

**9. ARE THERE DIFFERENT PEOPLES IN YOUR COUNTRY CONCERNING THEIR NATIONAL, ETHNICAL, RELIGIOUS AND LINGUISTIC IDENTITIES? COULD YOU PLEASE GIVE SOME INFORMATION ABOUT THEM (ESPECIALLY IF YOU FEEL YOURSELF ONE OF THEM)?/ ARE THERE GROUPS IN YOUR COUNTRY WHO HAVE THEIR OWN NATIONAL, ETHNICAL, RELIGIOUS AND LINGUISTIC IDENTITIES? COULD YOU PLEASE GIVE SOME INFORMATION ABOUT THEM (ESPECIALLY IF YOU FEEL YOURSELF ONE OF THEM)?**

<p><b>9.1.</b>  <b>Professor Dr.</b>  <b>Carmen Thiele -</b>  <b>Germany</b></p>	
<p><b>9.2.</b>  <b>Professor</b>  <b>Juliano</b>  <b>Benvindo -</b>  <b>Brasil</b></p>	
<p><b>9.3.</b>  <b>Catherine</b>  <b>Willis-</b>  <b>Smith/LL.M</b>  <b>Candidate -</b>  <b>South Africa</b></p>	
<p><b>9.4.</b>  <b>Dr. Jur. Marton</b>  <b>SULYOK -</b>  <b>Hungary</b></p>	
<p><b>9.5.</b>  <b>Benjamin</b>  <b>Danpullo, LL.M</b>  <b>- Nigeria</b></p>	
<p><b>9.6.</b>  <b>Professor Dr.</b>  <b>THIO Li-ann -</b>  <b>Singapore</b></p>	
<p><b>9.7. Prof. Dr. iur</b>  <b>Yiren Lin -</b>  <b>Taiwan</b></p>	
<p><b>9.8. Dr. Sri</b>  <b>Wahyun Kadir -</b>  <b>Indonesia</b></p>	<p><i>No, because the Indonesian system is to unite all differences. We have many regional languages but all are integrated in the official language of Indonesia. We have many ethnic groups, but we have a Pancasila state</i></p>

	<p><i>base that unites them with the view of Unity in Diversity, or even though it is different but still one of Indonesia. We have many official religions that are recognized by the government, even though Islam is adopted by the majority of Indonesian people, but the rights of all religions are the same because there are unifying legal rules. If there really is a case about this, then it is resolved by the existing legal rules. Even though the case of blasphemy occurred, it was immediately handled by the government. Indeed the issue of religion is still very sensitive, however, cultural and linguistic problems have no problems at all.</i></p> <p><i>Could you please give some information about them (especially if you feel yourself one of them)?</i></p> <p><i>I feel fine in my environment. I have also seen developments in social media, as far as I know, language, ethnic or religious issues, can still be very resolved by the government and society can still tolerate this. Indeed the problem of blasphemy is still a problem. Not because of Islam alone, about Christianity, Buddhism, Hinduism, then this problem occurs. However, the government and society always try to stay calm. This is where the respective religious leaders are used. They work together with the community and the government to be able to make it comfortable for the community. This is also thanks to education, and the opening of good information, so that the public can understand the situation and conditions that occur. Cases that occur about language, ethical or religious sentiments, will usually be taken over immediately by the government because the government cannot allow this sentiment to resolve itself. It is feared that chaos will occur if it is not quickly dealt with. Indeed Indonesia can be said to be rather sensitive about this kind of situation. However, so far, it is still very tolerant to be resolved by the government.</i></p>
<p><b>9.9. Professor Marina Calamo Specchia - Italy</b></p>	<p><i>Italy is a unitary regional state that recognizes linguistic minorities, such as the Ladin, Albanian or Tyrolean minorities. The protection of minorities is governed by the special statutes of some regions (Valle d'Aosta and Autonomous Provinces of Trento and Bolzano).</i></p>
<p><b>9.10. Josef Martin Zielinski Flores - Peru</b></p>	<p><i>Personally, I am a descendant of Germans. I am very proud of my origins, but I am also very proud to be Peruvian. I feel that many Peruvians think that way. However, we cannot deny that in Peru different identities coexist, I would say mainly regional rather than national. I say this because despite about 20% of our population have as their mother tongue some native language, their own customs and cultural identities, and often they feel distrust in the Peruvian State and its politicians, they do not stop feeling Peruvian and being part of The nation, however, does not behave properly with them.</i></p>

<p><b>9.11.</b>  <b>Dr. Martín</b>  <b>Risso Ferrand –</b>  <b>Uruguay</b></p>	<p><i>Ten percent of the population is composed by minority groups mostly Afro-descendants. There are rules to protect them, but the reality is not the best.</i></p>
<p><b>9.12.</b>  <b>Professor Dr.</b>  <b>Shinar Adam –</b>  <b>Israel</b></p>	<p><i>The two largest groups are Jews and Arabs, some of whom identify as Palestinian Israelis. Israel is a Jewish state, meaning that the collective rights are constitutionally protected. Arabs enjoy civil and political rights, but very limited group rights.</i></p>
<p><b>9.13.</b>  <b>Assist.</b>  <b>Professor</b>  <b>Sombhojen</b>  <b>Limbu – Nepal</b></p>	<p><i>We have classified Nepal is diversity in term of cultures, languages, ethnicity, religious, farmer, single women, labor, ageing people, etc. Constitution has already defined it who they are and why they are under privilege groups. It is the state responsibility to respect their dignity, sanctity and values.</i>  <i>Personally I am positive for them as without their progress neither the state commitment fulfills nor the existing political system would get success in the Country.</i></p>
<p><b>9.14.</b>  <b>Suzan Tavares</b>  <b>da Silva –</b>  <b>Portugal</b></p>	<p><i>No. Portugal has a very homogeneous society.</i></p>
<p><b>9.15.</b>  <b>Assist.</b>  <b>Professor</b>  <b>Zewdu</b>  <b>Mengesha -</b>  <b>Ethiopia</b></p>	<p><i>The federal law of the country fails to clearly stipulate which type of society should be considered as indigent. However different regions within the country try to list down the societies and groups that are considered as original inhabitant with their respective regions. By doing this they give special right to such group of individuals.</i></p>
<p><b>9.16.</b>  <b>Dr.</b>  <b>Alexander Kim -</b>  <b>Russia</b></p>	<p><i>Yes, but it's very complicated – in my country existing near 200 different ethnic groups.</i></p>
<p><b>9.17.</b>  <b>Prof. Dr.</b>  <b>Vasanthi</b>  <b>Nimushakavi -</b>  <b>India</b></p>	
<p><b>9.18.</b>  <b>Massimiliano</b>  <b>Buriassi - Italy</b></p>	
<p><b>9.19.</b></p>	<p><i>Yes, there are groups in my country who have their own national, ethnical, religious and linguistic identities, the Iraqi Constitution, groups that have</i></p>

