

REPORT
OF THE
COMMITTEE
ON THE ELIMINATION
OF RACIAL DISCRIMINATION

GENERAL ASSEMBLY
OFFICIAL RECORDS: THIRTY-SIXTH SESSION
SUPPLEMENT No. 18 (A/36/18)



UNITED NATIONS

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New York, 1981

NOTE

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CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
Letter of transmittal		vii
I. INTRODUCTION	1 - 23	1
A. States parties to the Convention	1 - 2	1
B. Sessions	3	1
C. Membership of the Committee	4 - 10	1
D. Solemn declaration	11	2
E. Attendance	12 - 13	2
F. Officers of the Committee	14	2
G. Agenda	15 - 16	3
Twenty-third session	15	3
Twenty-fourth session	16	4
H. Co-operation with the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization	17 - 22	4
I. Question of the summary records of the Committee	23	5
II. ACTION BY THE GENERAL ASSEMBLY AT ITS THIRTY-FIFTH SESSION ON THE ANNUAL REPORT SUBMITTED BY THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION UNDER ARTICLE 9, PARAGRAPH 2, OF THE CONVENTION	24 - 34	6
A. Comments by members of the Committee on the observations and suggestions made by Member States in the Third Committee	25 - 28	6
B. Comments by members of the Committee on General Assembly resolution 35/40	29 - 33	7
C. Conclusions of the Committee	34	9
III. IMPLEMENTATION OF ARTICLE 7 OF THE CONVENTION	35 - 49	10
IV. CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION	50 - 487	15
A. Status of submission of reports by States parties	50 - 63	15
Reports received by the Committee	50 - 55	15
Reports not yet received by the Committee	56	18
Action taken by the Committee to ensure submission of reports by States parties	57 - 63	21

CONTENTS (continued)

	<u>Paragraphs</u>	<u>Page</u>
B. Consideration of reports	64 - 487	26
Spain	68 - 84	26
Israel	85 - 110	31
Luxembourg	111 - 122	39
Nicaragua	123 - 133	41
German Democratic Republic	134 - 143	44
Republic of Korea	144 - 154	46
Senegal	155 - 167	49
Syrian Arab Republic	168 - 181	53
Kuwait	182 - 190	56
France	191 - 201	60
Ivory Coast	202 - 211	64
Yugoslavia	212 - 219	66
Nigeria	220 - 233	69
Burundi	234 - 248	71
Bulgaria	249 - 259	76
Chile	260 - 270	80
Lebanon	271 - 278	83
Costa Rica	279 - 287	84
Uruguay	288 - 293	87
Holy See	294 - 299	88
Madagascar	300 - 304	90
Rwanda	305 - 310	90
Canada	311 - 324	91
Germany, Federal Republic of	325 - 339	96
Sweden	340 - 347	99
Bangladesh	348 - 354	101
New Zealand	355 - 366	103
Venezuela	367 - 373	107
Upper Volta	374 - 381	108
Cuba	382 - 393	110
India	394 - 404	112
Algeria	405 - 416	115
Luxembourg	417 - 425	118
Seychelles	426 - 433	120

CONTENTS (continued)

	<u>Paragraphs</u>	<u>Page</u>
ANNEXES		
I. STATES PARTIES TO THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION AS AT 21 AUGUST 1981		148
II. MEMBERSHIP OF THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION		151
III. SUBMISSION OF REPORTS AND ADDITIONAL INFORMATION BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION DURING THE YEAR UNDER REVIEW		152
A. Initial reports		152
B. Second periodic reports		153
C. Third periodic reports.		154
D. Fourth periodic reports		155
E. Fifth periodic reports.		158
F. Sixth periodic reports		159
G. Additional information requested by the Committee		160
IV. CONSIDERATION BY THE COMMITTEE AT ITS TWENTY-THIRD AND TWENTY-FOURTH SESSIONS OF THE REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION		161
V. DOCUMENTS RECEIVED BY THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION AT ITS TWENTY-THIRD AND TWENTY-FOURTH SESSIONS PURSUANT TO DECISIONS OF THE TRUSTEESHIP COUNCIL AND THE SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES, IN CONFORMITY WITH ARTICLE 15 OF THE CONVENTION.		163
VI. LIST OF DOCUMENTS ISSUED FOR THE TWENTY-THIRD AND TWENTY-FOURTH SESSIONS OF THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION		165

21 August 1981

Dear Sir,

I have the honour to refer to article 9, paragraph 2, of the International Convention on the Elimination of All Forms of Racial Discrimination, according to which the Committee on the Elimination of Racial Discrimination, established pursuant to the Convention, "shall report annually, through the Secretary-General, to the General Assembly of the United Nations on its activities".

The Committee on the Elimination of Racial Discrimination held two regular sessions in 1981 and, at its 548th meeting held today, unanimously adopted the attached report in fulfilment of its obligations under the Convention; it is submitted to you herewith for transmission to the General Assembly at its thirty-sixth session.

In this connexion, you may recall that in pursuance of a suggestion made by the Committee at its seventh session, the General Assembly normally followed the practice of considering the reports of the Committee separately from other items of its agenda. The Committee expresses the hope that, in accordance with the established practice, the General Assembly would continue to consider the report of the Committee separately from other items of its agenda.

Accept, Sir, the assurances of my highest consideration.

(Signed) Yuli BAHNEV
Chairman of the
Committee on the Elimination
of Racial Discrimination

His Excellency
Mr. Kurt Waldheim
Secretary-General of the United Nations
New York

I. INTRODUCTION

A. States parties to the Convention

1. On 21 August 1981, the closing date of the twenty-fourth session of the Committee on the Elimination of Racial Discrimination, there were 108 States parties to the International Convention on the Elimination of All Forms of Racial Discrimination, which was adopted by the General Assembly of the United Nations in resolution 2106 A (XX) of 21 December 1965 and opened for signature and ratification in New York on 7 March 1966. The Convention entered into force on 4 January 1969 in accordance with the provisions of its article 19.
2. By the closing date of the twenty-fourth session, only eight of the 108 States parties to the Convention had made the declaration envisaged in article 14, paragraph 1, of the Convention. A list of States parties, and an indication of those which have made the declaration under article 14, paragraph 1, of the Convention, is contained in annex I below.

B. Sessions

3. The Committee on the Elimination of Racial Discrimination held two regular sessions in 1981. The twenty-third session (500th-527th meetings) was held from 23 March to 10 April 1981 at the United Nations Office at Geneva; and the twenty-fourth session (528th-548th meetings) was held from 4 to 21 August 1981 at United Nations Headquarters, New York.

C. Membership of the Committee

4. By a telegram dated 10 December 1980, the Permanent Representative of Kuwait to the United Nations informed the Secretary-General of the death of Mr. Fayez A. Sayegh, member of the Committee since its establishment in 1969. The Secretary-General informed the members of the Committee of the death of Mr. Sayegh by telegrams dated 11 December 1980.
5. In accordance with article 8, paragraph 5 (b), of the Convention and rule 13 of the Committee's provisional rules of procedure, the Secretary-General, in a note dated 8 January 1981, invited the Government of Kuwait to designate within two months another expert from among its nationals, to serve as member of the Committee for the remainder of Mr. Sayegh's term, subject to the approval of the Committee. In a note dated 3 March 1981, the Permanent Mission of Kuwait to the United Nations Office at Geneva informed the Secretary-General that the competent authorities of the State of Kuwait did not wish to appoint any expert to serve as member of the Committee for the remainder of the term of Mr. Sayegh, which was due to expire on 19 January 1982. Accordingly, the vacancy created in the Committee as a result of the death of Mr. Sayegh could not be filled in 1981.
6. At its twenty-fourth session, the Committee was informed by Mr. Stanislav A. Bessonov, in a letter transmitted to the Secretary-General by

the Permanent Mission of the Union of Soviet Socialist Republics to the United Nations, that he was unable to carry out the duties of an expert on the Committee "on account of the extremely heavy workload at the United Nations Institute for Namibia and the performance of a number of other functions".

7. Acting in accordance with article 8, paragraph 5 (b), of the Convention and rule 13 of its provisional rules of procedure, the Committee, at its 533rd meeting, held on 6 August 1981, approved by secret ballot the appointment by the Government of the USSR of Mr. Gleb Borisovic Starushenko to serve as member of the Committee for the remainder of the term of Mr. Bessonov, which is due to expire on 19 January 1984.

8. Also at its twenty-fourth session, the Committee was informed that, in a telegram addressed to the United Nations Office at Geneva, Mr. Ousmane Goundiam had informed the Secretary-General of his decision to resign from the membership of the Committee.

9. Acting in accordance with article 8, paragraph 5 (b), of the Convention and rule 13 of its provisional rules of procedure, the Committee, at its 539th meeting, held on 11 August 1981, approved by secret ballot the appointment by the Government of Senegal of Mr. Jacques Baudin to serve as member of the Committee for the remainder of the term of Mr. Goundiam, which is due to expire on 19 January 1982.

10. With the exception of the changes mentioned above, the membership of the Committee remained the same as during 1980 (see annex II below).

D. Solemn declaration

11. Upon assuming their duties as members of the Committee at the 533rd and 539th meetings respectively, held on 6 and 11 August 1981, Messrs. Starushenko and Baudin made the solemn declaration provided for under rule 14 of the provisional rules of procedure of the Committee.

E. Attendance

12. All members, except Messrs. Ordoñez, Valencia Rodriguez and Yolah, attended the twenty-third session. Messrs. Brin Martinez and Shahi attended part of that session.

13. All members of the Committee, except Messrs. Ordoñez and Yolah, attended the twenty-fourth session. Messrs. Brin Martinez, Lamptey, Shahi and Valencia Rodriguez attended part of that session.

F. Officers of the Committee

14. The officers, elected at the twenty-first session for a term of two years in accordance with article 10, paragraph 2, of the Convention, continued to serve at

the twenty-third and twenty-fourth sessions. The officers of the Committee are the following:

Chairman: Mr. Yuli BAHNEV

Vice-Chairmen: Mr. Ousmane GOUNDIAM 1/
Mr. José D. INGLES
Mr. Luis VALENCIA RODRIGUEZ

Rapporteur: Mr. Karl Josef PARTSCH

G. Agenda

Twenty-third session

15. At its 507th meeting, on 27 March 1981, the Committee adopted the items listed on the provisional agenda, submitted by the Secretary-General, as the agenda of its twenty-third session, as follows:

1. Adoption of the agenda.
2. Filling of a vacancy in the Committee in accordance with article 8, paragraph 5 (b), of the Convention and rule 13 of the provisional rules of procedure.2/
3. Action by the General Assembly at its thirty-fifth session on the annual report submitted by the Committee on the Elimination of Racial Discrimination under article 9, paragraph 2, of the Convention.
4. Consideration of reports, comments and information submitted by States parties under article 9 of the Convention.
5. Consideration of copies of petitions, copies of reports and other information relating to Trust and Non-Self-Governing Territories and to all other territories to which General Assembly resolution 1514 (XV) applies, in conformity with article 15 of the Convention.
6. Implementation of article 7 of the Convention.
7. Decade for Action to Combat Racism and Racial Discrimination,
8. Meetings of the Committee in 1982 and 1983.

1/ Mr. Goundiam resigned from the membership of the Committee during the twenty-fourth session.

2/ See paras. 4 and 5 above.

Twenty-fourth session

16. At its 528th meeting, on 4 August 1981, the Committee adopted the items listed on the provisional agenda, submitted by the Secretary-General, as the agenda of the twenty-fourth session, as follows:

1. Adoption of the agenda.
2. Filling of vacancies in the Committee in accordance with article 8, paragraph 5 (b), of the Convention and rule 13 of the provisional rules of procedure. 3/
3. Consideration of reports, comments and information submitted by States parties under article 9 of the Convention.
4. Consideration of copies of petitions, copies of reports and other information relating to Trust and Non-Self-Governing Territories and all other territories to which General Assembly resolution 1514 (XV) applies, in conformity with article 15 of the Convention.
5. Decade for Action to Combat Racism and Racial Discrimination.
6. Meetings of the Committee in 1982 and 1983.
7. Report of the Committee to the General Assembly at its thirty-sixth session under article 9, paragraph 2, of the Convention.

H. Co-operation with the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization

17. In accordance with decision 2 (VI) of 21 August 1972 of the Committee concerning co-operation with the International Labour Organisation (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO), representatives of both organizations attended the twenty-third and twenty-fourth sessions of the Committee.

18. As regards co-operation between UNESCO and the Committee, it may be recalled that at its nineteenth session, held from 26 March to 13 April 1979 at UNESCO headquarters, the Committee adopted decision 2 (XIX) on its further co-operation with UNESCO in the implementation of article 7 of the Convention 4/ and also decided to resume consideration of the item on the implementation of article 7 of the Convention at its twenty-first session in the spring of 1980.

3/ See paras. 6-9.

4/ See Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 18 (A/34/18), chap. III and decision 2 (XIX).

19. At its twenty-first session, the Committee had before it a document (CERD/C/69) entitled "Preliminary reflections of UNESCO concerning the implementation of the provisions of article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination", prepared and submitted by UNESCO in response to the Committee's invitation, in its above-mentioned decision, to transmit to it suggestions for the preparation of general guidelines with a view to assisting States parties in the implementation of article 7 of the Convention.

20. At the same session, the Committee agreed to include the item relating to the implementation of article 7 of the Convention on the agenda for its twenty-third session in the spring of 1981. The Chairman also expressed the hope that UNESCO would be in a position to provide in time for its twenty-third session additional information in the light of the discussion that had taken place. 5/

21. At its twenty-third session, the Committee had before it a document (CERD/C/69/Add.1) entitled "Implementation of article 7 of the Convention: draft guidelines proposed by UNESCO", submitted by UNESCO pursuant to Committee decision 2 (XIX) and its request of the twenty-third session. 6/

22. At the twenty-fourth session, the report of the ILO Committee of Experts on the Application of Conventions and Recommendations, submitted to the sixty-seventh session of the International Labour Conference, was made available to the members of the Committee on the Elimination of Racial Discrimination in accordance with arrangements for co-operation between the two Committees. The Committee took note with appreciation of the report of the Committee of Experts, in particular of those sections which dealt with the application of the 1958 Convention (No. 111) concerning discrimination in respect of employment and occupation, as well as other information in the report relevant to its activities.

I. Question of the summary records of the Committee

23. At its twenty-fourth session, the Committee noted with regret that, in spite of repeated assurances given to it in the past by the Secretariat concerning the prompt and speedy preparation of its summary records, none of the provisional summary records of its meetings was made available to members of the Committee during the session, nor had the Committee received by the end of the twenty-fourth session the final versions of the records of its twenty-second and twenty-third sessions held in August 1980 and March/April 1981 respectively. As these records are indispensable for the Committee's consideration and adoption of its annual reports to the General Assembly, as well as to States parties whose reports on the implementation of the Convention are examined at Committee meetings, the Committee decided to draw the attention of the General Assembly and the appropriate services of the Secretariat to this unsatisfactory state of affairs and to express the hope that urgent measures would be taken to remedy the situation as soon as possible.

5/ Ibid., Thirty-fifth Session, Supplement No. 18 (A/35/18), chap. III.

6/ For details of the Committee's consideration of the item entitled "Implementation of article 7 of the Convention", see chap. III below.

II. ACTION BY THE GENERAL ASSEMBLY AT ITS THIRTY-FIFTH SESSION
ON THE ANNUAL REPORT SUBMITTED BY THE COMMITTEE ON THE
ELIMINATION OF RACIAL DISCRIMINATION UNDER ARTICLE 9,
PARAGRAPH 2, OF THE CONVENTION

24. The Committee considered this item during its twenty-third session, at the 521st meeting, held on 7 April 1981.

A. Comments by members of the Committee on the observations and suggestions made by Member States in the Third Committee

25. The Committee noted that its report had once again been considered at the most recent session of the Third Committee of the General Assembly in conjunction with other agenda items. It reiterated its earlier suggestion that the report should be considered separately to enable a fruitful dialogue to be established between the Committee and the General Assembly. Members of the Committee recognized nevertheless that the Third Committee had devoted more attention to the Committee's report than it had done at earlier sessions and they expressed their appreciation to representatives who had wished to assist the Committee with their suggestions. Mr. Inglés stated, in particular, that during the consideration of the Committee's report by the General Assembly, the representatives of States parties to the Convention should make a point of referring to the Committee even if only to criticize it, since constructive criticism could always help it in its task.

26. The Rapporteur of the Committee, Mr. Partsch, summarizing the main points of the discussion of the Committee's annual report in the General Assembly at its thirty-fifth session, stated that the most useful contribution which the General Assembly had made to the Committee's work concerned its working methods and ways of improving them. He referred in particular, to a proposal made by the representative of the Netherlands aimed at authorizing States parties to combine, under the reporting system instituted by the Convention, two reports in one document, and to a six-point proposal made by the representative of Yugoslavia, aimed at facilitating the Committee's work in relation to its contribution to the Decade for Action to Combat Racism and Racial Discrimination and the second World Conference to Combat Racism and Racial Discrimination. In connexion with the Netherlands proposal, members of the Committee pointed out, as they had done in previous occasions, that the Committee was bound by the provisions of the Convention concerning the periodicity of reports. Although the Committee had been obliged to agree, exceptionally, that States parties could present two reports in one document, the Committee should not encourage that practice. States parties should endeavour, as far as possible, to submit their periodic reports within the time-limits provided for in article 9, paragraph 1, of the Convention, unless they wished to initiate measures to amend those provisions. If the Committee adopted that proposal, it would have to distinguish between States which encountered difficulties in implementing their reporting obligation under the Convention and States with good records. Mr. Partsch regretted, on the other hand, that the difficulties encountered by the Committee in its work, due to the increasing delay with which some States submitted their reports, had not been discussed in the Third Committee.

In connexion with the Yugoslav proposal, members of the Committee expressed their appreciation at the extremely interesting ideas that should help to improve the Committee's work. Mr. Partsch pointed out that some of the activities recommended in that proposal had already been undertaken by the Committee and others were either encountering specific obstacles or were not central to the Committee's concerns.

27. With regard to proposals made in the Third Committee concerning the drafting of the Committee's reports to the General Assembly, Mr. Partsch was of the view that it was not necessary to change the current practice.

28. With reference to criticisms made by the Third Committee, Mr. Partsch stated that they had related only to points of detail and not to the work of the Committee as a whole. Mr. Inglés, referring in particular to the criticism of the Committee that it had at times exceeded its terms of reference, stated that such criticism arose mainly from the fact that some of the provisions of the Convention were subject to differing interpretations. In any event, it was the Committee's responsibility to decide whether it should interpret its mandate broadly, at the possible risk of encroaching somewhat on the spheres of activity of other bodies concerned with human rights in general. Some had also maintained that the Committee was exceeding its powers by advocating the breaking off of all relations, including economic, trade and diplomatic relations, with South Africa. In his view, such criticism was unfounded and it was high time to allow the competent United Nations bodies to exert pressure on the South African Government in order to induce it to change its attitude.

B. Comments by members of the Committee on
General Assembly resolution 35/40

29. Mr. Partsch commented upon the paragraphs of General Assembly resolution 35/40 of 25 November 1980 that reflected the degree of importance attached by the Assembly to the various aspects of the Committee's work.

30. Referring to the text of resolution 35/40 in general, Mr. Dechezelles observed that the resolution seemed to attach far greater importance to the international aspect of the struggle against racism than to the purely national one: parallel with the international aspect of the struggle against racism and racial discrimination was a national aspect which obliged every State party to the Convention to enact legislation to suppress acts of racism and provide remedies for the victims of such acts. In his view the idea that the States parties to the Convention must enact laws in keeping with its requirements was inadequately expressed in the deliberations of the General Assembly. Mr. Bessonov also observed that, on the one hand, the Committee should seek information on the extent and nature of relations of States parties with the racist régime of South Africa and should endeavour to give the campaign against racism at the international level the full importance it deserved; on the other hand, the Committee should give increased attention to the actual situation in States parties and keep closer to the facts, since consideration of the reports did not always reveal the existence of certain manifestations of racial discrimination. In accordance with

Assembly resolution 35/40, the Committee should intensify its efforts to ensure that the legal, administrative and other measures States parties were called upon to take in order to give full effect to the provisions of the Convention were effectively applied. This view was shared by Mr. Lamptey, who expressed the opinion that it would be desirable for the Committee, while remaining within the limits imposed on it by the Convention, to be able to extend its field of inquiry. It would be useful if the Committee could devote a few days to considering that question at a future session and, after examining it, could take a decision that might perhaps lead to the publication of guidelines for States parties.

31. Mr. Ténékidès supported Mr. Lamptey's proposal and stated that the Committee should study the methods it employed to perform its task. He suggested that perhaps each member of the Committee might be designated as rapporteur to examine a country report. The expert who examined a particular report would thus be better able to see whether its content and the replies of the Government actually corresponded to reality. That procedure would in no way prevent the other members of the Committee from giving their views and formulating observations on the report. What mattered was to determine the progress made since the previous reports and the extent to which the statements made in a report corresponded to real facts. If the Committee wanted to be more efficient it would have to revise its procedures. Mr. Shahi, in elaborating upon this proposal, suggested that the various members of the Committee could take one or two reports and try to discern the trend in each of the countries concerned. Before the introduction of the report by the representative of the State party, the other members of the Committee could receive from the member assigned to study the report a brief memorandum which would deal with the preceding reports and the observations in the summary records. The Chairman, speaking as a member of the Committee, supported the idea that some meetings should be devoted to the Committee's working methods. He also endorsed some of the ideas expressed, but doubted the usefulness of designating special rapporteurs and said that improvements should be made in the procedures for preparing the Committee's reports. In his view, the formulation of conclusions following the examination of the reports of States parties also needed improvement.

32. Members of the Committee drew particular attention to the paragraphs of resolution 35/40 dealing with the Committee's contribution to the implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination. 7/ Referring to suggestions concerning one or more studies to be prepared by the Committee on the implementation of certain articles of the Convention, Mr. Lamptey and Mr. Devetak expressed the opinion that it was essential to undertake studies on articles 4 and 7 of the Convention. Mr. Devetak was also of the opinion that a third study might cover the experience of States parties in implementing articles 5 (e) and 2, paragraph 2, of the Convention, especially, with regard to the rights of minorities and indigenous populations, as reflected in their respective reports.

33. With reference to paragraph 13 of resolution 35/40, members of the Committee noted with particular satisfaction that the Secretary-General was requested to make arrangements for the Committee to hold, as part of activities within the

7/ For details of the Committee's consideration of the item entitled "Decade for Action to Combat Racism and Racial Discrimination", see chap. VI below.

Programme for the Decade for Action to Combat Racism and Racial Discrimination, one session in one of the developing countries, preferably in Africa. In this connexion, Mr. Lamptey suggested that the next spring session should be held in Nairobi. Some United Nations bodies had their headquarters in that city and the organization of the session would not, therefore, entail excessive expenditure. In any event, financial considerations should not prevent the Committee from meeting in any other country that might express a readiness to receive it.

C. Conclusions of the Committee

34. The Committee considered that the discussion in the Third Committee showed the continued interest in the dialogue which had been established between the General Assembly and the Committee on the Elimination of Racial Discrimination. A thorough study of the views expressed by the representatives of Member States and of the provisions of General Assembly resolution 35/40 could give new impetus to the Committee's work and help it to carry out its task more effectively and to play an active part in the implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination.

III. IMPLEMENTATION OF ARTICLE 7 OF THE CONVENTION

35. This item, included on the agenda of the twenty-third session in accordance with a decision of the Committee at its twenty-first session, was considered by the Committee at its 523rd, 524th and 526th meetings, held on 8 and 9 April 1981. For its consideration of the item, the Committee had before it two documents (CERD/C/69 and Add.1), one entitled "Preliminary reflections of UNESCO concerning the implementation of the provisions of article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination", and the other entitled "Implementation of article 7 of the Convention: draft guidelines proposed by UNESCO", both submitted by UNESCO in response to the Committee's invitation (decision 2 (XIX)) to transmit to it suggestions for the preparation of general guidelines with a view to assisting States parties in the implementation of article 7 of the Convention.

36. The representative of UNESCO, referring in his introduction to the document on "Preliminary reflections", which had already been submitted to the Committee at its twenty-first session, recalled that UNESCO had considered it advisable to recommend to the Committee the use of the questionnaire method in assisting States parties in the application of article 7 of the Convention.

37. With reference to the second document, containing the draft guidelines proposed by UNESCO, the representative of UNESCO explained that those guidelines took the form of a draft questionnaire comprising 90 questions. The considerations of form on which the drafting of the guidelines had been based corresponded to the various fields referred to in article 7, namely: teaching, education, culture, information and promotion of human rights. UNESCO had thought that research should be added to those four fields, since, in its view, the list of activities under article 7 was not altogether restrictive and research could play a fundamental role in combating racism. Efforts had been made to ensure that no essential question was omitted from any of the five fields selected. The fields of culture and information should be expanded, since they were generally underexploited and prompted few immediate or effective measures to combat racial prejudice. Where teaching and education were concerned, the main problem was to devise a coherent and precise framework and to put new questions, for example, on pre-school teaching and education, which played an essential role in training. Where considerations of substance were concerned, two sets of factors were involved - one relating to the nature and type of the questions asked and the other, to the subject-matter of the questions. In terms of their nature and type, the questions could be grouped in three categories: those of a purely informative character, essentially aimed at obtaining information; those of a normative character relating to action to be taken, for example, to make secondary education genuinely universal; and those of a combined nature drawing attention to a particular problem and suggesting that appropriate action should be taken where that had not already been done.

38. With respect to the subject-matter of the questions - or the ideological content of the questionnaire - UNESCO had thought that it might be useful to set the fight against racism in the context of the promotion and teaching of human

rights, particularly since human rights and the fight against racism were inseparable.

39. The representative of UNESCO also suggested that in order to strengthen co-operation between the Committee and UNESCO with a view to harmonizing their respective activities inasmuch as the Committee was concerned with ensuring the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and UNESCO with ensuring the implementation of the Declaration on Race and Racial Prejudice, it might be useful to consider setting up a joint working group. This group might endeavour to divide the fields of competence between the two bodies, leaving each of them to perform the role best suited to its mandate. In 1982, UNESCO hoped to convene a meeting to consider the problems arising in the implementation of various international instruments. The Committee on the Elimination of Racial Discrimination would be invited to be represented at the meeting, which would, if appropriate, facilitate the establishment of the joint working group. The meeting would in any event provide an opportunity for dividing the fields of competence and evolving the necessary strategies.

40. Members of the Committee expressed their appreciation at the valuable contribution made by UNESCO to the consideration of the item concerning the implementation of article 7 of the Convention. They considered that the suggestions made by UNESCO in the two important documents it had prepared should help the Committee to perfect its methods of work and to prepare precise guidelines.

41. The Chairman invited members of the Committee to express their views on new measures to be recommended to States parties in order to give effect to the various provisions of article 7 of the Convention. He stated that Governments should not be asked to take all the measures which would be recommended by the Committee, but should be free to make a choice. In addition, the recommendations may be accompanied by a more detailed questionnaire: both recommendations and questionnaire being based on the information provided by UNESCO.

42. Speaking as a member of the Committee, the Chairman stated that Governments should first be recommended to take measures to eliminate racial prejudice and, if those measures were not sufficiently effective, they should replace them by others. They should then endeavour to promote understanding among nations and should describe the action taken in that respect in their reports to the Committee. The Committee in turn should assist States by suggesting effective and practical measures through recommendations drawn up on the basis of the available information. The Committee might, alternatively, submit its suggestions in the form of a questionnaire related to the three main fields referred to in article 7, namely, education, culture and information. In the field of education, the Committee should, in particular, advocate free pre-school education. In the field of culture, it should encourage the establishment of cultural associations for the various social and ethnic groups, and the establishment of solidarity committees and of committees against racism and racial discrimination, designed to combat intolerance. In the field of information, the Committee's many suggestions, which might also be presented in the form of a questionnaire, might seek to combat all forms of inequality and racial prejudice by encouraging the implementation of

all human rights and of measures to facilitate the development of the personality.

43. Mr. Dechezelles stated that the idea of inviting States parties to reply to a questionnaire on the implementation of article 7 of the Convention was an excellent one. The questionnaire would provide a good common denominator, and leaving States free to reply to it would spur them on to doing so. The Committee might send the questionnaire to all States, informing them that UNESCO had taken part in its preparation and inviting Governments to reply, as far as possible, to **all parts of the questionnaire. During its sessions, the Committee would have an opportunity to make any amendments to the questionnaire which it might consider desirable.** The results obtained would relate to all fields of activity referred to in article 7. A system for the exchange of information might then be established between UNESCO and the Committee. He also emphasized the importance of training teachers in the human sciences since, in the absence of such training, the results obtained would be imperfect, if not disappointing. The latter view was shared by Mr. Ingles. Mr. Lamprey was of the opinion that the best method to be used for the purpose of assisting States parties to implement article 7 of the Convention would be to combine the UNESCO draft questionnaire with the Chairman's recommendations. Mr. Goundiam stated that the UNESCO draft guidelines for the implementation of article 7 met most of the Committee's concerns as regards teaching, culture, education and information. The Committee should therefore take note of them and study them thoroughly in the interest of improving its methods of work. In particular, he noted that, with regard to culture, mention was made of ways of protecting and enhancing the national culture, traditions, languages and the cultural heritage of different groups. He personally attached great importance to the maintenance of traditions and to the protection of the cultural heritage, since all civilizations embodied a respect for human dignity, which should be preserved. Mr. Ingles observed that, so far, the Committee had laid particular stress on the various objectives, both in its General Recommendation V and in the Revised General Guidelines, concerning the form and content of periodic reports. In future, States parties should be asked to report separately on the measures adopted in each of the main fields mentioned in article 7 in order to attain those objectives. To encourage them to do so, the Committee might devise new guidelines or, better still, adopt a new general recommendation in which the topics to be dealt with in the reports of States parties might be listed. In order to obtain more detailed information, the Committee might consider indicating, for each of those topics, more precise areas of interest on the basis of those mentioned in the draft guidelines submitted by UNESCO.

44. Mr. Partsch pointed out that the Committee should not lose sight of the fact that States parties, in addition to the periodic reports which they submitted to the Committee on the Elimination of Racial Discrimination, had to submit reports to other bodies, such as the Economic and Social Council and the Human Rights Committee, on subjects which were often very closely connected. Thus care should be taken not to impose too heavy a burden on them and **it would be desirable to establish much closer co-ordination than in the past between those various bodies so as to avoid duplication.** In his view it was essential that the Committee should

draw up recommendations which were simple, precise and as succinct as possible by selecting a few topics from among the many which had been suggested by UNESCO and retaining only those most closely connected with its areas of concern. This view was shared by Mrs. Sadiq Ali, Mr. Bessonov, Mr. Dechezelles and Mr. Shahi. In addition Mrs. Sadiq Ali drew attention to a matter which she thought was particularly important in the field of education, namely, the training to be given to persons working in sectors where racial tension could develop at any moment, for example, to those who were concerned with emigrants or to local government officials. In her view, such individuals should be introduced to the problems of minorities and familiarized with the cultural traditions of the various ethnic groups and States parties should take measures to that effect. Mr. Bessonov stated, in particular, that States parties should be asked to provide in their reports information on each of the main subjects mentioned in article 7 under separate headings. The social sciences, whose importance should not be underestimated, should also be included, since they might serve as a basis for the preparation of curricula and facilitate the development of culture and information. The question of access to education, on the other hand, would seem to come more within the province of article 5, and the measures taken to give effect to the provisions of article 7 should deal only with the content of school curricula and out of school activities.

45. Mr. Devetak pointed out that the questionnaire to be prepared by the Committee would have to take into account the varying social and cultural conditions in different parts of the world, for it could not be expected that article 7 of the Convention would be implemented in a uniform way. Mr. Ténékidès stated that, in his view, article 7 of the Convention might be regarded as having two aspects: the first being that of measures to combat prejudices which led to racial discrimination, the second being that of promotion of understanding, tolerance and friendship among nations and racial or ethnical groups. Examination of the periodic reports of States parties showed that Governments tended to overlook the latter aspect. The Committee should, therefore, amplify its guidelines so as to stress the value of teaching all citizens about people from other countries and about the contributions which other cultures had made to their own. The amplified guidelines should be more specific and contain a list of the particular aspects to be taught and reported upon.

46. Referring to the comments of Mr. Ténékidès, Mr. Shahi stated that, while teaching on the civilizations of other countries might be highly desirable, it would be difficult to provide such teaching in developing countries, except at university level. In his view, countries might be asked whether there was any official recognition of such rights of minorities as the right to education in their own language and the right to form cultural associations. Information might also be requested on activities undertaken by United Nations associations or human rights bodies to publicize the relevant United Nations instruments and the activities of the competent organizations. The same standards could not be applied to developing as to developed countries. Much more should be expected of the affluent developed countries, bearing in mind that many developing countries were faced with mass poverty and had limited resources. If a few basic questions could be used to ascertain whether the substance of the relevant humanitarian instruments

was being taught in schools, that could be a start towards more effective compliance with article 7 of the Convention.

47. Several members of the Committee made suggestions with regard to the possible ways of preparing guidelines or recommendations concerning the implementation of article 7 of the Convention on the basis of the documents submitted by UNESCO. Mr. Lamptey suggested that the Committee might appoint a rapporteur who, with the help of the UNESCO recommendations, the comments made during the session and his own knowledge of the Convention, might draft a text for consideration by the Committee in 1982. The Chairman agreed that it would be preferable to ask a member of the Committee to prepare the first draft of a recommendation on the implementation of article 7 of the Convention. The task might, for example, be given to the expert who was to draft the study of article 7 which the Committee was planning to undertake as its contribution to the World Conference to Combat Racism and Racial Discrimination, on the understanding that the two tasks would be kept separate. Mr. Goundiam suggested that, as part of the study of article 7, the Committee should set up a subcommittee which would be asked to make recommendations on the basis of its examination of the documents submitted by UNESCO, for improving the general guidelines prepared by the Committee for the presentation of reports by States parties. He also referred, in particular, to the document entitled "The teaching of human rights", published by UNESCO which, in his view, could usefully be taken as a model for a study on the implementation of article 7 of the Convention. Mr. Devetak was of the view that the Committee should perhaps establish with UNESCO a joint working group to prepare specific proposals for consideration at the Committee's next session. This view was supported by Mr. Ténékidès. Mr. Shahi suggested that a small working group should be established from among the members of the Committee to go through the 90-point questionnaire submitted by UNESCO and select a few questions on each of the topics enumerated, indicating the specific information required.

