



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

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Summary record of the 2128th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 14 February 2012, at 10 a.m.

Chairperson: Mr. Avtonomov

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The meeting was called to order at 10.20 a.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention

Informal meeting with NGOs

Discussion concerning the combined sixteenth and seventeenth periodic reports of Mexico

1. **The Chairperson** invited representatives of NGOs to comment on the implementation of the Convention in Mexico.
2. **Ms. Brewer** (Centro de Derechos Humanos Miguel Agustín Pro Juárez) said that the Mexican indigenous population continued to face levels and forms of racism that might seem unimaginable to an outsider. The country's most marginalized regions were virtually indistinguishable from the regions with the highest indigenous population. Indigenous people had less access to health care and education; indigenous lands were being invaded and polluted; and sacred sites were threatened with destruction by large-scale resource extraction projects without appropriate consultation.
3. The Mexican authorities took advantage of indigenous victims' vulnerability to make them scapegoats for unsolved crimes. They also used the law as a tool of social repression when indigenous people sought to defend their communities' rights and sent indigenous leaders to prison when their only crime was that of providing free drinking water to their community, as in the case of José Ramón Aniceto and Pascual Agustín Cruz in the State of Puebla. Since the authorities publicized arrests as proof that police were doing their job well, an urgent response was required to prevent the arbitrary imprisonment of innocent victims.
4. A case currently before the Mexican Supreme Court had the potential not only to free an unjustly imprisoned victim, but also to overturn police and judicial practices that encouraged the arbitrary detention of indigenous people, including cases in which the police had invoked a person's "suspicious attitude" as a reason for stopping and searching, a criterion that in practice amounted to a blank cheque for racial and economic discrimination.
5. The Supreme Court case, which was due to be decided within the coming weeks, was that of Hugo Sánchez, an indigenous Mazahua young man from Mexico State, who had been arbitrarily stopped by the police in 2007 on account of his "suspicious attitude". He had been arbitrarily charged with an unsolved kidnapping that had occurred several months previously. The charge had been maintained even when witnesses explained that it would have been physically impossible for Hugo Sánchez to commit the crime and even when the only statements against him — made by the two minor kidnapping victims under police pressure — were withdrawn by the victims during the trial. Despite the lack of any valid evidence, Hugo Sánchez had been sentenced to more than 37 years' imprisonment.
6. Moreover, the authority in charge of the prison where he was being held had stated that although Hugo Sánchez had "proved" his indigenous Mazahuan ethnicity in court, he should not be considered as such because he spoke fluent Spanish and only understood and did not speak the indigenous dialect, and because he had studied until the first year of high school and had been a taxi driver at the time of his detention. The linking of indigenous identity to "dialects", a lack of schooling and specific types of work reflected negative stereotypes that perpetuated the current cycle of discrimination in Mexico.
7. Hugo Sánchez's mother, drawing attention to the documentary proof of her son's innocence, had asked whether he had been detained solely on account of his ethnic origin and whether being a Mazahua rendered one a suspicious person. That was a pivotal

question that had not yet been answered by the Mexican State. If the Supreme Court's decision on the case reflected the country's human rights obligations, overturning the use of criteria such as "suspicious attitude" and delivering an appropriate response to other crucial due-process questions before the Court, it would have the potential to steer the judicial system towards a new model in which a person's racial or economic status was not an indicator of guilt. She therefore urged the Committee to recommend that the State party should free Hugo Sánchez and ensure that his case served as a turning point, bringing to an end the practice of arbitrary and discriminatory detention of innocent indigenous people in Mexico.

8. **Ms. Magaña García** (Comité de América Latina y el Caribe para la Defensa de los Derechos de la Mujer) regretted the fact that the State party's report (CERD/C/MEX/16-17) had failed to take into account the Committee's general recommendation No. 35 on gender-related dimensions of racial discrimination, which stated that racial discrimination did not always affect women and men equally or in the same way. Moreover, it presented information on persons of African descent, non-citizens, persons with disabilities and women in a section entitled "Other specific groups", thereby revealing its attitude to those groups. In general, her organization was concerned about the lack of a gender perspective in the report.

9. The report highlighted the Federal Act on the Prevention and Elimination of Discrimination promulgated in 2003, which had led to the establishment of the National Council for the Prevention of Discrimination. However, it provided no concrete information on progress achieved in the elimination of racial discrimination, particularly that encountered by indigenous and Afro-Mexican women.