<p><b>Professor Dr. Ahmed Aubais Alfatlawi - Iraq</b></p>	<p><i>distinctive characteristics in language, nationality and religion are mentioned In article 125 of Constitution stated: This Constitution guarantees the administrative, political, cultural and educational rights of various nationalities such as Turkmen, Chaldeans, Assyrians and other components, This is regulated by law.</i></p>
<p><b>9.20. Professor Dr. Hyungnam Kim - South Korea</b></p>	<p><i>There are Korean-Chinese people (Their ancestors are Korean, but they can't speak Korean, Chosun-Jog). Already they took the initiative of Korean market about lamb meat. Also a few Russians took much bar &amp; pub jobs in Busan City. According to Global Society Concept, I think We Korean should admit their own culture.</i></p>
<p><b>9.21. Associate Professor Tomáš Ľalík, Ph.D - Roman Lysina, Ph.D Candidate - Slovakia</b></p>	<p><i>Yes, there some minorities in Slovakia, most notably Hungarian (approx. 460.000); Roma (100.000); Ruthenian (35.000). Minorities in Slovakia enjoy a wide range of cultural and educational rights. Our constitution provides, that in addition to the right to learn the official language, the citizens belonging to national minorities or ethnic groups shall, under the conditions laid down by a law, also be guaranteed:</i></p> <ul style="list-style-type: none"> <li><i>a) the right to be educated in their language,</i></li> <li><i>b) the right to use their language in official communications,</i></li> <li><i>c) the right to participate in the decision making in matters affecting the national minorities and ethnic groups.</i></li> </ul> <p><i>There are special offices set up by the government, dealing exclusively with the issues of minorities (Office of the Plenipotentiary of the Government of the Slovak Republic for National Minorities; Office of the Plenipotentiary of the Government of the Slovak Republic for Roma Communities). Also, minorities have been represented in national council since the constitution of Slovak republic.</i></p> <p><i>Further information on minorities may be found in this report: <a href="https://www.narodnostnemensiny.gov.sk/data/files/7049_report-nm-2016.pdf">https://www.narodnostnemensiny.gov.sk/data/files/7049_report-nm-2016.pdf</a></i></p>
<p><b>9.22. Professor Dr. Mohammad Javad Javid - Iran</b></p>	<p><i>Iran as an integrated islamic country respected the rights of other minorities such as Judaism, Christians and Zoroastrian, which their rights are respectful by the Constitution in Iran. And recently their participation in city council has been respected, as well which is a great movement about respecting them more. Also tribes and ethnicities like Kurd, Balouch , Turkish and Arabs that in their education teaching by their own language is acceptable in Iran. And also their parents have right to upbringing them</i></p>

	<p>according to their own formal religion. To add up ,formal religion respected by Iran Law are Judaism Christianity abd Zoroastrian which their believers have this rights to bring up their children based on their religious values.</p>
<p><b>9.23.</b> <b>Professor Dr. Adrienne Stone - Australia</b></p>	<p><i>Question 9: Existence of minority groups</i></p> <p><i>Australia is a multicultural nation whose citizens reflect a range of distinct ethnic, religious and linguistic traditions. Special mention must be made of Australia’s indigenous peoples, the Aboriginal and Torres Strait Islander peoples. Aboriginal and Torres Strait Island peoples are the world’s oldest continuing civilisation. They are also the ethnic group that suffers from the highest rate of incarceration in the world.</i></p> <p><i>Despite their long history of occupation of the land, Aboriginal and Torres Strait Islanders are not recognised in the Australian Constitution. A movement to obtain constitutional recognition for Aboriginal and Torres Strait Islanders, making provision for a ‘Voice to Parliament’ under which Indigenous Australians would be consulted in respect of proposed legislation that would affect them, is currently on foot. Other forms of recognition, such as treaty arrangements, are currently under consideration in several of the states and territories.</i></p> <p><i>For most of Australia’s history, the land rights of Aboriginal and Torres Strait Islander groups were widely regarded as having been extinguished upon British settlement, on the theory that the land was terra nullius (land belonging to no one). But this assumption was exploded by a decision of the High Court of Australia in 1992 that recognised the existence of a sui generis property right, ‘native title’, possessed by Indigenous Australians. Native title rights are now enshrined in, and regulated by, a federal statute.</i></p>
<p><b>9.24.</b> <b>Professor Dr. Mark Tushnet - USA</b></p>	
<p><b>9.25. Professor em. Dr. iur Reinhard Mußgnug - Germany</b></p>	<p><i>In Germany there some very small linguistic minorities especially at the German-Danish border and the Sorbes in Saxonia; they are well integrated, their rights are safeguarded. The same is valid for the religious minorities. The growing Islamic minority enjoys undisputed freedom of religion, but there are some difficulties in the field of school education (coeducation of boys and girls, religious instruction, etc.).</i></p>

<p><b>9.26.</b>  <b>Professor Dr.</b>  <b>Mabid Ali</b>  <b>Mohammed Al-</b>  <b>Jarhi - Egypt</b></p>	<p><i>The only group of this type is the Nubians who speak a some local dialects in addition to Arabic. They are moderately integrated but still have grievances relate to the relocation of some of them to other areas to make room for the high dam.</i></p>
<p><b>9.27.</b>  <b>Assoc. Dr.</b>  <b>Professor Dr.</b>  <b>Patrick</b>  <b>Emerton -</b>  <b>Australia</b></p>	<p><i>Yes. There are Indigenous/first nations peoples (Australian Aboriginal and Torres Strait Islander).</i></p> <p><i>Australia’s approach to multiculturalism supports the maintenance of cultural and linguistic identities, but not national identities. Traditionally, Australia has made it very easy for migrants to obtain citizenship and thus to identify as Australian, although legislative changes over the past decade or so have made citizenship less easy to obtain by increasing both residency and English language proficiency requirements.</i></p>
<p><b>9.28.</b>  <b>Professor Dr.</b>  <b>Hajer Gueldich</b>  <b>- Tunis</b></p>	
<p><b>9.29.</b>  <b>Asst. Professor</b>  <b>Narender</b>  <b>Nagarwal -</b>  <b>India</b></p>	<p><i>Ans: India is not a country but a country of many worlds. The rich diversity in religion, culture, language, and food are the basic characteristics of India. With a population of more than 1.21 billion as accounted by the 2011 population census, India is a colourful canvas portraying unique assimilation of ethnic groups displaying varied cultures and religions. In fact, this uniqueness in the ethnicity of the country is the factor that makes it different from other nations. Moreover, the vastness of India's nationalism, accounting to a plethora of cultural extravaganza, religions etc. is the reason that the country is seen more like a seat for a major world civilization than a mere nation-state. Yes, I belong to one of the group and the preamble of the Constitution gives paramount prominence to secularism in its supra-religion dimension.</i></p> <p><i>Since ancient times, the spiritual land of India has displayed varied hues of culture, religion, race, language, and so on. This variety in race, culture, religion, etc. accounts for the existence of different ethnic groups who, although, live within the sanctums of one single nation, profess different social habits and characteristics. Regional territories in India play an important role in differentiating these ethnic groups, with their own social and cultural identities. The religions that are prevalent in the country are Hinduism, Christianity, Islam, Sikhism, Buddhism, and Jainism, with the</i></p>