48. The Committee agreed to designate Mr. Goundiam as its special rapporteur in order to prepare, in collaboration with other interested members of the Committee, appropriate guidelines or recommendations for the implementation of article 7 of the Convention taking into account all the comments and suggestions made during the discussion. Written contributions and/or suggestions might be submitted to Mr. Goundiam by Mrs. Sadiq Ali, Mr. Bessonov, Mr. Brin Martinez and Mr. Ténékidès before or during the Committee's summer session in August 1981, when those members would have an opportunity to meet informally in order to exchange their views. The Committee also decided to include an item on the implementation of article 7 of the Convention on the agenda of its twenty-fifth session in spring 1982.

49. At its twenty-fourth session, the Committee recalled that it had decided at the previous session to designate Mr. Goundiam as its Rapporteur for the preparation of draft general guidelines and recommendations on the implementation of article 7 of the Convention. In view of the resignation of Mr. Goundiam from membership of the Committee, the Committee agreed that the Chairman should consult Mr. Goundiam in order to ascertain whether he was able to continue and finish the task entrusted to him by the Committee. In the event that Mr. Goundiam was unable to undertake the preparation of the guidelines, the Committee agreed that the Chairman would consult the members of the Committee before its twenty-fifth session with a view to designating another member for this task.

IV. CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED
BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

A. Status of submission of reports by States parties 8/

Reports received by the Committee

50. From the establishment of the Committee on the Elimination of Racial Discrimination until the closing date of its twenty-fourth session (21 August 1981), a total of 483 reports under article 9, paragraph 1, of the Convention were due from States parties as follows: 107 initial reports, 100 second periodic reports, 90 third periodic reports, 81 fourth periodic reports, 65 fifth periodic reports and 40 sixth periodic reports.

51. By the end of the twenty-fourth session, a total of 425 reports 9/ had been received by the Committee as follows: 101 initial reports, 91 second periodic reports, 79 third periodic reports, 69 fourth periodic reports, 53 fifth periodic reports and 32 sixth periodic reports.

52. In addition, 64 supplementary reports containing additional information were received from the States parties, submitted either at the initiative of the States parties concerned or at the request of the Committee made upon its examination of their respective initial or periodic reports under the Convention.

53. During the year under review (that is, between the closing dates of the Committee's twenty-second and twenty-fourth sessions), 47 reports were received by the Committee consisting of 3 initial reports, 4 second periodic reports, 6 third periodic reports, 10 fourth periodic reports, 14 fifth periodic reports and 10 sixth periodic reports. In addition, three supplementary reports were received during the year, two of which were submitted at the initiative of the States parties concerned and one was submitted at the request of the Committee.

54. The relevant information concerning all reports received during the year is contained in table 1 below:

8/ The dates on which all reports (initial and periodic reports and supplementary information) were due or submitted during the year under review, and reminders, if any, sent to States parties concerned in accordance with rule 66 of the provisional rules of procedure, may be found in annex III below.

9/ This figure includes the submission of a third periodic report which would fall due after the twenty-fourth session, but was received well in advance.

Table 1

Reports received during the year under review

State party	Type of report	Date on which the report was due	Date on which that report was submitted	Number of reminders sent
<hr/>				
Initial reports				
Bangladesh	Initial reports	11 July 1980	21 January 1981	1
Gabon	"	30 March 1981	17 April 1981	1
Gambia	"	28 January 1980	30 October 1980	2
Israel	"	2 February 1980	3 March 1981 <u>10/</u>	-
<hr/>				
Second periodic reports				
Burundi	Second periodic reports	26 November 1980	31 December 1980	-
Lebanon	"	12 December 1974	5 December 1980	7
Luxembourg	"	1 June 1981	11 June 1981	-
Seychelles	"	6 April 1981	22 April 1981	1
<hr/>				
Third periodic reports				
Australia	Third periodic reports	30 October 1980	13 July 1981	1
Haiti	"	18 January 1978	8 July 1981	7
Lebanon	"	12 December 1976	5 December 1980	5
Qatar	"	22 August 1981	5 August 1981	-
Rwanda	"	16 May 1980	29 October 1980	1
Upper Volta	"	18 August 1979	6 March 1981	2
<hr/>				
Fourth periodic reports				
Costa Rica	Fourth periodic reports	5 January 1976	16 December 1980	9
Fiji	"	11 January 1980	8 June 1981	3
Haiti	"	18 January 1980	8 July 1981	3
Lebanon	"	12 December 1978	5 December 1980	3
Malta	"	26 June 1978	29 June 1981	6
Nepal	"	1 March 1978	25 June 1981	7

10/ Revised version of the report submitted on 5 February 1980.

Table 1 (continued)

State party	Type of report	Date on which the report was due	Date on which that report was submitted	Number of reminders sent
	Fourth periodic reports			
New Zealand	"	22 December 1979	26 January 1981	1
Tonga	"	16 March 1979	7 April 1981	4
Trinidad and Tobago	"	4 November 1980	17 June 1981	1
United Arab Emirates	"	21 July 1981	26 June 1981	-
	Fifth periodic reports			
Algeria	"	15 March 1981	3 June 1981	1
Canada	"	12 November 1979	27 October 1980 31 March 1981	1
Chile	"	20 November 1980	27 November 1980	-
Costa Rica	"	5 January 1975	16 December 1980	5
Cuba	"	16 March 1981	14 April 1981	-
Denmark	"	8 January 1981	26 June 1981	1
France	"	28 August 1980	13 August 1980	-
Holy See	"	1 June 1978	30 December 1980	5
Lebanon	"	12 December 1980	5 December 1980	-
Malta	"	26 June 1980	29 June 1981	2
Nepal	"	1 March 1980	25 June 1981	3
Netherlands	"	9 January 1981	3 July 1981	1
Sweden	"	5 January 1981	8 January 1981	-
Tonga	"	17 March 1981	7 April 1981	-

Table 1 (continued)

State party	Type of report	Date on which the report was due	Date on which that report was submitted	Number of reminders sent
Bulgaria	Sixth periodic reports	5 January 1980	17 November 1980	1
Costa Rica	"	5 January 1980	16 December 1980	2
Germany, Federal Republic of	"	14 June 1980	19 September 1980	-
Greece	"	19 July 1981	18 August 1981	-
Holy See	"	1 June 1980	30 December 1980	1
India	"	5 January 1980	8 June 1981	3
Mongolia	"	4 September 1980	22 June 1981	1
Nigeria	"	5 January 1980	4 September 1980	1
Panama	"	5 January 1980	13 August 1981	3
Syrian Arab Republic	"	20 May 1980	25 March 1981 <u>11/</u>	-
Venezuela	"	5 January 1980	4 March 1981 <u>12/</u>	-
Yugoslavia	"	5 January 1980	15 September 1980	1

55. As the information in table 1 shows, only 4 of the 47 reports received during the year were submitted on time or before the deadlines provided for under article 9, paragraph 1, of the Convention. The rest were submitted after some delay, ranging from a few days to six years. In the case of 35 of the reports received during the year, one to nine reminders had been sent to the State party concerned before the report was submitted.

Reports not yet received by the Committee

56. By the closing date of the twenty-fourth session of the Committee, 59 reports expected from 39 States parties before that date had not yet been received, including 6 initial reports, 9 second periodic reports, 12 third periodic reports, 12 fourth periodic reports, 12 fifth periodic reports, 8 sixth periodic reports and 2 supplementary reports requested by the Committee. Table 2 below provides the relevant information on these reports:

11/ Additional information submitted in connexion with the sixth periodic report.

12/ Supplementary report submitted at the request of the Committee.

Table 2

Reports which were due before the closing date of the
twenty-fourth session, but had not yet been received

<u>State party</u>	<u>Type of report</u>	<u>Date on which the report was due</u>	<u>Number of reminders sent</u>
Togo	Initial report	1 October 1973	13
	Second report	1 October 1975	9
	Third report	1 October 1977	5
	Fourth report	1 October 1979	3
Zambia	Second report	5 March 1975	11
	Third report	5 March 1977	7
	Fourth report	5 March 1979	5
	Fifth report	5 March 1981	1
Sierra Leone	Fourth report	5 January 1976	9
	Fifth report	5 January 1978	5
	Sixth report	5 January 1980	3
	Supplementary	31 March 1975	-
Swaziland	Fourth report	6 May 1976	10
	Fifth report	6 May 1978	6
	Sixth report	6 May 1980	2
Liberia	Initial report	5 December 1977	7
	Second report	5 December 1979	3
Barbados	Third report	10 December 1977	6
	Fourth report	10 December 1979	3
Guyana	Initial report	17 March 1978	7
	Second report	17 March 1980	3
Central African Republic	Fourth report	14 April 1978	6
	Fifth report	14 April 1980	2
Sudan	Initial report	20 April 1978	6
	Second report	20 April 1980	2
Somalia	Second report	27 September 1978	5
	Third report	27 September 1980	1
Botswana	Third report	22 March 1979	5
	Fourth report	22 March 1981	1

Table 2 (continued)

<u>State party</u>	<u>Type of report</u>	<u>Date on which the report was due</u>	<u>Number of reminders sent</u>
Lao People's Democratic Republic	Third report	24 March 1979	5
	Fourth report	24 March 1979	1
Mauritius	Fourth report	30 June 1979	4
	Fifth report	30 June 1981	-
Jordan	Third report	30 June 1979	4
	Fourth report	30 June 1981	-
Libyan Arab Jamahiriya	Sixth report	5 January 1980	3
	Supplementary	30 July 1979	-
Bolivia	Fifth report	21 October 1979	3
Ecuador	Sixth report	5 January 1980	3
Ghana	Sixth report	5 January 1980	3
Niger	Sixth report	5 January 1980	3
Guinea	Second report	13 April 1980	2
Jamaica	Fifth report	5 July 1980	2
United Republic of Cameroon	Fifth report	24 July 1980	2
Bahamas	Third report	5 August 1980	2
Belgium	Third report	6 September 1980	1
Chad	Second report	16 September 1980	1
Peru	Fifth report	30 October 1980	1
Cape Verde	Initial report	2 November 1980	1
Lesotho	Fifth report	4 December 1980	1
El Salvador	Initial report	30 December 1980	1

Table 2 (continued)

<u>State party</u>	<u>Type of report</u>	<u>Date on which the report was due</u>	<u>Number of reminders sent</u>
Italy	Third report	4 February 1981	-
Iraq	Sixth report	15 February 1981	1
Nicaragua	Second report	17 March 1981	1
Senegal	Fifth report	18 May 1981	-
Zaire	Third report	21 May 1981	-
Austria	Fifth report	8 June 1981	-
Ethiopia	Third report	25 July 1981	-
Mali	Fourth report	15 August 1981	-
Finland	Sixth report	16 August 1981	-
Upper Volta	Fourth report	18 August 1981	-

Action taken by the Committee to ensure submission of reports by States parties

57. In accordance with rule 66, paragraph 1, of its provisional rules of procedure, the Committee at its twenty-third session (March/April 1981) requested the Secretary-General to send appropriate reminders to 44 States parties whose reports were due before the closing date of that session, but had not yet been received, requesting them to submit their reports by 1 July 1981.

58. At its 541st meeting (twenty-fourth session), held on 12 August 1981, the Committee - taking into account the number of previous reminders sent to each of the States parties concerned, the reports which were still due and the dates on which their next periodic reports should be submitted - decided that reminders should be sent by the Secretary-General to States parties concerned, in accordance with rule 66, paragraph 1, of the provisional rules of procedure, as follows:

(a) A fourteenth reminder to the Government of Togo requesting it to submit its initial report, and its second, third and fourth periodic reports together with its fifth periodic report, which is due on 1 October 1981, in one consolidated document, by 31 December 1981;

(b) A twelfth reminder to the Government of Zambia requesting it to submit its second, third, fourth and fifth periodic reports, in one document, by 31 December 1981;

(c) An eleventh reminder to the Government of Swaziland requesting it to submit its fourth, fifth and sixth periodic reports, in one document, by 31 December 1981;

(d) A tenth reminder to the Government of Sierra Leone requesting it to submit its fourth, fifth and sixth periodic reports, together with its seventh periodic report, which is due on 5 January 1982, in one consolidated document, by that date, and to include therein the supplementary information previously requested by the Committee;

(e) An eighth reminder to the Government of Liberia requesting it to submit its initial report and its second periodic report together with its third periodic report, which is due on 5 December 1981, in one consolidated document, by that date;

(f) An eighth reminder to the Government of Guyana requesting it to submit its initial report and its second periodic report, in one document, by 31 December 1981;

(g) A seventh reminder to the Government of the Sudan requesting it to submit its initial report and its second periodic report, in one document, by 31 December 1981;

(h) A seventh reminder to the Government of the Barbados requesting it to submit its third and fourth periodic reports, in one document, by 31 December 1981;

(i) A seventh reminder to the Government of the Central African Republic requesting it to submit its fourth and fifth periodic reports, in one document, by 31 December 1981;

(j) A sixth reminder to the Government of Somalia requesting it to submit its second and third periodic reports, in one document, by 31 December 1981;

(k) Sixth reminders to the Governments of Botswana and the Lao People's Democratic Republic requesting them to submit their third and fourth periodic reports, in one document, by 31 December 1981;

(l) A fifth reminder to the Government of Jordan requesting it to submit its third and fourth periodic reports, in one document, by 31 December 1981;

(m) A fifth reminder to the Government of Mauritius requesting it to submit its fourth and fifth periodic reports, in one document, by 31 December 1981;

(n) A fourth reminder to the Government of Bolivia requesting it to submit its fifth periodic report together with its sixth periodic report, which is due on 21 October 1981, in one consolidated document, by 31 December 1981;

- (o) A fourth reminder to the Government of the Libyan Arab Jamahiriya requesting it to submit its sixth periodic report together with its seventh periodic report, which is due on 5 January 1982, in one consolidated document, by that date, and to include therein the supplementary information requested by the Committee at its nineteenth session;
- (p) Fourth reminders to the Governments of Ghana and Niger requesting them to submit their sixth periodic reports together with their seventh periodic reports, which are due on 5 January 1982, in one consolidated document, by that date.
- (q) A third reminder to the Government of Guinea requesting it to submit its second periodic report by 31 December 1981;
- (r) A third reminder to the Government of the Bahamas requesting it to submit its third periodic report by 31 December 1981;
- (s) Third reminders to the Governments of Jamaica and the United Republic of Cameroon requesting them to submit their fifth periodic reports by 31 December 1981;
- (t) Second reminders to the Governments of Cape Verde and El Salvador requesting them to submit their initial reports by 31 December 1981;
- (u) Second reminders to the Governments of Chad and Nicaragua requesting them to submit their second periodic reports by 31 December 1981;
- (v) Second reminders to the Governments of Lesotho and Peru requesting them to submit their fifth periodic reports by 31 December 1981;
- (w) A second reminder to the Government of Iraq requesting it to submit its fifth periodic report by 31 December 1981;
- (x) First reminders to the Governments of Ethiopia and Zaire requesting them to send their third periodic reports by 31 December 1981;
- (y) First reminders to the Governments of Mali and Upper Volta requesting them to send their fourth periodic reports by 31 December 1981;
- (z) First reminders to the Governments of Senegal and Austria requesting them to submit their fifth periodic reports by 31 December 1981;
- (aa) A first reminder to the Government of Finland requesting it to submit its sixth periodic report by 31 December 1981.

59. In a note dated 5 February 1981, the Government of Italy informed the Committee through the Secretary-General that for technical reasons relating to the periodicity of reporting under the Convention as well as under other human rights instruments to which Italy is a party, the Government of Italy will not be in a position to submit its third periodic report, which was due on 4 February 1981, before 1982. The Committee, therefore, decided that no reminder should be sent to the Government of Italy in connexion with the submission of its third periodic report.

60. In a note dated 3 August 1981, the Government of Ecuador informed the Committee, through the Secretary-General, that its sixth periodic report, which was due on 5 January 1980, would be submitted shortly. The Committee, therefore, decided that no reminder should be sent to the Government of Ecuador in connexion with the submission of its sixth periodic report.

61. In a letter dated 4 August 1981 addressed to the Chairman of the Committee, the Minister for Foreign Affairs of Belgium informed the Committee that, in view of the census being carried out to determine the present demographic composition of the country, the expected adoption by the Belgian Senate of important legislation relevant to the implementation of the Convention and a number of other developments, the Government of Belgium would deem it more appropriate to submit its third periodic report, which was due on 6 September 1980, together with its fourth periodic report in September 1982. The Committee, therefore, decided that no reminder should be sent to the Government of Belgium in connexion with the submission of its third periodic report.

62. It will be recalled that rule 66 of the provisional rules of procedure of the Committee provides that:

"1. At each session, the Secretary-General shall notify the Committee of all cases of non-receipt of reports or additional information, as the case may be, provided for under article 9 of the Convention. The Committee, in such cases, may transmit to the State Party concerned, through the Secretary-General, a reminder concerning the submission of the report or additional information.

"2. If even after the reminder, referred to in paragraph 1 of this rule, the State Party does not submit the report or additional information required under article 9 of the Convention, the Committee shall include a reference to this effect in its annual report to the General Assembly." 13/

In accordance with paragraph 2 of rule 66, the Committee wishes to draw the attention of the General Assembly to the relevant information contained in table 2 above and in the foregoing paragraphs.

13/ See Official Records of the General Assembly, Twenty-fifth Session, Supplement No. 27 (A/8027), annex II.

63. In this connexion, the Committee wishes to repeat once again a statement which it made at its first session and which it has communicated to all States parties and to the General Assembly:

"The Committee attaches great importance to these reports. It is unanimously of the view that, being a principal source of information, these reports provide the Committee with an essential element for discharging one of its most important responsibilities, namely, reporting to the General Assembly of the United Nations under article 9, paragraph 2, of the Convention." 14/

14/ Ibid., annex III, sect. A.

B. Consideration of reports

64. At its twenty-third and twenty-fourth sessions, the Committee examined the reports and additional information submitted by States parties under article 9 of the Convention. A list of States parties whose reports and additional information were examined by the Committee, together with an indication of the meetings at which they were considered, may be found in annex IV below.

65. The Committee devoted 36 of the 49 meetings it held in 1981 to the discharge of its obligations under article 9 of the Convention.

66. In accordance with rule 64-A of its provisional rules of procedure, the Committee followed the practice, inaugurated at its sixth session, of requesting the Secretary-General to notify the States parties concerned of the dates on which their respective reports would be considered by the Committee. At its twenty-third and twenty-fourth sessions, 36 of the 38 States parties whose reports were considered by the Committee sent representatives to participate in the examination of their respective reports. The Committee noted with satisfaction that several States had sent qualified experts in order to participate in the work of the Committee and, in particular, to answer questions raised in the Committee in connexion with their reports.

67. The following paragraphs, arranged on a country-by-country basis according to the sequence followed by the Committee at its twenty-third and twenty-fourth sessions in its consideration of the reports of States parties, contain a summary of views expressed, observations made and questions asked by the members of the Committee on the reports of States parties concerned, as well as the substantive elements of the replies given by the representatives of each State party present at the meeting.

Spain

68. The sixth periodic report of Spain (CERD/C/66/Add.16) was introduced by the representative of the reporting State who referred in particular to the Spanish Constitution of 1978. He pointed out that, under article 10, paragraph 2, the principles relating to the fundamental rights and liberties recognized by the Constitution were to be interpreted in conformity with the Universal Declaration of Human Rights and the international treaties and agreements ratified by Spain; laws were in fact in the process of being drawn up and would be adapted to those constitutional principles.

69. Members of the Committee commended the Government of Spain for its comprehensive and detailed report and for answering most of the questions raised by the Committee during the consideration of the previous report, which demonstrated that a constructive dialogue had been established between the Committee and the Spanish Government. The Government was invited in its next periodic report to follow the Committee's revised guidelines.

70. Some reservations were voiced as to the statement that no legislative measures were necessary to eliminate racial discrimination as existing Spanish

legislation contained no form of racial or ethnic discrimination, because one could never be absolutely sure that the problem might not arise in the future. Referring to the statement of the representative of Spain, during the consideration of the fifth report, that 13 laws concerning the organization of the State were under review, members of the Committee wondered what stage that review had reached, since the laws in question were apparently intended to give effect to articles 2, 3 and 4 of the Convention. They also requested systematic and comprehensive information to be included in the next report in connexion with the requirements of article 2.

71. Much of the discussion revolved around the implementation of the principles laid down in the Constitution of 1978 and the Government's policy and practice regarding the members of the gipsy community and the Basque and Catalan peoples. It was considered particularly important that, according to article 96 of the Constitution, international treaties, including human rights instruments, were directly applicable. A member of the Committee pointed out the importance of article 22, paragraph 5, of the Constitution which rightly prohibited secret and paramilitary associations which might lead to a resurgence of racism. Another member noted with satisfaction that rights established in article 5 of the Convention were recognized in the Constitution. Article 18, paragraph 1, of the Constitution, guaranteeing the right to honour, personal and family privacy and to personal reputation, attracted particular attention as constituting the very basis of protection against racial discrimination. Particularly significant, according to another member, was article 18, paragraph 4, of the Constitution which aimed at limiting the use of data processing in order to guarantee the honour and personal privacy of citizens and the full exercise of their rights. The hope was expressed that enforcement measures would be taken to implement these provisions of the Constitution.

72. With reference to the gipsy community, questions were asked in connexion with articles 2 (2), 4, 5 and 6 of the Convention. Noting with satisfaction that gipsy associations were represented in the working groups of the Interministerial Commission to consider problems affecting their community, members of the Committee asked how much weight was in fact accorded to the opinion expressed by the gipsy associations, and how far the recommendations made by the Interministerial Commission could be genuinely implemented. More information was requested on the administrative and other measures taken in respect to the gipsy population, such as the vocational training programmes designed to assist gipsies in adapting to modern industrial society, or the programmes designed to preserve and promote gipsy tradition, culture and other values. As regards the judicial measures taken, members of the Committee asked whether there had been cases of racial discrimination involving members of the gipsy community; whether documents existed showing the way in which the courts had ruled; and whether there were any plans to establish machinery to enable the members of the gipsy community to receive free legal assistance in order to apply for compensation for damages inflicted on them, should the need arise.

73. Referring to the Basque country and Catalonia, the Committee welcomed the measures taken to apply the statutes of autonomy of those two provinces and asked questions pertaining to articles 1, 2, 4 and 5 of the Convention. More details

were requested concerning the actual statutes of autonomy and the laws showing how important articles of the Convention were implemented; which spheres came within the competence of both the Central Government and the autonomous communities and what powers the Central Government had to monitor the development of the autonomous provinces; and what was the proportion of budgetary expenditure allocated to the economic development of the autonomous provinces. Noting a statement in the report that the ethnic component had never been a factor for distinguishing the Basque or Catalan peoples as opposed to another statement as to the existence of different ethnic groups in Spain, a member wondered which ethnic groups were alluded to and whether they included Basques and Catalans. Detailed information was requested regarding the status of the Basque and Catalan languages in Spanish society; whether those languages were used in the educational, administrative and judicial system; and whether they could be used other than locally, for example before the central judicial authorities.

74. Concerning the situation of aliens residing in Spain, a member of the Committee commended the measures contemplated under which aliens would enjoy the public freedoms laid down in title I of the Constitution and would have the guarantee of non-discrimination on grounds of race. In this connexion, the question was raised as to how the term "race" in the Constitution was interpreted; whether it referred, for instance, to ethnic groups or colour, or whether it was used in the broader sense of article 1 of the Convention. Another member expressed surprise that the International Convention on the Elimination of All Forms of Racial Discrimination was not included in the list of international conventions to the observance of which, according to the report, particular attention was to be paid in the drafting of the new bill concerning aliens. Up-to-date figures on the composition of the foreign community in Spain were requested and it was asked, in particular, whether migrant workers were taken into account in the demographic statistics. A member regretted that a question asked during the consideration of the fifth report concerning the nationals of the former Spanish colonies had not been answered. He wondered what solution the Government had adopted on that matter and whether nationals of the former colonies had been able to acquire Spanish nationality by marriage or simply by making a declaration to the competent authority.

75. A member of the Committee regretted the fact that there was no mention in the report of Spanish migrant workers abroad, especially in Western Europe, where they might be victims of discriminatory acts by the population in the host country, in which case it was for the country of origin to make representations to the host country to ensure that racial equality was respected.

76. With reference to article 3 of the Convention, details were requested concerning the steps taken to prohibit any economic and other relations of Spain with South Africa and Namibia.

77. In connexion with article 4 of the Convention, members of the Committee made comments and asked questions concerning the bill for a new Penal Code which characterized as unlawful associations likely to promote or incite racial discrimination and provided for penalties against founders and members of such associations. Information was requested as to the progress made in the preparation

of the new Penal Code and the hope was expressed that the relevant bill before the Cortes Generales would be speedily adopted. It was pointed out, however, that, according to article 4 of the Convention, all dissemination of ideas based on racial superiority or hatred should also be a punishable offence and that public authorities and institutions should not be permitted to promote or incite racial discrimination. In this connexion members wondered whether the new Penal Code would contain provisions based on the Committee's decision whereby ideologies of a fascist nature were regarded as a form of discrimination. In connexion with the detention provisions regarding members of unlawful associations, in article 601 of the new Penal Code, clarification was requested as to whether such detention was an administrative measure or a measure applicable following a court decision, since, according to the Constitution, the civil authorities could not impose penalties which directly or indirectly implied deprivation of freedom. Noting that the reports of Spain mentioned various bills that had been put before the Cortes but did not mention whether such bills had subsequently been adopted, some members expressed uncertainty as to whether article 4 was being fully implemented. It was suggested that a table should be included in the next report to show which legislative measures actually gave effect to article 4 of the Convention.

78. With regard to article 5 of the Convention further details were requested on legislative and other measures designed to give effect to this article and, in particular, to paragraphs 5 (c), (d) and (e). It was asked what laws and regulations guaranteed the protection and respect of the different language variations of Spain, according to the Constitution; and what was the status of the Galician language in Spanish society. A member pointed out that there was a contradiction between article 11, paragraph 2, of the Constitution, whereby no person of Spanish origin may be deprived of his nationality, and paragraph 3 of that article, which provides that Spaniards could acquire the nationality of countries with which Spain had concluded dual-nationality treaties, without losing their nationality of origin. Under that same paragraph, the Government could negotiate dual-nationality treaties with Latin American countries or with countries which maintained, or had maintained, special links with Spain. He wondered whether that provision might not open the way for discriminatory measures based on race. Another member asked for clarification as to the meaning of the expression "person of Spanish origin" used in article 11, paragraph 2 of the Constitution; since there were several nationalities, ethnic groups and cultures, that expression might give rise to discrimination prohibited by article 1, paragraph 3 of the Convention.

79. In connexion with article 6 of the Convention, the Committee welcomed the information in the report regarding recourse procedures, particularly on the role of the Government Attorney and the ombudsman and the availability of the amparo remedy in the Constitutional Court. Members of the Committee wondered whether any difference existed between actions for amparo and the action taken by the Ombudsman; and whether the law regarding recourse proceedings in the Constitutional Court had already been enacted. The text of the organic law concerning the functions of the ombudsman was requested. It was asked, in particular, what the procedure would be when the Government Attorney, who was responsible for protecting the the rights of individuals, was unwilling to take action; whether he had the power to decide if a claim was inadmissible or unfounded; what procedures existed for

bringing actions claiming unconstitutionality; whether an attorney was necessary or required; whether the procedure was free of charge; and what the effect was of an unconstitutionality action with regard to proceedings in progress.

80. With reference to article 7 of the Convention, information was requested as to how the mass information media were used to publicize the ideas expressed in the Convention and what procedure had been adopted to publicize the Charter of the United Nations and human rights instruments.

81. The representative of Spain replied to a number of questions raised by members of the Committee, and stated that legal studies were being carried out to bring the legislation in force into line with the Constitution. A great many of the articles of the Constitution were already being applied, in particular those dealing with individual rights which did not call for any new legislation.

82. In connexion with the comments and questions regarding the gipsy community he stated that that community was part of the Spanish people and shared its rights and duties. Gipsies differed from other Spanish citizens only by their cultural traditions and by a way of life more seriously threatened by the development of the consumer society than by the local environment. That was why the Spanish authorities regarded the gipsy population as virtually a special community and had taken steps to understand its problems and to help it to adjust to the modern world without losing its personality, traditions and culture. The gipsy community had no language problem, since all gipsies living in the country understood Spanish.

83. As to questions concerning the Basque and Catalan communities the representative stated that the fact that these communities were autonomous did not imply any racial differentiation. Their main problem was a language problem; but the situation was unusual in a sense that it was the Spanish language that needed to be protected in those regions. The Basque and Catalan regions enjoyed the status of autonomy referred to in the report as well as at the local level, and all the power of the central Government except in respect of defence, the maintenance of law and order and foreign affairs.

84. With regard to article 5 of the Convention, the representative said that the reference in article 11, paragraph 2, of the Constitution to deprivation of Spanish nationality meant that the courts could not deprive a person of his nationality as a sanction. He stated further that, although the terms "nationality" and "ethnic group" used in the Constitution might give rise to some misunderstanding, the term "race" in the Constitution encompassed all ethnic groups and there could be no discrimination on any of those grounds.

Israel

85. Before entering into the discussion of the initial report of Israel (CERD/C/61/Add.1/Rev.1), the Chairman recalled that at its twenty-second session, the Committee had agreed to postpone consideration of the Israeli report until the current session and had decided by consensus that its consideration of the report should not be interpreted as implying the recognition of any title by Israel to the occupied territories. 15/ The document before the Committee was a revised version of the report submitted at the twenty-second session.

86. In his introductory statement, the representative of the reporting State said that his country's initial report was intended as the commencement of a dialogue with the Committee, whose observations would be taken fully into account in the preparation of future reports. He pointed out, in particular, that the report outlined the legal system of Israel, describing the pivotal role of the judiciary and its contribution to the elimination of inequality, arbitrariness and discrimination. He finally drew the attention of the Committee to the adoption in 1980 of a new law on associations, which was not yet in force, and added that, within the framework of activities called for under article 7 of the Convention, an international congress of teachers against racism had been held in Tel Aviv in December 1980.

87. The Committee took note of the fact that the main changes in the revised version of the Israeli report appeared to be that all mention of the occupied territories had been deleted, a change which corresponded to the wish expressed by some members of the Committee at the twenty-second session. However, the question of whether the situation in the occupied territories should or should not be accounted for in the report of Israel was again raised by members during the examination of the report and the issues were debated, separately from the consideration of the report, at later meetings of the Committee. 16/

88. Members of the Committee considered the comprehensive information provided in the report as an evidence of Israel's willingness to engage in a dialogue with the Committee. It was pointed out that Israel ought to set an example in waging a struggle against the very evil that had been the cause of its establishment. Some members found that the report did not take sufficient account of the nature of the Committee, which was not concerned with human rights as such, but more particularly with the situation of minorities and ethnic groups. The Committee noted that the report was not entirely in keeping with the general guidelines concerning the form and contents of reports (CERD/C/70) and suggested that it would be desirable for the Government to take those guidelines into account in the preparation of future reports.

89. Some members stressed that the Committee could not disregard the fact that there was an occupation of Arab territories, which conflicted with both the letter and the spirit of the Convention. Referring to the information given on the

15/ Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 18 (A/35/18), paras. 330-334.

16/ See paras. 107 to 110 below.

composition of the population, a member of the Committee wondered why it was divided into Jews and non-Jews, since that constituted racial discrimination, as defined in article 1, paragraph 1, of the Convention.

90. Referring to the legal system in Israel, a member of the Committee said that, in his view, the elimination of racial discrimination did not rest upon the firm legal foundation required by the Convention. It was also pointed out that the information on various laws given in the appendices to the report, though valuable, revealed that not all the provisions of the Convention were satisfactorily reflected in the national legislation and that much needed to be done. It was indispensable for Israel's national legislation to be brought into line with articles of the Convention and for the principles enunciated therein to be given practical application. Noting the statement in paragraph 1 on page 3 of the report, that the principle of non-discrimination was subject only to restrictions as to maintenance of public order and morals, members of the Committee wondered how the principle of non-discrimination could jeopardize public order and morals and what constituted "public order" in the Israeli legal system; besides, it was noted, such restriction was not imposed under a specific Israeli law but was left to the discretion of the administration or the Ministry of the Interior, something which was contrary to the provisions of the Convention. The Committee requested information as to the progress made in respect of the bill for repealing the Defence (Emergency) Regulations of the British Mandatory Government and replacing them with new and more moderate legislation on emergency powers.

91. Referring to the Supreme Court, members of the Committee welcomed the inclusion in the report of extracts from the judgements of that Court and noted the central role of the Supreme Court in protecting human rights, especially in the absence of a written constitution and a Bill of Rights. With regard to the powers of that High Court and the conditions of applicability of rules of international law, it was pointed out that the Court's discretion was very wide and the condition of compliance of an international rule with domestic law was highly restrictive. It amounted more or less to a limitation on generally recognized law that formed part of jus cogens, under which the struggle against racial discrimination and apartheid was being waged. Every State was therefore bound to abide by the principle of racial non-discrimination as a principle of jus cogens, especially if it had ratified the Convention.