10. There had been seven cases of femicide in the indigenous region of Zongolica, Veracruz State, between 2008 and 2011. A striking example of the unequal treatment suffered by indigenous women in Mexico was the case of 73-year-old Ernestina Asencio Rosaria from Veracruz, who had allegedly been sexually abused by soldiers in 2007, an experience that had led to a deterioration in her health and eventual death. As her final statement had not been properly translated, nobody had been prosecuted for the crimes committed. The case highlighted the exacerbated discrimination suffered by indigenous women in militarized contexts. Their bodies, regardless of age, were frequently treated as dispensable war booty.

11. Rates of illiteracy and monolingualism were far higher in the case of indigenous women. In 2010, the proportion of men aged 15 years or over who were illiterate and spoke an indigenous language had been 9.6 per cent, more than three times the national average of 2.6 per cent; the corresponding figure for indigenous women had been 17.4 per cent, or more than four times the national average of 4.2 per cent. The rate of monolingualism among indigenous women had been 9.2 per cent in 2010, compared to 5.4 per cent among indigenous men.

12. Indigenous women accounted for 11.4 per cent of domestic workers. It was an area of employment in which class, gender and racist stereotypes were widespread. It was commonly held, for instance, that indigenous women were naturally cut out for that type of work.

13. The states of Oaxaca, Chiapas and Guerrero, which had the largest indigenous and Afro-descendant populations, also had the highest maternal mortality rates of 98.7, 96.8 and 96.5 per 1,000 respectively, compared with a national average of 57.2 per 1,000. The risk of maternal mortality among indigenous adolescents was also three times higher than among non-indigenous adolescents. According to figures compiled by the National Population Council in 2010, abortion had been the third most common cause of maternal death. Owing

to poverty and vulnerability, indigenous and Afro-descendant women faced a higher death risk from illegal abortions.

14. **Mr. Calí Tzay**, referring to information that he had received regarding enforced sterilization of indigenous women in Oaxaca, Chiapas and Guerrero, asked whether the NGOs could provide additional information on that question.

15. He also enquired about the situation of persons who had been arrested following clashes between indigenous communities and the municipal police in Oaxaca in connection with plans to exploit indigenous land for mining.

16. **Mr. Murillo Martínez** (Country Rapporteur) said he was surprised that no mention had been made of the International Labour Organization (ILO) Convention concerning Indigenous and Tribal Peoples in Independent Countries (No. 169) either in the State party report or in the NGO shadow reports. He wondered whether indigenous communities were aware of its existence and, in general, what action was being taken to implement its provisions.

17. **Mr. de Gouttes** said that when considering the combined twelfth to fifteenth periodic reports of Mexico in 2006 (CERD/C/MEX/CO/15), the Committee had expressed concern about the situation of migrant indigenous workers from Guatemala, Honduras and Nicaragua and, in particular, allegations of abuse of migrant women from those countries. He asked whether the NGOs could update the Committee on that situation.

18. The State party mentioned, in paragraph 335 of its report, a bill concerning the consultation of indigenous peoples and communities. He asked whether the bill had been enacted in the meantime.

19. **Ms. Brewer** (Centro de Derechos Humanos Miguel Agustín Pro Juárez) said that Bernardo Méndez Vásquez had been killed by gunmen allegedly working for the Government during the recent clashes in Oaxaca. He had been defending his community against a mining project. His colleague Abigail Vásquez Sánchez had been injured in the same incident. The project would be illegal since the mining application had not complied with either Mexican or international law. She had no information about the number of persons arrested who were still in custody or about the stage reached in the legal proceedings.

20. She agreed that ILO Convention No. 169 was not invoked as a source of indigenous rights in Mexico, even in the amended version of the Constitution. The procedure for recognizing land rights, for instance, was not compliant with international law. The State tended to exercise control of land resources, ignoring its own laws regarding consultation and giving preference to multinational corporations that polluted and destroyed indigenous land.

21. The use of stereotypes was common, even among government officials. In a recent interview, the Director of the National Commission for the Development of Indigenous Peoples had repeatedly stated that people should not be alarmed by statistics showing disproportionate levels of poverty among indigenous peoples because they were not interested in being rich; all they wanted was food.