	<p><i>freedom for citizens to practice any religion they want to. The Muslims are the biggest minority community in India, having 13.9 percentage of population following by Sikhs and Christian. With the governance of 35 different states and union territories in the country, there has originated a sense of regionalism amongst the various parts, with different states displaying different cultures, which although eventually fuse through a common bond to showcase a national cultural identity. The Constitution of India has recognized 22 different languages that are mainly spoken in the country, out of which, Hindi is the official language and is spoken in most of the urban cities of India. Other than these 22 languages, there are hundreds of dialects that add to the multilingual nature of the country</i></p>
<p><b>9.30.</b> <b>Professor Gerd Oberleitner</b> - <b>Austria</b></p>	<p><i>The law recognizes Croats, Czechs, Hungarians, Roma, Slovaks, and Slovenes as national minority groups and requires any community, where at least 25 percent of the population belongs to one of these groups, to provide bilingual town signs, education, media, and access to federal funds earmarked for such minorities. For more information see <a href="https://www.bundeskanzleramt.gv.at/en/topics/ethnic-groups.html">https://www.bundeskanzleramt.gv.at/en/topics/ethnic-groups.html</a></i></p>
<p><b>9.31.</b> <b>Professor Dr. Adnan Oweida</b> - <b>Jordan</b></p>	<p><i>In my country, the government clearly distinguishes between races and races and gives priority to a privileged group of marginalized groups. In my country there are ethnic and political groups that are marginalized even from the right to own property and the right to work. Such as Palestinians from the Gaza Strip, are denied the right to own property and the right to work. This violation is provided for in the Constitution, as are the children of naturalized women if they marry without a nationality.</i></p>
<p><b>9.32.</b> <b>Dr. Andres Cervantes Valarezo</b> - <b>Ecuador</b></p>	<p><i>Like all Latin American countries, Ecuador has a long pre-Hispanic history with indigenous, ethnic and religious communities that have values with legal significance that are very different from those of the Western legal community. In the Ecuadorian case, the mestizo population (descendants of Spaniards and Aborigines) coexists, along with peoples with their own racial identity (Afro Ecuadorians and montubios) in addition to the indigenous people. Within this last group, a distinction must be made between the indigenous people who have been integrated into the western collective life and the indigenous population who have decided to live in voluntary isolation in the Ecuadorian Amazon.</i></p> <p><i>The Ecuadorian Constitution has an interesting regulation regarding these groups. For example, article 6 recognizes that Ecuador is a "plurinational" State. In addition, article 38 of the constitution establishes that public</i></p>

	<p><i>policies should be designed "taking into account" the cultural conceptions of different nationalities and peoples. According to article 45 of the constitution, children have the right to be educated in the language and in the contexts of their culture or nationality. Article 57 of the constitution establishes a catalog of special rights for these groups that include, among many others, the limitation of military activity in their territory and the right to prior and informed consultation in the case of exploitation of resources natural in its territory. It is also necessary to mention that article 171 recognizes the "indigenous justice system" by which indigenous communities can apply their own (unwritten) law to solve their internal conflicts without resorting to the State judicial system. Regarding the language, Spanish and Kichwa are both official in Ecuador.</i></p>
<p><b>9.33.</b> <b>Asst. Professor</b> <b>Dr. Manal</b> <b>Totry-Jubran -</b> <b>Israel</b></p>	<p><i>I am part of the largest ethnic minority in Israel: the Palestinian – Arab minority. There are some sort of education rights and linguistic and mainly religious rights as all religious groups in Israel are autonomous.</i></p>
<p><b>9.34. Dr. Maria</b> <b>Paula Garat -</b> <b>Uruguay</b></p>	<p><i>There are groups that represents different religions, and also ethnical origins. There are no linguistic identities or groups that defends a split with the nation.</i></p>
<p><b>9.35.</b> <b>Professor Luis</b> <b>G. Francheschi -</b> <b>Kenya</b></p>	<p><i>National: every African tribe had a precolonization national identity. Like in Europe, every tribe was a nation with a deep and unique ethnic, customary and language identity. After the Berlin Conference of 1884-1885, the European powers brought together these small nations into one state, which lacked identification. These new entities joined hands to expel the colonizing powers, but as soon as independence was achieved the deep differences resurfaced with all their might.</i></p> <p><i>Ethnic and Linguist</i></p> <p><i>Kenya is a multi-ethnic state. It is inhabited by primarily Bantu and Nilotic populations, with some Cushitic, Asiatic and Arab minorities. There are over 44 tribes in Kenya, to name a few: Kikuyu, Meru Bajuni, Kamba, Kisii, Bukusu, Embu, Dholuo, Isukh, Kalenjin, Elgeyo, Kipsigis, Marakwet, Nandi, Pokot, Sabaot ,Terik, Tugen, , Kore, Kuria, Luhya, Luo, Maragoli, Marama, Maasai, Sengwer, Miji Kenda, Chonyi, Digo, Duruma, Giriyama, Jibana, Kambe, Kauma, Rabai, Ribe, Ogiek, Orma, Oromo, Pokomo, Rendille, Samburu, Somali, Abasuba, Swahili, Tachoni, Taita, Taveta, Turkana, Yaaku, Makonde. Each of them has unique customs, identity, language, etc.</i></p>