92. In connexion with article 2 of the Convention, the Committee made comments and asked questions regarding Israel's Proclamation of Independence in 1948 and the draft Bill of Rights. It was suggested that the proposed Bill of Rights, though not an instrument of positive law, was largely based on the jurisdiction of Israeli courts and was accordingly positive in nature. A question was asked as to the steps taken to bring the draft Bill into effect. It was stated that in the Proclamation of Independence reference was made only to discrimination based on race, and not on "race, colour, descent, or national or ethnic origin", as provided for by the Convention, which, in extreme circumstances, might permit discrimination against the Palestinian Arab population which belonged to the same race as the Jews. It would therefore be better if, in its forthcoming bill of rights and in other legislative texts it might adopt, Israel conformed to the definition of racial discrimination set forth in article 1 of the Convention. A member of the Committee expressed concern as to the statement in the report that the Proclamation of Independence might take precedence over certain laws. In this connexion, serious

reservations were expressed as to whether equality before the law was ensured to all; it was essential that rights should be established by law on which court decisions could be based and not on a mere proclamation.

93. In connexion with article 3 of the Convention, the hope was expressed that efforts would be made by the Government of Israel to abandon its close relations with South Africa, since such efforts were essential if the situation in that country was to be changed.

94. As regards article 4 of the Convention, it was pointed out that the Penal Code made no specific provision for the implementation of paragraph (a) of that article and more information was requested on this point. With regard to paragraph (b) of article 4, a member considered that the absence of any discussion of racist associations was a defect of the report; it was not clear whether Israel interpreted seditious intention in associations as extending to propaganda for racism, as was the case with other States which followed British legal traditions.

95. With reference to articles 2 and 5 of the Convention, clarification was requested regarding the legal status of the Arab population; whether they were treated as an ethnic or national group or as a religious group. Information was requested as to the measures taken to promote the advancement of minority groups; whether any special legislative measures had been taken to ensure that these communities understood the law and to assist them to redress grievances. Referring to the Emergency Powers Law, members of the Committee regretted the fact that restrictive action could be taken against national minorities, namely, against Arabs, under the pretext of protecting the interests of the State and the public; an example was the forced expropriation of land, which might be detrimental to the primarily agricultural Arab population. With regard to equal treatment before the Courts, the Government was requested to present in its next periodic report a comparative study of the situation of the Palestinian Arab community and the rest of the population. Further information was in particular requested on the four regional sharia courts; whether there were enough of them, what regions they covered and whether their powers also extended to the occupied territories. It was also asked what the age of legal responsibility was in Israel; whether penalties could be imposed on parents for offences committed by their children; and whether the Arabic language was used officially in the judicial system and the administration. More information was also requested on prison conditions for Arabs. Further details were requested on the cases of ill-treatment referred to on pages 7 and 8 of the report, the number of such cases, the powers of the police and particulars of the identity and number of victims. Noting that the Arab population represented 16 per cent of the country's population, members of the Committee pointed out that that population was underrepresented in the Knesset, since only 3 per cent of the Knesset's members were Arabs. Information was requested as to the number of members of Arab minorities taking part in the Government and the number of oriental Jews, as opposed to Jews of European origin, occupying high government posts; and what kind of representation the Arab population had in the Bureau of the Adviser on Arab Affairs.

96. Turning to the implementation of paragraph (d) of article 5 of the Convention, the Committee requested more information regarding the freedom of movement. It was asked in particular, whether the provision of the draft Bill of Rights concerning the right to return to Israel applied to citizens who had been deported by the Israeli authorities; what were the criteria for issuing a laissez-passer rather than a passport; and whether the requirement that persons of military age had to obtain a military permit before leaving the country also applied to Arabs. With regard to the right to nationality, explanation was requested of the way in which nationality was acquired "by grant", and whether the Law of Return applied to the non-Jewish community. It was pointed out that the concept of absence applied by Israel might be prejudicial to Arabs who had been compelled to leave the country and wished to return. Another member said that the provisions governing nationality were discriminatory and did not conform to article 1, paragraph 3 of the Convention; they should therefore be modified, as prescribed by article 2, paragraph 1 (c) of the Convention. With regard to the information given on marriage, a member asked how Israel gave effect to article 5 (d) (iv) of the Convention and, in particular, whether there were any obstacles to marriage between persons of Jewish origin and persons of Arab origin. As to the right of property, more information was requested about the system of compensation for confiscated real property whose owners had disappeared or were unknown. In this connexion, it was asked whether there existed any legislation dealing with the property of evacuees and, if that was the case, how it safeguarded such property; why the Muslim "Wagf" property had been removed from its owners and why adjustments were to be made in the institution of the Wagf property which had existed for such a long time in the region. Regarding freedom of religion, it was pointed out that the Muslim community had not been included among the religious communities which had been recognized, according to the report. In this connexion, more information was requested as to the possibility for Arabs, when in prison, to practice their religion in a suitable manner. Noting that reference to certain newspapers in Arabic and to Arabic publications did not appear in the revised version of the report, a member of the Committee asked whether such publications no longer existed and, if so, why. Referring to the prohibition of organizations within Israel whose aim was to undermine the State's existence, a member of the Committee requested further details of the relevant provisions and of the remedies which existed against their abuse.

97. With reference to paragraph (e) of article 5 of the Convention, the Committee asked several questions as to the implementation of its provisions with regard to the Arab population. In connexion with the right to work, the legal provisions that existed in Israel were considered inadequate by the Committee. More information was requested on changes in the position which the Arabs occupied in the labour force; whether they were still nearly all employed in unskilled or semi-skilled occupations; whether secure employment was available to them where they lived or they formed a migratory labour force; what were the rates of unemployment among Arab workers and among Jewish workers; and what was the role of the Histadrut in safeguarding the employment interests of the Arabs. As regards the right to form trade unions, the Committee asked whether Arabs were able to form their own and, if so, whether such unions were recognized by the Government. It was also asked whether Arabs were subjected to special conditions in matters of housing and social services; and whether it was correct that only 1,600 of the approximate total of 50,000 housing "solutions" concerned non-Jewish persons.

Moreover, it seemed to the Committee that the Arab population was less favourably treated in terms of education as a result of a certain policy. Members wondered whether the figure of non-Jewish pupils, given in paragraph 6 of page 37 of the report, covered students in the territory of Israel or in the territory of Israel together with the occupied territories; and whether the same amount was spent on a Jewish student as on a non-Jewish student. A member asked, whether higher education was available to the Arab population in their own language. Finally, the Committee requested that Israel's next report contain comparative figures for the national and ethnic groups with regard to education, in particular literacy statistics, average wages, working conditions, social services, housing, etc.

98. As far as article 6 of the Convention is concerned, information was requested on normal recourse procedures - besides the ombudsman system referred to in the report - available to persons claiming to be victims of racial discrimination. It was also asked, whether there had been any actual instances of such discrimination in the experience of the ombudsman. Noting the provisions of the Penal Law concerning compensation, a member pointed out that full compensation was the rule in most civilized countries and asked why compensation was so limited in Israel.

99. As regards article 7 of the Convention, the Committee requested more information concerning its implementation.

100. The representative of Israel replied to a number of questions raised by members and assured the Committee that the questions which remained unanswered would be transmitted to the Israeli Government and the answers would be included in Israel's next report. In reply to questions regarding the reciprocal effects of the Proclamation of Independence and the proposed Bill of Rights, he said that the Bill of Rights, when adopted, would constitute an instrument of positive law. The absence of constitutional law, according to the common law system that Israel had inherited, in no way prevented the fundamental rights and freedoms of the individual from being recognized and guaranteed. As in the British system, the courts played a very important role and, since Israel was a small State, every citizen regardless of ethnic origin had access to the Supreme Court, sitting as the High Court of Justice. The Israeli authorities intended to form a comprehensive constitution by combining the various basic laws adopted so far in connexion with the Knesset, the Government and the economic rights with the laws that were in preparation.

101. As to the Emergency Powers Law of 1979, the representative stated that abolition of those powers could be contemplated only when peace existed between Israel and its neighbours. This Law strengthened the supervisory powers of the judicial system, since even district courts could enforce its application; and it was applied to Jews, just as to all communities, as recent examples had demonstrated. With regard to the supervision exercised by the Supreme Court over the Minister of the Interior, the representative explained that every minister and every official of the State of Israel was subject to such supervision. Turning to questions regarding the application of rules of international law in Israel, he stated that the principle whereby a rule of international law became domestic law only if its principles were accepted by the majority of countries and if it was not incompatible with domestic law, had nothing to do with racial discrimination.

102. Replying to questions concerning articles 4 and 6 of the Convention, the representative said that all forms of incitement to racial discrimination were deemed offences punishable by law, as were acts by organizations that could be considered as seditious acts. Israeli penal law, and the decisions taken by the courts in accordance with that law, specifically guaranteed the possibility of redress in the event of acts of racial discrimination of the type referred to in article 4 of the Convention. With regard to the Sharia courts, he pointed out that there were only four such courts because Israel was a small country; the entire judicial system comprised only seven districts. Besides, the Moslem population lived in clearly demarcated areas and four Sharia courts were considered sufficient.

103. Touching upon questions concerning article 5 of the Convention the representative said that there was a sufficient number of Arab lawyers to represent their clients in the courts, while persons whose income was less than a stipulated amount were entitled to State assistance under a system of legal aid that was administered by a department of the Ministry of Justice which had offices in the main towns of Israel. The age of criminal responsibility was 13 years and no distinction was made between the communities; and he knew of no case in the Israeli system in which a person had been punished for the acts of others. Regarding religious practices in prisons, there were no restrictions to Moslem practices.

104. With respect to questions regarding the representation of the Arab population in the Knesset, he pointed out that the electoral system applied was that of **proportional representation** and national lists. The percentage of Druzes elected to the **Knesset** was higher than that of the Arabs simply as a result of the internal elections held by one of the parties in order to establish its national list of candidates; however, two of the main lists were headed by prominent Arabs. **Furthermore**, the proportion of Arabs elected to the Knesset changed from one **legislature** to the other and thus, at one time, 10 per cent of the members of the Knesset had been Arabs. The Arabs sometimes had their own list, but could also be included in other lists, in which case they represented not the Arab population, but the population as a whole.

105. In reply to questions concerning the implementation of paragraph (d) of article 5 of the Convention, the representative said that there was no discrimination based on race, religion or ethnic origin in the acquisition of Israeli nationality and that all Arabs resident in Israel were citizens in all respects. Israeli nationality could be acquired by birth if a person was born of Israeli citizens. All Israeli citizens (Jews, Arabs or others) were entitled to an Israeli passport, while laissez-passers were issued to persons who had been resident in the country for only a short time, usually new immigrants, and wished to leave immediately, before being able to obtain a passport. The Law of Return was based on the premise that, because of the very special circumstances of their history, all Jews, wherever they lived, should be accorded the right to return to their country of origin, if they so wished. The Law of Return did not discriminate against any nationality and did not impair the rights of any group. With regard to marriage and divorce, the representative said that they were still

governed by religious laws. Bigamy and unilateral divorce had been prohibited and it could not be claimed that the latter interfered with religious observance. Referring to expropriations of land, he said that they involved more land belonging to Jews than to Arabs. He further informed the Committee that Hebrew and Arabic were the two official languages in Israel. As a result, interpretation services were available in the Knesset, laws and regulations were translated and published in the two languages and, in areas where the population consisted largely of Arabs, court proceedings were often conducted in Arabic. In this connexion, he also pointed out that the proportion of Arab judges was quite high, and a large number of civil proceedings were instituted by the Arab population. As to television, there was only one channel, owned by the State, which broadcasted for five hours daily; two hours were in Arabic and many programmes were subtitled in both languages. One of the radio channels broadcast exclusively in Arabic. Concerning a reference to newspapers which had not been included in the revised report, he stated that none of those newspapers had been suppressed.

106. Finally, replying to questions regarding paragraph (e) of article 5 of the Convention, the representative explained that the average income of an Arab urban wage-earning family had been 29,300 Israeli pounds in 1975, which was the same as for a Jewish wage-earning family. As regards education, illiteracy was virtually non-existent in Israel; students in the administered territories were not included in the figures for non-Jewish pupils given in the report; and the number of Arab students was relatively high - 2,000 had completed their studies and 3,000 were attending higher education establishments.

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107. At its 519th, 520th and 526th meetings, held on 6 and 9 April 1981, the Committee considered the question of whether or not Israel should be requested to report on the implementation of the Convention in the occupied territories.

108. Some members of the Committee welcomed the fact that Israel had deleted the references to the occupied territories included in the original version of its report. They noted that in the occupied territories Israel had no jurisdiction under international law, but in all vital and important spheres of life it exercised military power. The Committee, therefore, should not ask Israel for information concerning these territories, as these territories do not constitute an integral part of the State of Israel. However, given the universal and humanitarian significance of the Convention, the Committee could not remain indifferent to the situation of the population in the occupied territories. Those members pointed out that the situation itself was a violation of the right to self-determination and was thus clear evidence of the existence of a form of discrimination which might be classified as racial. However, asking the occupying Power to make a report on the occupied territories amounted ipso facto to recognizing its rights over such territories, and that was not the Committee's intention. On the other hand, the Committee could not ask for information from Egypt, Jordan and the Syrian Arab Republic, since those countries were being prevented from implementing the provisions of the Convention in the occupied territories.

109. Some other members, however, regretted the fact that all mention of the occupied territories had been deleted from the revised version of Israel's report. It was pointed out that the Convention was universal in scope and thus applied to every person who might be affected by the exercise of jurisdiction by a State party, whether that jurisdiction was legitimate or not. In that connexion, it was noted, for instance, that article 3 of the Convention did not necessarily imply that the jurisdiction had to be recognized by the international community; the provision simply referred to de facto jurisdiction. It was stressed that the issue as to how information would be obtained concerning the occupied territories had changed since Israel had become a State party to the Convention. Thus Israel was at present responsible for the implementation of the Convention regarding the people in those territories and should be requested by the Committee to report on them. Moreover, if the Committee requested another United Nations body to provide it with information on the situation in the occupied territories, it would not be acting within its competence. In any case, the Committee should indicate clearly that, in requesting Israel to report on the occupied territories, it was adopting no position whatsoever on the legitimacy of their administration since, as a body of experts, the Committee could not pronounce itself on such an issue. Those members suggested that a separate report should be submitted by Israel concerning the implementation of the Convention in the occupied territories.

110. In view of the fact that there was no clear consensus among the members regarding the procedure to be adopted, the Committee agreed that further discussion of the matter should be postponed until the Committee's next session and that, in the absence of any new developments at that session, a summary of views expressed on the question should be reflected in the Committee's report to the General Assembly.

111. The initial report of Luxembourg (CERD/C/R.109 and CERD/C/45/Add.2) was introduced by the representative of the reporting State, who pointed out that his country was traditionally open to immigration and that 25 per cent of its present population was of foreign origin or nationality. He also stated that the policy of Luxembourg, based on tolerance, had been successful and racial tension had never arisen in his country. Therefore it had not been considered necessary to pass specific laws concerning racial discrimination; besides, the Constitution guaranteed the equality of rights and the international human rights instruments ratified by Luxembourg were incorporated in domestic law and directly applicable before the national courts. The representative also informed the Committee that the two new articles, 454 and 455, of the Penal Code, quoted in the report, had been adopted by parliament and had entered into force on 9 August 1980.

112. The Committee took note of the fact that the Convention was directly applicable in Luxembourg as a result of its ratification. It observed, however, that the Convention required States parties, even if they claimed that they had no racial problem, to enact specific legislation to prevent racial discrimination. One member, referring to the statement in the report that "the Government considered it unnecessary to make provisions for a completely new set of internal regulations specifically designed to banish racial discrimination", drew attention to the fact that the report did refer to new measures which had been introduced and subsequently become law. Another member expressed a certain surprise at the **statement** in the report that Luxembourg had become a party to the Convention in order to **engage** in an act of international solidarity, coming as it did from a Government **which** ought to be well aware of the legal implications of the provisions of the conventions it ratified.

113. The Committee requested information on the demographic composition of the population, in particular regarding the proportion of the population that was of foreign origin. Members of the Committee asked how the rules governing immigration affected migrant workers, particularly in the steel industry; and whether Luxembourg had concluded agreements with manpower-exporting countries. Noting the comprehensive social insurance schemes existing in Luxembourg, a member wondered what social benefits were guaranteed to immigrant workers and whether there were agencies to facilitate their social and cultural adjustment, particularly in the case of workers from less developed areas. Another member pointed out that the employment of large numbers of immigrant workers in many Western countries could lead to racial tension in periods of economic crisis, as a result of competition for jobs, and stressed the need for measures required to protect foreign workers and to help them to adapt to their new situation and to establish contacts with the local population. He expressed his assurance that Luxembourg could make a valuable contribution in that respect.

114. In connexion with article 3 of the Convention, further information was requested on Luxembourg's relations with South Africa.

17/ For the consideration of the second periodic report of Luxembourg at the twenty-fourth session, see paras. 417-425 below.

115. With reference to article 4 of the Convention, a number of comments were made regarding the new article 455 of the Penal Code. While welcoming the fact that articles 454 and 455 of the Penal Code had come into force, the Committee was of the view that all the requirements of article 4 of the Convention had not been fulfilled. Article 455 in particular did not provide for the punishment of acts of violence or incitement to such acts or of the provision of assistance to racist activities, referred to in article 4 (a) of the Convention; and it did not call for the prohibition of organizations promoting racial discrimination or for the imposition of penalties on public authorities or institutions guilty of such discrimination, as required by paragraphs (b) and (c) respectively of article 4.

116. Concerning the implementation of article 5 of the Convention, a member of the Committee pointed out that, under the Constitution of Luxembourg, the right to equality before the law was limited to citizens and that there was no guarantee of equality before the law for aliens; he regretted the omission of this point in the report. Similarly, the right to education was not guaranteed to aliens and article 85 of the Luxembourg Constitution contained a special reservation concerning the political rights of aliens.

117. Regarding article 6 of the Convention, more information was requested concerning the organization of the judiciary and the remedies available to individuals in cases of racial discrimination. Questions were asked as to the powers of the courts and the procedures for the submission of claims. Noting that Luxembourg held a programme for trainee magistrates from Senegal, a member of the Committee requested details of that programme.

118. So far as the implementation of article 7 of the Convention was concerned more information was requested on its implementation. Regarding measures taken in the field of education and information, in particular, it was asked whether there were any special programmes for ethnic and national groups residing in Luxembourg whose presence might cause tension as a result of competition for employment; and whether there existed programmes to inform the citizens of Luxembourg about conditions in racially different countries.

119. Finally, the Committee expressed the hope that the next report would be more informative and would include constitutional provisions and laws as well as information on Luxembourg's institutions. The attention of the Government was also drawn to the revised guidelines to be followed in the preparation of reports and the hope was expressed that the second periodic report of Luxembourg would be submitted in time for consideration by the Committee at its next session in August 1981.

120. The representative of the reporting State answered some of the questions raised and assured the Committee that he would convey the rest of the questions to his Government. Furthermore, efforts would be made to provide information on immigrant workers in the next report. Equality of treatment of workers was guaranteed in the Constitution and there were special provisions concerning the treatment of workers of certain European countries. Bilateral agreements existed with Portugal and Spain which ensured equivalent treatment of workers from those countries.

121. Touching upon the rights of aliens, the representative stated that, although equal treatment of all residents before the law was limited in the Constitution to Luxembourg citizens, it could be concluded from the international conventions to which Luxembourg was a party and which were directly applicable in Luxembourg's courts that freedom of access to the courts was guaranteed to all residents.

122. Explaining the statement in the report that one of the motives for ratification of the Convention was a desire to engage in international solidarity, the representative said that this did not mean that Luxembourg was unwilling to give full effect to the Convention in its own territory, as it had already undertaken to do so as a State party.

Nicaragua

123. The initial report of Nicaragua (CERD/C/45/Add.3) was considered by the Committee together with the introductory statement made by the representative of the reporting State, which supplemented the information given in the report.

124. The representative pointed out that international conventions became part of national legislation of Nicaragua as soon as they had been ratified and the relevant decrees had been published in the Official Journal, and that his country maintained no relations with racist régimes. He referred to various provisions of Nicaragua's Penal Code, providing serious penalties for acts of discrimination. Nicaragua also had laws protecting migrant workers, preventing discrimination against aliens and guaranteeing every person access to courts free of charge. In its report, the Government of Nicaragua had reproduced the basic domestic laws concerning prevention of racial discrimination and the promotion of equality and rights of all Nicaraguans, including national minorities. Lastly, the representative stated that his Government was in the process of elaborating legal provisions required by the Convention, and assured the Committee that there was in practice no discrimination of any kind in Nicaragua at the present time and, if such cases arose, the Government would be dealing with them on the basis either of specific legal provisions, or of general provisions, of domestic law.

125. Members of the Committee noted the seriousness of the approach of Nicaraguan Government to the need for the establishment of a dialogue with the Committee. Despite the complicated domestic situation, the report was considered to be informative. It was stressed however that Nicaragua had not yet implemented all the provisions of the Convention, and the hope was expressed that the results of relevant efforts would be seen in the next report. In particular, questions were asked on the progress made in the preparation of a preliminary draft political constitution and a draft electoral law, as well as, in particular, acts and regulations to implement the principles set forth in the basic law. Attention was drawn to article 22 of the Fundamental Statute which outlined a legislative programme, and it was asked whether there were any drafts of the laws referred to. It was pointed out that article 49 of the Fundamental Statute, which dealt with emergency situations, did not contain the proviso set out in article 4 of the International Covenant on Civil and Political Rights that emergency measures must not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.

126. It was pointed out that steps should be taken to prohibit apartheid by law in accordance with article 3 of the Convention.

127. Attention was drawn to the requirements of article 4 of the Convention. Noting that not all the provisions of article 4 were covered in domestic laws, the Committee expressed the hope that specific action would be taken to remedy the situation when further legislation was enacted.

128. In connexion with article 5 of the Convention, while it was noted that Nicaragua was doing its utmost to comply with the Convention pending the promulgation of its new Constitution, additional information concerning the implementation of that article was requested in the light of the new political order which the Government was going to introduce. In particular, information was requested on the holding of national elections and on the status of various political parties and groups. A question was asked as to how it was possible to exercise the right to organize or to form political parties, provided for in article 25 (a) of the Statute on the Rights and Guarantees of Nicaraguans, when the composition of the Government Junta and the Council of State was already laid down in a Statute. An explanation was requested as to why Misurasata (Association of Indians) had only one member in the Council of State out of a total of 47, although the Indians represented 5 per cent of the population. While welcoming the elimination of discrimination in trade union matters, members requested clarification on the position of the trade unions (especially those of media personnel), whether the media union would follow official guidance or act independently and if there existed one single comprehensive trade union in the country while, as it is known, the Government organized Sandinista trade unions. A hope was expressed that the law on trade unions would meet the requirements of **the relevant ILO Convention**. Appreciating the efforts made by Nicaragua to improve the lot of minority ethnic groups, additional information was asked for in the next report on practical results in this field especially concerning the **activity programme** and resources of the Nicaraguan Institute for the Atlantic Coast. It was also asked how the programme of Literacy Year had been carried out on the Atlantic Coast where the majority of Indians lived, in particular whether the authorities had tried to impose the Spanish language upon the Indians or whether they had found a way of introducing literacy to them in their own language.

129. With reference to articles 5 (b) and 6 of the Convention, it was pointed out that certain steps were to be taken to further implement these articles. Concern was expressed about the press report on the arrest of certain Steadman Fagoth, the Misurasata representative in the Council of State. The representative of Nicaragua was requested to inform the Committee whether this had been done in accordance with article 8 of the Statute on Rights and Guarantees. An inquiry was made concerning article 8, as to what authorities other than judges were empowered to issue an arrest warrant. Clarification was sought on the details of legal procedure, the Penal Code and detention before trial. Information was also requested on any review that might be undertaken of the existing Penal Code to reflect the provisions of the Convention.

130. The importance was stressed of including in the next report information on activities undertaken to implement article 7 of the Convention.

131. Replying to the questions of the Committee, the representative of Nicaragua pointed out that because of the difficult transitional period which the country was still in, priority had been given to eliminating the evils inherited from the Somoza dictatorship and to drawing up of a series of legal provisions in line with the wishes of the people. The year 1985 had been established as the deadline for governmental elections and the establishment of a parliament or congress which would replace the present Council of State, exercising executive power.

132. As far as the trade unions were concerned, the representative stated that it was intended to establish press associations and a trade union federation, but none of those bodies would be required to follow predetermined rules.

133. Referring to the ethnic groups, the representative stated that, in order to implement the fundamental statute various matters were being regulated by individual acts, such as those dealing with minorities, education in local languages, etc. A literacy campaign had been launched on the Atlantic Coast in order to maintain the ethnic culture while integrating minorities into the life of the whole country. Referring to the arrest of the representative of an ethnic minority in the Atlantic region, the representative of Nicaragua informed the Committee that the arrested person, as it had become known from Somoza archives, had been a supporter of the dictatorship.

German Democratic Republic

134. The fourth periodic report of the German Democratic Republic (CERD/C/64/Add.1) was considered by the Committee together with the introductory statement of the representative of the reporting State who referred to the policy against racial discrimination of his Government, both internally and internationally, and highlighted the replies given in the report to questions previously raised by the Committee relating to the implementation of some articles of the Convention.

135. Members of the Committee expressed satisfaction at the replies given in the report to questions raised during the consideration of the previous report and at the ample information on internal and international measures aimed at combating racism and racial discrimination. It was pointed out, however, that the report placed too much emphasis on ideological considerations and too little on the strict obligations of States under the Convention, and paid more attention to foreign policy than to domestic matters. Noting the statement in the report that the absence of laws condemning racist principles and organizations was due to the impossibility of such a phenomenon arising in a socialist society, a member of the Committee expressed doubt that in a country which had suffered from nazism, there was never any resurgence of, or nostalgia for, the past.

136. Noting that a high proportion of the female population held jobs in the German Democratic Republic, a member of the Committee wondered at what level women participated in the political parties, the Government, the economy and the non-manual occupations and whether they held jobs other than as workers or welfare officers.

137. In connexion with article 2 of the Convention, more information was requested regarding the Sorb minority. Commending the policy of the Government concerning that minority, a member requested more details on the educational arrangements made and the experience acquired in that area, such as the kinds of schools - perhaps bilingual - established for the minority, vocational training, secondary and higher education, the administrative system in the educational sector, the teacher-training system, and other details. Another member requested clarification as to whether the provisions of section 16 of the Labour Code had been given effect. Regarding foreigners, questions were asked as to the legal rules and practices applied to them; whether there were any foreign workers in the German Democratic Republic and, if so, what was their status; and what was the attitude of the administrative authorities and the population towards them.

138. With reference to article 3 of the Convention, satisfaction was expressed with the more detailed information in the report concerning the country's attitude to South Africa and apartheid and with the strengthening of the struggle against that régime.

139. With regard to the implementation of article 4 of the Convention, the Committee made comments and asked questions on the Penal Code and, in particular, its sections 91 and 92. While noting with satisfaction those sections of the Penal Code, members of the Committee pointed out the absence of provisions regarding organizations and propaganda, as required by article 4 (b) of the Convention, and

requested additional information in this respect. Other members were of the opinion that sections 91 and 92 of the Penal Code did not fully correspond to the requirements of article 4 of the Convention. In the opinion of one member, both sections 91 and 92 were far removed from the spirit and letter of the first paragraph of article 4 of the Convention, because they referred only to race and not to groups of persons of another colour or ethnic origin, and took into account propaganda and manifestations of hatred directed only against an organization or a group and not against specific persons as required by article 4 of the Convention. It was pointed out that while section 92 punished crimes against humanity, most acts of racial discrimination against individuals could not be considered as crimes of that nature. With reference to article 4 (c) it was asked whether a victim of racist violence or defamation could act individually in order to obtain redress, particularly if the offending party was not the State, but an official who might have been acting not only on his own responsibility but also on behalf of the State. A member regretted the fact that, despite repeated requests by the Committee, the full text of section 106 of the Penal Code relating to fascism, militarism and racial hatred had not been reproduced in the report; it was therefore impossible in his view, to determine whether effect was actually being given to article 4 of the Convention.

140. In connexion with article 5 of the Convention, the Committee requested more information concerning the rights of citizens prosecuted by law. It was asked whether citizens had the right to choose their own counsel or were bound to accept a State-appointed counsel; whether trials were public; whether there was any time-limit on detention pending trial and, if so, what was that time-limit, or whether there was a law authorizing the procurator to extend such detention indefinitely. More details were requested on section 220 of the Penal Code, which provided for the imprisonment for up to three years of anyone who publicly demeaned the order instituted by the State, the bodies or institutions of the State, or social organizations or the acts or measures taken by them; it was suggested that any specific examples of judgements rendered in pursuance of that provision of the Penal Code would be helpful for the Committee. With regard to political parties in the German Democratic Republic, it was asked whether there were any opposition parties; how did the parties participate in political life; and whether there was only one list of candidates for elections or whether each party presented its own list. Turning to the implementation of article 5 (d), the Committee asked what were the rules governing emigration and foreign travel; whether there were age restrictions or restrictions applicable to citizens who had not reached retirement age; and how many citizens of the German Democratic Republic had been authorized to emigrate. Information was requested as to the rules governing the working conditions of foreign journalists and the procedures under which foreign journalists could gather or obtain information within the German Democratic Republic. Noting that the Jehovah's witnesses appeared to have been banned, a member asked whether the Churches could play a part in education and provide employment for those of their members who maintained the synagogues and retirement homes, and whether there were Jewish schools and resident rabbis or priests. Regarding article 5 (e) of the Convention it was asked whether under certain conditions workers were authorized to strike and, if they were not, what methods they could use to express their grievances and, if need be, negotiate better wages. A member of the Committee regretted the fact that the information which had been requested concerning the Labour Code had not been provided.

141. With reference to article 6 of the Convention, more information was requested on the purport, extent and value of the legal assistance provided by district courts to citizens, as to how they could best assert their rights and protect their interests. Concerning appeals against penal judgements, it was asked whether the fact that the procurator could file a "protest" against the appeal meant that the proceedings were then closed and no appeal was possible. Since no mention was made in the report of administrative cases, it was asked what remedies were available to citizens who considered that they had been discriminated against by officials and what remedies were available to them in order to defend themselves in the absence of action being taken by the Public Prosecutor.

142. Turning to the implementation of article 7 of the Convention, the Committee commended the efforts of the German Democratic Republic to educate its youth, in particular by familiarizing it with different races and cultures and thus giving practical effect to article 7 as regards education. Concerning the field of information, satisfaction was expressed at the contribution of the Human Rights Committee of the German Democratic Republic through its Bulletin, in the propagation of subjects relevant to the Convention such as the international human rights instruments and relevant German legislation, and information on the struggle of the Palestinians and on apartheid. Satisfaction was also expressed at the fact that tribute was paid to the victims of fascism and in particular to the Jews. Finally, the Committee requested that more systematic information be included in future reports regarding measures taken in pursuance of article 7.

143. The representative of the reporting State answered some of the questions raised and assured the Committee that his Government would be duly informed of all the questions asked, and that it would consider them carefully and provide replies in full in its next periodic report. As to questions concerning the Sorb minority, he informed the Committee that in cultural matters, an independent Sorb cinema group had been operating for more than one year and, every year, the Sorb community theatre put on four or five plays which often dealt with topics of current interest. Radio programmes in the Sorb language were regularly broadcast and the number of publications in Sorb was increasing. In fact, a four-volume history of the Sorbs had been published in Sorb and in German and one Sorb publishing house alone published 80 to 100 books every year. Finally, with regard to the implementation of article 5 (d) (ii) of the Convention, the representative said that his country adhered to the principle of equal rights and non-discrimination in dealing with cases of persons who wished to leave or enter the country.

Republic of Korea

144. The initial report of the Republic of Korea (CERD/C/61/Add.2) was considered by the Committee together with the introductory statement made by the representative of the reporting State, which supplemented the information given in the report. The representative stated that since the submission of the initial report on 9 July 1980, there had been a change of Government in his country and a new democratic Constitution had been promulgated on 22 October 1980, after approval by referendum. As a State party to the International Convention on the Elimination of All Forms of Racial Discrimination, his country would continue to

make every effort to ensure faithful observance of its provisions, and his country's next periodic report would contain the relevant provisions of the new Constitution.

145. Members of the Committee, taking into account the internal difficulties of the country, commended with gratitude the initial report of the Republic of Korea which demonstrated its willingness to establish a dialogue with the Committee.

146. Two general problems were discussed without reaching a consensus as to whether the Committee was competent to do so: (i) the provision that the territory of the Republic shall consist of the Korean peninsula and its adjacent islands (article 3 of the Constitution) and (ii) the problem whether the foreign troops stationed in the territory would be subject to the jurisdiction of that country in the event of the commission of an act of racial discrimination.

147. Attention was drawn to a statement in the report that the Government, not having any kind of experience or practice of racial discrimination, did not find it necessary to adopt or introduce special legal provisions. It was pointed out that the absence of racial discrimination in no way exempted the Government of a State party from adopting the legislative, judicial and other measures required under the Convention; that racial discrimination was a phenomenon that could arise at any time and in any country, as experience had in fact shown; and that the very fact of the ratification of the Convention imposed on the State party the obligation to adopt new legislation, if only to prevent the phenomenon from occurring; otherwise the State would be acting in breach of the Convention. The concern was expressed in connexion with the fact that most of the information contained in the report was based on the Constitution which was no longer in force. Questions were asked concerning specific articles of the new Constitution, on the status of aliens and on the activities of the Supreme Court and other courts. It was also asked whether there were any plans to amend the criminal and civil legislations, or whether they were still in force.

148. Referring to article 2 of the Convention, the hope was expressed that the next report of the Republic of Korea would include detailed information on the demographic composition of the country and, if that composition was not homogeneous, on the measures adopted under article 2, paragraph 2, of the Convention, ensuring the adequate development and protection of certain racially disadvantaged groups.

149. In connexion with the implementation of article 3 of the Convention, further information was requested especially on the attitude of the Government of the Republic of Korea towards South Africa. While welcoming the fact that the Government had no official relations with South Africa, a member wished to know whether there were any unofficial links, such as contacts between private firms and, if so, whether the Government intended to put an end to those relations in accordance with the relevant resolution of the United Nations.