22. The situation of migrants continued to be a humanitarian emergency. According to the latest figures, over 22,000 migrant workers travelling through Mexico were kidnapped every year by organized crime groups that were sometimes linked to the authorities. The migrants faced situations of extreme violence, which often proved lethal. A new migration law had recently been enacted but would not change that situation. Government officials had recently expressed approval for the installation of migrant shelters in places where the migrants would be denied all contact with the local population. The authorities also warned

people against providing assistance to migrants, alleging that many of them were gangsters and criminals.

23. **Ms. Magaña García** (Comité de América Latina y el Caribe para la Defensa de los Derechos de la Mujer) agreed that there should have been explicit references to ILO Convention No. 169 in the various reports. For instance, there had been serious violations of article 25 of the Convention concerning health care for indigenous communities. The State had failed to shoulder its responsibilities in that regard.

24. Migrant workers, and women in particular, encountered problems throughout Mexico. Many women used contraceptives as a precaution against rape when travelling to different parts of the country. A number of Honduran women passing through Guadalajara had been abducted and taken hostage by the federal police, who had then issued threats to their husbands.

25. **Mr. Thornberry**, noting the tendency to associate ethnicity with criminality, asked whether general conclusions could be drawn from the case that was currently pending before the Supreme Court. He enquired about Ms. Brewer's personal estimate of the probable outcome of the case.

26. He had been struck by the statement in paragraph 14 of the State party's report that one third of the respondents in a national survey thought that the only thing that indigenous people needed to do to escape from poverty was not to behave like indigenous people.

27. The report provided details of human rights training of officials. He asked whether such training also had an impact at the local level.

28. **Mr. Ewomsan** requested additional information about people of African descent.

29. **Ms. Brewer** (Centro de Derechos Humanos Miguel Agustín Pro Juárez) said that it was possible to draw general conclusions from the case of Hugo Sánchez. It was one of several cases mentioned in her organization's shadow report and had the potential to set precedents that would have a beneficial effect.

30. She agreed that the general response to the survey on discrimination mentioned in the report was highly disturbing. Mexican citizens were not, however, wholly to blame for their stereotyped ideas about indigenous peoples. Their attitudes were influenced by State policies, actions and comments, and by widespread impunity for violations of indigenous peoples' rights.

31. The State party's reports normally focused on laws, policies, programmes and training courses without providing practical details. The NGO community considered that the training courses were not effective because of the prevalence of incentives to commit human rights violations and of impunity. As a result of the wave of violent crime in Mexico, there was overwhelming pressure on the police to arrest and charge offenders. It was easier to do so if the persons concerned were vulnerable and if Spanish was not their first language.

32. With regard to the prospects for the Hugo Sánchez case in the Supreme Court, she believed and hoped that it would be decided in accordance with Mexican law and international human rights standards.

33. **Ms. Magaña García** (Comité de América Latina y el Caribe para la Defensa de los Derechos de la Mujer) said that, according to official statistics, there were about 450,000 people of African descent in Mexico. Most of them lived in the south of the country, principally in the states of Guerrero and Oaxaca. Some academic sources, however, claimed that they constituted 9 per cent of the population. It was unclear whether the vague statistics were due to difficulties in obtaining accurate information or simply to the low priority given to the group concerned. In 2010, the National Institute of Statistics, Geography and

Information Technology had claimed that it had been unable to compile statistics because Afro-Mexicans had not identified themselves as such.

34. **Mr. Amir** asked whether there was any law concerning the protection of sources and whether any legal proceedings had been brought against NGOs for refusing to reveal their sources of information.

35. **Mr. Vázquez**, referring to paragraph 28 of the State party report, asked whether the draft decree amending Mexico's Constitution and making international human rights treaties self-executing had been approved by the Chamber of Deputies and, if so, whether the Supreme Court would apply human rights treaties directly in the Hugo Sánchez case.

36. **Ms. Brewer** (Centro de Derechos Humanos Miguel Agustín Pro Juárez) said that she was not aware of any prosecutions brought against NGOs for refusing to reveal their sources of information. Human rights treaties had now been given constitutional status in Mexico. The Hugo Sánchez case would therefore serve as a test case to see how the legislative reforms would be applied by the Supreme Court.

