project or the Bio-Clima project (arts. 2 and 5).

**23. The Committee recommends that the State party:**

(a) **Adopt, in consultation with Indigenous Peoples and Afrodescendent peoples, an appropriate national mechanism to uphold their right to be consulted regarding any legislative or administrative measure that may affect their rights with a view to obtaining their free, prior and informed consent, taking into account the traditions and cultural characteristics of each people, including those related to decision-making;**

(b) **Guarantee due respect for the right of Indigenous Peoples to be consulted with a view to obtaining their free, prior and informed consent regarding economic, industrial, energy, infrastructure and natural resource exploitation projects that may affect their territories and natural resources, ensuring that such consultations are conducted in a timely, systematic and transparent manner, with appropriate representation of the affected peoples.**

### **Impact of natural resource exploitation**

24. The Committee is seriously concerned about the impact of extractive, agro-industrial and infrastructure projects on the natural resources found in the lands and territories of Indigenous Peoples and Afrodescendent peoples, as they seriously affect their livelihoods and ways of life and generate food crises, forced displacement and health problems for the affected communities (arts. 2 and 5).

25. **Bearing in mind that the protection of human rights and the elimination of racial discrimination are essential components of sustainable economic development, and recalling the role played by both the State party and the private sector in that regard, the Committee urges the State party to:**

(a) **Ensure that, prior to granting licenses for projects involving the development and exploitation of natural resources in Indigenous territories, as part of the prior consultation process, independent and impartial studies are conducted on the social, environmental and cultural impact that such projects may have on the traditional ways of life and subsistence of Indigenous Peoples and Afrodescendent peoples;**

(b) **Specify, in consultation with the Indigenous Peoples and Afrodescendent peoples whose territories and resources are affected, measures to provide for mitigation, compensation for damage or losses suffered and their participation in the benefits obtained from such activities.**

#### **Excessive use of force**

26. The Committee is concerned about information it has received regarding cases of excessive use of force against members of Indigenous Peoples and Afrodescendent peoples, including cases involving the deaths of Indigenous or Afrodescendent persons in detention (arts. 2, 5 and 6).

27. **The Committee recommends that the State party adopt measures to prevent the excessive use of force, ill-treatment and abuse of authority in respect of members of Indigenous Peoples and Afrodescendent peoples by, inter alia, upholding the principle of proportionality and strict necessity in the recourse to force and conducting training for law enforcement officers on the use of force and the restoration of law and order using conventional mechanisms, and on the fight against racial discrimination, particularly in relation to the Convention. The Committee also recommends that the State party investigate all allegations of excessive use of force, ill-treatment and abuse committed by law enforcement officials against members of Indigenous Peoples and Afrodescendent peoples and, where appropriate, that the perpetrators be prosecuted and punished, taking into account the gravity of such acts.**

#### **Access to justice and discrimination in the judicial system**

28. The Committee is concerned about allegations of lack of independence and the persistence of discriminatory practices in the justice system, which significantly affect access to justice for Indigenous Peoples and Afrodescendent peoples. It is concerned about reports of violations of due process guarantees and of the right to an adequate defence of members of Indigenous Peoples and Afrodescendent peoples, as well as reports of racial profiling of the Afrodescendent population of the Caribbean coast in the context of the fight against drug trafficking, which led to false accusations, arbitrary detentions and searches without warrants (arts. 5 and 6).

29. **Based on its general recommendations No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system and No. 36 (2020) on preventing and combating racial profiling by law enforcement officials, the Committee recommends that the State party:**

(a) **Eliminate racial discrimination in the justice and prison system by providing training for police officers, prosecutors, lawyers, defenders, judges and justice and prison system officials in order to raise their awareness of the negative effects of racial discrimination and ensure the effective application of the Convention;**

(b) **Take the necessary measures to combat corruption and ensure transparency in the justice system as a means of combating racial discrimination and safeguarding respect for human rights;**

(c) **Guarantee access to justice for Indigenous Peoples, upholding their fundamental rights and due process guarantees, ensuring access, when necessary, to**

**qualified lawyers with knowledge of Indigenous languages and interpreters who can explain to them the content of judicial proceedings;**

**(d) Ensure that, in the context of the fight against drug trafficking, law enforcement officers do not carry out actions against persons of African descent based solely on stigmatization and racial profiling.**

#### **Act on Autonomy and political participation of Indigenous Peoples and Afrodescendent peoples**

30. The Committee is concerned about the information it has received regarding difficulties in the implementation of the system of communal, territorial and regional self-government, in particular under the Statute of Autonomy of the Regions of the Caribbean Coast of Nicaragua (Act No. 28). The Committee is concerned about reports that Indigenous authorities who were legitimately elected in community or territorial assemblies have not been formally recognized and are unknown to government institutions, and that “parallel governments” have been set up, affecting the rights of autonomy and political participation of Indigenous Peoples and Afrodescendent peoples of the Caribbean coast. It is concerned that legislative reforms have not yet been adopted to ensure effectively the participation of Indigenous Peoples’ organizations in electoral processes, pursuant to the judgment of 23 June 2005 issued by the Inter-American Court of Human Rights in the case of *Yatama v. Nicaragua*. Finally, the Committee regrets the lack of data on the political participation of members of Indigenous Peoples and Afrodescendent peoples, particularly those in elected public office and in decision-making positions (arts. 2 and 5).