	<p><i>Religious</i></p> <p><i>Kenya has numerous religions, the predominant religion in Kenya is Christianity, there also exists an Islamic and Buddhist community.</i></p> <p><i>I am Kenyan national, born in Venezuela, with French grandfather and African grandmother. So, I'm united nations.</i></p>
<p><b>9.36.</b></p> <p><b>Professor Hugh Corder - South Africa</b></p>	<p><i>YES THERE ARE: IN TERMS OF RACE, GENDER, LANGUAGE, RELIGION, ETHNICITY, ETC ETC. GIVEN THE PAST OF THIS COUNTRY, RACE IS PROBABLY THE MOST SIGNIFICANT FACTOR. GOVERNMENT IS GENERALLY TRYING TO RESOLVE SUCH DIFFERENCES, BUT PROGRESS IS SLOW, AND NEGATIVELY AFFECTED BY CORRUPTION.</i></p>
<p><b>9.37.</b></p> <p><b>Asst. Professor Umar Rashid - Pakistan</b></p>	<p><i>Ans) Yes there are a number of groups with their own ethnic and linguistic identities, in addition to religious minorities in Pakistan. So for example the four provinces of Pakistan represent the four main ethnicities in Pakistan: Punjabis, Baloch, Pashtun and Sindhis. In addition to these main groups there are other such groups as well. It can be argued that the rights of some of these groups are not adequately protected in Pakistan. Two of the largest groups who argue their rights are not adequately protected are the Baloch and Pashtun. Same is the case with religious minorities, where again Pakistan has failed to adequately protect religious minorities. As far as the Constitution is concerned, it provides for both right to religion (article 20 and 22) and right to preservation of language and culture (article 28).</i></p>
<p><b>9.38.</b></p> <p><b>Assist. Professor Simon Alexander Wood - Malaysia</b></p>	<p><i>apart from the majority Malay ethnic and racial group there are minority Indian and Chinese communities further there are some indigenous communities such as the orang asli and various native communities in Borneo their strong characteristics are their ethnic and linguistic preferences although religious preferences are more mixed within the country</i></p>
<p><b>9.39. Professor Merris Amos-UK</b></p>	<p><i>The professor has chosen not to publish her answers.</i></p>
<p><b>9.40.</b></p> <p><b>Ştefan Bogrea - PhD student at human rights</b></p>	<p><i>Around 10% of the Romanian population is made up of ethnic minorities, mostly ethnic Hungarians, Romani and German ethnics. Please find more information here, although the information might not be up to date: <a href="https://en.wikipedia.org/wiki/Minorities_of_Romania">https://en.wikipedia.org/wiki/Minorities_of_Romania</a></i></p>

<b>law / Advocate - Romania</b>	
<b>9.41. Asst. Professor Dr. Cristina Tomulet - Romania</b>	<p><i>There are several groups in Romania that belong to the categories mentioned in your question.</i></p> <p><i>The largest minority in Romania that has its own ethnical, religious and linguistic identity is the Hungarian minority. Because of the fact that Transylvania belonged to the Austrian-Hungarian empire until 1918, according to the data from the last census in 2011, 6,5 % of the population belongs to the Hungarian ethnic group. From the perspective of their religious identity, the Hungarian ethnic groups belongs to the Roman Catholic or Protestant religion. In terms of the rights of the minorities, it is important to underline that according to Article 6 paragraph (1) of the Romanian Constitution, the state recognizes and guarantees the right of persons belonging to national minorities to the preservation, development and expression of their ethnic, cultural, linguistic and religious identity. At the same time, according to Article 32 paragraph (3) of the Constitution, the right of persons belonging to national minorities to learn their mother tongue, and their right to be educated in this language are guaranteed. In this context, it is important to mention that the Hungarian ethnic group exercises the right in question, having numerous educational institutions in which the majority of the subjects are taught in Hungarian.</i></p> <p><i>The second-largest minority in Romania that has its own ethnical and linguistic identity is the Roma minority group. According to the data from the last census in 2011, 3,3 % of the population belongs to the Roma minority group. The group in question speaks the Romani language and belongs to various Christian denominations, from Orthodox Christians and Roman Catholics to different Protestant denominations.</i></p> <p><i>From a religious point of view, anyone in Romania who doesn't belong to the Orthodox Christian religion belongs to a religious minority, given the fact that 86,5 % of the Romanian population is Orthodox Christian. Accordingly, the religious minorities in Romania are Roman Catholic (4,6 %), Reformed Protestants (3,2 %), Pentecostals (1,9%), Greek Catholics (0,8 %), Baptists (0,6 %), Adventists (0,4 %) and other religions (1,8 %). According to Article 29 of the Constitution, freedom of religion is guaranteed in Romania and all religions shall be free and organized in accordance with their own statutes, under the terms laid down by law.</i></p>
<b>9.42. Professor Dr. Mahendra P. Singh - India</b>	<p><i>India is socially, ethnically, religiously and linguistically a mosaic of diversity. Though not specially defined, several provisions of the Constitution give special protection to minorities and vulnerable sections of the society such as small sections of cultural groups, religious and linguistic minorities,</i></p>

	<p><i>certain downtrodden groups such as the Scheduled Castes and indigenous people or scheduled tribes, Backward classes, etc. The terms such as linguistic or religious minorities have not been specifically defined but they have been identified in the national legislation as well as in judicial decisions and special commissions have also been established for the protection of their interests either in the Constitution or through laws of national Parliament. Backward classes as a group are also identified for the purposes of certain benefits granted in the Constitution.</i></p> <p><i>Article 30 (1) states “all minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.” The Supreme Court further elucidated in DAV College etc. v/s State of Punjab and others “a linguistic minority for the purpose of Article 30(1) is one which must at least have a separate spoken language; it is not necessary that the language should also have distinct script.”</i></p>
<p><b>9.43. Professor Dr. Stephanie Wattier Belgium</b></p>	<p><i>S.W.: no, there are not. One important principle of Belgian constitutional Law is the absence of “sub-nationalities”. By that, I mean that in Belgium, there are only Belgian people (and strangers of course!) but there are no “Flemish”, “Walloon” or “Brussels” people. Furthermore, there is no status of “Catholic” or “Muslim” people that would be recognized by the Law. In other words, there is no specific identify, except the Belgian identify.</i></p>
<p><b>9.44. Dr. Malika Tastanova Narikyevev Kazakhstan</b></p>	<p><i>The professor has chosen not to publish her answers.</i></p>
<p><b>9.45. Professor Dr. Jasna Baksic - Bosnia and Herzegovina</b></p>	<p><i>U Bosni I Hercegovini njeni konstitutivni narodi Bošnjaci, Hrvati I Srbi kao I 17 nacionalnih manjina imaju svoje etničke, religijske, limgvističke I ostale identitete. Ustav I Zakon o nacionalnim manjinama ih priznaju. U realnosti većine krše manjinska prava nedozvoljavajući im da ispolje svoje specifičnosti. Nekada direktno ( osporavanja naziva jezika Bošnjacima u Republici Srpskoj) nekada indirektno uskraćivanjem novaca za aktivnosti potrebne za očuvanje identiteta ( organiziranje nastave na jeziku manjina, posebni TV I radio programi, podrška aktivnostima kulturnih udruženja I slično) Opravdanje vladajućoj većini je nedostatak budžetskih sredstava za tu namjenu.</i></p>
<p><b>9.46. Assist. Professor Dr.</b></p>	<p><i>Article 35 of the Constitution: The Republic of Poland shall ensure Polish citizens belonging to national or ethnic minorities the freedom to maintain</i></p>