37. **Ms. Magaña García** (Comité de América Latina y el Caribe para la Defensa de los Derechos de la Mujer) said that, although no proceedings had been brought regarding the confidentiality of sources, some indigenous community leaders and human rights defenders had been arrested without due process.

Discussion concerning the fourteenth to sixteenth periodic reports of Israel

38. **Mr. Epshtain** (Israeli Committee Against House Demolitions) said that since 1967 Israel had demolished more than 26,000 Palestinian homes in the Occupied Palestinian Territory, thus effectively ruling out the possibility of a viable Palestinian state. House demolitions and forced eviction were a form of inhuman and degrading treatment with severe psychological consequences for men, women and children. Israel's policies and practices vis-à-vis Palestinian residents of East Jerusalem constituted institutionalized discrimination and were intended to perpetuate the domination of one population over another. The maintenance of a demographic balance based on ethnicity or nationality constituted, prima facie, an illegal discriminatory practice reminiscent of apartheid. Israel's discriminatory planning and housing policies and practices in East Jerusalem, including administrative home demolitions and discriminatory residency policies, had initiated a process of ethnic displacement of the Palestinian population. Palestinian refugees and internally displaced persons were also victims of apartheid by virtue of the ongoing denial of their right to return to their homes in safety and dignity.

39. A process of ethnic displacement was also taking place in Area C of the West Bank. Residents whose housing rights were denied under Israel's policies were forced to move to Areas A and B, which were under Palestinian Authority control. Such policies not only created a situation of displacement but also constituted a violation of the 1973 International Convention on the Suppression and Punishment of the Crime of Apartheid.

40. The State of Israel should repeal all discriminatory laws and practices, and cease acts of persecution against Palestinians in the Occupied Palestinian Territory and in Israel itself. It should grant the Palestinian people the right to national self-determination and stop the demolition of Palestinian houses, schools and infrastructure. All refugees and internally displaced persons should be allowed to return to their homes in safety and dignity and be given compensation for the harm they had suffered.

41. **Mr. Tundo** (Palestinian Centre for Human Rights) said that under the Convention Israel was bound to guarantee the Palestinian population's right to justice on a non-discriminatory basis, including equality of access to justice and equality of treatment and protection before the law. However, his organization had evidence of Israeli practices that

denied full access to justice for Palestinian residents of the Occupied Palestinian Territory. Such practices included a prohibition on Gaza claimants, witnesses and lawyers appearing before Israeli courts as a result of Israel's long-standing closure policy on the Gaza Strip. Israel's discriminatory actions against Palestinians' right to justice, considered in combination with other human rights violations committed in connection with its closure of the Gaza Strip, might constitute persecution, a form of crime against humanity, as indicated by the United Nations Fact-Finding Mission on the Gaza Conflict. The Committee should take all steps necessary to ensure Palestinians' rights to justice on an equal and non-discriminatory basis and to halt Israel's systematic human rights violations.

42. **Mr. Mansfield** (Russell Tribunal on Palestine) said that there was overwhelming evidence that Israel practised systematic, institutionalized apartheid. Since the Committee had addressed the issue at its seventieth session, the situation had only worsened; Israel paid no regard to international human rights and humanitarian law, flouted United Nations resolutions and denied the existence of apartheid. Action needed to be taken to address the issue in a way that made a difference. First of all, the Committee should consider approving a finding of apartheid in relation to Israel. However, if the Committee was concerned about making such a finding, an advisory opinion should be obtained from the International Court of Justice. Many of the Court's findings in its advisory opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory were extremely relevant to apartheid. The Court should therefore be asked for a further opinion on the issue.

43. At the same time, the United Nations should consider the reconstitution of the Special Committee against Apartheid in order to identify the problem in Israel and Palestine. The matter should also be referred to the International Criminal Court, since the Rome Statute had incorporated the criterion of apartheid as set out in the International Convention on the Suppression and Punishment of the Crime of Apartheid. He asked whether a State that had disregarded the recommendations of the International Court of Justice could be considered to be a legitimate member of the international community. It should be made clear to Israel that its failure to face up to its responsibilities would lead to action being taken along the lines he had proposed.