150. Several members underlined that no legislative, judicial and other measures, as it was seen from the report, had been adopted by the Government of Korea to implement article 4 of the Convention. The attention was drawn to the fact that article 260 (1) of the Criminal Law, quoted in the report, failed to meet the requirements of article 4 of the Convention, especially paragraphs (a) and (b)

of that article. It was suggested that this shortcoming should be remedied, and the hope was expressed that information on the progress in this field would be included in the next report.

151. Several questions were asked concerning article 5 of the Convention. Information was required on the emigration policy of the Republic of Korea and on the steps taken to safeguard the interests of its migrant workers in various countries. It was asked whether any economic policies were being implemented to correct imbalances in income distribution and growth which had given rise to tension among different groups in the community. Information was requested on the status of persons of mixed race in the social, economic and educational fields, and on whether such persons could enter all sectors of employment, including the army, or whether there was any restriction in that respect. As far as trade unions were concerned, it was asked whether or not strikes were permitted, whether there was more than one trade union organization and whether trade unions could be formed on ideological bases or only as part of the government machinery. It was understood that freedom of association was to be regulated, and it would be useful if the law on associations could be quoted in the second report. It was also asked whether there was equal pay for equal work for men and women, whether women had full equality before the law and what opportunities they had in various fields. The question was put whether criticism of the Constitution was permitted. Further information was requested on the implementation of the provisions of paragraphs (c), (d) and (e) of article 5, which was a most important article. Such information, as one of the members of the Committee pointed out, should refer not only to the constitutional principles but also to the legal provisions and other measures adopted.

152. Some members drew attention to the fact that there was no information in the report concerning article 6 of the Convention. Positive and specific legal provisions must be adopted in accordance with requirements of this article, and it would be advisable to bring that point to the attention of the Government of the Republic of Korea.

153. The Committee emphasized the importance of measures to be taken to implement article 7 of the Convention, and requested that detailed information concerning the implementation of this article be included in the next report.

154. Replying to some of the questions of the Committee, the representative of the Republic of Korea assured the Committee that there was no discrimination against aliens living in Korea and that they were entitled to apply for Korean citizenship if they so wished. Where trade unions were concerned, he drew attention to article 30, paragraph (1) of the new Constitution, which stated that all citizens had the right to work and that the State should endeavour to promote employment and guarantee optimum wages. He also referred to paragraph (1) of article 31, which guaranteed the right to independent association, collective bargaining and collective action. Concerning questions on specific articles of the Constitution, particularly those dealing with compensations, the representative stated that the matter would be covered in the next report. Lastly, he reaffirmed that the Republic of Korea had no public, official or private relations with South Africa.

Senegal

155. The fourth periodic report of Senegal (CERD/C/48/Add.9) was introduced by the representative of the reporting State who highlighted some points of the report and provided the Committee with some additional information. Regarding freedom of expression, he informed the Committee that on 11 April 1979 Act. No. 79-44 had been passed concerning the press and the profession of journalism, and defining the special responsibilities and obligations of proprietors and directors of publications. The Act also provided for the establishment of a national press commission responsible for supervising the functioning of the printed media. On the recommendation of the Human Rights Committee, the Council of Ministers had recently adopted a draft law abolishing the exit visa required by Senegalese nationals before they could proceed abroad. It had also adopted a draft law removing the numerical limit - previously four under article 3 of the Constitution - on the formation of political parties. Provision had been made for the organization of a series of lectures in the eight regions of Senegal, dealing with human rights topics and the struggle against racial discrimination. There were also to be radio broadcasts, and daily television sketches on the same subjects were to precede the literacy courses broadcast on the national network.
156. The Committee commended the Government of Senegal for its very good report and for the concise information provided therein, especially concerning article 5 of the Convention. Some members also welcomed the fact that the general guidelines of the Committee had been followed in the preparation of the report and **praised Senegal's pioneering role** in the promotion of human rights in Africa.
157. In connexion with article 2 of the Convention, more information was requested on the situation of the foreign population and its ethnic composition, together **with particulars of any agreements** concerning refugees and of any provisions relating to the granting of asylum and naturalization. More information was also requested on the experience both of the aliens themselves and of the authorities on how this process of integration was being achieved in implementation of article 2 (e) of the Convention. In view of the large number of different ethnic groups in the country, the Committee asked about the progress made in developing a multicultural society. Senegal's third periodic report had referred to an attempt being made to transcribe the six main national languages, and members wondered what experience had been gained, whether those languages were used in the mass media and whether they were used for teaching in primary schools. It was pointed out that all the documents quoted referred to "citizens" and it was therefore asked whether the guarantees of the Senegalese legal system also applied to non-nationals. Some members further pointed out the need for measures to help the less developed regions of the country and the various ethnic groups, and to reduce any economic disparities which might lead to racial discrimination.
158. The Committee expressed its appreciation of Senegal's decisive condemnation of the racist régime of South Africa which would encourage all who were fighting against racism and colonialism in the African continent.
159. Though some members declared that Senegal was complying almost completely

with the obligations under article 4, others stated that a full implementation by legislation was not yet guaranteed. The draft law concerning measures for combating racial discrimination had to be put into force in order to implement article 4 (c). Articles 261 and 262 of the Penal Code spoke of groups of persons, but those provisions needed to be supplemented by reference to action committed by individuals. Moreover, it was not clear whether the definition of means formed part of the law, or merely constituted a statement by the authors of the report. It was therefore not clear what real guarantees were available for the protection of individuals and also of aliens: perhaps the next report could include information on court procedures in that respect. Information was also requested on the progress made concerning the draft law on measures for combating racial discrimination, referred to on page 4 of the report, and when it was expected to be adopted. Noting that the section of the report dealing with the implementation of article 4 (b) referred to political parties and commercial associations, a member inquired whether the prohibition of racial discrimination also applied to non-profit-making organizations other than political parties.

160. Much of discussion revolved around the implementation of article 5 of the Convention. With regard to the principle of equality before the law, a fuller explanation was requested of the constitutional revision of December 1978 authorizing a group of at least 15 members of the Assembly to challenge the constitutional validity of any law in the Supreme Court. It was asked, in particular, to what extent this might affect the independence of the judiciary. More information was requested on the new law on political parties and any rules regarding the dissolution of specific groups. More details were requested, in particular, on the question of the numerical restriction on the formation of political parties. With regard to article 5 (d) (ii) of the Convention concerning the right to leave any country including one's own, the requirement for the deposit of a sum of money in the national treasury did not seem to members of the Committee to be compatible with the principle of equality between citizens. It was also pointed out that the conditions for acquisition of nationality seemed somewhat inflexible, particularly the stipulation that the ascendant in the first degree of a person born in Senegal must himself have been born in Senegal. Turning to article 5 (d) (viii) concerning freedom of opinion and expression, the Committee requested more information on the act concerning the press and on the extent of any control exercised over the press. The fear was expressed that press freedom in Senegal might be curbed by a measure of censorship and financial control. It was asked what rules were in force regarding the accrediting of journalists. Concern was expressed about the provision of article 52 of Act No. 79-44 of 11 April 1979, referred to in the report, requiring journalists to refrain from any attempt to corrupt the young; the terms of that provision was considered to be too vague, leaving the way open to arbitrary action. Regarding the concept of morality, in particular, the hope was expressed that the next report would make it easier to determine its limits by including information on court decisions and thus enabling the Committee to understand how the law was applied. A member of the Committee, however, pointed out that similar provisions existed in France and other Western countries and were intended to protect young people from exposure to pornographic publications.

161. As to article 6 of the Convention, it was asked whether any cases involving racial discrimination had been referred to the courts and if the Commission on Human Rights had dealt with any serious problem of racial discrimination in Senegal. With reference to article 76 of the Senegalese Code of Criminal Procedure, it was asked whether that provision was applicable to procedures against public authorities or whether they were special administrative courts for complaints against them.

162. In connexion with article 7 of the Convention, more detailed information was requested on the activities of the State, the role being played by the mass media in that respect and the extent to which the new law on journalism had contributed to the implementation of the article.

163. The representative of Senegal said that he would convey the Committee's recommendations to his Government and they would be taken into due consideration. In reply to some of the questions, he stated that economic and social development was not tied in with ethnic composition, and no group was given preferential treatment to the detriment of others. Development was planned in terms of the capabilities of the regions, regardless of the ethnic composition of the inhabitants. With regard to ethnic groups, the intermingling of peoples and the influence of the Muslim and Catholic religions had led to a natural balance among the various ethnic groups. Ethnic origin was not, therefore, a motive for discrimination, nor indeed was religion, as was illustrated by the example of former President Senghor, who was Catholic in a country in which 85 per cent of the population was Muslim. As to refugees, once they were recognized as such by a commission headed by the Procureur de la République (State Prosecutor), they enjoyed the same rights as Senegalese nationals. In that connexion, the Senegalese Government had recently granted refugee status to three Moroccan Jews, as a token of its determination to pursue a policy of integration and to combat racial discrimination. With reference to article 4 of the Convention, the representative stated that appropriate draft laws on the subject had been adopted by the Council of Ministers and were to be considered by the National Assembly in the near future. In Senegal, it was the Minister of the Interior who was empowered to declare unlawful any associations that engaged in activities contrary to the provisions of article 4 of the Convention. With reference to the article in the Penal Code making it a punishable offence to spread ideas based on racial superiority or hatred or to engage in incitement to racial discrimination, it should be noted that the means listed in the report were not exhaustive; they were intended as a guide, but all technical procedures designed to reach the public at large were covered by that article.

164. In reply to questions regarding article 5, he said that, under article 840 of the Code of Family Law, aliens enjoyed the same rights as Senegalese nationals. An alien could therefore take a matter to the Senegalese courts, either in criminal or civil proceedings or in a matter coming under administrative or commercial law. With regard to any potential encroachment on the independence of the judiciary, that independence was guaranteed by law and was viewed as a necessity. In reply to the questions concerning political parties, he explained that, for the purposes of establishment and official recognition in law, a party was required to register its statutes, provide a list of its leaders and give the address of its

premises. Thereupon, the Minister of the Interior had to issue acknowledgement. If he refused to do so, he was required to give the reasons for his refusal and the party leaders were then entitled to appeal to the Supreme Court, whose ruling was final. The Constitution had originally provided for only three official political parties. An early amendment of the Constitution had allowed for the establishment of a fourth party and the new Senegalese administration had expressed the desire to go as far as possible in the process of democratization with a view to reverting to unlimited multiparty system.

165. With regard to the repatriation deposit, the representative explained that Senegalese nationals who left the country in the hope of finding employment abroad often had very great difficulties in adapting to the host country and approached the Senegalese diplomatic authorities to be repatriated, something which placed a very severe financial burden on Senegal. That was why the Government had decided that anyone wishing to leave Senegal should deposit a sum of money in the national treasury or be in the possession of a return travel ticket. The Senegalese authorities did acknowledge, however, that the compulsory exit visa might indeed be regarded as a restriction on freedom of movement and a draft law to do away with the visa had been adopted by the Council of Ministers and was expected to be passed by the National Assembly in the near future. Senegal did not place any restrictions on granting nationality to children born in Senegal from non-Senegalese parents.

166. Touching upon questions as to freedom of the press, he wished to allay the fears expressed on the subject. The 1979 Act was in no way intended to reintroduce any form of censorship. The point was not to exert prior control over information reported by journalists but simply to lay down a code of ethics so that freedom of the press could be exercised fully yet kept within the bounds required to avoid licence and anarchy and to safeguard the privacy of the individual. In a case of libel, the Penal Code and the Code of Criminal Procedure provided that, where a private individual was involved, no action could be brought unless a complaint was lodged. When a group was involved, however, the Procureur de la République could institute proceedings even without any claim by the injured party. As to the question of whether a journalist who had his press card refused by the national press control commission was entitled to bring the matter before the Supreme Court, he said that such action could indeed be taken. In reply to the question as to why the morality of young people was mentioned in the Constitution, he explained that the Government had no intention of imposing a moral code on young people in Senegal, but all societies had the right to their own ethical standards and to bring up young people and educate them in keeping with those ethics. It was quite natural, therefore, that the Constitution should contain an appropriate provision, but it was to be noted that it had never yet been enforced.

167. Turning to the activities undertaken in Senegal under article 7 of the Convention, he informed the Committee that the Senegalese Government had concluded cultural agreements with most countries, except for South Africa, of course, and had considerably developed the teaching of foreign languages. Dissemination of the national languages was one of the priority aims of the Senegalese Government. Adult literacy courses were broadcast daily on the radio and television and phonetic transcription of vernacular languages had been experimented with in primary schools.

Syrian Arab Republic

168. The sixth periodic report of the Syrian Arab Republic (CERD/C/66/Add.22 and 32) was introduced by the representative of the reporting State who pointed out that his Government gave priority to the elimination of economic, social and educational differences. Referring to the Golan Heights, he said that Israel's occupation prevented the application of the Convention in those territories. Israel was practising racial discrimination in the Golan Heights and a policy based on the so-called "homeland" doctrine, which envisaged a mono-religious (Jewish) State established on territory that included the territories occupied by Israel in June 1967; the inhabitants of the Golan Heights had no rights vis-à-vis the governing authorities whenever the exercise of such rights ran counter to the "homeland" policy. In view of that situation his Government wished to lodge a formal protest with the Committee. The sovereignty of the Syrian Arab Republic in those territories was incontestable and recognized in international law, and the sole aim of the measures taken by Israel was to drive out the Arab population in order to annex the territory more easily.

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169. On a point of order, a member of the Committee pointed out that, cases in which a State party considered that another State party was not giving effect to the provisions of the Convention were governed by article 11 of the Convention. In such circumstances, it was unnecessary for the State to refer to that article explicitly. The fact that a statement to that effect appeared in paragraph (8) of the report was enough to require the Committee to follow the procedure provided for in article 11 and isolate the part of the report in question for separate consideration.

170. Clarifying the intention of his Government on that point, the representative of the reporting State said that the Syrian Arab Republic had ratified the Convention with a reservation that its ratification did not signify any relationship with Israel; his Government categorically reserved its position regarding the possibility of its having ratified the Convention together with Israel being interpreted as de facto recognition of the Israeli State. The Syrian Government had lodged a complaint with the Committee not by invoking article 11 of the Convention but by appealing to the sense of justice of the members and to their willingness to study an illegal situation; besides, the Committee could not place the victim and the aggressor on the same footing.

171. The member raising the point of order expressed the view that the reservation of the Syrian Arab Republic could not be considered as excluding the application of articles 11 to 13, since, under article 20, paragraph 2, no reservation the effect of which would inhibit the operation of any of the bodies established by the Convention was allowed. The reservation of the Syrian Arab Republic would, however, have the effect of inhibiting the operation of the ad hoc Conciliation Commission provided for in article 12, paragraph 1 (a). In any event, if a State party did not make a formal reservation expressly excluding the application of articles 11 to 13 when it ratified the Convention, it could not do so subsequently by means of an oral or written statement. The representative of the Syrian Arab Republic had pointed out that the application of those articles would have the

effect of placing aggressor and victim on the same footing. However, in the preamble to the Additional Protocol to the Geneva Conventions of 1949, which had been adopted in 1977, it was stated that the provisions of the Conventions and the Protocol must be fully applied in all circumstances to all persons who were protected by those instruments, without any adverse distinction based on the nature or origin of the armed conflict or on the causes espoused by or attributed to the parties to the conflict. Moreover, article 11, paragraph 1, provided a safeguard for the State party accused of not giving effect to the Convention and the Committee could in no circumstances deprive that State party of its right to explain its position and clarify the matter. On the conclusion of the first phase of the procedure, it lay with one or other of the States parties concerned to refer the matter again to the Committee in accordance with article 11, paragraph 2. In the particular case before the Committee, the first step to be taken would be to transmit paragraph (8) of the report of the Syrian Arab Republic to the State party accused. Any further action would be a matter for the States parties concerned and it could not therefore be said that the Committee was imposing a conciliation procedure upon them against their will.

172. Some members of the Committee expressed the view that, although it was not necessary for a communication to be made in writing and article 11 might apply in principle, the Committee could not adopt a procedure contrary to the categorical reservation of the Syrian Arab Republic. It was pointed out that, while the declaration made by the Syrian Arab Republic when ratifying the Convention was not properly speaking a reservation, it nevertheless clearly indicated the wish of that State not to establish any relationship with Israel. Furthermore, the representative of Syria had clearly stated that his Government was not invoking article 11 of the Convention; and it would be pointless to try to impose on a State a procedure which it did not wish to invoke. Members also stressed that it was quite legitimate that Syria should refer in its report to the situation in the occupied Golan Heights, since that territory legally and undisputably formed part of that State and occupation in no case signified transfer of sovereignty to the occupying Power.

173. Acting under rule 37 of the provisional rules of procedure, the Chairman made a ruling on the point of order to the effect that paragraph (8) of the sixth periodic report of the Syrian Arab Republic did not constitute a communication under article 11 of the Convention on the following grounds: (a) that the representative of the Syrian Arab Republic had expressly stated that his country was not invoking article 11 of the Convention; (b) that States parties to the Convention had not raised any objection to the reservation made by the Syrian Arab Republic at the time of its accession to the Convention, namely, that while its ratification would not imply any relationship with Israel; however, article 11, paragraph 2, clearly implied a relationship between two States parties; and (c) that in paragraph (8) of its report, the Syrian Arab Republic had simply requested the Committee to study the conclusions of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, which were contained in a United Nations document, and it would be difficult to treat such a request as a communication within the meaning of article 11. An appeal was submitted against the ruling of the Chairman, whereby the Chairman, under rule 37, invited the Committee to vote on his ruling. The Chairman's ruling was maintained by 11 votes to 2, with 1 abstention.

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174. Beginning its consideration of the sixth periodic report of the Syrian Arab Republic, the Committee expressed the hope that the revised guide-lines would be followed by the Government of Syria in the preparation of future reports. Members of the Committee requested information on the ethnic composition of the population.

175. In connexion with article 2 of the Convention, information was requested on the legal status of foreigners and immigrants, in particular as regards the regulations governing the situation of immigrants without valid passports and on the implementation of the immigration laws. Referring to a report submitted to the United Nations Working Group on Slavery in August 1980, alleging that it was the custom of some Muslim and Christian Arab sects in the Middle East to sacrifice women in order to uphold the family honour, a member of the Committee inquired whether there were any instances of that practice in Syria and whether there were any laws against it.

176. The Committee took note of the fact that the Syrian Arab Republic had no relations with the racist régime of South Africa and that it had scrupulously observed all United Nations solutions against that régime.

177. With reference to article 4 of the Convention, it was observed that articles 307 and 308 of the Syrian Penal Code and article 3 of the 1958 Law on Associations and Private Organizations were not sufficient evidence of the implementation of that article. It was asked whether the legislation cited covered injury to a person or group of persons caused by an agent of the civil authorities on account of ethnic origin. More information was requested on the measures taken to give effect to article 4 of the Convention.

178. The Committee requested the Government of the Syrian Arab Republic to submit to it directly the information on the implementation of article 5 of the Convention, which, according to the report it had already submitted to other international bodies. In that connexion, it was asked whether any discrimination existed with regard to access to services or employment.

179. With reference to article 6 of the Convention, it was observed that the report failed to show what remedies or procedures were available to victims of racial discrimination. Referring to the competence of the Council of State, a member asked whether that body had the power to nullify acts or decisions of governmental organs, besides those of the Government itself.

180. Further information was requested on the implementation of article 7 of the Convention in the fields of education, culture and information. It was asked, in particular, what provision was made in the curricula of Syrian schools for instruction relating to the historical background and cultural values of the various ethnic or religious groups in the country and to the cultural and other values of neighbouring countries; what the Government's policy was as regards familiarizing each of the several communities in the country with the culture and religion of the others; and whether cultural agreements had been concluded with other countries. A member of the Committee noted the positive attitude of the Government regarding article 7, which had been demonstrated by the constant and systematic activities in the mass media.

181. Replying to some of the questions raised, the representative of the Syrian Arab Republic said that there were no ethnic groups as defined in the Convention in his country and no statistics were available on the ethnic composition of the population. Regarding the status of foreigners, he said that Syria applied the principle of equality of rights, but foreigners still enjoyed more than the minimum rights recognized under international law. There was some differentiation in regard to employment, participation in elections, investment and the ownership of property. With regard to migrant workers, Syria was at present an exporter of labour and the question of problems for foreignworkers did not arise. Agreements for the protection of foreign workers had been concluded with other Arab countries, with reciprocity clauses which were at the moment largely hypothetical. There was no large foreign community in Syria and he had heard of no complaint regarding the treatment of foreigners. In reply to a question regarding allegations that sacrifices of women were practised in Arab families to defend the family honour, he said that he would note the particulars of that gross misrepresentation in order to reply to the United Nations. Replying to another question, he said that, in his view, articles 307 and 308 of the Penal Code, together with article 36, paragraph 6, of the Law on Associations and Private Organizations fully reflected the provisions of article 4 of the Convention. Syria respected all the rights specified in article 5, but would submit a report directly to the Committee. All Syrians had access to the courts under the Constitution and the laws: the right to security of the person and of protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution, could be applied to terrorism; the civil rights enumerated in the article had been codified in positive law. As to the Council of State, he said that it was competent to invalidate any enactment by the Government which contravened the legitimate interests of another party, whether a corporation or an individual. Syria also had a constitutional tribunal which could invalidate laws contrary to the Constitution. Turning to questions concerning article 7 of the Convention, he said that in secondary schools, instructions were given on the civilizations of all countries, Syria had concluded a great number of cultural agreements, mainly with the socialist countries. His country had issued an official statement on the occasion of International Day for the Elimination of Racial Discrimination, pledging continued support and action against all forms of racism.

Kuwait

182. The sixth periodic report of Kuwait (CERD/C/66/Add.23) was introduced by the representative of the reporting State who pointed out, in particular, that Kuwait, which had just elected a new Parliament, was a country whose enormous wealth and small population and high proportion of resident foreigners (over 50 per cent) made it unique in many respects. Foreigners had the same status as Kuwaiti citizens in that they lived in the country in equality and justice, without distinction as to colour, race or religion, and enjoyed full freedom of expression and religion and free high-quality educational facilities and health care, in accordance with articles 7, 8 and 29 of the Constitution.

183. The Committee commended Kuwait for its report which demonstrated the will of this State to maintain a dialogue with the Committee. A member expressed the view,

however, that the report of Kuwait was not as complete as it might have been. It was also noted that the report was not fully in keeping with the Committee's guide-lines and the hope was expressed that those guide-lines would be followed in the preparation of future reports.

184. In connexion with articles 2 and 5 of the Convention, the Government of Kuwait was requested to explain in its next report, as it had already been requested to do on several occasions, how the relevant legal provisions were applied to foreigners: whether, for example, it treated such foreigners as migrant workers or otherwise and what legal provisions were applied to them; what the ethnic composition of the population of Kuwait was; whether all foreigners were of Arab origin; what opportunities they had to take part in the decision-making process and, in particular, in the adoption of laws and regulations directly affecting them; whether they had the same wage scales as Kuwaiti nationals, in accordance with article 5 (e) (i); whether they might be deported and, if so, in what circumstances; whether their families were allowed to visit or join them in Kuwait; approximately how many children of migrant workers were currently living in Kuwait and what vocational training opportunities they had; whether special instruction was provided for those whose mother tongue was not Arabic; and whether they had trouble finding jobs when they left school and, in particular, whether they had to have work permits. The Government of Kuwait was also requested to describe the methods of recruiting foreign workers, explain whether bilateral conventions existed and indicate how the Government reacted in cases of clandestine immigration. Referring to the distinction which had been drawn between temporary workers and those who might be regarded as permanent residents and who came mainly from Arab countries, a member asked whether the Government of Kuwait had concluded agreements on the contractual recruitment of such workers and, if so, whether copies of laws on collective agreements, mediation and arbitration could be made available to the Committee. It was also asked whether foreigners who had lived in the country for more than five years were allowed to belong to trade unions, take part in their management and whether they had the right to strike and to take part in collective bargaining.

185. More information was requested by the Committee on the implementation of article 4 of the Convention. It was asked what penalties could be imposed for violation of article 29 of the Constitution, which ensured equality of rights and confirmed the racial non-discrimination recognized by Islamic law; whether the provisions of the Penal Code applied to organizations which advocated fundamentalist ideologies or incited to racial hatred and whether a policy had been adopted to restrict the activities of such groups. In connexion with articles 26 and 27 of the Publications Act No. 3/61, the Committee requested the Kuwaiti authorities to provide the texts of those articles. Members also wondered whether there were other laws on publications that might bear a more direct relation to the provisions of the Convention. A member of the Committee expressed the opinion that provisions of the Publications Act No. 3/61 did not constitute a proper implementation of the provisions of article 4 (a) and (b). Publications that might provoke hatred or division among individuals did not necessarily constitute an incitement to racial discrimination and, consequently, the Act did not relate to all the elements referred to in article 4 (a). Likewise, Act No. 28 of 1965 did not give effect to all the provisions of article 4 (b). He

would also like to have further details on article 26 of Act No. 3/61, which had been referred to for the first time in the sixth periodic report of Kuwait. Since a Parliament had been elected, it might be advisable for the Government to prepare a bill for the effective implementation of the provisions of article 4. The hope was expressed that, in its next periodic report, the Government of Kuwait would be in a position to indicate what had been done in that respect.

186. In connexion with article 5 of the Convention, it was asked whether the term "citizens" applied to the entire population of Kuwait or only to Kuwaiti nationals and, in particular, whether foreigners living in Kuwait were protected by domestic legislation. With regard to political rights, a member asked whether voting laws applied only to men or whether, in the context of the measures adopted with a view to women's liberation, women also had the right to vote; and how Kuwait's general system of alternating leadership operated. More details were requested on Kuwait's nationality code, how Kuwaiti nationality could be obtained or lost and whether the deciding factor was the original nationality of the person concerned. With reference to freedom of expression, it was asked whether the right to profess ideas not in keeping with the official doctrine of the State was guaranteed.

187. As regards article 6 of the Convention, attention was drawn to a statement in the report that any persons against whom acts of discrimination were committed could take legal action if the acts committed were serious offences. In that connexion, it was asked who determined the seriousness of such offences. Moreover, the principle appeared to apply only to offences committed by officials and it would be necessary to learn what happened in cases where an offence was committed by one individual against another, what legal action the victim could take and whether he was entitled to legal aid. Generally, more detailed information was requested on the rules and regulations that enabled Kuwaiti citizens or foreigners to assert their rights if they had suffered acts of racial discrimination. Regarding the Constitutional Tribunal, it was asked whether that Tribunal was also competent to determine whether laws and regulations conformed to the Convention or any other treaty freely signed by Kuwait. Further details were requested on the constitutional procedure referred to in paragraph 2 of the report.

188. The Committee requested more information regarding the implementation of article 7 of the Convention. It was asked, in particular, what measures the Government had adopted in connexion with education, culture and training for the different categories of residents and whether efforts had been made to interest them in the cultures of ethnic groups other than their own and whether there were information programmes relating not only to discrimination in the field of human rights, but also to the cultures and civilizations of different countries; and whether the Kuwaiti population and foreigners had developed any cultural ties, leading to cultural interaction. Regarding the curricula of public and private schools, it was asked whether they provided for activities designed to combat prejudices leading to racial discrimination and to promote understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagate the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights.

189. Replying to some of the questions raised by the Committee the representative of Kuwait said that most Kuwaiti nationals were of Arab origin or, more accurately, of Saudi origin. A smaller proportion were of Iraqi origin, while a few were of Iranian origin. Kuwaitis of Iranian origin had been settled in Kuwait for more than 150 years. They had thus been there before the adoption of the Nationality Act. The procedure of the Constitutional Tribunal made no distinction between Kuwaitis and foreigners and any foreigner was just as entitled as a Kuwaiti national to appeal to the Constitutional Tribunal. Turning to questions regarding foreign workers, he said that those workers were hired on the basis of contracts which they usually signed in their countries before they left for Kuwait. Migrant workers in Kuwait had practically permanent positions. Contracts were renewed almost automatically on a yearly basis, as long as workers performed satisfactorily and the country needed their labour. If a foreign worker's contract was not renewed, he was warned well in advance to enable him to seek employment elsewhere. The reason for the non-renewal of his contract was also explained to him. The cases of persons who wished to join members of their families in Kuwait were covered by the Immigration Act. Authorizations were not automatically granted and depended on the reasons why such persons wished to join their families. However, if they came to Kuwait with visitors' permits and found jobs corresponding to their skills, they could easily obtain work permits. The authorizations thus depended largely on the circumstances and skills of the applicants. With regard to wages, Kuwaiti nationals had a slight advantage, but the same was true of all countries in the world. However, the difference was not enormous. The children of non-Arab foreign workers attended schools within their communities where they received instruction in their languages and according to their cultural traditions.

190. In reply to questions regarding political rights, the representative said that in Kuwait the question of women's suffrage was often ventilated in the press and on television. There were currently many educated women in the country and the time would come when they would be entitled to vote. In the royal family, children with black mothers had exactly the same rights as children with white mothers, as proved by the fact that a prince with a black mother had been Prime Minister and would subsequently be the head of State. Freedom of expression, about which a question had been asked, genuinely existed in Kuwait, as could be seen by reading the newspapers. The only restriction laid down in the 1961 Publication Act was that press articles should in no circumstances jeopardize Kuwait's relations with other countries, particularly the countries of the region. In reply to another question, the representative said that trade unions existed in Kuwait, but he was not in a position to explain how much freedom they had. Finally, he assured the Committee that the comments made and questions asked by members of the Committee to which he had not been able to reply would be dealt with in the next report of Kuwait. The texts requested by the Committee would be provided and the next report would be prepared in accordance with the Committee's guide-lines.

France

191. The fifth periodic report of France (CERD/C/65/Add.2) was considered by the Committee together with the introductory statement made by the representative of the reporting State, who stated that the fifth report was intended to bring the previous reports up to date and related mainly to developments that had taken place in 1978 and 1979. In accordance with the request of the Committee some information had been given concerning the role of the Mediator. With regard to article 7 of the Convention, he noted that since the previous reports had provided details on education the current report contained hardly any new facts on the subject but, if the Committee considered that additional details were necessary, they would be provided. On 27 January 1981, the French Minister of Justice had issued a circular reproducing the 1975 circular quoted in a previous report. The circular duly described the measures taken by the Government of France to combat racial discrimination and extended the measures referred to in the fifth report. In the matter of vigilance regarding associations that promoted racist ideas, he said that an association of that kind had been dissolved and its director punished according to the law.

192. Most members of the Committee commended the report of France, stressing that it supplemented the previous reports and followed the Committee's guidelines. The inclusion in the report of particulars of judicial decisions in French courts was also commended. It was underlined that the report did not confine itself to theoretical considerations or statements that racial discrimination did not exist in the country, but openly stated that cases of discrimination had occurred and described the action taken.

193. Referring to article 2 of the Convention, measures taken to integrate aliens into French society were commended. At the same time it was pointed out that since the number of aliens in France made racist tensions inevitable, the standing instructions issued to the Prefects to act against any manifestation of racism or resurgence of Nazism should be extended to other officials and in particular to the police. More information was requested on the present problems of immigrants and on the agreements concluded with other countries regarding the terms and conditions applicable to foreign workers. Concerning the local languages which were studied in primary schools, the question was asked whether any statistics were available regarding the percentage of primary school children who were being taught their mother tongue. Concerning ethnic minorities, it was recalled that the French Government had said in its previous reports that the concept of ethnic minorities did not exist in France and a question was asked as to whether that was still really the case. Noting that 40 per cent of scholarships for secondary education of aliens had gone to children of Algerian nationality and approximately 17 per cent in each case to children of Spanish, Portuguese or Italian nationalities information was requested on the position with regard to children of other nationalities. Referring to the report, which said that immigrant children were as far as possible taught the language of their country of origin under agreements between the French Government and the Governments of countries concerned, the question was asked as to whether immigrant children could not be taught their mother tongue unless it was requested by the Government of their country of origin.

194. Several questions were asked concerning the implementation of article 3 of the Convention. It was stressed that France was a Western country with an important part to play in the solution of basic international problems, among which was the fight against racism in South Africa. However, the report contained no reference to France's attitude to South Africa, to the contribution it had made to the achievement of a new economic order in that region or to the breaking off of its relations with South Africa.

195. Several questions were asked concerning measures taken in France against racist movements. With reference to domestic laws of 1901 and 1972, the opinion was expressed, by one member, that implementation of these laws seemed too complicated to ensure speedy and effective action, since 1901 Act made no direct reference to racist organizations and the 1972 Act did not explicitly prohibit organization of racist or neo-Fascist character. Although the 1901 Act "allowed for" the judicial dissolution of racist associations, it was pointed out that such dissolution should be automatic. Satisfaction was expressed that one racist organization had been banned but additional information was requested on the whole matter. The opinion was expressed that France should in future consider measures for the more effective implementation of article 4 of the Convention. One member also asked as to whether Fascist ideology as such was punishable under French penal law and, if so, under what law. Additional information was requested with reference to Press Act of 29 July 1881, under which different acts of propagating racist ideas were prohibited and punishable; whether the Act was interpreted in the light of the conditions prevailing in 1881, when, with the exception of anti-Semitism, racial discrimination had been less pronounced than at the present time; or whether the Act covered all cultural activities.

196. A number of comments were made concerning the implementation of article 5 of the Convention. Concerning the subject of favorable conditions of work, it was noted with satisfaction that ILO Convention No. 19 on Equality of Treatment regarding worker's compensation for accidents as well as the corresponding domestic law was applied to aliens in France. It was asked whether the mounting number of jobless in Western Europe was having an impact on foreign workers in France, and whether the bilateral agreements entered into with labour-exporting countries safeguarded the interests of their workers in times of crises. A question was also asked as to whether there were any areas of employment in France, except for those affected by considerations of State security, from which aliens were excluded even if they had received their entire education in France but had retained their nationality of origin. Concerning migrant workers, additional information was requested on the steps taken in France to reconcile the political need to stem unemployment with the desire to adopt a liberal attitude towards migrant workers. Some members of the Committee noted that the report contained much interesting information on assistance to foreign workers, but further information was requested on educational opportunities in France for children of immigrants. It was asked, in particular, what developments had taken place in that respect since the submission of France's fourth report. Several questions were asked on the implementation of paragraphs d (i), (ii) and (iv) of article 5 of the Convention. In particular, the progress made with regard to reunion of families of immigrant workers was welcomed but it was asked, whether although family members could apply to be gainfully employed, the statement that their application could be refused if the employment situation so required meant that application of the principle of reunion was dependent on the situation in the

labour market. Information was also requested as to what policy was being followed by the French Government with respect to the repatriation of immigrant workers, since in view of the present economic situation in Western Europe, measures with that end in view were of critical concern both to importers and exporters of migrant labour. A member recalled that the denunciation of a treaty concerning the waiver of visas between the Philippines and France in March 1980 had been explained by the Government of France as non-discriminatory, since it applied to all Asians. The member asked whether this act did not represent discrimination against Asians, as a particular exception affecting a particular group of non-citizens, which was contrary to the letter and the spirit of the Convention.