<p><b>iwona Wroblewska - Poland</b></p>	<p><i>and develop their own language, to maintain customs and traditions, and to develop their own culture (1). National and ethnic minorities shall have the right to establish educational and cultural institutions, institutions designed to protect religious identity, as well as to participate in the resolution of matters connected with their cultural identity (2).</i></p> <p><i>Poland is now basically a single-nation state. National and ethnic minorities in Poland constitute only a few percent of the country's population.</i></p> <p><i>Their status is regulated in the Act of 6 January 2005 on national and ethnic minorities and on a regional language, that recognizes the existence of 9 national minorities. According to their quantity they are: Germans, Ukrainians, Belarusians, Armenians, Russians, Lithuanians, Jews, Czechs and Slovaks. Ethnic minorities within the meaning of the Act: Karaim, Lemko, Roma, Tatar. There are people who declare Silesian nationality, although it is not recognized by any country. The Polish Supreme Court in 1998 and in 2007 assumed that in the general social assessment, Silesians are not considered a separate national group. The complaint against the 1998 order dismissed the ECtHR in 2004, but did not take a position on the existence or non-existence of Silesian nationality (Gorzelik and Others v. Poland [GC], no/no. 44158/98, CEDH/ECHR 2004-I).</i></p>
<p><b>9.47. Professor Kwadwo Appiagyei-Atua - Gana</b></p>	<p><i>Not directly but one can talk of persons of northern extraction who come down south to work as labourers, domestics and carriers.</i></p>
<p><b>9.48. Paidamwoyo Mukumbiri - Zimbabwe</b></p>	<p><i>There are no groups that have national identities distinct from every Zimbabwean but of course there are numerous groups that have religious identities, e.g. white garment churches</i></p>
<p><b>9.49. Professor Dr. Helen Irving - Australia</b></p>	<p><i>There are religious groups in Australia, as in other countries. They do not, however, have separate identities with respect to the law. There are no separately recognized linguistic groups. Aboriginal and Torres Strait Islander peoples sometimes claim to have their own legal system, and their laws are sometimes (although rarely) recognized in the context of criminal sentencing, but only within a mainstream legal process. That is to say, Indigenous law does not operate as a separate legal system.</i></p>
<p><b>9.50. Dr. Faridah Jalil - Malaysia</b></p>	<p><i>Yes, the native of Sabah &amp; Sarawak due to historical background may claim for their own national and ethnical identity. Malaysia at the same time has</i></p>

		<i>a pluralistic society. In general we have one nationality but many ethnics, religion and linguistic identities.</i>
<b>9.51.</b>	<b>Dr. Tatiana Khramova - Russia</b>	<i>Yes. Russia is a multi-national, multi-cultural and multi-lingual state with different religions, so there are a lot of national, ethnical, religious and linguistic groups with their own identities. There is a special Federal Law of 17 June 1996 “On national and cultural autonomy” and a Federal Law of April 30, 1999 “On guarantees of the rights of indigenous peoples of the Russian Federation” aimed at protecting special groups.</i>
<b>9.52.</b>	<b>Eduardo G. Gallicchio - Uruguay</b>	<i>In Uruguay there are some relevant groups with such characteristics but they coexist with others in a reasonable and peaceful integration. I am not part of any of these groups. It is necessary to keep in mind that in Uruguay, the Constitution guarantees by article 5 the freedom of cults and the non-confessionality of the State or secularity in religious matters. When requests by a group with such characteristics are raised, they are handled by the competent authorities. For example, there is the traditional Jewish cemetery in the La Paz city and the future Muslim cemetery in the Soca city.</i>
<b>9.53.</b>	<b>Dr. Aldana Rohr - Argentina</b>	<i>One of the groups in my country who have their own identity are indigenous communities. According to statistics conducted by the National Statistics and Census Institute, between 2004 and 2005, there were 600,329 indigenous persons in the country<sup>1</sup>. In 2010, the National Census provided updated its data, stating that there was an indigenous population of 955,032 people, representing 2.4% of the total population. However, criteria and parameters that were followed were questioned by indigenous peoples, human rights and indigenous organizations.  <i>The National Institute of Indigenous Affairs —which is responsible for designing and implementing policies to benefit indigenous peoples— stated there is a great diversity of indigenous people’s groups in Argentina, up to 33-34 of them. There are about 35 distinct officially recognized indigenous peoples that hold specific constitutional rights at a federal level and in various provinces. However, there is no consensus about these figures and some indigenous organizations estimate the number to be around 38 distinctive groups.</i></i>

<sup>1</sup> See Supplementary Survey of Indigenous Peoples in 2006. Available at [http://www.indec.mecon.ar/nivel4\\_default.asp?id\\_tema\\_1=2&id\\_tema\\_2=21&id\\_tema\\_3=99](http://www.indec.mecon.ar/nivel4_default.asp?id_tema_1=2&id_tema_2=21&id_tema_3=99)

*Concerning the rights of Indigenous Peoples, the Constitutional Reform of 1994 introduced significant changes to the former section 67 subsection 15 which imposed on the Congress the duty to “preserve the peaceful relations with the Indians and promote their conversion to Catholicism”. This former provision constituted per se a violation of their human rights protected by constitutional and international norms. After the aforementioned reform, the constitutional rights of Indigenous Peoples are enshrined on section 75 subsection 17, which grants the Congress the following powers: “To recognize the ethnic and cultural pre-existence of Indigenous Peoples in Argentina; to ensure respect for their identity and their right to bilingual and intercultural education; to recognize the legal status of their communities, and the communal possession and ownership of the lands they traditionally occupy<sup>2</sup>; to regulate the provision of other suitable lands sufficient for human development, which shall not be alienable, transferable or subject to taxes or embargoes; and to ensure their participation in the management of their natural resources and other interests affecting them. The provinces can exercise these powers concurrently.*

*Besides this and among the powers of the Congress section 75, subsection 19 allows it to: “enact laws protecting the cultural identity and plurality”.*

*These provisions illustrate a new paradigm of protection of cultural diversity<sup>3</sup> with constitutional status. Indigenous Peoples and communities are now viewed as collective subjects, who hold a special protection and demand the adoption of concrete measures to enable them to live and pass on their own cultural identity to future generations.*

*Within the federal structure established by section 75, subsection 17, of the Constitution, Congress has the authority to pass the laws necessary for the minimum protection of the rights of Indigenous Peoples, while the provinces can enact supplementary norms offering greater protection.*

---

<sup>2</sup> In 2006, in the light of repeated land conflicts between the supposed owners of private property and indigenous communities in various parts of the country, Congress enacted Act No. 26160. The Act suspended evictions of indigenous communities for four years and charged INAI with the task of conducting a “technical-legal cadastral survey of the situation regarding ownership of the land occupied by indigenous communities” (art. 3). The time limit set out in Act No. 26160 is extended until 2021.