44. **Ms. Kohn** (ADALAH – Legal Center for Arab Minority Rights in Israel) said that the lack of a constitutionally guaranteed right to equality had resulted in the enactment of over 40 laws that discriminated against Palestinian citizens of Israel. They included a law that denied family unification between Israeli citizens and their spouses from the Occupied Palestinian Territory, and another that violated the right of Palestinian citizens to housing in a place of their choice. Israel had an obligation under articles 2 (c), 5 and 6 of the Convention to revoke such laws, to protect civil rights and to provide effective remedy.

45. She also wished to highlight the discrimination faced by the indigenous Arab Bedouin citizens of Israel living in so-called unrecognized villages in the Negev, who suffered frequent house demolitions and a lack of access to basic services. With respect to the rights of the Arab Bedouin, Israel was in clear violation of its obligations under articles 2 and 5 of the Convention. In its concluding observations, the Committee should call on Israel to enact a constitutionally guaranteed right to equality, to revoke discriminatory legislation and to abandon proposed legislation that would lead to the displacement of Bedouin.

46. Speaking on behalf of the Negev Coexistence Forum for Civil Equality, she said that the Forum was alarmed that the Bedouin in the Negev region were increasingly subjected to racially discriminatory laws, policies and practices resulting from Israel's determination to increase the region's Jewish population at the expense of its Arab citizens. In particular, she expressed concern about a proposed plan for the resettlement of Bedouin that would result in thousands of families facing the prospect of forcible displacement from their homes and traditional lands. She asked the Committee to call on Israel not to implement the plan.

47. **Ms. Jalajel** (Al-Haq) said that Palestinians living in the West Bank were suffering from a severe water shortage. Some communities had access to less than 25 litres a day, well below the minimum of 100 litres a day necessary for human dignity. That situation was a direct result of unequal and discriminatory policies and practices implemented by Israel for the sole benefit of Jewish settlers, whose colonies in the Occupied Palestinian Territory were illegal under international law. Israel's conduct was designed to establish and maintain the domination of one racial group over another and revealed the true nature of the occupation as one that enabled Israel to maintain a regime of apartheid. Israel's water policies and practices embodied a direct form of discrimination and constituted a breach of article 3 of the Convention. She asked the Committee to call on Israel to allow Palestinians to exercise their sovereign rights over their natural resources, including water.

48. **Ms. Madi** (BADIL Resource Center for Palestinian Residency and Refugee Rights) said that the distinction drawn between Jewish nationals and Palestinian citizens or Israeli Arabs provided the basis for discriminatory practices in both Israel itself and the Occupied Palestinian Territory, with both zones treated as one from a legislative point of view. Jewish nationals were afforded rights and privileges not extended to Palestinian Arabs, who lived under a regime of apartheid which restricted their right to residency, land ownership, freedom of movement and citizenship. That situation translated into the domination of one group, Jewish nationals, over another, the Palestinian Arabs, who held lower legal and political status.

49. In order to facilitate the system of apartheid, Palestinians were divided into a number of subcategories, each with a different set of rights: Palestinian citizens of Israel, permanent residents of Jerusalem, West Bank ID holders, Gaza strip ID holders and Palestinian refugees in forced exile. Israeli law drew a distinction between citizenship and nationality, whereby Jews were both citizens and nationals, whereas Palestinians could only acquire citizenship, faced a variety of restrictions and did not have full access to human rights, in violation of article 2 (c) and (d) of the United Nations Convention on the Suppression and Punishment of Apartheid. She urged the Committee to examine the system of apartheid in Israel and the Occupied Palestinian Territory.

50. **Mr. Charron** (Internal Displacement Monitoring Centre) said that the Israeli Government's discriminatory housing, settlement and planning policies placed the rights of Jewish settlers above those of Palestinians, in violation of their status as protected persons under international humanitarian and human rights law.

51. There was clear discrimination against the Palestinian community on the basis of nationality and ethnicity, in particular through the forced displacement of Palestinians in the Occupied Palestinian Territory. The effects of discriminatory policies were especially evident when one examined the impact of the growth of Jewish settlements in East Jerusalem and Area C. The Israeli Government's expansion policy meant that there were over 500,000 Jewish settlers living in the Occupied Palestinian Territory, nearly 200,000 of them in East Jerusalem. Settlers were afforded preferential treatment and access to infrastructure, and enjoyed high approval rates for planning permits, with Special Planning Committees comprised of settlers managing the consultative planning process. Conversely, Palestinian communities had no access to planning decisions, were rarely consulted during the drafting process and faced prohibitively expensive procedures if they objected to planning decisions. The actions of the Israeli public authorities were perpetuating a system of discrimination and displacement. Over the course of the previous decade, thousands of Palestinians had been forcibly evicted and their homes demolished for not adhering to discriminatory planning regulations, while thousands more had been forced to live in unsafe or unsanitary conditions.