197. In connexion with the implementation of article 6 of the Convention, a number of questions were asked concerning the relations between authorities and migrant workers. Since it was known to be the policy of some Western European countries, including France, to reduce the number of immigrant workers, a question was put as to whether an immigrant worker whose residence permit was terminated but who was not regarded as constituting a danger to ordre public could be considered to be in an unlawful position and therefore automatically expelled. As far as expulsion was concerned, the report stated that aliens threatened with expulsion could apply to appear before an expulsion committee. Information was requested as to whether such an application automatically had the effect of suspending the execution of the expulsion measure. Furthermore, the statement that an application could be made "except in an absolute emergency" was not very explicit and seemed to imply that a person could be expelled without any possibility of defending himself. With regard to the activities of the Mediator, it was recalled, that the office had been established under an act of 3 January 1973, article 6 of which provided that any person could avail himself of the services of the Mediator by applying to a deputy or a senator after complying with the necessary administrative formalities. However, the opinion was expressed that while a French citizen, as a voter, could readily make such an application an alien would have greater difficulty in bringing his complaint to the Mediator's notice.

198. As far as article 7 was concerned, it was pointed out that the report contained no information on what was being done in the country as a whole to evoke an awareness that racial discrimination did exist and was to be condemned. The hope was expressed that omission would be remedied in France's next report.

199. Replying to the questions of the Committee, the representative of France said that any question to which he was unable to provide a complete reply would be answered more fully in the next report. Referring to the question about the standing instructions to Prefects, he said that it was the practice of the Minister of Justice to issue circulars to public prosecutors that had binding effect. The representative of France enumerated a number of particular circulars. As far as ethnic minorities were concerned, he said that there had been no new developments during the period under review. In any event, the constitutional law of France did not recognize the concept of minorities.

200. The representative of France said that no specific reference was made in the report to steps taken under article 3 of the Convention, since there had been no new developments since the submission of the preceding report. The public authorities took steps to ensure that there was no institutionalized form of apartheid or racial discrimination in the country. France had always strongly condemned the policy of apartheid and had associated itself with the humanitarian assistance provided to the victims of apartheid through the United Nations. As far as organizations of the racist type were concerned, he assured the Committee that the penal legislation was as rapid as such legislation could be and that it had never been found complicated or imprecise, although it was subject to the necessary formalities to ensure respect for freedom, particularly of the press. In this connexion, the representative of France referred to the question which had been asked about the Press Act 1881, and said that it had to be interpreted as including racism and as applying to all cultural activities.

201. Where the migrant workers and their children were concerned, the representative of France said that migration agreements were international instruments that endeavoured to take account of all aspects of the situation, particularly the state of the labour market and to safeguard the interests of migrant workers. There was no model agreement, but all agreements endeavoured to reconcile the interests of the various parties. School attendance was carefully monitored by the national education authorities. According to the wish of the Committee, the Government of France would endeavour to include in the next report figures and more clarified information on education of the migrant worker's children. As far as the procedure governing the expulsion of aliens was concerned, the representative explained that an alien who was the subject of an expulsion order could refer his case to the expulsion committee provided for by the law. The act of expulsion was not a governmental act but an administrative act, which came within the purview of the administrative courts. The Mediator's activities related not only to French nationals but to foreign nationals, and a campaign had been launched to make the public aware of the fact. Referring to article 7 of the Convention, the representative of France provided the Committee with specific information on the curricula of French schools, which include the subject of human rights in various respects.

Ivory Coast

202. The second, third and fourth periodic reports of the Ivory Coast submitted in one document (CERD/C/64/Add.2) were considered by the Committee together with the introductory statement of the representative of the reporting State.

203. The Committee commended the Government of the Ivory Coast for its comprehensive report which covered the period 1974-1980 and provided information on practically all the important questions.

204. It was noted that the Ivory Coast condemned apartheid while at the same time advocating dialogue with South Africa. The Government was asked to provide fuller information in its next report on the results of that dialogue.

205. It was pointed out that article 6 of the Constitution of the Ivory Coast did not correspond to the provisions of article 4 (a) and (b) of the Convention. In that connexion, the Government was asked whether it intended to enact legislation to give effect to those provisions and to present the text of the relevant articles of the draft Penal Code of the Ivory Coast under consideration.

206. With reference to article 5 of the Convention, the Committee asked how justice was administered at the present time, particularly in rural areas, since the Penal Code had not yet entered into force; how popular participation was encouraged in the political field; whether several candidates were permitted to compete for party nominations in elections of the different levels in the single democratic party of the Ivory Coast; and how the general population could voice complaints regarding government policies. Explanation was requested of the statement in the report that access to the courts by non-nationals was facilitated by settled practice in which the security for costs and damages was very rarely called for. In that connexion, it was asked when such security was required and when it was not, as it seemed to be a form of discrimination against non-nationals. Further information was asked for regarding the press: who owned the media; whether the media could be privately owned and whether foreign publications were available in the Ivory Coast. With reference to the right to form and join trade unions, it was asked whether trade unions were independent or were linked to the Government and whether strikes were permitted under the Labour Code. In that connexion, the text of the Labour Code was also requested. Noting that foreigners in the Ivory Coast had considerable holdings in the capital of companies, a member asked whether that situation led to tension between such foreigners and the indigenous population and what measures, if any, were taken to reduce such tension, to narrow disparities in income and to enable Ivory Coast citizens to enter the economy as entrepreneurs; whether there were any laws to promote Africanization and whether the Government encouraged participation by the local population in the foreign sector.

207. Referring to an incident concerning the death of 46 Ghanaians who had been arrested in the Ivory Coast, a member of the Committee said that those acts violated the principles with which the Ivory Coast claimed to be imbued and that the Government had not reacted in the manner expected.

208. Noting that the report did not contain reference to any provisions implementing article 6 of the Convention, the Committee requested further explanations on that point.

209. In connexion with article 7 of the Convention, it was asked whether integration of the population of the Ivory Coast was based on concepts of a general nature or on a specifically African concept, namely negritude. A member of the Committee commended the Government of the Ivory Coast for the way in which it was giving effect to the provisions of article 7 of the Convention.

210. The representative of the Ivory Coast replied to some of the questions raised and assured the Committee that replies to remaining questions would be provided in his country's next report. He said that until the draft Penal Code was adopted, the Ivory Coast was applying the French Penal Code. In reply to the question concerning the Africanization of the managerial class, he said that for 10 years the Ivory Coast had had ministers who were not from the Ivory Coast and who had never changed nationality. Since the country's achievement of independence Africanization was applied only gradually and an Ivory Coast citizen was authorized to replace a foreigner in a post only when he had acquired the same degree of skill. Measures had been taken to provide the same security for foreigners as for citizens; in the Ivory Coast the very concept of "foreigners" was special, because no distinction was made in their regard in any areas of economic or social life. Regarding offences against the person, such as tattooing, filing of teeth and the like, he said that while there was no specific written provision regarding the matter, those practices were punishable and were referred to in the draft Penal Code. The Ivory Coast authorities had no intention of concealing them and spared no effort to eliminate them through an information campaign and Party directives.

211. In reply to questions concerning article 5 of the Convention, the representative said that security for costs and damages may not constitute a discriminatory measure because it applied to all foreigners, regardless of nationality or race. Regarding administration of justice in rural areas, he said that under African justice, conciliation and mediation were essential principles and were applied in rural areas when the parties to a dispute did not refer the matter directly to the competent court. When the matter fell within the competence of traditional justice, it was usually preferred to have it settled in the village by the wise men who were used to that kind of problem and if no solution was found, one of the parties could apply to the court. The latter, applying modern legal procedures, took into account what had been decided on the basis of traditional justice. The relations between traditional and modern justice were not codified; they were extremely flexible and were guided primarily by the spirit of conciliation and mediation between groups. Replying to questions concerning the political situation, he said that the existence of a single party, the Democratic Party of the Ivory Coast, was no impediment to democracy. The Party did not endorse any of the candidates who stood for election and voting was conducted in two rounds of secret balloting for a single member, the first round on the basis of an absolute majority and the second on the basis of plurality. All foreign publications were sold without censure or restriction.

The right to strike was fully recognized and the trade unions, which represented the different corporations, could, within the limits of the Constitution, call a strike and submit their claims to the appropriate ministers. The representative regretted the incident of the death of 46 Ghanaians and expressed his conviction that the Ivory Coast authorities and the President would take the steps which were necessary. Finally, as to the question of negritude, he said that it was not a concept which differed from country to country, because it was based on the fundamental values of Africa. Although there was no specifically African culture in the Ivory Coast, the practices of one region were not allowed to interfere with the positive aspects of another.

Yugoslavia

212. The sixth periodic report of Yugoslavia (CERD/C/66/Add.26) was considered by the Committee after a brief introductory statement of the representative of the reporting State. The Committee commended the Yugoslav Government for its positive efforts to implement the Convention, in particular with regard to the situation of nationalities (minorities), and for the replies it had submitted to the questions raised during the consideration of its fifth periodic report. The hope was expressed that the Committee's guidelines for the preparation of reports would be more closely followed in the future.

213. Most of discussion evolved around the situation of the ethnic groups and minorities in Yugoslavia. In that connexion, it was asked why a distinction was made between "nations" and "nationalities"; how the authorities were endeavouring to overcome the objective difficulties and achieve equality of languages and if they could submit, in their next periodic report, an account of the progress made in that field. Information was requested on the extent to which the Bulgarian language was taught in Bulgarian community and, in particular, why this language was taught only in two secondary schools in Serbia; on the teacher-training institute for Bulgarian teachers; and on the development of co-operation between Bulgaria and the regions of Yugoslavia in which Bulgarian nations were living, particularly in matters of education. Further information was requested on the measures provided for under the five-year plan to give effect to the provisions of article 2, paragraph 2, of the Convention, on the economic development of the republics and autonomous regions of Yugoslavia and on the disparities in economic development of the different regions.

214. With regard to article 2 of the Convention and the situation of minorities, many questions were asked concerning the self-management system in Yugoslavia. Information was requested on how this system generally worked and what mechanisms existed for harmonizing the decisions taken by the different self-management entities with a view to achieving the necessary unity at the national level; whether there were any legislative measures designed to ensure that decisions taken at the commune level did not run counter to the rights of minorities and what remedies were available to those minorities if their interests were harmed; whether ethnic minorities were adequately represented on self-management bodies; whether conflicts of interest between different ethnic groups could be

resolved at the level of self-managing communities; how self-managing communities were initiated and organized in less developed regions; how the legal systems ensured non-discrimination in a community or province with a majority of one nationality and minorities of other nationalities when political decisions were taken, such as elections to political or government posts under self-management. Finally, since there was no provision in the self-management system for the right to strike, information was requested on the machinery which had been provided to secure the amicable settlement of disputes.

215. The Committee noted with satisfaction the action taken by Yugoslavia to combat the racist régimes of southern Africa and to support the peoples struggling against apartheid in the region.

216. With reference to articles 4 and 5 of the Convention, it was asked how offences were classified in the Yugoslav penal legislation; whether, in a case where a foreigner committed an offence against a Yugoslav national outside Yugoslavia and was sentenced by the courts of the country in which the offence had been committed, Yugoslavia would again try that foreigner; whether agreements had been concluded between Yugoslavia and the Governments of countries to which Yugoslavia workers migrated in order to find employment and if so, whether, under those agreements, families were authorized to join the emigrant workers and whether there were any safeguards against arbitrary expulsion. Information was requested on the arrangements governing the right of foreigners to enter Yugoslavia, and in particular on whether the right of asylum was provided for by law and, if so, whether the Government furnished humanitarian aid to persons enjoying it. Regarding mixed marriages, it was asked whether such marriages actually occurred between Slovaks and Romanies.

217. As to articles 6 and 7 of the Convention, it was asked how the judiciary was organized and how the remedies provided for could be exercised. In connexion with the National Committee for the Decade for Action to Combat Racism and Racial Discrimination, information was requested on its future activities and its programme at the national and regional levels.

218. The representative of Yugoslavia replied to most of the questions asked and assured the Committee that its observations would be fully taken into account by his Government and reflected in its next periodic report. Regarding the distinction between nations and nationalities, he said that minorities in the sense in which that term was used in international law were termed nationalities in Yugoslavia, although there were some differences. There was no discrimination against the Bulgarian minority. Co-operation and good-neighbourly relations between Yugoslavia and Bulgaria were being constantly developed, particularly in culture and education, and often took the form of joint events and assemblies for the inhabitants of border regions. With regard to the admission of aliens, his Government had concluded formal agreements with more than 80 countries with which it maintained diplomatic relations to abolish the visa requirement and the nationals of other countries could obtain visas in accordance with a simple procedure. The granting of asylum and status of refugees were provided for in the Constitution and legislation had been enacted

providing for special material assistance and allowances for refugees and their families living in the country. Yugoslavia had entered into many international agreements concerning assistance for Yugoslavia migrant workers but the question of expulsion of such workers had not been covered.

219. Explaining the self-management system, he said that it applied to republics, autonomous provinces, communes, working organizations and the so-called communities of interest. Its main purpose was to ensure that all structures of society could express and pursue their interests in the common interest. Harmonization of activities at the national level was largely guaranteed by the fact that the constitutions of the self-management entities had to conform to the Federal Constitution. The right of members of ethnic minorities were not left up to the communities, but the Constitutions of republics and provinces strictly guaranteed the equality of nations and nationalities. Economically underdeveloped regions were helped through a special federal fund; in addition, nearly every republic and province had its own fund for the economic development of its own underdeveloped areas. Disparities in the development of different regions were due to the heavy heritage of past centuries which could not be eliminated in three decades. As to languages, he said that at the federal level an official gazette was published in seven languages. In reply to questions concerning the courts and administration of justice, he said that there were constitutional courts which ruled on the conformity of enactments to the federal Constitution and laws; the republics and provinces also had their own constitutional courts to decide matters of conformity to their own Constitutions. Administrative disputes could, after the exhaustion of all available **administrative remedies**, be submitted to a special court which was empowered to **nullify all administrative** decisions, including those of federal bodies. All **criminal acts were termed offences** and a person who had committed an offence against a Yugoslav citizen abroad would not be prosecuted in a Yugoslav court **if he had already been tried** in a foreign court. Applications for the protection **of legality could be filed by** the competent public prosecutor in cases where a sentence constituted an infringement of the law, either for the benefit, or to the detriment of the person sentenced.

Nigeria

220. The sixth periodic report of Nigeria (CERD/C/66/Add.25) was introduced by the representative of the reporting State who provided supplementary information on Nigeria's stance with regard to the implementation of article 3 of the Convention and on the role it had played in the crusade against racism and racial discrimination. The representative referred, in particular, to the activities of the National Committee for the Dissemination of Information on the Evils of Apartheid, the Federal Ministry of Information and the newly established Human Rights Workshop whose main objects were respectively: the promotion of racial tolerance, the formulation of government policies and strategies to combat racial discrimination and apartheid and the explanation of fundamental human rights provisions in the Nigerian Constitution. He also referred to Nigeria's contribution to and participation in international conferences of solidarity to combat racial discrimination, to Nigeria's co-operation in the implementation of the programme of the Decade for Action to Combat Racism and Racial Discrimination and to an official statement against the apartheid régime of South Africa, made by the Nigerian President during his recent state visit to the United Kingdom of Great Britain and Northern Ireland. Furthermore he stated that his Government had recently taken measures against companies having trading links with South Africa and that it had also been keeping all other enterprises which depended on Nigerian raw materials under surveillance.

221. Members of the Committee welcomed the valuable additional information provided by the Nigerian representative and expressed their appreciation at the **part played by Nigeria** in the international campaign against racism and apartheid. **In this connexion**, one member expressed the wish that information on action taken under article 3 of the Convention should form part of the future periodic reports of Nigeria. In general, it was hoped that the next periodic report would comply **with the guidelines prepared** by the Committee.

222. Members of the Committee welcomed also the information provided in the report, about the end in 1979 of the state of emergency in the country, under which some of the fundamental human rights provisions of the 1963 Constitution of Nigeria had been suspended, and drew attention in particular to the information regarding the new Nigerian Constitution of 1979. This Constitution established the right to form "broad-based" political parties in order to soften the heavy tribunal accent in the Nigerian political outlook.

223. It was noted that the 1979 Constitution seemed to be identical with the previous Constitution of 1963 except for section 39 which replaced section 28 of the 1963 Constitution, but not reproduced in the report. It was also observed that Nigeria's fifth periodic report had listed the provisions of the Constitution of 1978, which had been enacted by decree, but that there was no mention of this Constitution in the sixth periodic report. It was therefore asked whether the enactment referred to in the fifth periodic report of Nigeria as the 1978 Constitution was identical with the 1979 Constitution and whether the Committee could be provided with the text of the 1979 Constitution in order to ascertain the extent to which the provisions of the Convention were being applied. In that connexion, one member inquired what effect the 1979 Constitution had had on the

laws promulgated under the 1978 Constitution and, in particular, whether the Criminal Code mentioned in the fifth report and the Customs Tariff Order of 1976, which prohibited the exportation of goods to South Africa, Rhodesia and Namibia were still in force. Another member noted that the text of the Fundamental Rights and Freedoms of the 1963 Constitution was based almost word by word on the European Convention for the Protection of Human Rights and Fundamental Freedoms which, however, for various reasons did not contain a general guarantee of equality before the law. He therefore inquired whether the present Nigerian Constitution guaranteed the right of equality before the law and the social rights contained in the European Social Charter to both Nigerian citizens and to aliens.

224. Members of the Committee observed that various questions raised, when the Committee examined Nigeria's fifth periodic report, with regard to Nigeria's compliance with articles 2 and 4 of the Convention had still not been answered. With reference to article 2 of the Convention, it was observed that mere passing of decrees could not eliminate the difficult problems created by tribalism and it was asked that Nigeria's next periodic report should give more information about the new political organization of the country and the progress made in dealing with tribalism. It was recalled, in this connexion, that under Committee's General Recommendation IV, States parties were invited to endeavour to include in their periodic reports relevant information on the demographic composition of the population. With reference to article 4 of the Convention, it was asked that specific measures to give effect to the provisions of that article should be quoted in the next periodic report.

225. With regard to article 6 of the Convention, one member requested information **on the enactment** in the country of a new proposal for the provision of legal aid.

226. Referring to article 7 of the Convention, it was asked what internal measures **had been taken** to inform the population, and especially school children, about the **structure of the** United Nations, human rights and, in particular, the prejudices which could lead to racial discrimination.

227. Replying to questions raised by members of the Committee, the representative of Nigeria explained that the provisions of the 1963 Constitution had largely become obsolete. Few provisions had been absorbed into the new 1979 Constitution, notably those of chapter IV referring to such rights as the right to life, the rights to the dignity of the human person, and the right to personal liberty, to which new provisions were added, referring to the right to freedom of thought, conscience and religion. The 1978 and 1979 Constitution were identical. The Constitution, which had actually been applied in 1978, had been given formal legal effect in 1979 when the new civilian administration replacing the military administration had come into office, and it had then become known as the 1979 Constitution. The representative also provided some details on the suspension of some of the fundamental rights provisions of the 1963 Constitution during the state of emergency which had been lifted in 1979 and stated that questions concerning the state of emergency and the formation of political parties were sub judice. At present, the President of Nigeria could not proclaim a state of emergency in one of the States or throughout the Federation without the approval of two thirds of the members of the National Parliament or the Parliament of the State in question.

228. With regard to the implementation of articles 2, 3, 6 and 7 of the Convention, the representative referred to relevant provisions of the 1979 Nigerian Constitution.

229. As regards specifically the problems created by tribalism in the country, he explained that the total Nigerian population of approximately 80 million comprised some 250 tribes or linguistic groups. That situation had contributed to the international difficulties experienced before the new administration had come into office. A 12-State structure had been brought into being in 1967 as a means of solving the internal difficulties arising from ethnic differences. A further 7 States had been established on 3 February 1976. Before the creation of the 19 States, there had been only four regions in addition to the Federal territory of Lagos, and that situation had contributed to the internal imbalances referred to by some members of the Committee. Although such imbalances had now been rectified, the Council of States had recently recommended to the Federal Government that 11 more States should be created, bringing the total to 30. That would simplify the two-thirds division, which was difficult to make with the present number of 19, and which had led to some friction.

230. With reference to article 4 of the Convention, he stated that Nigerian legislation prohibited any incitement to racial discrimination and that section 63 of the Criminal Code specified that directing or assisting an unlawful association constituted an offence.

231. In connexion with article 6 of the Convention, he informed the Committee that in addition to the Federal High Court which sat in Lagos, each of the 19 States of the Federation had a High Court and Magistrates' Courts. For Islamic law, there were sharia courts in various States, mainly in the northern part of the country, and there was also a sharia Court and a court of appeal at the federal level. Also with respect to Islamic law, there were the district courts which existed in the northern part of the country and were comparable with the Magistrates' Courts. The representative gave a detailed report on the remedies available through these judicial instances in the event of a breach of fundamental human rights.

232. The representative then provided some additional information relating to the implementation of article 7 of the Convention and stated, in particular, that the National Committee for Dissemination of Information, under the responsibility of the Federal Minister of Information, had launched school activities designed to ensure that Nigerian school children were brought up in a spirit of racial tolerance. Most schools had separate programmes designed to make children aware of the meaning and objectives of the Convention.

233. He finally assured the Committee that the next periodic report would provide information with regard to those questions which had remained unanswered.

Burundi

234. The second periodic report of Burundi (CERD/C/62/Add.1) was introduced by the representative of the reporting State who, supplementing the information given in

the report on articles 5 and 6 of the Convention, stated that Burundi was studying the possibility of ratifying the International Covenants on Human Rights, whose provisions it was already implementing. Moreover, it was taking an active part in the preparation of an African charter of human rights and rights of peoples. In order to bring the courts closer to the people, Burundi had set up courts in all but two of its communes, and that shortcoming would soon be remedied. It had undertaken a systematic inspection of the courts and public prosecutors' departments in order to retain only those officers of the law who were politically and morally responsible. The Judicial Supervisory Commission was endeavouring to expedite judgements and their execution. In order to modernize and update the law of Burundi, several instruments had been adopted, among them a bill for the reform of the Criminal Code and a bill concerning the establishment of an administrative tribunal. Moreover the draft fundamental law of the Republic of Burundi would probably be submitted to the competent bodies in the course of the year. The representative also informed the Committee about various activities which had been organized in his country to make the population aware of the problem of racial discrimination.

235. Members of the Committee considered that the Government of Burundi had submitted a most conscientious report, drawn up in accordance with the Committee's guidelines, and had well set out the efforts it was making to meet the requirements of the Convention. In that connexion, it was suggested that the attention of the Burundi Government should be drawn to the mandatory articles of the Convention so that they could be included in the draft constitution which was to be the subject of a referendum during the current year.

236. In connexion with article 2, paragraph 2 of the Convention, members of the Committee stated that they were aware of the difficulties of national unity in the African countries caused by ethnic or tribal problems inherited from the colonial era, and expressed the opinion that it might be useful for the Committee to receive some information on the demographic composition of the population of Burundi in order to understand certain problems that the country was currently facing and the environment in which the convention was being implemented. They wished to know, in particular what was the distribution of Hutus and Tutsis in the population and how many refugees and stateless persons there were in Burundi. One member requested clarification on the information given in the report, according to which there were 2,000 students representing 10 nationalities at the University of Burundi, while it was also stated in the report that the population of Burundi was homogeneous. Another member asked what measures had been taken to enable the disadvantaged groups which had existed in Burundi to reach the average standard of living of the population.

237. With regard to article 3 of the Convention, it was asked what were the sanctions referred to in the report that Burundi applied to countries which made racial discrimination a constant of their national policy. The texts of the orders and Ministerial decisions referred to in that connexion should be communicated to the Committee.

238. With reference to article 4 of the Convention, it was observed that article 75 bis of the Criminal Code of Burundi did not appear to cover the financing of

racist activities and it was suggested that, perhaps, the Government of Burundi could redraft that article and make it more consistent with the requirements of article 4 (a) of the Convention. It was also observed that under the Order of 8 May 1959, associations which occasioned or would be likely to occasion a breach of the peace or of public order could be disbanded, but the Order did not prohibit such associations in advance. The hope was therefore expressed that future reports would give an account of further legislation to implement, in particular, the provisions of article 4 (a) and (b) of the Convention.

239. In connexion with the implementation of article 5 of the Convention, members of the Committee asked what were the components of the Burundi Government's humanitarian policy concerning refugees; where the refugees existing in the country came from; what their status was as foreigners, how they could acquire Burundi nationality; and what rights and benefits were recognized for refugees in practice, which might encourage them to adopt Burundi nationality. Furthermore, members wished to know what were the social conditions which had resulted not only in the factual existence of a single party but also in the exclusion of other parties in the Constitution. It was asked whether the population at large could determine its own political destiny or whether the single party had absolute authority. Information was requested concerning the conditions for equal access to the civil service, the procedures which enabled Burundi citizens to leave their country and the number of citizens who went to other countries to seek work or to join their families. With regard to the right to marriage, it was noted that the only impediments to marriage concerned conditions pertaining to age and degrees of kindred. Further information was requested on the latter point. In connexion with the right to own property, it was observed that the report did not give sufficient information on the system of property-ownership in force, and it was asked what exactly was meant by "full and final liquidation of the institution known as 'Ubugererwa'" contained in the report. Members of the Committee also wished to know whether there was more than one newspaper in Burundi and if it was possible to publish newspapers which were not controlled by the Government; whether the Union of Workers of Burundi was the only trade union existing in the country and how it was constituted; whether it was possible to establish more than one trade union in Burundi; whether the law guaranteed the right of access to any place or service intended for use by the general public; and whether provisions to that effect would appear in the future constitution.

240. With reference to article 6 of the Convention, members of the Committee wondered whether the detailed rules established in order to bring the legislation into line with the principles of the Convention had been exactly followed in practice; whether there had been cases of infringement and whether justice had been set in motion to remedy any injury. In addition, it was asked what "other body", referred to in the report, than the ordinary courts and specialized courts, was competent to have before it cases of violation of the rights recognized in the Convention. Members of the Committee also wished to receive details concerning recourse procedures in the event of racial discrimination and to know whether there were in Burundi provisions for legal assistance for disadvantaged persons to enable them more effectively to assert their rights in the courts, and whether there was any provision for redress for any injury which might result from discrimination in civil or criminal procedure.

241. With regard to article 7 of the Convention, it was asked whether programmes had been drawn up to familiarize Burundi citizens with the cultures and civilizations of neighbouring areas and other countries both developed and developing; what the content of the educational syllabuses was, whether they embodied measures to combat the prejudices which might result in discrimination, whether they encouraged mutual understanding and tolerance between peoples and nations, and whether they sought to inculcate the purposes and principles of the United Nations. In addition, more information was requested on the way in which democratization was put into operation in the educational system of Burundi, and also on the introduction of the Kirundi language as the medium of primary schooling, especially taking into account the several dialects spoken in the country and the tribal system which had not entirely disappeared. It was asked specifically whether it implied that all lessons would be given in Kirundi or that Kirundi would be taught.

242. The representative of Burundi, replying to a number of questions, informed the Committee that the draft constitution of Burundi, which would cover all the provisions of the Convention, was at present under discussion at a high level, and would no doubt be considered at one of the forthcoming communal congresses.

243. Referring to questions regarding the implementation of article 2, paragraph 2 of the Convention, he stated that it was very difficult to obtain statistics concerning the ethnic composition of his country's population whose roots went back to time immemorial.

244. With reference to article 3 of the Convention, he explained that although Burundi had never maintained any diplomatic or economic relations with South Africa, it had provided for the imposition of sanctions under Chapter VII of the Charter of the United Nations.

245. Turning to questions under article 5 of the Convention, the representative informed the Committee that Burundi had been admitting the refugees from neighbouring countries ever since it had obtained its independence in 1962. As these refugees at present numbered 200,000, they created a difficult situation for a country faced with its own development problems, and the assistance of the competent international organizations and of friendly countries had therefore been sought. The fact that the refugees came from neighbouring countries and had the same culture as the local population facilitated their integration. They had the same rights as citizens of Burundi with respect to access to the labour market, health services and education. Many refugees had taken advantage of legislation enacted in 1971 to enable them to acquire the nationality of Burundi. Those who had done so were eligible for service in the highest offices of State. He also stated that all citizens were guaranteed the right to express their views within the single-party system, and provided information, in particular, about the participation of all sections of the population in the preparation, execution and monitoring of the five-year national plan. The code of personal and family law gave equal status to the spouses. It prohibited consanguineous, polygamous and bigamous marriages, marriages of minors and marriages without the consent of both spouses. The "Ubugererwa" system, which was a retrograde system of share-cropping, had been abolished by new acts promulgated for the purpose. With regard to freedom

of the press, there was in his country a wide range of newspapers, including a semi-official publication, a French-language newspaper, trade union and youth movement publications, technical, scientific and legal journals and religious publications. The representative also explained that when Burundi had first emerged as an independent nation, it had had about 40 political parties and 10 trade unions. The UPRONA party had won more than 90 per cent of the votes in the elections that had been held under United Nations supervision. In 1967, the 10 trade unions had decided to amalgamate into a single union with 18 federal branches. Various opinions were represented and members could engage freely in criticism. The union was founded on legislation which reflected the wishes of its members.

246. With reference to article 6 of the Convention, the representative stated that the State paid the legal costs of those not in a position to meet them and provided a lawyer for their defence. No complaint concerning violation of the Convention had so far been heard. The Convention had become part of the legal order of Burundi and the relevant remedies were therefore established by law. As regards the question concerning recourse to courts or other competent bodies, he explained that those bodies were the specialized courts referred to in the report.

247. In connexion with article 7 of the Convention, the representative informed the Committee that there was in Burundi a ministry which was specifically responsible for providing information on the civilization of Burundi, that Burundi was a member of the linguistic centre which had been established for East African countries and that the national language, Kirundi, was being introduced throughout the primary school curriculum. Furthermore, every effort was being made to promote human rights, particularly in schools, where teaching on international humanitarian law; the Charter of the United Nations and the United Nations system was given. Whenever a convention was ratified by the Government, the relevant provisions were quoted in newspapers and other publications.

248. The representative of Burundi finally assured the Committee that fuller replies to their questions would be provided by his Government in its next periodic report.

Bulgaria

249. The sixth periodic report of Bulgaria (CERD/C/66/Add.28) was considered by the Committee together with the introductory statement made by the representative of the reporting State, who pointed out that the legal framework for the implementation of the Convention, in his country, consisted of four closely linked categories of provisions incorporated in the Constitution, laws and normative acts. The first category concerned the definition of the rights and freedoms protected against racial discrimination and the rules which guaranteed their implementation; the second category dealt with the penalties for violations of those rights; the third covered the methods of monitoring the maintenance of legality, which guaranteed enjoyment of those rights; and the fourth included the means available for re-establishing rights violated by racial discrimination and obtaining damages. With regard to the fourth category, it had not been considered necessary to establish in Bulgaria a special recourse procedure against acts of racial discrimination, since the ordinary procedure afforded every individual full opportunity to protect his rights. In this connexion the representative drew the Committee's attention to the new Act on administrative procedure of 1979 and the Act on proposals, submissions, complaints and petitions of 1980, under which the victims of discrimination could have recourse to both the civil and criminal courts. The administrative act enabled the individual concerned to defend his interests, to have the right of recourse to the higher administrative authority and finally to have access to the courts.

250. The Committee appreciated the introductory statement of the representative of Bulgaria and the substantive nature of the report of his Government, as well as the part it was known to be playing at the international level in the struggle against racial discrimination and apartheid.

251. The Committee drew particular attention to the question of ethnic minorities in Bulgaria. Reference was made to official statistics published in 1959 and it was stated that it was regrettable that the report did not contain recent statistical data on the ethnic minorities in the country. In this connexion, members of the Committee wished to know whether the statement that Bulgaria had historically been the home of other nationalities implied that those nationalities no longer existed as ethnic entities. It was therefore asked whether the official policy was to maintain the separate identity of ethnic groups or to absorb all such groups into the mainstream of Bulgarian society; what impact official policy in that respect might have on other policies relevant to the implementation of article 5 of the Convention; and how the Government could make suitable provision for individual ethnic groups if it did not acknowledge their existence. As had already been stated with regard to previous reports, information on the ethnic composition of the population was essential if the Committee was to ensure that the provisions of the Convention concerning ethnic minorities were being respected. Further information and data should also be provided on the educational institutions working in the languages of the ethnic minorities, in particular with regard to Armenian schools of which there was no reference in the report. Information was also requested concerning the Macedonian minority which, in the past, had been recognized for statistical purposes and had enjoyed the right to its own language, culture, artistic institutions and press.

252. In connexion with article 5 of the Convention, it appeared from the report that the guarantees of equality of rights were conferred upon citizens and it was asked whether they were also guaranteed to non-nationals.