**31. The Committee recommends that the State party ensure full compliance with Act No. 28 and take all necessary measures to ensure that the legitimately constituted communal authorities designated by Indigenous Peoples are not supplanted by parallel authorities in making decisions that concern Indigenous Peoples. The Committee recommends that the State party expedite the adoption of legislative reforms to ensure the effective participation of Indigenous Peoples’ organizations in electoral processes, pursuant to the judgment of 23 June 2005 issued by the Inter-American Court of Human Rights in the case of *Yatama v. Nicaragua*. Furthermore, the Committee urges the State party to take the steps necessary to ensure the full participation of Indigenous Peoples and Afrodescendent peoples, particularly Indigenous and Afrodescendent women, in public affairs, in decision-making positions and in representative institutions.**

#### **Right to health**

32. The Committee takes note of the information provided by the State party in its periodic report regarding the progress made in the coordination and dialogue between the traditional and conventional health systems. However, it is concerned about the persistent challenges in guaranteeing the full enjoyment of the right to health of Indigenous Peoples and Afrodescendent peoples. The Committee is concerned about reports of weak infrastructure, a shortage of medicines, and the quality and availability of health-care services in rural and remote areas, which are inhabited mainly by Indigenous Peoples. The Committee regrets that it does not have information on the impact of the implementation of intercultural health-care models in the autonomous regions of the Caribbean coast (art. 5 (e) (iv)).

**33. The Committee recommends that the State party take the necessary measures, including the allocation of the necessary resources for the effective implementation of the intercultural health-care models in the autonomous regions of the Caribbean coast and the application in practice of the Ancestral Traditional Medicine Act (No. 759), including with regard to the operation of the Institute of Natural and Traditional Medicine and Complementary Therapies of the Ministry of Health. It also recommends that the State party take the necessary steps to ensure the accessibility, availability and quality of health care, taking into special consideration the needs, traditions and cultural differences of Indigenous Peoples and Afrodescendent peoples.**

### **Impact of the coronavirus disease (COVID-19) pandemic and Hurricanes Eta and Iota**

34. The Committee regrets the lack of reliable information on the impact of the COVID-19 pandemic on Indigenous Peoples and Afrodescendent peoples. It is also concerned about reports of the lack of access to adequate official information, health services, testing and vaccination by Indigenous Peoples and Afrodescendent peoples. Furthermore, it regrets the lack of information on the measures taken to counteract the devastating effect of Hurricanes Iota and Eta on the Caribbean coast (arts. 2 and 5).

**35. Taking into account the recommendation made by the Committee on Economic, Social and Cultural Rights,<sup>8</sup> the Committee urges the State party to carry out, in cooperation with all relevant stakeholders, including representatives of civil society, Indigenous Peoples and Afrodescendent peoples and the scientific community, an objective assessment of the impact of the COVID-19 pandemic on Indigenous Peoples and Afrodescendent peoples, in order to take the steps needed to counter the risk of infection and provide quality health care to this population group. It also recommends the adoption of specific measures to address the needs of the people on the Caribbean coast who have been affected by Hurricanes Eta and Iota.**

### **Right to education**

36. The Committee is concerned about the high illiteracy rates among the Indigenous and Afrodescendent population. It is also concerned about the reportedly high dropout rate among Indigenous children, the lack of availability of secondary education in Indigenous communities and the lack of quality bilingual intercultural education (art. 5).

**37. The Committee recommends that the State party increase its efforts to eradicate illiteracy among Indigenous Peoples and Afrodescendent peoples. It also urges it to take steps to increase enrolment and reduce dropout rates in both primary and secondary school among Indigenous and Afrodescendent children. It furthermore urges the State party to guarantee the availability, accessibility and quality of bilingual intercultural education for Indigenous and Afrodescendent children in order to promote and preserve their cultural and linguistic identity. The Committee encourages the State party to enhance the implementation of the regional autonomous educational subsystem and the Education Plan 2014–2021.**

### **Situation of Indigenous and Afrodescendent women**

38. The Committee is concerned that a large number of women are victims of racial discrimination because they are Indigenous or of African descent and that they face obstacles to the enjoyment of their rights owing to restrictions based on language, culture or financial status or because they live in remote areas, which places them at a disadvantage vis-à-vis the rest of the population (arts. 2 and 5).