52. The indigenous Bedouin communities also faced discrimination, forcible displacement, and restrictions on their traditional way of life and agricultural practices. A significant number of Palestinians lacked access to essential services.

53. In Area C, 70 per cent of the land had been designated for use by the Israeli military or Jewish settlers. While only 1 per cent of the land was available for Palestinian development, over 94 per cent of Palestinian applications for building permits submitted between 2000 and 2007 had been rejected. In East Jerusalem, where there was a policy aiming to maintain a 70 to 30 per cent demographic balance between Jews and Palestinians, it was difficult for Palestinians to build or renovate their homes, with only 13 per cent of the land available for Palestinian construction projects. Construction work carried out without a building permit from the Israeli authorities could lead to forced evictions.

54. He urged the Committee to consider a number of recommendations, which included calling on the State of Israel to cease the construction of settlements, national parks and the Wall in the Occupied Palestinian Territory, to review all cases involving “State land” used for the construction of illegal settlements, to establish civilian planning bodies to handle planning decisions in Area C, to ensure the involvement of the Palestinian community in planning decisions, to do away with the policy of enforcing a “demographic balance” in Jerusalem, to ensure that the humanitarian needs and status of Palestinians were taken into account when issuing building permits, and to cease all forced evictions and demolitions, which were unlawful and had a devastating impact on Palestinian communities.

55. **Mr. Al-Khorshan** (Bedouin Jahalin — Occupied Palestinian Territory — Community) said that the Bedouin community, and particularly those living in East Jerusalem and the West Bank, were the original owners of the land they occupied. Approximately 40,000 Bedouin lived in camps and settlements, mainly in Area C. Their livelihoods depended on access to water and pasture, as they lived in desert or rural areas. Since their displacement in 1948, their livelihoods and economic situation had been adversely affected by difficulties in obtaining access to water and pasture, as many of the areas in which they lived had become military or settlement zones, and the construction of the Wall had limited their mobility. The Bedouin communities had lost access to Jerusalem, the main hub for education, culture, health and economic activity. The Israeli Government’s policies were destroying Bedouin communities, way of life, culture and identity, making it impossible for them to settle permanently and live in peace, as illegal Jewish settlements prevented access to land and water.

56. He urged the Committee to take the situation of the Bedouin community into consideration. He called for the Bedouin to be recognized as an indigenous community displaced under occupation, and for measures to ensure that the occupying authorities respected his community’s human rights, especially the right to water and pasture, as well as access to basic services. Any violence towards Bedouin, whether committed by settlers or members of the Israeli military, must be duly punished. He called for Bedouin to be granted access to the economic and cultural hub of East Jerusalem through the removal of restrictions and checkpoints, and for the Bedouin community to be given a voice in decision-making processes. He exhorted the Committee to examine the situation of the Bedouin community, especially those living in the West Bank and Area C, and encouraged diplomatic visits to Bedouin communities.

57. **Mr. Amir** pointed out that the declaration of independence of the State of Israel made no reference to Palestine or the Palestinian people, only to “Eretz Israel”, and that in spite of various political changes the content of that declaration had never been called into question. He was curious as to why the Russell Tribunal, in its proposal to request an advisory opinion from the International Court of Justice, had not used that text as a key piece of evidence.

58. **Mr. Kemal** asked Mr. Al-Khorshan whether, during the previous five years, the situation of the Bedouin had improved or deteriorated. And he asked Mr. Mansfield to comment on whether Arabs were able to live in the same communities as Israelis and whether the system of apartheid in Israel was different from that which had existed in South Africa.

59. **Mr. Diaconu** asked whether, over the previous two decades, successive Israeli Governments had tried to justify their policies in legal terms, and what legal basis had been provided.

60. **Mr. de Gouttes** asked whether any of the NGO representatives knew the outcome of the second appeal against the law on citizenship passed by the Knesset in 2003.