253. Members of the Committee focused attention on the implementation of article 6, of the Convention, and in particular on the Act on proposals, submissions, complaints and petitions of 1980 which supplemented the administrative system for dealing with violations of human rights, including violations involving acts of racial discrimination. It was noted that the Act appeared to be designed to implement article 55 of the Constitution, because it gave the right of recourse only to "the appropriate administrative or judicial organ that is empowered to determine the existence of a violation", and it was asked whether recourse was limited to certain cases where special authorization was given, and if so whether that provision was in accordance with article 55 of the Constitution. It was also asked whether, under the new Act, complaints concerning measures taken by an administrative or state body could be dealt with only through administrative procedures or could also be referred to the courts if the administrative procedures did not give satisfactory results, and whether the procedure established by the 1980 Act did not duplicate the mandatory procedure laid down in the Act on administrative procedure with regard to the issuance of instruments, described in section VI of the report. With regard, in particular, to article 9 of the 1980 Act, it was asked how that article exactly intended to eliminate violations of the rights and interests of organizations and citizens; what rights and interests were involved; whether they were rights established by law or by administrative provisions or social rights based on political and moral values; and whether the phrase "in the manner provided by law" referred to the 1980 Act itself or to other provisions. The wish was expressed that details of specific cases illustrating the actual application of the 1980 Act could be provided to the Committee. One member inquired what was the content of the notion of socialist legality referred to in the report and whether the reference to the hierarchical functions of control over the preservation of legal order implied that all citizens' rights were protected in the same way as in Western European countries. Some members requested more information about the protection in Bulgaria of the right to asylum and asked, in particular, whether the loss of the right of asylum was followed by automatic expulsion of the person concerned and what remedies were available, who decided when circumstances justifying withdrawal of the right of asylum had occurred, and what right of appeal existed. One member noted with satisfaction, however, that no instance of loss or withdrawal of the right of asylum had occurred.

254. With reference to article 7 of the Convention, some members of the Committee requested what opportunities were available for residents who were not Bulgarian to study their mother tongue, whether it was possible for aliens temporarily resident in the country to study both their mother tongue and Bulgarian, and whether the provision by the State of the necessary material facilities and conditions for the study of their native language by citizens of non-Bulgarian origin included the provision of teachers paid by the State. Other members requested that Bulgaria's next periodic report provide more information on sociology and history syllabuses, relevant to the implementation of article 7 of the Convention, on the steps taken in Bulgaria to propagate the purposes and principles of the Charter of the United Nations and on the arrangements made in the country for celebration of the International Day for the Elimination of Racial Discrimination.

255. Replying to questions by members of the Committee, the representative of Bulgaria referred to the question of ethnic minorities in his country and stated that since the entry into force of the Convention for Bulgaria in 1969, no questions about ethnic origin or national affiliation had been included in census questionnaires, although citizens could, if they wished, give information on the point and such information had been collected in earlier censuses. Moreover, according to the Ordinance of 1975 on civil status, earlier data on the subject were no longer valid. Ethnic origin had no legal implications for Bulgarian citizens and modern censuses were aimed at obtaining information for economic and social planning purposes for which the ethnic origin of citizens was irrelevant. The Government of Bulgaria recognized the existence of ethnic minorities in the country which were all made up of individuals who had "historically" lived in Bulgaria and not as a result of changes in the frontiers after the First and the Second World Wars, and had remained voluntarily in Bulgaria. Some 135,000 members of the Turkish minority had been repatriated since 1968 following the conclusion of an agreement between Bulgaria and Turkey. The Bulgarian Government had taken special measures for the benefit of the gipsy community and had provided schools, training centres for teachers of the gipsy language, newspapers, radio programmes, etc. The Jewish and Armenian communities also had their own cultural associations and newspapers. The information about languages other than Bulgarian spoken in the home was collected when children enrolled in school. There were also parents' councils which advised school directors on the languages which should be taught. The Armenian school referred to in a previous report had not functioned during the 1979/1980 school year, because the community for which it had been intended had not shown the expected interest. The representative also provided the Committee with detailed information on the question of the Macedonian minority and stated that the concept of Macedonia was a geographical one. Hundreds of thousands of Bulgarians originally came from that area, but they had always spoken only the Bulgarian language and had no other cultural or national sentiments.

256. With reference to article 5 of the Convention, he informed the Committee that, under the Labour Code of Bulgaria, aliens with permanent residence status in the country enjoyed social security benefits and could join trade unions.

257. As regards questions concerning article 6 of the Convention, the representative stated that there was no contradiction between the new Act on proposals, submissions, complaints and petitions of 1980 and article 55 of the Constitution; however, he pointed out that the new Act did not cover all the provisions of the Constitution. He also explained that the implementation of the Act did not lead to judgements, but to administrative decisions and that the procedure established by the 1980 Act did not duplicate that of the Act on administrative procedure since that Act did not apply to submissions, complaints and petitions for which the law provided a different procedure. Furthermore the Act gave citizens the right of recourse to the competent bodies; it did not specify them because it was presumed that they were known. The Act did not provide information on how proceedings could be taken against officials, as that was given in other texts, for example, in the Act on Administrative Sanctions of 1969. The term "socialist legality" meant legality as conceived by the socialist States: the fundamental principle was to be found in the

Constitution, laws and normative acts issued in accordance with the laws, and in the fundamental principles and texts which governed the work of the bodies responsible for ensuring the legality and constitutionality of the laws. With regard to the loss of the right of asylum and the available remedies, the representative explained that when that right was lost as a result of a decree or order of the Council of State, the order or decree made no provision for an appeal. Such provision was, however, made in article 23 of the Act concerning the residence of aliens in Bulgaria, under which aliens could avail themselves of all the procedures open to Bulgarian nationals.

258. Turning to article 7 of the Convention, the representative informed the Committee about the opportunities for foreigners to learn the Bulgarian language and for foreigners permanently resident in Bulgaria to study Bulgarian in schools and universities. He stated that there were also in his country teaching establishments for languages of minority groups and there was even a Chair of Turkish at the university. Some details were also provided with regard to the celebration of the International Day for the Elimination of Racial Discrimination.

259. The representative of Bulgaria finally stated that the observations which had been made by the members of the Committee on Bulgaria's sixth periodic report would be taken into account in the preparation of the next periodic report.

Chile

260. The fifth periodic report of Chile (CERD/C/65/Add.3) was considered by the Committee after a brief introductory statement made by the representative of the reporting State.

261. Some members of the Committee noted with satisfaction that the report had been prepared in accordance with the guidelines laid down by the Committee; however they regretted that many questions which had been put to the Chilean Government during the examination of its fourth periodic report had remained unanswered.

262. In connexion with article 2 of the Convention, members of the Committee drew particular attention to the question of the protection of the indigenous minorities living in Chile. It was noted that earlier reports had mentioned Indian tribes of which no mention had been made in later reports, which had referred only to the Mapuches and the Aymaras, and information was requested on where such groups were living and how large they were; in addition statistics should be provided about the demographic composition of the population to make it clear whether the minority groups were growing or diminishing in size and whether they were victims of racial discrimination. In this connexion, particular attention was drawn to the information contained in paragraph 412 of the report of the Special Rapporteur of the Commission on Human Rights concerning Protection of Human Rights in Chile (A/35/522), according to which the procedures established for the acquisition of title to land by Mapuches failed to take into account their institutions, customs and traditions, and that situation, combined with a lack of effective technical and financial assistance, created conditions for the Mapuches to be progressively dispossessed of their lands by economically and socially more powerful groups, thus endangering the existence of the Mapuches as an ethnic group. The Committee required information on the allocation of land in the areas where members of that indigenous minority lived and on the reasons for the closure of the Indigenous Development Institute which had promoted cultural, social and educational measures for the Mapuches. Information was also requested about the specific provisions of the chapter of the Constitution entitled "Bases of the institutional system" to determine whether it gave effect to article 2, paragraph 1 (d) of the Convention.

263. Some members of the Committee wished to know in what way articles 3 and 7 of the Convention were being implemented by Chile, since the report contained little or no information on the subject, and details were requested in particular, on Chile's relations with the racist régime of South Africa.

264. In connexion with article 4 of the Convention, the Committee noted that, like the preceding report, the report under consideration stated that no specific legislative measures had been taken in Chile to combat racial discrimination, which was apparently not considered a punishable offence by the law unless accompanied by acts of violence; it was stated that such a situation was plainly inadequate, in view of the requirements of the Convention. The Committee could not be satisfied with the explanation that there was no need to adopt such legislation because there had never been a racial problem in Chile. That affirmation was inconsistent with the statement, contained in the report, that the Convention had been incorporated

into Chilean law and could therefore be applied as and when appropriate. The view was expressed that it was not possible to accept the claim that the Convention was self-executing because it automatically became part of the country's internal law: article 4 stated that States parties should "declare" certain acts to be an "offence punishable by law", should enact specific legislation to that effect and should state what the punishment for any infringement would be. Furthermore, it was noted that the only legislative text mentioned in the report in connexion with the implementation of article 4 (a) of the Convention was Act No. 16,643 relating to improper use of the information media, but it was observed that the Act covered only one aspect of the article in question and did not fully meet the requirements of the Convention. The situation regarding the prohibition of racial organizations was similar. It also appeared from the constitutional provision reproduced in the report that persons who had committed certain offences were not permitted to exercise any public office or function for a period of 10 years, or if they already held such an office or function, they were dismissed, but there was unfortunately no reference to the type of offence involved. It would therefore be useful for the Committee to have detailed information on the subject and, in particular, to know who was responsible for deciding that such offences had been committed.

265. With reference to article 5 of the Convention, the Committee was unable to ascertain from the report whether the provisions of the Convention, particularly those concerned with the enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social and cultural or any other field of public life, were being implemented in Chile where a state of emergency had been in force for several years. It appeared from United Nations documents that, during that period, the exercise of some fundamental rights had been limited or suspended and it was hoped that the Government of Chile would provide precise information on its implementation of all the provisions of article 5 of the Convention and some information on the extension of the state of emergency. In this connexion, it was asked whether, despite the entry into force on 11 March 1981 of the new Political Constitution, the state of emergency had been maintained and, if so, whether the scope of that Constitution was not being limited, how the principles and the provisions of the Constitution were being applied in practice. It was also pointed out that the Committee should be provided with the text of the Chilean Constitution in order to determine whether the provisions of the Convention were being respected. Dispelling a doubt expressed during the discussion as to whether it fell within the competence of the Committee to express any views on the effects of a state of emergency on human rights in general, it was emphasized by several members that article 5 of the Convention guaranteed the right of everyone, without distinction as to race, to equality before the law, notably in the enjoyment of the rights enumerated in that article. A State could not be a party to the Convention unless it guaranteed those rights. If such rights were not guaranteed to everyone without distinction or not exercised, the Committee could put questions with regard to the relationship between that state of affairs and the state of emergency.

266. The Committee also requested full information on the implementation of article 6 of the Convention and expressed the wish to receive the relevant legislative texts in order to ascertain whether any person who was a victim of

racial discrimination could obtain redress in the courts. In addition, with regard to the powers of the Constitutional Court recently set up in Chile, the Committee should have the text of the provisions empowering the Court to block any legislative measure which sought to undermine or weaken racial non-discrimination.

267. Replying to questions by members of the Committee, the representative of Chile referred to the concern expressed by the Committee about the indigenous populations and their right to own land and stated that considerable progress had been made during the last few years due, in particular, to the promulgation of Decree-Law No. 2568, referred to in his Government's fourth periodic report providing for access by the Mapuche to the individual ownership of land. That Decree-Law had been amended by Decree-Law No. 2750 so as to provide greater guarantees and safeguards of the socio-economic and cultural rights of the indigenous population, to give them educational support and to ensure complete respect for their customs, beliefs and way of life.

268. In connexion with article 4 of the Convention, he stated that the Convention like any international instrument ratified by Chile was published in the Official Bulletin and automatically became part of the country's domestic law and that the first chapter of the new Chilean Constitution fully reflected article 1 of the Convention. Its impact was further strengthened by specific legal texts containing provisions which prohibited any type of racial discrimination and which had been quoted in Chile's third periodic report.

269. The representative, then, pointed out that chapters III ("Constitutional rights and duties") and IV of the Constitution repeated the guarantees set out in article 5 of the Convention. Those rights were further reinforced in Chile's Civil Code, which provided for equality before the law for both Chileans and foreigners, and in the Penal Code, which reiterated that there must be no discrimination on the grounds of race, colour, sex, political opinion, etc. The measures taken during the period of the emergency had been applied in accordance with the principles of the Convention and had in no case discriminated against any particular section of the population because of its descent, race or tradition.

270. In conclusion, the representative of Chile stated that his Government would provide information in the next periodic report with regard to those questions which had remained unanswered.

Lebanon

271. The second, third, fourth and fifth periodic reports of Lebanon, covering the period of 1972 to 1980, submitted in one document (CERD/C/65/Add.4), were considered by the Committee together with the introductory statement made by the representative of the reporting State who explained that, if the report appeared to give insufficiently specific examples of the steps his country had taken to implement the Convention, it was because many of its provisions already existed in Lebanon's domestic legislation and also because the recent tragic events in his country had prevented high priority being accorded to enacting more exhaustive measures.

272. The Committee commended the Government of Lebanon for its report, which substantially complied with the Committee's guidelines and the provisions of the Convention, and expressed sympathy and understanding of the difficult situation that Lebanon was facing.

273. Members of the Committee noted with interest that, at the time of its ratification of the Convention, Lebanon had already possessed legislation, particularly in the Criminal Code, with a view to punishing racial discrimination in such cases as racial defamation or slander; however, it was suggested that the Government should take account of the various provisions of the Convention with regard, in particular, to article 4 (a) and (b). In this connexion, it was stated that article 62 of the Press Act of 1962 and article 317 of the Lebanese Criminal Code, in restricting the punishable acts to those whose object or effect was to excite religious or ethnic factionalism and to promote dissension between the communities, did not meet the provisions of article 4 (a) of the Convention with respect to racial discrimination. Furthermore, with reference to article 337 of the Criminal Code, it was asked what consequences would arise for a group that was deemed to be a secret society and had therefore been declared illegal, whether the group would be subject to a penalty under the law and whether its dissolution would be required, and whether steps could be taken against it, if appropriate, under article 4 (b) of the Convention.

274. In connexion with article 5 of the Convention, reference was made to chapter II of the Constitution of Lebanon. It was noted that article 8 of the Constitution was interpreted very broadly to cover not only freedom of movement within the country but also the right of any person to leave any country, including his own, and to return to his country, and the right to marriage and choice of spouse. It was asked whether that broad interpretation of individual liberty was based on the jurisprudence of the Lebanese courts or only on the opinion of the authors of the report.

275. It was also observed that little was said in articles 6 to 15 of the Constitution about the grounds on which guaranteed rights could be limited. Articles 8, 13 and 14 indicated that limitations were based on the law, but it was not clear whether the legislature was authorized to introduce any limitation for any reason whatsoever, or whether there had to be specific grounds as provided for in the International Covenants on Human Rights.

276. With reference to article 6 of the Convention, further information was requested on the judiciary, the court structure and the specific remedies available for victims of racial discrimination, both citizens and non-citizens.

277. With reference to article 7 of the Convention, the wish was expressed to receive a description of the subject matter of the school books, and some information on instruction at all levels designed to combat racial prejudice and to propagate the purposes and principles of the Charter of the United Nations and other international instruments.

278. The representative of Lebanon assured the Committee that he would convey the questions raised by the members to his Government, which would submit a reply in its next periodic report or in a separate communication.

Costa Rica

279. The fourth, fifth and sixth periodic reports of Costa Rica covering the period of 1974 to 1980, submitted in one document (CERD/C/66/Add.29), were introduced by the representative of the reporting State, who provided some additional information on the ethnic groups living in his country and recalled that Costa Rica had recognized the competence of the Committee to receive and consider communications from individuals within Costa Rican jurisdiction in accordance with article 14, paragraph 1, of the Convention. He also informed the Committee that Costa Rica had ratified several international instruments in the **field of human rights**, including the Inter-American Convention on Human Rights, **that the Inter-American Court of Human Rights had been set up in San José** in accordance with that Convention, and that his Government had been the first to **accept the competence of the Court**. Furthermore, he provided information on the Inter-American Human Rights Institute which had been established in his country on 30 July 1980 and on the University for Peace, the creation of which had been approved by the General Assembly at its thirty-fifth session.

280. Members of the Committee expressed their appreciation of the valuable report, with regard in particular to the information provided on the problem of the indigenous population and on the measures taken or planned to improve its conditions. Some members of the Committee, however, pointed out that the guidelines for the preparation of reports had not been followed by Costa Rica and expressed the hope that further information on articles 3, 4 and 7 of the Convention would be provided in that country's next periodic report. The country was commended for having accepted the obligations under article 14 of the Convention.

281. With regard to measures taken by Costa Rica to promote the economic, social and cultural advancement of the indigenous population, while protecting it from the more advanced communities, members of the Committee expressed some apprehension that such excessively protective measures could result in keeping this population "as a museum piece" instead of integrating it into the life of the society, which would certainly correspond more to the interests of the country. It would be useful for the Committee to have an analysis of the work done by the National

Indigenous Affairs Commission, established under the Act of 11 July 1973, with regard to health, housing and agrarian reform, and information on its achievements. It was asked, in particular, what opportunities were open to indigenous persons for self-management of activities important for their day-to-day living and future in the country. Furthermore, it would be useful for the Committee to have information on the action taken to protect the indigenous population from the more advanced communities in Costa Rica and to prevent any encroachment on its land. In this connexion, it was observed that the word "reserve", like some other words used in the report which denoted a concept of racial division, had rather unpleasant connotations, and that it was not clear from the legislation on the indigenous groups whether their members could leave the reserves if they wished, settle elsewhere in Costa Rica and participate in the national life on an equal footing with other Costa Ricans, or whether, by law, they must remain in the reserves or move out only as migrant workers. It was also observed that, although the prohibition of liquor sales in the reserves, provided for in article 6 of the Indigenous Act, was intended to protect the indigenous inhabitants against corruption of their morals, it seemed to be a somewhat stringent measure. Moreover, it was noted that a round-table held in October 1979 and attended by the President of Costa Rica and the representatives of 15 indigenous communities, was to be followed by budgetary appropriations to provide those communities with more roads, land, health centres, teachers, drinking water supplies and other facilities, and more information was requested on that follow-up action. It was asked, in particular, whether such discussions were organized on a regular basis, whether the representatives of the 15 communities who had met the President had been selected or elected according to some special procedures, and whether, **in view of the scarcity of land and the increasing population, any alternative policies were being contemplated,** such as industrialization programmes or other economic measures. Information was also requested on the ethnic composition of Costa Rican society, **on whether indigenous persons were entitled to participate in the election of the President of the Republic, on the extent to which they enjoyed equal political rights, and on what had been done to ensure the development of the black population living in Costa Rica.**

282. Members of the Committee took note of the fact that Costa Rica had made progress in the enactment of domestic legislation for the implementation, in particular, of article 4 of the Convention. Some members, nevertheless, asked whether any organizations pursuing racist objectives could or did operate in Costa Rica, or whether the Government took an absolutely firm line against them. It was observed, in this connexion, that article 372 of the Costa Rican Penal Code referred to organizations of an international character and would therefore not apply to domestic organizations. Furthermore, while article 33 of the political Constitution of Costa Rica stated that all persons were equal before the law and that no discrimination whatsoever might be practised contrary to human dignity, no provision was made for any penalty for infringement of that provision. It was also noted that under article 371 of the Penal Code any person, manager or director of an official or private institution or administrator of an industrial or commercial establishment who applied any prejudicial discriminatory measure would be punishable by a financial penalty, and it was asked what was to be understood by "prejudicial"; what sort of prejudice was involved and whether it was only material or could also be moral.

283. In connexion with article 5 of the Convention, some members of the Committee were interested in having an analysis of the political situation of Costa Rica, an explanation of its political principles and information on its electoral system. Information was also requested on the protection of the political and economic rights of citizens, their freedom of movement, the inflow of foreigners since the lifting of all restrictions on immigration on grounds of race under Act No. 5360 of 11 October 1973, and on whether members of any communities other than those mentioned in the report had sought refuge in Costa Rica and what the official policy was on asylum.

284. With reference to article 6 of the Convention, it was asked what procedures were available in compliance with the provisions of that article.

285. Under article 7 of the Convention, information was requested, in particular, on Costa Rica's activities in connexion with the Inter-American Court of Human Rights and the University for Peace, and the reference to the international activities which had given Costa Rica the reputation of a country which promoted human rights and fought against racial discrimination.

286. In replying to questions raised by members of the Committee, the representative of Costa Rica provided some additional data and information concerning the indigenous population living in his country. He also clarified that the term "indigenous reserves" referred only to the communities which were protected by law and provided explanations concerning various provisions of the Indigenous Act and other documents annexed to his Government's report. Furthermore, he explained that the difficulties facing Costa Rica in adopting measures to implement article 4 of the Convention were due to the problem of enacting laws for the punishment of non-existent offences. However, article 7 of the Constitution provided that international conventions and treaties ratified by Costa Rica took precedence over domestic legislation. They could therefore serve to "characterize" offences and it remained only to provide for penalties in the Penal Code. In that respect, under article 372 of the Code, any person who violated provisions of treaties for the protection of human rights subscribed to by Costa Rica was liable to imprisonment for a term of from 10 to 15 years: that prison term was applicable to any person who violated provisions of those treaties and not just to members of organizations of an international character.

287. The representative of Costa Rica assured the Committee that the questions asked would be brought to the attention of his Government, which would reply to them in its next periodic report.

Uruguay

288. The sixth periodic report of Uruguay (CERD/C/66/Add.20) was briefly introduced by the representative of the reporting State, who pointed out that the main purpose of his Government's report was to answer the questions asked during consideration by the Committee of previous reports of Uruguay, with special reference to the appointment of civil servants and teachers, and that the reform of the Penal Code had not yet been completed, owing to other problems which the country had had to overcome.
289. Members of the Committee thanked the representative of Uruguay for continuing the dialogue with the Committee. They observed, however, that the report under consideration did not follow the Committee's guidelines and did not answer the questions asked by them in connexion with the consideration of the fifth or even the fourth periodic reports of Uruguay. They, therefore, regretted that the Committee was not able to see how far the various provisions of the Convention had been implemented by that country. Furthermore, the Committee could merely note that work was continuing in Uruguay on draft texts about which it had no information: it was known that the Constitution, which dated back to 1830 and did not adequately reflect the provisions of the Convention, was to be modified and replaced by a new Constitution to be adopted by referendum and the Committee wished to know what stage the draft had reached and whether the emergency measures were still in force. Moreover, ever since 1976, the reports of Uruguay had been stating that provisions consonant with article 4 of the Convention were to be introduced into the new Penal Code, but that reform was still under consideration. It would be helpful if, in its next periodic report, the **Government of Uruguay informed the Committee of the situation in that respect, stating whether amendments had in fact been made and whether a new Code had been adopted.** In this connexion, it was suggested that the authorities responsible for drafting that Code should take into account the questions on that matter already asked by the Committee on several occasions.
290. With regard, in particular, to article 2 of the Convention, reference was made to the discussion in the Committee of the fifth periodic report of Uruguay, during which the representative of the State party had stated that it was unnecessary to provide any information on indigenous peoples since all citizens were fully integrated in society, and it was asked whether there were no disadvantaged groups which might need assistance and what action the Government was taking in that regard.
291. In connexion with article 5 of the Convention, details were requested with regard to Uruguay's electoral code. Furthermore, reference was made to article 2 of the Legislative Decree of 13 February 1943 concerning the conditions of entry into the civil service and to article 8 of the Uruguayan Constitution providing for equality of all persons before the law, and it was observed that in the example cited in the report in support of those provisions, there was no guarantee that there would be no discrimination in the consideration of applications. Reference was made to Act No. 9480 of 1935 under which restrictions could be imposed on the freedom of publication and the peaceful exercise of the right to strike. It was observed that the penalties prescribed, including

imprisonment, for the expression of an opinion contrary to the established order or for participation in a strike were incompatible with the Convention; that penalties involving forced labour, for which provision was also made, were contrary to the ILO Convention concerning Forced or Compulsory Labour and that it would be helpful for the Committee if the Government could provide further information and explanation on those provisions. Information was also requested on employment opportunities, conditions of remuneration, the right to form and join trade unions, the present number of trade unions and their possibility of dealing with different aspects of social problems, the possibility of collective bargaining, the exercise of the right to strike and, in general, the labour code recognized by the Government.

292. In addition, members of the Committee stated that it was essential to be kept informed of the measures taken in Uruguay to implement the provisions of articles 6 and 7 of the Convention. The Government of Uruguay should explain, in particular, the principles and provisions governing the organization of its legal system and the steps that it has taken, especially in the field of information, with the view to combating prejudices and to improving understanding between groups, whatever their racial or ethnic origin and their social or political situation.

293. The representative of Uruguay stated that the questions raised by members of the Committee would be taken into account in the preparation of his Government's next periodic report.

Holy See

294. The fifth and sixth periodic reports of the Holy See, submitted in one document (CERD/C/66/Add.30), were considered by the Committee together with the introductory statement of the representative, who reminded the Committee of the particular nature of the Holy See which, although it had an international legal status, was not a State and therefore occupied a unique position in the community of nations. He also stated that, in accordance with the Convention, the Holy See had nevertheless taken steps to prevent any manifestation of a racist attitude within the Church, to commit Christians to fight against racism and in favour of equal rights for all citizens, and to influence the outlook of all human beings. In this connexion, he provided information, in particular, on the active part that the South African bishops had taken in the anti-apartheid campaign in that country.

295. The Committee paid tribute to the Catholic Church, whose universal mission was confirmed by the report of the Holy See under consideration and which was working tirelessly to eradicate racism from men's hearts and minds in accordance with article 7 of the Convention. The Committee also expressed its appreciation of the report which contained specific information, particularly on the application of article 3 of the Convention. It was stated, in this connexion, that while the Holy See could not be expected to comply with all the requirements of the Convention or adhere strictly to the guidelines for the preparation of periodic reports, it was, however, in a special position to promote the objectives of

articles 3 and 7 of the Convention and had indeed earned wide acclaim for preaching the dignity and brotherhood of man which the Committee was striving to advance.

296. In connexion specifically with article 3 of the Convention, the Committee wished to know the position of the Holy See towards national liberation movements, particularly those fighting against apartheid and racial discrimination.

297. With reference to article 4 of the Convention, some members of the Committee, referring to the specific character of the Holy See which made it unable to adopt any penal provisions, wished to know what moral or religious sanctions could be applied by the Catholic Church against any of its members who failed to apply its precepts, particularly the precept of the brotherhood of all mankind, without distinction as to race, colour or national or ethnic origin.

298. It was noted from the report that one of the contributions of the Holy See to the fight against racial discrimination was the co-ordination and stimulation of the educational efforts of Christian communities throughout the world and the wish was expressed to receive fuller information on the results of that co-ordination. It was asked, in particular, whether problems relating to the protection of human rights, and the elimination of racial discrimination were included in the curricula of Catholic educational establishments and whether there was any system to prevent the appearance, in Catholic teaching establishments in developing countries, of forms of racial segregation arising out of the economic, social or political situations, contrary to the principles of the Holy See. **Information was** also requested on the specific measures that the Catholic Church was taking on behalf of some of the martyred peoples in the Middle East.

299. **Replying to** questions by members of the Committee, the representative of the Holy See **stated** that the Holy See was totally committed to the use of the **peaceful means** and that, when obstinate refusal of necessary reforms led to violent revolutions, the Holy See endeavoured, so far as it lay within its power, to contain the exacerbation of hatred, prevent the exploitation of critical situations and persuade the parties concerned to seek a just peace. With regard to the question of the directives issued by the Holy See concerning education, he provided information on a basic document in current use in Catholicity schools and theological institutions which was the Encyclical Mit brennender Sorge of 14 March 1937, condemning the idolatry of racism spurred on by national-socialism. With regard to the extent of the control exercised by the Holy See over Catholic schools, he explained that it was not the mission of the Holy See to exercise control over such schools in the manner of a central government, since they had their own responsibility and autonomy. That did not, however, preclude a degree of supervision to ensure that education was broadly in keeping with the guidelines provided. Moreover, three types of penalty could be imposed for failure to respect those guidelines: a teacher might receive a recommendation; in more serious cases he might be suspended from teaching, as had been done in the case of a teacher opposing decolonization; and in extreme cases he might be permanently debarred from teaching in Catholic schools.

Madagascar

300. The sixth periodic report of Madagascar (CERD/C/66/Add.21) was considered by the Committee without the participation of a representative of the reporting State.

301. The Committee regretted that a constructive dialogue with the Malagasy Government was hampered by the lack of information in its report, which was necessary for a satisfactory discussion, and by the absence of its representative. The Committee was of the view that the Malagasy Government should provide information on specific issues relevant to the various provisions of the Convention and should prepare its next periodic report in accordance with the Committee's guidelines and include in it the replies to the questions asked during the discussion in the Committee of the fifth periodic report. The Committee also hoped that a representative of the Malagasy Government would be present when the next periodic report was examined in order to clarify points of interest to the Committee, with special reference to the country's new Constitution and other questions previously raised relating to article 2, paragraph 2, and article 7 of the Convention.

302. With reference, in particular, to article 4 of the Convention, the Committee expressed the hope that the Malagasy Government would speed up the preparation of its revised Penal Code and would inform the Committee about the relevant legislative text.

303. In connexion with article 5 of the Convention, it was noted from the report that the Constitution prohibited racial and other forms of discrimination, and an assurance was given that the guarantee of non-discrimination was not limited to Malagasy nationals but applied to all residents, including aliens, who could also rely on the protection of the Government; more information was requested on that provision with the full text of the relevant legislation.

304. At the proposal of the Chairman, the Committee decided to bring to the attention of the Malagasy Government the summary record of its 518th meeting concerning the consideration of the Government's sixth periodic report with a request for answers to questions raised during the discussion in the Committee of this and the previous report of Madagascar.

Rwanda

305. The third periodic report of Rwanda (CERD/C/63/Add.2) was considered by the Committee without the participation of a representative of the reporting State.

306. Members of the Committee were of the view that the report represented a praiseworthy attempt by a small country to continue the dialogue with the Committee. Various suggestions were made during the debate in order to assist the Government of Rwanda in the preparation of its next periodic report. It was stated that although in compliance with the request of the Committee more details of the Penal Code had been given, the Committee would like to know whether article 4 of the Convention was being fully implemented by the provisions relating

to the prohibition of propaganda and organizations based on ideas or theories of racial superiority. In addition, details should be provided of the measures being taken to implement articles 3, 5, 6 and 7 of the Convention, as well as an analysis of the demographic composition of the country and of the languages spoken.

307. In connexion, in particular, with the implementation of article 5 of the Convention, it would be advisable for the Committee to have the full text of the Constitution as well as information on the situation of refugees in Rwanda and whether they could acquire Rwandese citizenship by naturalization.

308. In connexion with article 6 of the Convention, it would be useful for the Committee to receive further details on the organization of the judiciary and the means of recourse, and on whether there was a right of appeal if an application for the registration of an association or society was rejected.

309. Clarification was requested with regard to the meaning of such phrases as "without good reason" or "on account of the origin of the person" which appeared in several provisions referred to in the second periodic report of Rwanda. It was stated, in this connexion, that the concept of "without good reason", in particular, seemed to leave the door wide open to arbitrary decisions and that if rights were to be withheld "for good reason", then the reasons admissible should be specified so that everyone could perceive that they were legitimate. As for the phrase "on account of the origin of the person" it could not be accepted that it was a legitimate qualification.

310. At the proposal of the Chairman, the Committee decided to bring to the attention of the Government of Rwanda the summary record of its 518th meeting concerning the consideration of its third periodic report and expressed its desire to continue the dialogue with that Government. The Committee emphasized that it expected answers to its questions in the next periodic report of Rwanda, especially as regards the implementation of articles 4, 5 and 7 of the Convention, and expressed the hope that Rwanda would send a representative to take part in the consideration of its next periodic report.

Canada

311. The fifth periodic report of Canada (CERD/C/50/Add.6 and 7) was introduced by the representative of the reporting State who explained that, since the federal and provincial governments of Canada had all had to give their assent before Canada could ratify the Convention, the report on its implementation was the result of extensive consultations among the federal and provincial authorities. He then outlined the contents of the report and pointed out that, after the preparation of the report in July 1980, the federal government had proposed to the Canadian Parliament that a charter of rights and freedoms should be included in the proposed new constitution. In providing for increased protection of rights and freedoms, the charter should strengthen the guarantees against racial discrimination. If the proposals were approved, as the Government anticipated, the relevant details would be provided in Canada's next periodic report.

312. The Committee commended the Canadian Government on its very informative, substantive and frank report, which could serve as a model to other countries, and expressed its appreciation for the additional information given by the Canadian representative in his introduction. Moreover, the replies given to the questions raised by members during the examination of the fourth periodic report (CERD/C/50/Add.7) showed that Canada was prepared to pursue a constructive dialogue on its difficulties in implementing the Convention and that it was adopting the necessary measures to solve those difficulties. It was noted in this connexion that the Federal-Provincial Committee of Officials Responsible for Human Rights in Canada had been entrusted with the preparation of reports to the Human Rights Committee and served as a watchdog to ensure that Canadian law was in accordance with the **International Covenants on Human Rights**. It was asked why that Committee had not also been entrusted with the task of ensuring the implementation of the Convention in Canada. Information was requested on whether the Canadian Government interpreted the broad definition of racial discrimination given in article 1 of the Convention as applying to relations between the English- and French-speaking people of Canada.