<sup>3</sup> For instance, the National Education Act No. 26206 of 2006 establishes intercultural bilingual education in order to guarantee the constitutional right of indigenous peoples to an education that promotes indigenous cultures and languages. Act No. 25517 of 2001 provides for the return of the mortal remains of indigenous persons held in museums or in public or private collections to indigenous communities that claim them. Act No. 26522 of 2010 on Audiovisual Communication Services recognizes the right of indigenous peoples to identity-based communication, providing in particular for the establishment of radio stations within indigenous communities.

*Since the constitutional reforms concerning Indigenous Peoples are relatively recent, many aspects of the division of powers between the federal and provincial governments are still being determined<sup>4</sup>.*

*Some Provinces have also established constitutional norms on indigenous matters: Buenos Aires, Chaco, Chubut, Entre Ríos, Formosa, Jujuy, La Pampa, Neuquén, Salta, Río Negro and Tucumán. Many of them also have specific laws pertaining to various indigenous issues. Some of these laws are of a general nature, covering a number of issues related to Indigenous Peoples, while others focus on a specific topic such as land allocation or the establishment of registries or institutions for Indigenous Communities<sup>5</sup>.*

*Generally, Provincial Constitutions<sup>6</sup> expressly recognize and guarantee: the pre-existence of indigenous peoples; ethnic and cultural identity, including respect for their traditions, beliefs and lifestyles; the possession and ownership of the lands they traditionally occupy<sup>7</sup>; the legal status of their communities and organizations; the creation of a special register of indigenous communities and organizations; the right to bilingual and intercultural education; the right to participation in the protection, preservation, restoration of natural resources and other interests that affect them and their sustainable development and the right to recovery and preservation of their patrimony and cultural heritage.*

*On the other hand, other provincial constitutions do not include a specific clause of recognition. San Juan, Tierra del Fuego and Cordoba have provincial laws even though they do not hold recognition provisions in their provincial constitutions.*

<sup>4</sup> Report of the Special Rapporteur on the rights of indigenous peoples, James Anaya Addendum The situation of indigenous peoples in Argentina (A/HRC/21/47/Add.2)

<sup>5</sup> Report of the Special Rapporteur on the rights of indigenous peoples, James Anaya Addendum The situation of indigenous peoples in Argentina (A/HRC/21/47/Add.2)

<sup>6</sup> Province of Buenos Aires (Section 36, inc. 9), Province of Chaco (section 37), Province of Entre Ríos (section 33), Province of La Pampa, Province of Chubut (Section 34), Province of Formosa (Section 79). Province of Salta (Section 15), Province of Tucumán (Section 149), Province of Río Negro (Section 42). After the constitutional reform of 1986, the Province of Jujuy is committed to protect indigenous people through appropriate legislation leading to their integration and economic and social progress (Section 50). The Province of Salta recognizes their own communities and their organizations in order to obtain legal personality and capacity to act in administrative and judicial bodies. The Provincial Government is committed to create mechanisms for both indigenous and non-indigenous residents which grant them effective participation.

<sup>7</sup> It means their immediate community ownership of the land they traditionally occupied and the ones granted in reserve. It provides for the delivery of other suitable and sufficient lands for human development, which will be awarded as historical reparation, free from all charges. They will be indefeasible, inalienable indivisible, and nontransferable to third parties. None of them is allowed to be sold, transmitted or subject to charges or seizures. It includes their right to participation in the management of natural resources within the lands they occupy and other interests that affect them.

*The Inter American Commission of Human Rights (IACHR) granted precautionary measures for the members of the Lof Paichil Antriao community of the Mapuche indigenous people, asking the State of Argentina to adopt the necessary measures to prevent alteration of the Rewe —sacred place— located on the property that is the object of the litigation<sup>8</sup>. The IACHR also requested that the State adopt the necessary measures to look after the health of the families of the community that are displaced in areas adjacent to the disputed territory in order to guarantee their well-being<sup>9</sup>.*

*The IACHR also granted precautionary measures for the members of the Qom Navogoh indigenous community of “La Primavera”, in the Province of Formosa, Argentina. It asked the Argentine State to adopt necessary measures to guarantee the life and physical integrity of the members of the indigenous community against possible threats, attacks, or acts of harassment on the part of members of the police, law enforcement officers, or other State agents, as well as to implement necessary measures so that Félix Díaz and his family can return to the community under safe conditions<sup>10</sup>.*

*ILO Convention 169 and other universal human rights instruments such as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights are also in force.*

*With respect to the obligations emerging from any ILO Convention, the Supreme Court has stated “that when Argentina Republic ratifies an international treaty, it requires that its judicial and administrative bodies implement the provisions the treaty contemplates, provided it contains sufficiently concrete descriptions that enable its ‘immediate implementation’ [...]...Thus, ratification of an agreement [...] implies the obligation to ‘give effect to’ its provisions”<sup>11</sup>.*

---

<sup>8</sup> In addition, the IACHR asked the State to take the necessary steps to guarantee that members of the Lof Paichil Antriao community who need to access the Rewe to practice their rituals may do so without police forces or other public or private security or surveillance groups hindering their access or their stay for whatever time they wish, and without episodes of violence, attacks, harassment, or threats on the part of the police or other security groups.

<sup>9</sup> Lof Paichil Antriao Community of the Mapuche Indigenous People vs. Argentina, Precautionary Measure 269/08, IACHR, 06/04/2011.

<sup>10</sup> Qom Navogoh Indigenous Community of “La Primavera” vs. Argentina, Precautionary Measure 404/10, IACHR, 21/04/2011.

<sup>11</sup> Díaz, Paulo Vicente vs. Maltería y Cervecería Quilmes S.A., CSJN, 19/07/2013.