61. **Mr. Lindgren Alves** asked whether the system of apartheid was also implemented in Israel itself, as most of Mr. Mansfield's comments had referred to the Occupied Palestinian Territory.

62. **Mr. Kut** associated himself with **Mr. Lindgren Alves'** question and said that the issue of the Golan Heights, another occupied territory, was also worth examining. He asked whether, given the fluctuations in the political climate in Israel, there had been any tangible changes in the situation since 2010, in other words, under the new coalition Government.

63. **Mr. Thornberry** asked whether the concept of indigenous peoples was recognized in Israel. He further asked whether the NGOs made use of international standards, such as those enshrined in the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), or the United Nations Declaration on the Rights of Indigenous Peoples in their advocacy work, and whether any contact had been made with the United Nations Special Rapporteur on the rights of indigenous peoples.

64. Noting the arguments concerning article 3 of the Convention that had been put forward by the representative of the Russell Tribunal on Palestine, he asked whether the representative wished the Committee to concentrate on broader elements of racial discrimination, or on article 3 in particular.

65. **Mr. Mansfield** (Russell Tribunal on Palestine) said that while it was true that the Russell Tribunal's report had not referred specifically to the declaration of independence of the State of Israel, many references to the concept of Eretz Israel — or the non-existence of Palestine in the greater picture of Israel — could be found in the hearings published on the Tribunal's website. While South Africa had illustrated only one of many possible forms of apartheid, the consensus of witnesses — including Tribunal jury member Mr. Ronald Kasriils, who had lived under apartheid in South Africa — was that the situation in Israel was far worse than it had ever been in South Africa.

66. Arabs were not able to live in the same communities as Jewish citizens. Apartheid was practised throughout Israel and the Occupied Palestinian Territory, including East Jerusalem and Gaza, but in different forms. The Government of Israel had effectively legitimized apartheid, or racial discrimination, as could be seen from the list in the report of all legislation or proposed legislation that enshrined discrimination against Palestinians, including those living in the Occupied Palestinian Territory and those living within Israel itself. People who dared to speak out risked having their citizenship removed, and all opposition was being crushed.

67. He wished the Committee to concentrate on the criminal element of apartheid, not only in relation to article 3 of the Convention but also within the framework of the Rome Statute of the International Criminal Court. The State party was regularly violating those and other instruments. The international community must recognize the existence of apartheid in Israel, declare that a large number of international instruments had been violated, and state the need to take action. The only change to have occurred since 2010

was that the situation had become far worse. That had been demonstrated by the collective punishments inflicted on Palestinians when the State of Palestine had been recognized by UNESCO, and by the acceleration of plans for innumerable settlements in East Jerusalem as part of the effort to build a greater Israel, which amounted to the annihilation of Palestinians.

68. **Ms. Kohn** (ADALAH – Legal Center for Arab Minority Rights in Israel), speaking also on behalf of the Negev Coexistence Forum for Civil Equality, said that since the declaration of independence of the State of Israel a large number of discriminatory laws had been enacted, as described in the report submitted by ADALAH. Not only had the situation of the Bedouin community not improved over the past five years, some of the small victories gained in court were being overturned. For example, in the late 1990s the State party had been ordered by the courts to open health clinics near some of the unrecognized villages but had recently decided to close them.

69. Segregation was enshrined in Israel's laws and policies, particularly its land laws. In addition, there were no legal instruments to prevent discrimination in housing and land issues. In most cases the State used the excuse of security in order to explain discriminatory laws. When legislation was discussed in parliament, however, reference was made not to security issues but rather to "demography issues", namely the Jewish majority as opposed to the Palestinian minority.

70. ADALAH had petitioned against the discriminatory Citizenship and Entry into Israel Law of 2003. In 2006, the Supreme Court of Israel had refused the petition, in a divided panel, with 6 out of 11 panel members refusing to give legal remedy. Following the re-enactment of the legislation, ADALAH had recently returned to court and the same majority had refused to give legal remedy. As a result of the legislation, families had been separated for a decade.

71. The situation in the Occupied Palestinian Territory and the situation in Israel itself were both of great concern. It had been 30 years since the illegal annexation of the Golan Heights by Israel. The political situation since 2010 had been marked by the mainstreaming of human rights violations, with policies being translated into laws.