313. In connexion with article 2 of the Convention, the Committee drew particular attention to questions relating to the indigenous population living in the country. It was noted from the report that the federal government's relationship with registered Indians was based on the concept of Indian identity within Canadian society rather than on separation from that society or assimilation into it, and it was asked whether that policy still applied in practice to Indians leaving their reserves and joining other Canadian communities, or whether the long-term **aim was not to integrate such people** into Canadian society. With regard, in **particular, to the Inuit population**, information was requested about the difficulties arising between those people and the federal government, especially **with regard to land ownership**. It was asked whether the efforts of the Canadian **authorities to enable the Inuit to benefit from North American civilization were not undermining that people's own** civilization and causing it to lose its true identity; what steps had been taken to make the ethnic groups, particularly those living in remote reservations, aware of their rights and of the relevant legislation enacted in accordance with articles 2 and 5 of the Convention; how the relevant government programmes were being implemented and whether there was any machinery for their co-ordination, bearing in mind that their effectiveness might depend on such machinery. With reference to the provisions of the Canadian Indian Act, it was asked what the legal consequences of the distinction drawn between registered Indians and non-status Indians were, how it affected Indians who left the reservations and lived outside and whether they retained their special rights under the Indian Act. It was also asked what were the obstacles to the revision of the Indian Act, what attitude the Indian population had adopted in the matter, and whether it would in fact be possible to implement the plan, referred to in the report, to make the addendum to the Canadian Human Rights Act applicable to the Indian Act when the revision of the latter Act had been completed. It was observed in this connexion that it might perhaps be difficult to secure the application of certain social principles, for example, equality between men and women, without interfering with Indian traditions. The wish was also expressed that the next periodic report of Canada could summarize the information on Indian, Inuit and Métis populations provided in previous reports.

314. Where article 3 was concerned, it was asked whether the Code of Conduct concerning Employment Practices for Canadian Companies Operating in South Africa had had any impact on the companies concerned and whether steps taken by the Government, such as termination of most-favoured-nation treatment or withdrawal of export subsidies or credit facilities, had actually led to a reduction of trade between the two countries. The view was expressed that Canada had gone in condemning racial segregation and apartheid, and it was asked whether it intended to go even further since it still maintained a diplomatic mission in South Africa.

315. With regard to article 4 of the Convention, it was observed that according to the information provided in the report it seemed that the acts enumerated in article 4 (a) of the Convention would be prohibited only if committed through the agency of a telecommunication facility covering television and radio, and more information was requested on what seemed to be the inadequate extent to which Canada was complying with article 4 (a). Reference was made, in particular, to the Western Guard Party and the John Ross Taylor case mentioned in the report in connexion with information concerning article 4 (a), and it was asked whether the appeal pending before the Appeal Division of the Federal Court in that case had yet been heard and, if so, what the ruling had been. Furthermore, it was observed that no direct legislative action appeared to have been taken, under article 4 (b) of the Convention, to declare illegal and prohibit organizations which promoted or incited racial discrimination. In this connexion, it was recalled that the Canadian representative had stated during the discussion in the Committee of the fourth periodic report that his Government preferred to take action with regard to organizations of a racist nature as and when the need arose, rather than to **take preventive measures** against them, which explained why no legislation **specifically** prohibited them. Since more information had been promised on the matter, it was asked what the present position of the Canadian Government was in regard to article 4 (b).

316. In connexion with article 5 of the Convention, more information was requested on what the Government itself was doing to help the ethnic groups living outside the reservations to enjoy genuinely equal citizenship and the same modern way of life as other Canadian citizens. Reference was made to the announcement in the report that, at the request of Band Councils, the Government would suspend certain sections of the Indian Act which discriminated against Indian women who married non-Indians, and information was requested on whether there had been any cases of suspension. Information was also requested with regard to the official policy of Canada concerning the integration of non-naturalized immigrants into Canadian society. With regard to economic and social rights, it was noted with satisfaction that the Canadian Human Rights Act embodied the principle of equal pay for work of equal value, in accordance with the ILO Convention on the subject, and that the ILO Committee of Experts had expressed satisfaction with that provision but had requested information on the methods devised for determining equivalence of work for the purposes of the Act. It was also asked whether the industrial enquiry commissions based their practice on the provisions of the Public Service Employment Act. In addition, reference was made to the information given in the report that unemployment among indigenous peoples was estimated at 75 per cent. Remedial **steps** were clearly being taken by the Canadian Government

and the hope was expressed that the next periodic report would reflect an improvement in the situation and greater participation by those peoples in public services. It also appeared from the report that in the initial phase of the Black Employment Program there had been no progressive increase in the employment of blacks in the public service since 1974, and it was hoped that that situation would improve.

317. With regard to article 6 of the Convention, it was observed that the remedies for alleged discrimination seemed to be largely non-judicial in character, the efforts of the Human Rights Commission being mainly directed towards conciliation. It was therefore asked what the situation was in the event of a settlement not being effected by a human rights tribunal or a review tribunal, and whether an appeal could be made to the Federal Court of Appeal, as in cases where the Human Rights Commission dismissed a complaint as being insufficiently grounded. In addition, reference was made in the report to a decision, described by civil rights lawyers as unprecedented, whereby the Ontario Appeal Court had ruled that a person could sue for damages resulting from racial discrimination. It was noted, however, that an appeal against that decision had been lodged with the Supreme Court of Canada, and it was asked whether a final ruling had been given on whether damages were payable for racial discrimination in Canada.

318. In connexion with article 7 of the Convention, it was observed by several speakers that the conciliation procedures organized in the Canadian legal order largely contributed to strengthening the educational effect of propagating the principles of non-discrimination. Hundreds of complaints to obtain redress in this way had been presented after the Canadian Broadcasting Corporation had instructed the public of this possibility. This fact is clearly showing the close connexion between the measures under articles 6 and 7 of the Convention.

319. In replying to questions raised by members of the Committee, the representative of Canada referred to the question concerning the application of the Convention to relations between the English- and French-speaking people in his country and stated that his Government's report made it clear that any kind of discrimination was intended to be covered; moreover, Canada had two official languages and a constitutional debate was currently in process on their utilization. By the time Canada prepared its next periodic report, the results of the constitutional debate would be available and information could be provided on the subject.

320. With reference to questions regarding the implementation of article 2 of the Convention, the representative stated that Indians possessed the same rights as other citizens whether they lived on or off reserved land. Some of the provincial governments provided programmes for Indians living outside the reserved lands, while other programmes were provided by voluntary organizations. Furthermore, measures had been taken in northern Canada to help maintain the cultural identity of the Inuit by means of radio and television programmes in their native languages and by committing their languages to writing. There was a Minister of State responsible for multicultural affairs whose duty was to ensure that Indian culture was not neglected and that the value of the culture of the many immigrants from other parts of the world was also recognized. Co-ordinating machinery for government programmes did exist in the form of government committees, which endeavoured to ensure that the measures taken were in the interests of the indigenous peoples.

321. As regards Canada's diplomatic and commercial relations with South Africa, the representative stated that two annual reports had already been required of Canadian companies which made public the steps they were taking to comply with the code of conduct for multinational corporations. The trade agreement with South Africa was being abrogated and the Commonwealth preference system with that country had ended in June 1980.

322. With regard to article 4 (a) of the Convention, he referred to section 13 of the Canadian Human Rights Act, and pointed out that the prohibition of the repetition of recorded messages likely to expose persons to hatred or contempt because of their religion or race essentially concerned the telephone and not television or radio, for which express exemption on the grounds of freedom of speech and reporting existed. The defamation law covered the question. He also informed the Committee that the Federal Appeals Court had dealt with the Western Guard Party and the John Ross Taylor case referred to in the report. The appeal had been rejected and the original decision reinstated. In reply to questions about legislative measures in implementation of article 4 (b), he asked the Committee to view the matter in the light of the type of legislative system prevailing in Canada and stated that until an attempt to disseminate ideas based on racial superiority or hatred, or incitement to racial discrimination occurred, the Canadians considered that there was no need for legislative action.

323. In connexion with article 5 of the Convention, the representative referred to questions concerning the inconsistency between the Canadian Human Rights Act and the Indian Act, especially as it affected the loss of Indian status by Indian women who married non-Indians. He stated that that situation continued to exist but, as the report indicated, the Indian Act was being revised. In the meantime, where Indian Band Councils so requested, the Canadian Government was prepared to waive the provisions of the Indian Act so that the Human Rights Act would apply and the status of such women would no longer be affected. When the Indian Act was amended or superseded, it would not be necessary to amend the Bill of Rights, as that would have primacy over all other legislation. Under the constitutional revision now before the Canadian Parliament, there would be a three-year period during which all legislation would be brought into conformity with the new charter of rights and freedoms. Where immigration was concerned, he informed the Committee that immigrants into Canada numbered 130,000 to 200,000 a year and, on an average, allowing for the five-year delay necessary for obtaining citizenship, each year as many people sought Canadian citizenship as entered the country. With reference to the industrial inquiry commissions, he explained that those bodies had been abolished because the Human Rights Act had superseded the legislation by which they had been established, and problems of racial discrimination were investigated under the latter act.

324. In conclusion, the representative of Canada stated that he would report the comments of the members of the Committee back to his Government and suggest to his authorities that Canada's next periodic report should follow the Committee's guide-lines more closely and give additional information on the subjects requested.

Germany, Federal Republic of

325. The sixth periodic report of the Federal Republic of Germany (CERD/C/66/Add.27) was considered by the Committee together with the supplementary information given by the representative of the reporting State, who focused on new developments and questions raised during the consideration of the fifth report, in particular his Government's policy regarding foreign workers. He also pointed out that government agencies had continued to closely monitor the activities of small ultra-right organizations and groups which might be suspected of inciting racial discrimination, and stated that from September 1978 to December 1980, 125 persons had been sentenced for violating the provisions of section 130 of the Penal Code concerning incitement to hatred.

326. Members of the Committee noted with satisfaction that the report had been prepared in accordance with the guidelines laid down by the Committee and represented a serious effort to reply to questions raised in connexion with previous periodic reports and to give effect to the provisions of the Convention.

327. The Committee focused attention in particular on the Government's policy relating to resident aliens, migrant workers, their children and young people. Some members noted with satisfaction the measures adopted to implement the guidelines laid down by the Council of Ministers of the European Community regarding the preservation of ties to the country of origin and its culture, which were important for the "second generation". It was also significant that the number of foreign students registered at German institutions of higher education and the influx of foreigners had increased steadily. Nevertheless, members of the Committee asked what measures had been adopted by the Government to promote contact between Germans and foreigners living and working in the country; whether there were any intercommunal associations for bringing members of different groups together; whether there were any organizations involved in promoting a better understanding of foreign cultures and whether the Government was initiating any specific policies designed to diminish the possibility of racial discrimination due to increased unemployment and the presence of large groups of non-Europeans. Members showed great interest in educational matters in favour of children of migrant workers and wanted to be informed about further developments. They were likewise interested in the role of migrant workers in labour unions.

328. With respect to the legal conditions to be created to facilitate naturalization, further information was requested on what opportunities the foreign workers would have to obtain full citizenship, whether it would be possible for naturalized citizens of various origins to be recognized as national minorities, how such laws would affect the nationality of children of workers from non-European Economic Community States and how the Government intended to deal with the problem of statelessness and with foreign workers and their families who had unlimited residence permits and did not voluntarily return to their countries of origin. Concerning the question of promoting the repatriation of foreign workers on a voluntary basis one member asked how voluntary their repatriation was, whether the State had any laws or programmes for assisting their return or whether it was up to the workers themselves. It was also asked whether the Government had developed collaboration with any other States besides Turkey in this regard.

329. With respect to the treatment of gipsies, in connexion with the provisions of article 2 of the Convention, members of the Committee noted that there had been an evident change in government policy and that gipsies were now being provided with the choice of maintaining their particular customs or seeking stronger social integration. However, clarification was requested of measures being taken to eliminate the practice of refusing gipsies entry into campsites, whether there was a law against that practice or whether gipsies refused entry into campsites could claim damages in civil courts. Further information was also requested on the cases of discrimination against the Jewish community and people who did not conform to German cultural patterns or were from non-European Community States, and what action had the Government taken in such cases.

330. With respect to article 3 of the Convention, members of the Committee requested more specific details on the relations between the Federal Republic of Germany and South Africa. In the opinion of some members, relations with South Africa could not be considered separately from the Convention, as they were part of the government policy, and the Government of the Federal Republic should reconsider the question of its relations with the racist régime and take measures similar to those adopted by other Governments.

331. In connexion with article 4 of the Convention, some members noted that there had been no change in the attitude of the Federal Republic of Germany towards the obligations assumed under the provisions of this article. Attention was drawn to the Committee's report to the thirty-fourth session of the General Assembly (A/34/18) concerning the discussion of the fifth periodic report of the Federal Republic, which indicated that if that country's position remained unchanged, its interpretation of the obligations incumbent on it under article 4 could not be accepted. Some members believed that additional legislative and other measures should be taken in accordance with the requirements of article 4 of the Convention. Referring to the activities of the National Party, it was noted that since 1971, the representative of the Federal Republic of Germany had been indicating that that party was losing support. However, there continued to be "neo-Nazi" flare-ups and that, despite the fact that the Government followed such activities closely, the facts showed that both the membership and the number of groups engaged in terrorism and adherent to neo-Nazi ideas had increased.

332. With respect to article 5 of the Convention, the need was stressed for a further reduction of legal obstacles preventing young foreigners from obtaining a work permit and for the review of the Government's policy of prohibiting the hiring of workers from non-European Community States which, according to one member, was not in accordance with the obligations incumbent upon the Government under the Convention.

333. As far as article 6 of the Convention was concerned, it was felt that the report should provide higher decisions or more detailed summaries of decisions taken by the courts concerned. Such decisions should also be provided in cases in which the charges were dismissed in order to give as full a picture as possible of the workings of the judicial system, which would aid greatly in examining the traditional measures taken by States Parties.

334. With regard to article 7 of the Convention, it was noted that the information provided in the report had not been strictly relevant to the provisions of that article, which was concerned with measures to combat prejudice among the native born population. Concerning the education of foreign children, it was asked whether the policy of the Government was directed against allowing foreign children to go through ordinary schools and higher education and at limiting them to vocational training; and what was meant by the lack of school qualification which, according to the report, was preventing new-coming children from entering vocational schools. Some members of the Committee commended the measures enabling foreign students in the secondary schools to take courses in their native languages. It was equally important, they pointed out, that foreign students, most of whom were of primary school age, should be given a similar opportunity at the primary level.

335. Replying to the questions of the members, the representative of the reporting State informed the Committee that 92 per cent of foreign workers in the Federal Republic of Germany were blue-collar workers, 6 per cent clerical employees and 1.5 per cent students; a substantial proportion of the workers gained promotions while in the country. Nearly three quarters of the foreign workers were married, and most of them had their wives living with them in the country. The number of them wishing to become naturalized citizens, however, was generally low. Of the 130,000 who would have been eligible, only 312 had applied for citizenship in 1978. One reason for the small number of applications for citizenship might be that foreign workers who had resided in Germany for 5 to 10 years had the right to a permanent residence permit. There was, therefore, no incentive for them to apply for citizenship. Concerning the question of possible discrimination against foreign workers from countries not members of the European Community, the representative said that the Government had made it quite clear that the measures for the free movement of labour were compatible with the provisions of the International Convention, and the fact that the rules of the Community did not apply to workers of third countries could not be regarded as discriminatory within the meaning of the Convention. The foreign workers were able to freely participate in the trade unions and some had even become trade union officials. The trade unions had wide-ranging instruction and assistance programmes for foreign workers which facilitated their adjustment to new living conditions.

336. With regard to the question of gipsies, the representative stated that there had been no change in federal policy in that regard: it was up to the gipsies to determine for themselves whether they wished to maintain their customs or move towards stronger social integration. Whatever their choice, the Federal Government respected their attitude and provided them with assistance. Additionally, the gipsies had been recognized as victims of the Nazi régime and accordingly received reparations on an individual basis. They also benefited from special programmes for housing and the use of camp sites. The Federal Government recognized that there were other groups of travellers who moved around with large volumes of equipment which would be difficult to accommodate in a regular camp site. The question was still under discussion, but meanwhile, it was unconstitutional to refuse gipsies access to any campsite.

337. As regards the relations of the Federal Republic of Germany with South Africa, the representative stated that, without recognizing any obligation to report on the subject, the Government had condemned apartheid in international forums. While it maintained bilateral contacts with South Africa, including trade relations, the Government was not supplying arms and had no military or nuclear co-operation with South Africa. It also adhered to the policy of not providing investments and reducing export credit guarantees for goods being shipped to that country. The ultimate aim of all reform efforts must be the total elimination of the apartheid system, and his Government was confident that it could be achieved without force through active co-operation with all countries.

338. Replying to questions concerning the implementation of article 4 of the Convention, the representative stated that his Government believed it was fully in compliance with the requirements of article 4; under federal law, movements or parties could be prohibited only where they were unconstitutional and there was concrete evidence that they were propagating racist notions or posed a threat to life or public order. Neo-Nazi groupings were on the wane and deeply factionalized: their electoral support had diminished sharply over the past four years. Governmental agencies were keeping a close watch on developments in that area of society, and were prepared to take action when necessary.

339. Referring to questions under article 7 of the Convention, the representative pointed out that political education was provided in schools and the protection of human rights was a subject of study at the university level in law schools. The Government had distributed copies of the first national report prepared on the implementation of the Covenant on Civil and Political Rights and on related subjects to schools and organizations. Non-governmental and professional organizations were also engaged in promoting and enforcing human rights in general. Concerning the question regarding instruction programmes in schools, he said that vocational training in his country started after the eighth or ninth grade. On leaving school, young people could work as unskilled labourers, continue with their education or enrol in vocational training which combined schooling and on-the-job training lasting approximately three years. At the same time, schools provided instruction in the language which the child spoke at home. The policy was to offer the possibility for integration in the German community while enabling a foreigner to preserve his national identity and to follow his own culture.

Sweden

340. The fifth periodic report of Sweden (CERD/C/75/Add.1) was considered by the Committee without the participation of a representative of the reporting State.

341. The Committee expressed its satisfaction with the report, which responded to almost all the questions previously raised by the Committee, and especially at the valuable information concerning measures recently adopted by the Swedish Government in order to implement the different aspects of the provisions of the Convention. The Committee, however, regretted that there was no Swedish representative present during the consideration of the report, with whom the Committee, following its usual practice, could continue its dialogue.

342. With reference to article 2 of the Convention, members of the Committee focused attention once again on the question of the ethnic minorities living in Sweden. With regard, in particular, to the Lapp who called themselves "Sami", it was observed that even though that population was not restricted in its choice of livelihood to the traditional occupation of reindeer breeding, the Government must offer the Lapps the same opportunities and working conditions as were available to the rest of the population in order to ensure their freedom of choice. It was noted, in this connexion, that, although the general policy in regard to the Lapps had been laid down in the 1977 Bill, the Bill did not result in legislation, and it was asked how that general policy could be implemented if it was not based on any law, what were the possibilities for the Lapp population to develop their cultural traditions and identity, what was their economic position and what the Government was planning to improve their situation. Comparative population figures for past years were also requested in order to see whether the Lapps, especially those engaged in reindeer breeding, were in danger of extinction. In addition, reference was made to the competence of the Radio Commission to examine the compatibility of radio and television programmes with the agreements drawn up between the State and broadcasting companies, and it was asked whether the obligation for the Swedish radio to broadcast programmes in the Lapp or in the Estonian language depended only on those agreements, or whether it was general in nature and independent of the existence of such agreements. With regard to the gipsy population, members of the Committee asked whether that group had any legal status and what were the measures taken by the Government to remedy the difficult situation of gipsies in respect of housing and employment. More information was requested on the number of cases of discrimination against gipsies, in what main areas they occurred, and what procedures were applied to investigate them. The hope was expressed that the Swedish Government would keep the Committee informed on its decision regarding the kind of measures to be taken, at the international level, to give indigenous populations increased international protection.

343. In connexion with article 3 of the Convention, members of the Committee referred, in particular, to new legislation enacted in Sweden prohibiting new Swedish investments in South Africa and Namibia and clarification was requested on whether existing investments were still allowed to continue. It was asked whether cases of firms violating that legislation had been discovered, and, if so, how they had been penalized, whether it was possible to provide the Committee with an outline of the relevant aspects of the legislation in question and with information concerning government policy on private enterprises with existing investments in South Africa.

344. With regard to article 4 of the Convention, members of the Committee expressed concern that the legislation existing in Sweden was not fully in accordance with all the provisions of that article, especially with the requirements of its paragraph (b), since while it did penalize propaganda activities promoting racial discrimination, it failed to declare illegal organizations of racist intent, and they hoped that the Swedish Government would take further action and eventually modify legislation to conform with article 4. It was noted from the report that any public statement which threatened or expressed contempt for racial, ethnical, national or religious groups was punishable by the law, and a clear definition of those public statements was requested. It was also asked when and under what

circumstances a statement constituted criminal offence and what happened when racist insults or abuse were conveyed privately, for example, in a letter from one person to another.

345. In connexion with article 5 of the Convention, reference was made to the information provided on aid measures for social welfare programmes for refugees and information was requested, in particular, with regard to government policies concerning special education and cultural development for refugees coming from Viet Nam, and especially for their children. With respect to the immigration policy of Sweden, further information was requested in regard to the work of the government Commission established in 1980 to review questions concerning immigration and the position of immigrants in Sweden. Specific information was also requested on the problems which the Commission faced and the results of its work. In addition, it was asked whether the Swedish Government intended to provide all major immigrant groups with additional rights in order to establish their ethnic identity, whether the Government intended to establish a policy of voluntary return with respect to foreign labour, what was the position of aliens with regard to contributions to be paid for their entitlement to the old-age pension, which were the special reasons justifying the expulsion of aliens having more than three years' residence in Sweden and what was the text of the amendment to the Swedish Constitution brought into force on 1 January 1980 ensuring constitutional protection of the right to Swedish citizenship.

346. As regards article 6 of the Convention, more information was requested as to the outcome of the proceedings against a person accused of distributing a publication of an anti-Semitic character and on other judicial cases referred to in the report. It was emphasized in this connexion that decisions taken in such cases should be more clearly based on the objectives and provisions of the Convention.

347. The Committee finally expressed the hope that the Swedish Government would send a representative to participate in the discussions of the Committee during its consideration of the next periodic report of Sweden.

Bangladesh

348. The initial report of Bangladesh (CERD/C/61/Add.4) was considered by the Committee together with the introductory statement made by the representative of the reporting State, who referred briefly to a number of constitutional provisions in his country providing equality before the law as well as legal remedies for the defence of that equality without discrimination on account of religion, race, caste, sex or place of birth.

349. Members of the Committee expressed satisfaction that so soon after the formation of the State of Bangladesh the Government had ratified the Convention and had managed to submit its initial report. The report contained useful basic information regarding the Constitution, which reflected the country's non-racist orientation and laid down the obligation to support oppressed peoples in the world struggling against apartheid and racism. It was pointed out, however, that the report did not satisfy the requirements of article 9 of the Convention and did

not follow the revised guidelines drawn up by the Committee (CERD/C/70) for the preparation of reports, so that the Committee was not able to discharge its responsibility under the Convention. Moreover, instead of merely citing the relevant constitutional provisions, the Government of Bangladesh should have submitted their full text and given any details concerning implementation of legal measures provided by the Constitution. Such information was important if the Committee were to be able to determine whether additional measures were necessary to comply with the requirements of the Convention.

350. As regards article 2 of the Convention, it was noted that Bangladesh was a pluralistic society with a rich cultural heritage and it would be helpful if information were provided regarding the very complex problems it faced and the ways in which the Government was trying to ensure the dignity and equal rights of all its citizens. Information was sought on questions concerning the national minorities and their status in society, in particular persons who might have become stateless or had applied for Pakistani citizenship but had not been repatriated; whether Bangladesh and Pakistan had entered into any agreement to tackle their common human problems jointly, including the solution of questions relating to the property of persons who left Bangladesh between 1965 and 1971; and what the Government's policy was towards refugees and persons seeking asylum. Members of the Committee also inquired as to how the rights of the tribal population were protected; what special measures were taken to improve their condition; what major development projects had been undertaken or were planned in the area in which tribal people lived; how the laws relating to the ownership of land affected the status of tribal people; and whether the Government had taken any steps to assist the tribal population to preserve its identity.

351. In connexion with article 4 of the Convention, the Government stated in the report that separate legislative and judicial measures were not necessary because Bangladesh had no serious racial problems. However, the Committee pointed out that it was wise for all Governments to take every precaution and to devise preventive judicial and other measures for the suppression and punishment of racial discrimination.

352. As regards article 5 of the Convention, it was noted that the Constitution seemed to provide guarantees covering subparagraphs (c) and (f) of this article but no specific information had been provided with regard to the rights set forth in subparagraphs (d) and (e).

353. With respect to article 6 of the Convention, it was asked whether complaints of racial discrimination could be brought before the High Court Division of the Supreme Court by the victim of discrimination himself or whether the initiative in such cases lay with the authorities; and whether, if the authorities failed or refused to act, the victim had any other resource. With reference to article 7 of the Convention, information was required on the various organizations in Bangladesh which protected human rights through the provisions of legal aid to the indigents. It was also asked whether the Government informed the people concerning other cultures and civilizations and whether there were any organizations encouraging social, cultural and intercommunal activities.

354. The representative of Bangladesh stated that questions raised during the consideration of the initial report would be transmitted to his Government for a formal reply.

New Zealand

355. The fourth periodic report of New Zealand (CERD/C/48/Add.10) was introduced by the representative of the reporting State who pointed out that the report described the progress made in his country since the entry into force in September 1978 of the Human Rights Commission Act of 1977 and of the amendments to the 1971 Race Relations Act. The report also covered some developments in the work of the Race Relations Conciliator and of the Maori Affairs Department; it provided examples of measures taken in the fields of employment, education and culture to promote racial harmony, it set out some of the activities undertaken in the general work of conciliation and the investigation lodged under the Race Relations Act and it endeavoured to answer questions raised by members of the Committee during the consideration of the third periodic report of New Zealand. The representative also pointed out that the question of sporting contacts with South Africa was, at that very moment, arousing vigorous controversy in his country owing to the mistaken persistence of one sports body acting against the wishes of the Parliament, the Government and the majority of the New Zealand people, which should not be allowed to obscure the remarkable record of the country. Until those events occurred, there were no significant sporting contacts between New Zealand and South Africa and contacts in general between the two countries were minimal. In addition, the representative recalled that New Zealand was already observing a voluntary arms embargo when the United Nations applied sanctions on arms sales to South Africa in 1977.

356. The Committee commended the Government of New Zealand on its extremely frank and impartial report which showed, like the previous reports, that that Government was determined to overcome problems relating to racial discrimination and that the measures it had taken to this effect reflected its policy of total opposition to all forms of racial discrimination and were in accordance with the spirit and philosophy of the Convention.

357. Commenting on the information provided by New Zealand with regard to the implementation of article 2 of the Convention, some members of the Committee wished to know whether the people listed in the report as members of minority groups lived together in particular areas of the country or were scattered throughout the land; whether the housing policy for Maori families might not result in racial discrimination; whether integration was possible for those who sought better housing and equal opportunities, and whether there were any specific programmes such as university education or in-service training, to help Maori people to obtain higher positions. More specific figures were requested on the drop-out rate among Maori and Pacific Islands students and it was asked to what extent the ILO Convention on child labour was applied to such students who dropped out early. Furthermore, information was requested on any special measures taken by New Zealand under article 2, paragraph 2, of the Convention in areas other than education; vocational training and housing and on developments in all the various facets of life which would ensure that the Maoris and other minority groups could take their proper place in the society.

358. In connexion with article 3 of the Convention, some members of the Committee referred to the recent visit of a South African Rugby team to New Zealand and observed that it was difficult to understand what had prevented the New Zealand Government from officially banning the entry of the South African team, especially in view of its active support for United Nations anti-apartheid resolutions. The question was raised as to whether the situation had changed in respect to sporting contacts between New Zealand and South Africa.

359. As regards article 4 of the Convention, one member noted from the 1979 report of the Human Rights Commission that the Government of New Zealand had reserved the right not to apply or implement further legislation on incitement to discrimination, hostility or violence, while it had not made such reservation in signing or ratifying the Convention, and he requested an explanation of the Government's statement and its position with regard to its obligations as a State party to the Convention. With reference, in particular, to the provisions contained in article 4, paragraph (a), of the Convention, it was pointed out that section 25 of the Race Relations Act of New Zealand corresponded only to the first element of those provisions, while section 9 A of the Human Rights Commission Act 1977 did not consider the incitement to hostility or ill-will a criminal offence, but a civil liability under the jurisdiction of the Race Relations Conciliator. As those legislative provisions did not seem to be in conformity with the requirements of the provisions of article 4 (a), it was asked whether the Government of New Zealand intended to enact legislation to comply fully with the provisions of article 4, paragraph (a), of the Convention. Another member requested additional information about the precise scope of the word "ethnic" contained in section 25 (1) of the Race Relations Act. With reference to article 4 (b) of the Convention, members of the Committee noted that the Government of New Zealand considered that the most appropriate means of controlling organizations which promoted racial disharmony was to declare their activities illegal, rather than the organization themselves and asked why only illegal activities were sanctioned and not the sources of such activities. It could appear that the New Zealand Government placed a higher premium on the freedom of association than on the freedom of speech; however, to penalize the members of a racist organization for their activities while allowing the organization itself to continue in existence seemed to be an inadequate form of control and the Government should make provisions for the dissolution of such organizations, in full compliance with article 4, paragraph (b), of the Convention.

360. In connexion with article 5 of the Convention, information was requested about the number of refugees living in New Zealand, on the Government's resettlement policy, on any racial disharmony resulting from their presence and on action taken to defuse such potential disharmony. Furthermore, it was observed that, although the report of the Race Relations Conciliator for the year ending 31 March 1978 admitted that there were difficulties in New Zealand in eliminating discrimination in the field of employment, the fourth periodic report of New Zealand did not contain any information on measures taken to prevent discrimination in that field. It was also noted that New Zealand had reserved its right not to put into effect the provisions of the International Covenants on human rights dealing with the freedom of association in trade unions, and it was asked whether those reservations were not incompatible with New Zealand's obligations under article 5 (e) (ii) of the Convention in respect of which no reservations had been made.

361. With regard to article 6 of the Convention, it was asked whether the New Zealand Government, in addition to providing statistics on the number of cases involving alleged racial discrimination brought to the courts, would supply synopses of the case material so that the Committee could see how the authorities dealt with everyday incidences of discrimination. Reference was made, in particular, to 57 complaints received in New Zealand by the competent authorities in 1976-1977 in connexion with article 4 of the Convention for which no criminal proceedings had been instituted, and relevant information was requested in this regard. It was also noted that, in accordance with the information given in the reports of the Race Relations Conciliator, several complaints had been lodged in 1978-1979 under section 25 of the Race Relations Act and information was requested on what action had been taken in regard to those complaints and which complaints had been found justified and remedied. Nevertheless, members of the Committee highly commended the conciliation procedures.

362. In reply to questions raised by members of the Committee, the representative of New Zealand, referring to measures taken by his Government under article 2 of the Convention, stated that there was no question of confining Maoris or Pacific Islanders to certain regions against their wish. In New Zealand there were no reservations and some 72 per cent of Maoris lived in urban areas. However, like the Pakeha population, more Maoris lived in the warmer North Island which also provided more job opportunities than the South Island. As far as schooling was concerned, education was compulsory up to the age of 15 for all New Zealanders and the decision whether to seek employment or to pursue further training after compulsory education was an individual one and the problem was not dealt with in racial terms. Thanks to the special efforts that had been made to encourage young Maoris to take full advantage of further training opportunities, the drop-out rate had steadily declined, and the Department of Maori Affairs had recently embarked on a 10-year programme by which parents and the local communities would be more closely identified with the schooling of Maori children throughout their school lives. In terms of economic policies, the Government's approach was directed towards the development of the country as a whole, rather than to that of any particular group. However, the Department of Maori Affairs was vigorously encouraging Maori development projects such as farmer development schemes and Maori enterprise programmes, which were meeting with considerable success.

363. With regard to article 3 of the Convention, the representative stated that the ill-advised decision of the New Zealand Rugby Union to go ahead with the current Springbok tour, which included a South African team, was a setback, but in no way altered the fundamental position of his Government with respect to apartheid which had not been changed.

364. In respect to article 4 of the Convention, he stated that section 25 of the Race Relations Act fulfilled the clear intention of the Convention in that no racist organization could operate because it could not expound its views, but the fact remained that under New Zealand's legal system, a person could not be declared a criminal unless guilty of some wrongdoing. New Zealand legislation did not prohibit financial contributions to any organizations, but if a donation were made with the intention of promoting or facilitating the commission of an offence, such as incitement to racial hatred, it would be prohibited under the Crimes Act, 1961.

365. As regards article 5 of the Convention, he explained that discrimination in employment was specifically prohibited under section 5 of the Race Relations Act and if cases of discrimination did arise from time to time, it was probably as a result of insensitivity or thoughtlessness. Employers were constantly reminded of their obligations by the Race Relations Conciliator.

366. In connexion with article 6 of the Convention, he explained that the failure to institute criminal proceedings with regard to the complaints lodged under section 25 of the Race Relations Act was a result of the impossibility of proving intent. However, it was important to remember that the aim was to promote racial harmony and, if possible, to find a satisfactory settlement without having to apply the full scope of the Act. Under the new provision, the Conciliator could take action to get a settlement without the need for criminal proceedings, but that did not mean that section 25 had been made weaker.

Venezuela

367. The supplementary report of Venezuela (CERD/C/66/Add.31) containing replies to questions raised by members of the Committee in connexion with the consideration of the sixth periodic report of Venezuela (CERD/C/66/Add.2) was considered by the Committee in the presence of the representative of the reporting State.
368. Some members of the Committee congratulated the Venezuelan Government on its systematic compliance with the Convention and its fruitful dialogue with the Committee. Other members, however, pointed out that the report did not answer all questions raised and comments made by the Committee during the previous consideration of the Venezuela report, although the Government had agreed that the obligations entered into under the Convention had not been fulfilled.
369. In connexion with article 2 of the Convention, the Committee wished again to receive information on Venezuela's policies towards the indigenous population, in particular on the context in which programmes for the indigenous population were carried out at the village or national level by the Ministries of Education, Agriculture and Stockbreeding. As to the fact that the report could not provide statistics on the composition of the population due to the lack of reference to race on the identity cards, some members were sure that the percentage of the population living on reservations could nevertheless be deduced. So far as the current report stated that permits were no longer required by the Ministry of Justice for journeys to regions inhabited by indigenous groups, it was inquired whether this new policy was simply a practical way of solving the problem, or whether the decree No. 250 of 27 July 1951 had been rescinded.
370. As far as article 4 of the Convention was concerned, it was felt that the report had not provided information concerning the implementation of this article. The statement that "anyone infringing the provisions of the Convention" would be punished did not relieve the Government from its obligation, under the Convention, to enact legislation. Members of the Committee stated that the Committee had the right to know what difficulties obstructed the implementation of article 4 and, in particular, asked what sanctions would be applied by the Government to members of any organizations with racist objectives which might be established illegally.
371. The Committee noted with regret that the report did not give any exact information on legislative and practical measures for the implementation of articles 5, 6 and 7 of the Convention, in spite of the repeated requests on the subjects made by the Committee in connexion with its consideration of Venezuela's previous reports and again invited the Government to fulfil its obligations under those articles.
372. The Committee urged the Venezuelan authorities to prepare its next periodic report in conformity with the guidelines drawn up by the Committee (CERD/C/70).
373. The representative of Venezuela stated that she would transmit the questions and comments of the Committee members to the authorities in her country so that an official response could be supplied.