	<i>Regarding the direct applicability of Convention N° 169, the aforementioned “should be ‘presumed’ although it cannot be sustained for all clauses”. Regarding clauses 8 (3); 9 (2), among others, “they are, instead, directly applicable, there is no need to transform them into a domestic law or to adopt any measure”<sup>12</sup>.</i>
<b>9.54. Roman Schuppli - Switzerland</b>	<i>The Swiss Confederation is a multi-ethnic country. On the one hand, the country consists of four language groups recognised in the Federal Constitution (Art. 4), on the other hand it is a multi-confessional state, consisting of historically catholic and protestant federal states. In addition, there exist smaller groups of minorities (conf. question 10).</i>
<b>9.55. Dr. Ljubomir Frckoski - Macedonia</b>	<i>The Professor has send a book.</i>
<b>9.56. Assoc. Professor Juan Pablo Beca F. - Chile</b>	<i>Indigenous groups, especially the mapuche people, wich is the largest but not the only one.</i>
<b>9.57. Professor Simon Rice - Australia</b>	<i>Australia calls itself a ‘multi-cultural’ society, and recognises and celebrates the cultural backgrounds of its many migrant populations: about 30% of the population were born in another country, and about 50% of the population are first or second generation migrants. Multiculturalism has been national policy for almost 50 years. More recently, in the past 20 or so years, Australia has been more willing to recognise and celebrate the cultures of its indigenous peoples. Recognition of diverse cultures is underpinned by national and provincial racial discrimination laws, and extends to extensive publicly-funded migrant support services, translation services and, for indigenous peoples, dedicated government programs across all aspects of life. Notably absent in Australia is any formal recognition of legal pluralism, except to a small extent in criminal and family matters for indigenous peoples. Australia’s indigenous peoples suffer significant and widespread systemic disadvantage in all aspects of life, from education and life expectancy to workforce participation and rates of incarceration.</i>
<b>9.58. Dr. Renata Bedö - Hungary</b>	

<sup>12</sup> Opinion of Dr. Germán J. Bidart Campos to the query of the Neuquén Mapuche Community

<p><b>9.59. Damir Banović - Bosnia and Herzegovina</b></p>	<p><i>Beside the constituents peoples (Bosniacs, Croats and Serbs) who are the building blocks of the Bosnian State, in Bosnia and Herzegovina there are 17 different ethnic, religious and linguistic groups. They are Albanians, Montenegrins, Czechs, Italians, Jews, Hungarians, Macedonians, Germans, Poles, Romas, Romanians, Russians, Rusins, Slovaks, Slovenians, Turks and Ukranians. In total population, they participate with the less than 4%. According to our political system, they have non-territorial rights. In particular, according to the 2003 Law on the national minorities, linguistic and cultural rights are widely provided. With reference to linguistic rights, national minorities have the rights to use their language and to preserve original names. In municipalities and local self-government units where national minorities represent the majority of the population, it is allowed to show toponyms, names and symbols in the original language. In the educational system, the law allows for the organization and founding of courses in minority languages. The members of national minorities may found TV and radio channels broadcasting in their language and, in general, the public TV system should show programmes in minority languages. With reference to cultural rights, the law on national minorities recognizes the right to found libraries, cultural centers, museums, archives and associations and to show symbols. On the contrary, the protection of political rights at the state level is much less effective. The right to political participation can only be exercise trough the Council on National Minorities, whose members are Parliamentary Assembly representatives belonging to national minorities, a body in charge with the protection of the right to participation to public life: to this aim, the council exercises advisory and initiative powers.</i></p>
<p><b>9.60. Dr. Lilla Berkes, PhD candidate) - Hungary</b></p>	<p><i>According to Article XXIX of the Basic Law of Hungary, national minorities living in Hungary shall be constituent parts of the State. Every Hungarian citizen belonging to a national minority shall have the right to freely express and preserve his or her identity. National minorities living in Hungary shall have the right to use their mother tongue, to use names in their own languages individually and collectively, to nurture their own cultures, and to receive education in their mother tongues.</i></p> <p><i>According to the Act CLXXIX of 2011 on the rights of national minorities (which contains a list), the national minorities in Hungary are the following: Bulgarian, Greek, Croatian, Polish, German, Armenian, Roma, Romanian, Ruthenian, Serbian, Slovak, Slovene and Ukrainian. The previous act made a distinction between national and ethnic minorities but the current one does not follow this method. Jews are not enlisted here, because of their own decision based on bad historical experiences (they don't want to be listed by the state).</i></p>

	<p><i>The minority groups on the list are all historical minorities, most of them settled after the Mongol invasion of the Hungarian Kingdom which destroyed large part of the kingdom and its population. The second wave arrived after the Great Turkish War, the reason were the same and the third wave in the 18-19th century. This latter was the settlement of the Ashkenazi Jews who arrived mainly from Galicia and the Russian Empire. According to the census of 2011 the population of each national minorities are the followings: 315 583 – Roma, 185 696 – German, 35 641 – Romanian, 35 208 – Slovak, 26 774 – Croatian, 10 038 – Serbian, 7 396 – Ukrainian, 7 001 – Polish, 6 272 – Bulgarian, 4 642 – Greek, 3 882 – Ruthenian, 3 571 – Armenian, 2 820 – Slovene and 124 211 persons are part of other groups that are not considered as national minorities (Jews, Chinese etc.). These numbers probably don't show the reality perfectly, there should be more people with minority background.</i></p> <p><i>They have the right to take part, through its representative in the National Assembly's legislative work affecting the interests and rights of national minorities, the State shall guarantee the conditions of the language use, for national minority self-government etc.</i></p>
<p><b>9.61. Professor Dr. iur. Jorge León - Peru</b></p>	<p><i>En el Perú existen cerca de 80 etnias<sup>13</sup>, se tienen registrados 135 entidades religiosas<sup>14</sup> y se hablan más de 48 lenguas originarias (44 de la Amazonía y 4 andinas)<sup>15</sup>. Estos datos pueden encontrarse detalladamente en el último censo poblacional a nivel nacional que se realizó en el Perú<sup>16</sup>, en el cual se concluye que, por ejemplo, el castellano lo habla más de 82% de la población, seguido del Quechua con 3 millones 735 mil 682 (13,9%), Aimara 444 mil 389 personas (1,7%); otra lengua nativa 210 mil 17 personas (0,8%) y otro tipo de lengua 83 mil 981 (0,3%).</i></p>
<p><b>9.62. Professor Thierry Rambaud – France</b></p>	<p><i>An article was sent by the Professor.</i></p>
<p><b>9.63. Mario Campora - Melisa Szlajen - Argentina</b></p>	<p><i>Linguistic education, recognized the legal status of their communities and the possession of the territories that they have and the obligation to give them other part of the territory if they need it<sup>17</sup>. Territory in this cases cannot be disposable, transmissible or liable to liens or liens and their participation in the decisions related to natural resources or other interest</i></p>

<sup>13</sup> [http://sisbib.unmsm.edu.pe/bvrevistas/medicina\\_experimental/v27\\_n2/pdf/a19v27n2.pdf](http://sisbib.unmsm.edu.pe/bvrevistas/medicina_experimental/v27_n2/pdf/a19v27n2.pdf)

<sup>14</sup> <https://www.minjus.gob.pe/registro-nacional-de-confesiones-y-entidades-religiosas/>

<sup>15</sup> <http://www.minedu.gob.pe/campanias/lenguas-originarias-del-peru.php>

<sup>16</sup> [https://www.inei.gob.pe/media/MenuRecursivo/publicaciones\\_digitales/Est/Lib1539/libro.pdf](https://www.inei.gob.pe/media/MenuRecursivo/publicaciones_digitales/Est/Lib1539/libro.pdf)

<sup>17</sup> Art. 75.17, Argentina National Constitution.