72. There was no official recognition in Israel of the concept of indigenous peoples. NGOs did try to make use of the relevant international standards in their advocacy work, but to no avail. The Praver Plan (Law for the regulation of settlement of Bedouin in the Negev) was a threat to the most marginalized people in the State of Israel: the Bedouin communities in the Negev, mainly those in the unrecognized villages. If the Plan were adopted, tens of thousands of Palestinians belonging to a clear indigenous group would no longer be able to maintain their traditional culture and lifestyle.

73. **Mr. Epshtain** (Israeli Committee Against House Demolitions) said that when growing up in Israel he had been told that Israel was a land without people, for a people without land. The project of Judaization was in essence a project of displacing Palestinians, whether within Israel proper or in the Occupied Palestinian Territory, expropriating their land and expanding settlements. He referred Committee members to the preliminary findings of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, who in the course of her recent visit to Israel had witnessed a land development model that was excluding, discriminating against and displacing minorities in Israel, and was being replicated in the Occupied Palestinian Territory.

74. **Mr. Charron** (Internal Displacement Monitoring Centre) said that Israeli citizens of Palestinian descent generally lived within their own communities and in their own towns and villages within Israel. When they happened to find themselves living alongside Jews in "mixed towns" — which were misleadingly portrayed by Israel as examples of peaceful coexistence — it was simply that some Palestinians had refused to leave at the time of the

displacement of the Palestinian population in 1948. Since the 1970s they had no longer lived under military rule, but they were now confined by means of development laws or zoning laws.

75. Approximately 22,000 Syrian nationals were living in approximately four towns in the occupied Golan Heights; the towns had been surrounded with natural parks, preventing their expansion, which had led to overcrowding, and the population had unequal access to water. The Syrians were effectively confined to those settlements. The situation was better than in the Occupied Palestinian Territory (OPT) since the Syrians were living under Israeli civilian law, had access to medical care, and enjoyed political rights if they chose to take Israeli citizenship. The most basic rights, however, concerning land, housing and property were very restricted.

76. Interpreting for the representative of the Bedouin Jahalin (OPT) Community, he said that in the past five years, the problems facing the Bedouin Jahalin had intensified, particularly near Jerusalem and the Jordan valley. Schools and community centres had been closed or destroyed, and access to other schools blocked. The Israeli authorities did not recognize members of that community — who considered Israel to be an occupying force — as an indigenous people.

Discussion concerning the fifteenth to twentieth periodic reports of Kuwait

77. **Mr. Alenezi** (Kuwaiti Bedoon Movement) said that Kuwaiti Bedoon were stateless persons living in Kuwait who had been tribesmen prior to the period of British rule. He recalled a number of recommendations to Kuwait by United Nations treaty bodies, including the Committee, to the effect that the State party should find solutions to the problems faced by Bedoon in the country, put an end to the widespread discrimination against them, grant them Kuwaiti nationality and allow them to demonstrate peacefully, and that protesters should not be detained or treated violently. The State had ignored those recommendations. Instead, approximately 70 individuals who had recently taken part in peaceful demonstrations had been arrested and kept in prison for 35 days. Accounts of violence and brutality against stateless persons and peaceful protesters in Kuwait were well documented by organizations such as Human Rights Watch and Refugee International. There was an urgent need for the Government to respond to the recommendations made by treaty bodies, as Kuwaiti Bedoon were decreasing considerably in number. Being able to participate in peaceful demonstrations was a human right.

78. **The Chairperson**, speaking in his capacity as Country Rapporteur, said that he would appreciate information about the origin of the Bedoon, and asked what legal pretext was used to deny them Kuwaiti citizenship. More questions would be raised at a briefing to be held on 16 February.

79. **Mr. Alenezi** (Kuwaiti Bedoon Movement) said that he would unfortunately not be able to attend that briefing. Kuwaiti Bedoon had the same roots as Kuwaiti nationals, who mostly came from Saudi Arabia, Iraq, the Syrian Arab Republic and the Islamic Republic of Iran. He was from the same tribe as the Emir of Kuwait. Legislation that would grant citizenship to Kuwaiti Bedoon was constantly being deferred, and the Government had prevented the courts from dealing with nationality issues.

The meeting rose at 1 p.m.