**39. The Committee recommends that the State party intensify its efforts to combat the multiple forms of discrimination to which Indigenous and Afrodescendent women are subjected, including by mainstreaming gender across all policies and strategies on racial discrimination. It also recommends that steps be taken to ensure that Indigenous and Afrodescendent women are able to enjoy all their rights, in particular, access to education, employment and health care, taking into account cultural and linguistic differences.**

### **Situation of defenders of Indigenous Peoples and Afrodescendent peoples**

40. The Committee is gravely concerned at reports that human rights defenders, including leaders and defenders of the rights of Indigenous Peoples and Afrodescendent peoples, continue to be persecuted, through violent acts, threats and attempts on their lives. The Committee is also concerned at the misuse of the criminal justice system to prosecute

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<sup>8</sup> E/C.12/NIC/CO/5, para. 41.

defenders of the rights of Indigenous Peoples and Afrodescendent peoples, for example in the case of the defender Amaru Ruiz (arts. 2, 5 and 6).

41. **The Committee recommends that the State party:**

(a) **Take measures to put an immediate end to the persecution of human rights defenders, including leaders and defenders of the rights of Indigenous Peoples and Afrodescendent peoples, and to prevent all acts of violence, threats and attacks on their lives and physical integrity;**

(b) **Conduct thorough, impartial and effective investigations into all reports of attacks on the lives, physical integrity or freedom of Indigenous leaders and defenders of the rights of Indigenous Peoples and Afrodescendent peoples, as well as reports of violence, threats, harassment, intimidation, bullying and defamation targeting such persons;**

(c) **In consultation with the affected Indigenous Peoples and Afrodescendent communities, design and adopt legislation, special measures and effective protection strategies, taking into account cultural, regional and gender differences that may affect Indigenous Peoples and Afrodescendent peoples;**

(d) **Adopt the necessary measures to prevent the use of criminal law for the arbitrary criminalization of defenders of the rights of Indigenous Peoples and Afrodescendent peoples.**

## **D. Other recommendations**

### **Ratification of other treaties**

42. **Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties that it has not yet ratified, in particular treaties with provisions that have direct relevance to communities that may be subjected to racial discrimination, including the International Convention for the Protection of All Persons from Enforced Disappearance. Lastly, the Committee recommends that the State party consider ratifying the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance.**

### **Amendment to article 8 of the Convention**

43. **The Committee recommends that the State party accept the amendment to article 8 (6) of the Convention adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention and endorsed by the General Assembly in its resolution 47/111.**

### **Declaration under article 14 of the Convention**

44. **The Committee encourages the State party to make the optional declaration provided for in article 14 of the Convention recognizing the competence of the Committee to receive and consider individual communications.**

### **Follow-up to the Durban Declaration and Programme of Action**

45. **In the light of its general recommendation No. 33 (2009) on follow-up to the Durban Review Conference, the Committee recommends that, when implementing the Convention in its domestic legal order, the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.**

### **International Decade for People of African Descent**

46. In the light of General Assembly resolution 68/237, in which the Assembly proclaimed 2015–2024 the International Decade for People of African Descent, and Assembly resolution 69/16 on the programme of activities for the implementation of the Decade, the Committee recommends that the State party prepare and implement a suitable programme of measures and policies in collaboration with organizations and peoples of African descent. The Committee requests that the State party include in its next report precise information on the concrete measures adopted in that framework, taking into account its general recommendation No. 34 (2011) on racial discrimination against people of African descent.

### **Consultations with civil society**

47. The Committee recommends that the State party consult and increase its dialogue with civil society organizations working in the area of human rights protection, in particular those working to combat racial discrimination, in connection with the preparation of the next periodic report and in follow-up to the present concluding observations.

### **Dissemination of information**

48. The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission and that the concluding observations of the Committee with respect to those reports be similarly made available to all government bodies entrusted with the implementation of the Convention, nationally, regionally and locally, in the official and other commonly used languages, as appropriate.

### **Common core document**

49. The Committee encourages the State party to update its common core document, which dates to 2 June 2007, in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted at the fifth inter-committee meeting of the human rights treaty bodies held in June 2006.<sup>9</sup> In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 42,400 words for such documents.

### **Follow-up to the present concluding observations**

50. In accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, the Committee requests the State party to provide, within one year of the adoption of the present concluding observations, information on its implementation of the recommendations contained in paragraphs 19 (a) (access to territories), 23 (a) (prior consultation) and 41 (a) (situation of defenders of Indigenous Peoples and Afrodescendent peoples) above.

### **Paragraphs of particular importance**

51. The Committee wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraphs 21 (attacks against Indigenous Peoples and Afrodescendent peoples), 27 (excessive use of force) and 31 (Act on Autonomy and political participation of Indigenous Peoples and Afrodescendent peoples) above and requests the State party to provide detailed information in its next periodic report on the concrete measures taken to implement those recommendations.

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<sup>9</sup> [HRI/GEN/2/Rev.6](#), chap. I.

**Preparation of the next periodic report**

52. The Committee recommends that the State party submit its combined twenty-second to twenty-eighth periodic reports, as a single document, by 17 March 2025, taking into account the reporting guidelines adopted by the Committee during its seventy-first session<sup>10</sup> and addressing all the points raised in the present concluding observations. In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 21,200 words for periodic reports.

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<sup>10</sup> CERD/C/2007/1.