*must be asegurate<sup>18</sup>. Also, this rights are protected by the human rights treaties incorporated by article 75.22 to the constitutional system<sup>19</sup>, like the International Convention on the Elimination of All Forms of Racial Discrimination<sup>20</sup> and other instruments like the Declaration on the rights of persons belonging to national or ethnic, religious and linguistic minorities<sup>21</sup> and the American Declaration on the Rights of Indigenous Peoples<sup>22</sup>.*

*In the 2000s, Argentina ratified Convention N° 169 of the IOW. This instrument complements the constitutional system because it establish the obligation to respect de special relation between the natives communities and the land, the right to property and the community right to the lands<sup>23</sup>. It also establish the obligation to protect the natural resources in that land, to guarantee the rights to work and study<sup>24</sup>.*

*Although this national and internationals obligations Argentina does not have much laws to protect effectively this rights. We have the national law, N° 23302, sanctioned in 1985, before we ratified all the human rights treaties and because of that it contradicted a lot of standards of human rights<sup>25</sup>. Another law is the number 26160, sanctioned in the 2006s, that declare the territorial emergency of native communities and stop the execution of sentences or acts that will put out natives communities of the lands that they historically occupied and the state assumed the obligation of count and enroll the territories<sup>26</sup>. After this law the state create the National Program of Territorial Survey<sup>27</sup>. The law was extended by laws numbers, 26554, 26894 and 27400<sup>28</sup>. Actually the suspension of the eviction period governs up to 2021<sup>29</sup>.*

*The lack of implementation of this laws and education in the respect of human rights make all this recognitions not effective. Despite in this last*

<sup>18</sup> Art. 75.17, Argentina National Constitution.

<sup>19</sup> Art. 75.22, Argentina National Constitution.

<sup>20</sup> The International Convention on the Elimination of All Forms of Racial Discrimination, adopted and opened for signature and ratification by General Assembly resolution 2106 (XX) of 21 December 1965, entry into force 4 January 1969, ratified by Argentina in 1968.

<sup>21</sup> Declaration on the rights of persons belonging to national or ethnic, religious and linguistic minorities, Approved by the General Assembly in its resolution 47/135 of December 18, 1992.

<sup>22</sup> AMERICAN DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLE, AG / RES. 2888 (XLVI-O / 16), approved at the second plenary session, held on June 14, 2016.

<sup>23</sup> Benente, M., "Las deudas y promesas incumplidas de la reforma constitucional de 1994. A 25 años", Zimerman, S., Rojas, M. y Capurro Robles, F., *Los derechos de los pueblos indígenas en Argentina post reforma constitucional de 1994: una relación en conflicto y en cuestión*, 1a ed. - José C. Paz : Edunpaz, 2019, p. 440/1.

<sup>24</sup> . *Op. Cit.*

<sup>25</sup> *Op. Cit.*

<sup>26</sup> *Op. Cit. P. 444.*

<sup>27</sup> *Op. Cit.*

<sup>28</sup> *Op. Cit. P. 445.*

<sup>29</sup> *Op. Cit. P. 445.*

	<p><i>years the fights and the rights of the native communities began to become more visible, the conflicts increase because of mining, oil, forestry projects and economic interest in native territories and with the acquiescence of the state, and sometimes the collaboration, communities are evicted from their territories<sup>30</sup>. Actually, the first case about territorial rights of the native communities against Argentina is in the Interamerican Court of Human Rights, called "Lhaka Honhat".<sup>31</sup></i></p> <p><i>Also, other international committees remarked that the native communities suffered the most structural poorness in the country and that their basic rights are not guaranteed<sup>32</sup> and the judiciary power works to delegitimize the fight for their rights and to criminalized the people of the communities<sup>33</sup>.</i></p> <p><i>In my case, I am not part of them. I am grand daughter of jewish european immigrants that arrived in this country before the second world war escaping from the Nazis. Now I am the third generation of immigrants, I am Argentinean, but the people that migrated recently to this country is also criminalized.</i></p>
<p><b>9.64. Dr. Alaa Nafea Kttafah - Iraq</b></p>	<p><i>في العراق هناك تنوع قومي وديني ولغوي ، فهناك قومية العرب والکرد ، وديانات متعددة اسلامية ومسيحية وصابنية ، وهناك شبك وايزيديين وغيرها ممن تشكل مكونات اساسية من المجتمع العراقي.</i></p>
<p><b>9.65. Professor Silvina Ramirez - Argentina</b></p>	<p><i>En Argentina existen a la fecha 36 pueblos indígenas, pueblos preexistentes al Estado. Gozan de un conjunto de derechos específicos, y éstos se encuentran regulados en la Constitución Nacional y en instrumentos jurídicos internacionales (Convenio 169 de la OIT, Declaración de Naciones Unidas sobre derechos de los pueblos indígenas, Declaración Americana sobre derechos de los pueblos indígenas, y demás tratados internacionales de derechos humanos. Por lo general estos derechos (se destacan el derecho a la propiedad comunitaria indígena y el derecho a gestionar sus recursos naturales) son recurrentemente vulnerados, las políticas públicas para protegerlos son prácticamente inexistentes, y la judicialización es cada vez más frecuente, con resultados inciertos.</i></p>
<p><b>9.66. Agnieszka Bień-Kacała - Poland</b></p>	<p><i>The professor has chosen not to publish her answers.</i></p>

<sup>30</sup> *Op. Cit. 439.*

<sup>31</sup> *Op. Cit. 443.*

<sup>32</sup> *Op. Cit. 438.*

<sup>33</sup> *Op. Cit. 452.*

<b>9.67. Professor Dr. Claire Breen - Australia</b>	
<b>9.68. Marwan Al- Moders - Bahrain</b>	<i>The Professor has send articles.</i>
<b>9.69. Dhia Al Uyun - Indonesia</b>	<i>Ada, Nahdatul Ulama, Muhammadiyah, Fatayat, Muslimat. Ini adalah perkumpulan masyarakat berdasarkan ideologi Islam. Entitas organisasi masyarakat ini juga terwujud dalam partai-partai politik di Indonesia misalnya Partai Keadilan Sejahtera dan sebagainya. Saya bukan bagian dari partai ataupun organisasi masyarakat tersebut.</i>