Upper Volta

374. The third periodic report of the Upper Volta (CERD/C/47/Add.3) was considered by the Committee together with the introductory statement of the representative of the reporting State.

375. Members of the Committee took note of the substantive answers given in the report to a large number of questions raised by them in connexion with the previous report of the Upper Volta and, in particular, the explanations provided with regard to the suspension in the country of the successive constitutions. However, they wondered whether the provisions of the Convention could be implemented under the circumstances existing in the Upper Volta and requested more specific information with regard to precise constitutional provisions which had been suspended. It was recalled, in this connexion, that in 1974 a proclamation had been issued suspending the 1970 Constitution and stating that only certain rights were preserved, and it was asked whether the new régime of the Upper Volta had issued a proclamation suspending the 1977 Constitution and if so, whether the Committee could have the text of that proclamation so that it could see what rights and freedoms had been preserved and which had been suspended. With regard to the statement that the state of law remained unaffected, it was asked, in particular, whether there was a special body in the Upper Volta to which persons could appeal in the event of illegal administrative action or whether it was only the Supreme Court to which a citizen could appeal against an unconstitutional law or act, in accordance with article 5 of the 1970 Constitution. Clarification was also requested with regard to the statement that the suspension of the Constitution merely meant that the Executive had arrogated to itself the powers of the legislature.

376. Members of the Committee also renewed their request for information on the demographic composition of the country and asked, in this connexion, whether there were any tensions between various groups of the population.

377. In connexion with article 4 of the Convention, one member of the Committee wished to know whether the broad interpretation given to the word "demonstration" contained in the provisions of Act No. 15/AL and referred to in the report was that of the Upper Volta Government alone, or whether it was shared by the courts.

378. With regard to article 5 of the Convention, members of the Committee requested clarification about the statement in the report that whereas political rights had been suspended on account of the recent events, that measure in no way prejudiced the actual existence of such rights. They wished to know, in particular, what the actual impact of that suspension had been on political activities, whether the suspension was a temporary measure, whether the right of assembly, the freedom of speech and of the press had been suspended, whether all persons in the Upper Volta had the right to run for public office and whether they enjoyed trade union rights. Furthermore, reference was made to the rules which applied to persons wishing to leave the Upper Volta, and it was asked whether there was similar provisions for persons wishing to migrate to neighbouring countries for employment. Information was also requested on what the Government's policy to fulfil the vital economic needs of the various segments of the population was. Also, no information on the country's implementation of article 7 was supplied.

379. Replying to questions raised by members of the Committee, the representative of the Upper Volta stated, with regard to the suspension of the Constitution, that while the executive had taken over the functions of the legislature and political parties had had their activities suspended, the new Government had undertaken to protect the social rights set forth in the Constitution. Trade unions, for example, continued to function as they had before the Constitution had been suspended, and the judiciary had kept all its previous powers. While the Constitution had been suspended as a text, there were other texts to replace its provisions and thus safeguard the rights of citizens. His Government was quite willing to provide the Committee with those texts. The judicial system and the protection of constitutionality still functioned as there was a constitutional chamber in the Supreme Court where a citizen could request a certain act to be declared unconstitutional.

380. Turning to the demographic composition of the Upper Volta, he stated that his country comprised approximately 20 different ethnic groups and assured the Committee that, despite the changes of régime, racial tensions were unknown in his country.

381. He also explained that in order to maintain good relations with its neighbours, the Upper Volta had signed agreements to control emigration to those States. The need for visas could be seen from the difficulties created in the host countries by unauthorized emigrants who were often unqualified and sought unskilled manual work in towns, while those who left in accordance with the law tended to go outside the cities.

Cuba

382. The fifth periodic report of Cuba (CERD/C/75/Add.2) was considered by the Committee together with the supplementary information given by the representative of the reporting State in his introductory statement which included some comments on the report and concerned questions raised during the consideration of the fourth periodic report of Cuba.

383. Members of the Committee expressed their satisfaction at the presentation of the report and at the manner in which the Government of Cuba was implementing the provisions of the Convention internally and was promoting the ideals of the Convention at the international level. The report was clear evidence of the sincere effort of the Government to eliminate the economic disparity and all forms of racial discrimination which had been inherited from the colonial era. Several members commended Cuba for its educational system guaranteeing equal opportunities for future generations, and for its social security system and the labour legislation.

384. With regard to implementation of article 2 of the Convention, members noted that the provisions of this article were given effect by article 26 of the Constitution as well as by article 143 of the Criminal Code. However, it was inquired whether any special measures had been taken to secure the adequate advancement of the black population in Cuba. The statistics of the ethnic breakdown of the population were also requested in the next periodic report.

385. In connexion with article 3 of the Convention, it was noted that Cuba supported national liberation movements in southern Africa and that it was a party to the International Convention on the Suppression and Punishment of the Crime of Apartheid. As an active and dynamic member of the Conferences of Non-Aligned Countries since 1961, Cuba was in the vanguard of the struggle against racism and colonialism at the international level. One member asked whether the Government of Cuba, in addition to condemning the racist régime of South Africa, also provided financial or any other form of assistance to the national liberation movements of the region.

386. As far as article 4 of the Convention was concerned, most members felt that the report provided ample information concerning the implementation of this article. The provisions in the Criminal Code of 1979 against persons practising racial discrimination were equally commendable. For example, article 5 of the Criminal Code provided for sanctions against any persons expressing support for apartheid in Cuba even if they were not citizens of that country. One member asked, however, how the Government tackled such problems in accordance with its socialist system; whether any organizations or associations even obliquely advocating racism had emerged and how the Government had dealt with them; whether there had been any cases of reverse racism and how the Government had tried to overcome that feeling.

387. With reference to article 5 of the Convention, some members noted that nearly all its provisions were reflected in Cuban legislation; that article 42 of the Constitution provided effective protection and remedies against any act of racial

discrimination; and that the social security legislation was especially effective in its provisions ensuring that benefits would be given harmoniously and universally. Nevertheless, some members pointed out that article 42 of the Constitution did not fully reflect the contents of article 5, in particular article 5 (d), subparagraphs (ii) to (ix), and 5 (e), subparagraphs (i) and (ii). With regard to article 5 (e), it was asked whether Cuban legislation provided for the right to form labour unions or only the right to join existing ones. Referring to article 5 (c), an explanation was requested of the procedure for the removal of elected officials under the 1976 Election Law. It was also asked whether there were special institutions which provided pre-school education for disabled children, if those children were not admitted to regular pre-school training programmes.

388. In connexion with the implementation of article 6 of the Convention, it was especially noteworthy that an individual could request compensation for any discrimination to which he felt he had been subjected. Further information was requested on how offences prosecuted on the initiative of the State differed from offences prosecutable privately and what were the exceptional cases in which criminal proceedings could be brought by the injured party. With reference to article 53 of law No. 1,323, it was asked whether this article would apply if a foreigner visiting Cuba suffered racial discrimination and what action a foreigner could take in this connexion. A member pointed out that the submission of petitions to the concerned organs by citizens complaining of an act of racial discrimination could not be considered an adequate way of implementing article 6, unless the organ in question treated them immediately and objectively.

389. In connexion with article 7 of the Convention, members welcomed Cuba's educational efforts concerning the propagation of the principles of the Charter and the Convention, in particular the education of youth, in order to guarantee equality for all citizens. Additional information was requested about the percentage of illiteracy among the adult population.

390. The representative of Cuba replied to a number of questions raised by members of the Committee. With regard to the question of the advancement of the black population, he stated that the principles of equality and equity had gone beyond the theoretical or philosophical to become a living reality, based on the solidarity of human beings, regardless of colour or ethnic origin.

391. Referring to some of the questions raised in connexion with article 5 of the Convention, he explained that the worker could choose employment of his preference. Since Cuba was a country without unemployment, the right thus guaranteed under the Constitution was not hypothetical. As to the question concerning trade unions, he noted that before the revolution workers and employers had been divided, whereas currently they represented one entity dedicated to defending the interests of workers. Moreover, the provisions of article 53 of the Constitution, which were formulated in broad terms, assured freedom of association. Replying to the question concerning elections, he explained that Cuba was a democracy in which any member of the community could propose a candidate for election. Elected officials could be removed by their constituencies. As to the question concerning the education of disabled persons, he stated that rehabilitation for disabled people was free of charge in Cuba.

392. With regard to article 6 of the Convention concerning the remedies available to the victims of racial discrimination, he said that provision was made for the compensation of victims under article 26 of the Constitution and article 143 of the Criminal Code, which also dealt, in article 70, with the question of civil liability. Foreigners who might be victims of discrimination had the same rights as Cuban citizens.

393. With reference to article 7, the representative stated that adult illiteracy currently existed among those people who were physically unable to learn. In addition, efforts were being made to ensure that all adults completed the sixth grade and could read and write.

India

394. The sixth periodic report of India (CERD/C/66/Add.33) was considered by the Committee together with the introductory statement of the representative of the reporting State, in which he pointed out that even though his Government did not recognize the right of the Committee to discuss issues relating to the Minorities Commission established in India in 1978, it had provided information on the subject in accordance with its consistent policy of co-operation with the Committee.

395. Members of the Committee welcomed the information provided in the report which showed that the revision of the Indian Constitution had not affected the implementation of the provisions of the Convention in that country and commended the Indian Government on the results of its efforts to promote the welfare of all citizens regardless of origin.

396. With regard to the question of the Committee's competence to discuss issues relating to religious and linguistic minorities dealt with by the Minorities Commission, members of the Committee observed that, while they understood the Indian Government's position it was difficult to find examples of purely linguistic minorities which did not have an ethnic basis and that often, religious and ethnic origins overlapped. It was observed also that the existence of minorities in a country may lead to tension between the majority population and those minorities, and that was a problem which did not fall within the competence of the Committee. Besides, the Indian Government had maintained that castes were social groups, nevertheless it had always provided the Committee with information on the scheduled tribes and scheduled castes. It was recalled, in this connexion, that the Convention did not deal with minority rights as such but rather with a much broader spectrum of groups, and the wish was expressed that the Committee would continue to be provided, in the future, with the reports of the Indian Commissioner for Scheduled Castes and Scheduled Tribes and the report of the Indian High Panel Power established in 1980.

397. With reference to article 4 of the Convention, it was pointed out, as it had been done during the Committee's consideration of the fifth periodic report of India, that article 15 of the Indian Constitution, in connexion with the prohibition of discrimination, mentioned the concept of discrimination on grounds of race, but not on grounds of colour or ethnic origin. Furthermore, the pertinent sections of the Indian Panel Code similarly covered discrimination on grounds of race, but

ignored the concept of colour and ethnic origin. It was therefore asked whether the Indian Government would be prepared to accept an amendment to its legislation to cover those aspects which were missing and thus satisfy all the requirements of article 4 of the Convention.

398. In connexion with article 5 of the Convention, it was recalled that in its initial report, the Indian Government had given information concerning the seats reserved in Parliament for the Scheduled Tribes and Scheduled Castes. That special reservation had been due to lapse in 1970, but was extended for a further 10 years. Since nothing in later reports indicated whether any further extension had been made, it was asked whether the Committee could assume that those tribes and castes had been placed on an equal footing and no longer required special measures. Attention was also drawn to the amendment to article 19 of the Indian Constitution, and it was asked what was the effect of the deletion of subclause (f), which removed from among the rights guaranteed by the Constitution the right to acquire, hold and dispose of property", whether the deletion had any bearing on the application of article 5 of the Convention, what ownership of property was allowed a citizen of India, and what implications the deletion of the provision concerned had for those already in possession of property.

399. In connexion with article 6 of the Convention, it was observed that difficulties may be created by the granting of jurisdiction to the Supreme Court to review the constitutionality of the State laws in that only judges from such States were sufficiently familiar with the laws of their States and that complainants must travel extremely long distances to present cases before the Supreme Court. Accordingly, information was requested about the effects of that procedure and what experience had been acquired through it, especially in the event the laws of one State contained discriminatory elements. With reference to the expenses incurred and financial assistance granted to individuals seeking redress, it was asked whether, as laymen, such people fully understood the relevant procedure and whether they were entitled to employ a lawyer and to receive public funds for that purpose as well.

400. Some members also drew attention to the information given in the report with regard to the reasons why India had not made the declaration provided for under article 14 of the Convention. They observed that while the decision not to make the declaration was the absolute prerogative of the Indian Government, they did not share the opinion expressed in the report that national machinery was adequate to ensure that no racial discrimination took place. In their view, article 14, when it entered into force, would add a vital part to the machinery for promoting and protecting human rights and would be an important contribution to strengthening legislation in the field of nondiscrimination.

401. Replying to questions raised by members of the Committee, the representatives of India stated that the powers of the Minorities Commission were not defined in the Constitution but rather in the resolution of 12 January 1978, which provided that the Commission should safeguard the interests of minorities, whether based on religion or language. Its primary function was to evaluate the working of the various constitutional and legislative safeguards for the protection of minorities. Accordingly, the functions of the Minorities Commission did not fall within the

scope of the Convention, but were merely of an internal nature intended to ensure that the provisions of the Indian Constitution were fully implemented.

402. Referring to a question raised under article 4 of the Convention, the representative pointed out that article 153 of the Indian Panel Code also contained the expression "or any other ground whatsoever" which was all inclusive in respect to the relevant provisions of the Convention.

403. In connexion with article 6 of the Convention, the representative stated that the Supreme Court of India comprised judges from the various constituent states of the Union. The judges were eminent jurists and were familiar with the laws of their respective states. Thus, if any question arose regarding a law of a given state, the judge from the state would most certainly serve on the review panel. With regard to legal expenses, the representative indicated that there were provisions whereby a petitioner or plaintiff in a legal suit could be declared a pauper and thereby obtain legal aid. The Legal Aid Society had done a great deal of work in that field. In cases of genuine need, it was always possible to receive sympathetic consideration from some charitable organization or individual lawyers who provided free legal advice because of their interest in certain constitutional issues or in the situation of the weaker sectors of society.

404. The representative finally assured the Committee that his Government would endeavour to provide comprehensive replies to questions raised by members of the Committee in its next periodic report.

Algeria

405. The fifth periodic report of Algeria (CERD/C/75/Add.4) was considered by the Committee together with the introductory statement of the representative of the reporting State, who highlighted the replies given by her Government to questions previously raised by the Committee relating to the implementation of some articles of the Convention.
406. Members of the Committee expressed satisfaction with the report, which supplied ample information on various measures taken for the implementation of the provisions of the Convention and followed the guidelines and recommendations of the Committee.
407. With reference to article 2 of the Convention, some members of the Committee noted that the list of international conventions and multilateral treaties on human rights, including instruments on protection of foreigners, to which the Algerian Government had become party, was impressive. Article 68 of the Constitution also recognized all foreigners living in Algeria as having the protection granted to persons and to property in conformity with international law and its tradition of hospitality. However, it was asked whether the principle of article 68 of the Constitution was subject to conventions concluded between Algeria and some countries; what was the situation of foreigners whose Governments had not signed similar conventions with Algeria and whether members of the Bar of other countries could represent parties in Algerian courts under the same circumstances as an Algerian lawyer. Clarification was requested on the legal status of the National Charter, adopted through a national referendum, and on the legal provisions which had been annulled by the Government after independence, in conformity with article 2, paragraph 1 (c), of the Convention. Information on the ethnic composition of the population was also requested.
408. In connexion with article 3 of the Convention, members expressed satisfaction at the contribution made by the Government of Algeria to combat racism, racial segregation and apartheid, particularly its support of the national liberation movements struggling against colonialism and racism, and asked for further information in this regard.
409. With respect to implementation of article 4 (a) of the Convention, it was noted that article 298 of the Penal Code imposed the penalty of imprisonment or a fine on any person who defamed members of an ethnic or ideological group or religion with intent to incite hatred, but incitement to racial discrimination had not yet been declared an offence punishable by law. Order No. 71-79 of 3 December 1971 declared illegal and prohibited organizations which promoted and incited racial discrimination, but further legislation was required with respect to propaganda activities and making it an offence punishable by law to participate in such organizations or activities as required by the provisions of article 4 (b) of the Convention. A member of the Committee wondered what happened if an association had already been registered and then began to develop a racist slant; whether it was the executive or the judiciary which was competent to prohibit an association in such a situation; and if an association was so prohibited, did its members have an opportunity for recourse against prohibition. Members of the Committee also asked whether any association had been disbanded for promoting racial hatred or

discrimination among Algerian citizens or foreigners and whether individuals involved in establishing racist organizations could be penalized under Algerian law.

410. In connexion with the implementation of article 5 of the Convention, members pointed out that the Algerian Constitution of 1977 and other legislation contained important provisions on human rights and fundamental freedoms. However, some of its provisions, for example those on the right of freedom of thought and expression, could be more explicit. Also, the constitutional provisions implementing article 5 (f) on the right of access to public places or services should be supplemented by an additional legislation. Clarification was also required on the right to form and to join trade unions, in particular, whether citizens had the right to form trade unions independently of those organized by the Government, and on the right to freedom of movement in so far as article 57 of the Civil Code subjected the right to freedom of movement to a citizen's being in full exercise of his civil and political rights. It was asked what the cases were in which a citizen would not be in full exercise of his civil and political rights. Some members noted that the emphasis on the rights of women in the report was a misunderstanding, because the question of discrimination on grounds of sex did not fall within the mandate of the Committee. Other members, however, expressed satisfaction at the information concerning the condition of women and equality of the sexes and stressed that the question of equality and non-discrimination could not be discussed separately. A question was asked as to whether the policy of granting more material assistance to the population of those areas which were economically and socially backward was continued.

411. Concerning implementation of article 6 of the Convention, questions were asked whether the Constitution and relevant legislation protected all persons against all acts of racial discrimination; whether everyone had the right to seek satisfaction from the courts for injuries inflicted; whether anyone claiming to have suffered racial discrimination at the hands of a public official could institute trial against him. The text of articles 45 and 52 of the Constitution was requested in order to see what protection and remedies were available to citizens, and to assess whether or not all the requirements of article 6 were met.

412. As regards article 7 of the Convention, it was noted that the information in the report was ample, but it was requested that examples of specific measures undertaken should be provided in the next report, rather than the programme and goals in the field of education, culture and information, in particular, with a view to propagating the purposes and principles of the relevant United Nations instruments.

413. The representative of Algeria, replying to questions of the Committee members, said that all the observations and comments on the report would be passed on to her Government. Turning to the demographic composition of Algeria in connexion with article 2 of the Convention, she said that her country had seen a great deal of mixing of people of different ethnic origins. Stressing that her country's social problems were not related to racial differences, she stated that it was inappropriate to speak of ethnic instead of linguistic differences in her country. Since independence the Government had re-established Arabic as the national language and efforts were being made in the country to teach other regional languages, including African languages.

414. Replying to questions raised in connexion with article 4 of the Convention, the representative said that measures could be taken against those who formed associations which were not in keeping with the pre-established norms. There were specific trade unions in her country representing workers in particular branches of economic activity. Those trade unions co-ordinated their activities within the General Confederation of Trade Unions. Private firms could create their own trade unions whose activities would likewise be co-ordinated within the Confederation.

415. She agreed that the question of discrimination against women was not directly within the purview of the Committee. She did, however, feel that it was timely to mention the efforts made by her Government to eliminate discrimination against women.

416. Referring to the need to propagate the purposes and principles of the United Nations instruments on human rights, she said that article 86 of the Algerian Constitution stated that Algeria endorsed the purposes and principles of the charters of the United Nations, the Organization of African Unity and the Arab League.

417. The Committee considered the second periodic report of Luxembourg (CERD/C/72/Add.2) together with the introductory statement by the representative of the reporting State.
418. Members of the Committee congratulated the Government of Luxembourg which had come a long way in its report towards meeting the recommendations of the Committee. They welcomed, in particular, the provisions described for migrant workers and expressed the wish that the Committee should be kept informed about the progress of those efforts.
419. In connexion with article 2, paragraph 1 (a) of the Convention, reference was made to safeguards provided to persons under the jurisdiction of Luxembourg by article 14 of the European Convention on the Protection of Human Rights and Fundamental Freedoms, and it was observed that that article simply guaranteed the implementation of articles 1 to 13 of that Convention without discrimination, but it could not be considered a safeguard as far as the International Convention on the Elimination of All Forms of Racial Discrimination was concerned.
420. With regard to article 3 of the Convention, it was asked whether Luxembourg had any relations with the Government of South Africa, whether it upheld United Nations sanctions and what material and moral support it provided to the national liberation movements in southern Africa which were combating racial discrimination and apartheid.
421. In respect to article 4 of the Convention, additional information was requested on the scope of articles 454 and 455 of the Luxembourg Penal Code implementing the provisions of that article. It was noted, in particular, that article 455 of the Penal Code punished incitement to racial discrimination; however, it was observed that the first part of article 4 (a) of the Convention spoke not only of incitement but also of disseminating ideas based on racial superiority or hatred. As regards article 4 (b) of the Convention, it was observed that, despite the fact that penalties were provided under article 455 of the Penal Code for people belonging to organizations which promoted racial discrimination, such organizations were not declared illegal and it was hoped that legislation would be adopted in Luxembourg to meet all the requirements of article 4 (b) and that the Committee would be kept informed about the steps taken by the Minister of Justice in this regard. Information was also requested concerning the implementation of article 4 (c) of the Convention and it was asked, in particular, whether cases of discrimination committed by public officials were punishable under existing legislation.
422. With regard to article 5 of the Convention, more extensive information was requested on the implementation by Luxembourg of that article and on the legal texts in force in the country which protected the relevant rights, especially

18/ For the consideration of the initial report of Luxembourg at the twenty-third session, see paras. 111-122 above.

in view of the fact that political rights were clearly reserved for citizens, without discrimination. It was noted, in this connexion, that on the basis of the practice of the courts, the principle of equality before the law was also applied to foreigners, provided that a distinction based on nationality was not expressly made by the law, and additional information was requested on such distinctions and whether any rights other than political rights, mentioned in article 5, paragraph (c), of the Convention, were expressly denied to foreigners. Furthermore, attention was drawn to the information on the demographic composition of Luxembourg and to the act of 28 March 1972 dealing, inter alia, with the entry and residence of foreigners, and it was asked whether any quota system had been established for nationals from certain countries, whether any other differences existed among the foreigners by virtue of European Conventions, whether, for instance, the situation of migrant workers from non-EEC countries was more or less favourable than that of migrant workers from EEC countries. It was also asked what the percentage of foreigners who had come to Luxembourg seeking asylum was; whether the problem of new foreign migrant workers in Luxembourg concerned only certain foreign workers or, if ethnic minorities were also involved, what aspects of the problem had not been overcome; what the Government planned in order to ensure equal conditions for all people living in Luxembourg; what were the programmes of economic and social assistance for foreign workers especially with a view to solving their educational and housing problems; whether foreign workers could form social, political or labour organizations in accordance with Luxembourg law; what the activities of the Advisory Committee for Immigrants entailed in practice; whether they maintained contact with groups of foreigners in Luxembourg.

423. In response to article 6 of the Convention, the wish was expressed that detailed information would be provided with regard to all the remedies available to individuals or to groups in Luxembourg in the event of violations of the rules established in the Convention and on the provisions and peculiarities of Luxembourg procedure regarding the individual's right to seek redress. It was not clear from the report if the victim himself could start the prosecution procedure or at least bring a case before the civil court, if the criminal court or the administrative court could itself grant compensation, or what sort of criminal penalties were authorized by laws in the case of public officials. It was also asked whether migrant workers in Luxembourg were protected against any acts of racial discrimination by the national tribunals.

424. With regard to article 7 of the Convention, the hope was expressed that the Government of Luxembourg would provide more extensive information on the implementation of its provisions, in particular about general school activities and about related problems. It was also asked under what provisions the press could criticize the State for unfairness in terms of human rights.

425. The representative of Luxembourg stated, with regard to article 3 of the Convention, that in his Government's view diplomatic and economic relations with the racist régime of South Africa were problems which did not fall within the competence of the Committee and that it generally shared the position taken by the countries of the European Economic Community on questions of political co-operation. He also assured the members of the Committee that he would forward their questions, comments and suggestions to his Government.

Seychelles

426. The second periodic report of Seychelles (CERD/C/72/Add.1) was considered together with the introductory statement made by the representative of the reporting State who pointed out that the report consisted of two parts: the first dealt with the education policy, national health service, housing, social security, culture, food and the demographic composition of the population, while the second part dealt with the application of the Convention and the implementation of human rights in Seychelles. It also included information in response to questions raised during the consideration by the Committee of the Seychelles' initial report.

427. Members of the Committee noted that the report, which had concentrated on the efforts of Seychelles to build a socialist society, should have provided specific legal texts that implemented provisions of the Convention.

428. With reference to article 2 of the Convention, some members of the Committee requested further detailed information on the component of the ethnic groups in Seychelles.

429. As regards the implementation of article 4 of the Convention, it was pointed out that the information given in the report was too general and did not make mention of specific legislation or indicate that Seychelles was still in the process of considering such implementation, as it had promised to do in its initial report. The hope was expressed that in the next periodic report Seychelles would give an indication of the legislation that was being considered or which might have been enacted by that time in compliance with article 4 of the Convention.

430. In connexion with the implementation of article 5 of the Convention, it was noted that the preamble of the Constitution of Seychelles was quoted regarding the Government's intention to implement the fundamental rights, but the report had not specified whether there was an actual bill of rights incorporated in the Constitution or any legislation giving effect to such rights. Members of the Committee asked whether the courts in Seychelles had followed the example of the French Council of State in recognizing that the rights recognized only in the preamble to the Constitution also had legal validity. Information was requested on the details of the development plans of Seychelles and it was asked what measures the Government planned to take with respect to the large properties owned by a handful of families who were absentee landowners.

431. With reference to article 6 of the Convention, members pointed out that the Committee needed further information and an assurance that everyone was considered equal before the law. More specific details regarding the court of justice and the legal texts for recourse were also requested.

432. It was observed that the report mentioned measures taken in the field of education, with reference to article 7 of the Convention, but the provisions of that article included other fields such as culture and information, with a view to combating prejudices which lead to racial discrimination. Members hoped that more details regarding those fields would be given in the next report of Seychelles.

433. Replying to the questions raised by members of the Committee, the representative of the reporting State said that she saw two major difficulties. The first related to statistics. Since Seychelles was only four years old, it would take some time for the country to develop a statistical service. Secondly, concerning the very serious issue mentioned by members of the Committee, namely, the statement that a handful of families owned large tracts of land, she said that that information was somewhat out of date. The situation had changed since 1977 and while private landownership was still respected, it was now required that the land be developed for the good of the country. Otherwise, after a two-year grace period and following repeated warnings to the landowners, the Government bought the property which was then used for State holdings or parcelled out to persons who owned no land so that they could then build their own homes. Having set the records straight on those two points, the representative stated that she would refer the points raised by the Committee to her Government for a reply in its third periodic report.

Trinidad and Tobago

434. The fourth periodic report of Trinidad and Tobago (CERD/C/64/Add.3) was considered by the Committee together with the introductory statement of the representative of the reporting State in which she referred to the queries which had been made by the Committee during the consideration of her country's third periodic report and pointed out that replies to those queries constituted the main part of the fourth periodic report.

435. Members of the Committee commended the Government of Trinidad and Tobago on its report which showed that that Government was fulfilling its obligations under the Convention and expressed satisfaction, in particular, at the measures taken, both at the national and the international levels, to combat racism and apartheid. It was noted, however, that treaty obligations were entered into only by the Executive of Trinidad and Tobago without the prior or subsequent approval of Parliament and that in appropriate cases Parliament was asked to enact legislation to give full force and effect internally to treaty obligations. It was asked, in this connexion, whether international treaties entered into by the country automatically became law and could be applied in the courts and what the contents of common law with respect to the principle of non-discrimination on grounds of race were.

436. With reference to article 2 of the Convention, it was asked whether, in the light of the country's multiracial composition and the fact that two groups, the Africans and East Indians, balanced each other in size, it was really true that there was no racist tension in Trinidad and Tobago, as indicated in the report. It was noted that the information provided on the various ethnic groups in the country was based on the 1970 census and up-to-date information based on the latest census was requested on those groups. Further information was also requested on their economic status, on Government plans to aid backward regions or economically disadvantaged groups, on specific development programmes for the Carib and Arawak people, on steps taken to enable them to preserve their identity, on the reaction of ethnic groups to the introduction of the Hindi language in schools and on the effectiveness of measures taken by Trinidad and Tobago in 1980 to combat racism and racial discrimination. Reference was made, in particular, to the question as to how laws could continue to be valid while offending against the provisions of the Constitution, and it was asked whether an unjust law which came into being during the colonial period would still have to be applied in the country and whether an unjust law which had been enacted by Parliament after independence could be declared unconstitutional by the High Court, the Court of Appeal or the Privy Council.

437. With reference to article 3 of the Convention, one member inquired whether the condemnation of racial segregation and apartheid could only become part of the public order of Trinidad and Tobago if it was enacted as internal law.

438. With regard to article 4 of the Convention, members of the Committee requested information on the specific provisions of common law and criminal legislation which, according to the Government, provided an adequate framework within which Trinidad and Tobago's obligations under article 4 were satisfied. They requested

also further information with regard to the study undertaken of the suitability of enacting special legislation to implement that article. In their view, the legislative existing in Trinidad and Tobago did not cover adequately all the requirements of article 4, paragraphs (a) and (b) of the Convention.

439. In connexion with article 5 of the Convention, one member wished to receive some detailed information on the national development programme. He expressed the opinion that, especially in view of the multiracial demographic composition of the country, it was important to know the extent to which all the various groups participated in society, how they were represented in Parliament, and how equality was guaranteed in areas such as land property, medical services, social security and housing. Furthermore, noting that in Trinidad and Tobago there was no labour code as such, he wished to receive information about decrees or regulations implementing the International Labour Organisation Conventions to which Trinidad and Tobago was a party, and ensuring equal employment opportunities for all.

440. In respect to article 6 of the Convention, it was asked whether a recommendation of the ombudsman in Trinidad and Tobago had the force of a legal requirement with a penalty for failure to comply and also, noting that the ombudsman requested the judiciary to take decisions in specific cases, what the basis for those decisions was. In addition, information was requested on whether there was any system in Trinidad and Tobago under which a victim of racial discrimination could receive some form of free legal aid in order to seek redress for grievances.

441. With regard to article 7 of the Convention, the hope was expressed that further information would be provided on measures taken in the school curriculum and in the field of information.

442. Replying to questions raised by members of the Committee, the representative of Trinidad and Tobago stated, with regard to article 2 of the Convention, that there was really no racial tension in her country, that no group had been excluded from any institution and that the country had developed harmoniously as a nation. A population census had been taken in 1980 and its results would be available in a future report. The Government's development programme's basic thrust was to improve the quality of life of each citizen of the country without any discrimination whatsoever. There were social assistance programmes for socially and economically disadvantaged people and low-cost housing programmes for middle-income families as well as those almost destitute. Health programmes and public hospital services were free. The Carib-Indian population was extremely small, numbering less than 300, and had almost disappeared as a separate group. When the Hindi language was introduced in schools, there had been no negative reaction. With regard to the question of legal continuity between the Constitution and pre-existing laws, she confirmed that under section 5 of the Constitution, existing laws had to be so construed as to bring them into conformity with the Constitution.

443. With regard to article 4 of the Convention, the representative referred to legislation existing in her country which dealt with cases when intent to incite racial discrimination had not been established. She also stated that she would convey to her Government the Committee's concerns with the implementation in Trinidad and Tobago of that article.

444. As regards article 5 of the Convention, she stated that in her country there was no proportionate representation of the various racial groups in Parliament. Moreover, all citizens had the right to hold land and there was an Aliens Landholding Act applying to foreigners. In Trinidad and Tobago there was no single document codifying labour laws, but the Industrial Relations Act and the Industrial Relations Code covered the interests of employers and employees and the implementation of the ILO Conventions. Furthermore, agreements with labour unions were made in accordance with the relevant ILO Conventions.

445. In connexion with article 6 of the Convention, the representative stated that a legal aid system existed in Trinidad and Tobago.

Mongolia

446. The sixth periodic report of Mongolia (CERD/C/66/Add.34) was considered by the Committee together with the introductory statement made by the representative of the reporting State who said that according to provisions of the Constitution and the 1979 Judicial System Act, the judges serving in people's courts of Mongolia at all levels were elected and 41.67 per cent of them were representatives of national minorities. He also informed the Committee that since the submission of Mongolia's fifth periodic report, no legislation had been enacted having a direct bearing on the articles of the Convention.

447. Members of the Committee expressed satisfaction at the report which was considered to be very comprehensive, reflecting the intentions of the Mongolian Government to implement all aspects of the Convention and to continue a constructive dialogue with the Committee.

448. With regard to the implementation of article 2 of the Convention, the Committee drew attention especially to questions concerning the rights granted to minority nationalities and foreigners. Some members noted that the Mongolian provisions in general for the protection of its national minorities seemed effective. Further clarifications were asked for on the questions of whether separate administrative units existed for any of the numerous national minorities, in addition to the unit set up for the Kazakhs; how the provisions relating to minorities affected the implementation of economic social and cultural rights, in particular the right to free choice of employment; whether people living in one region had difficulty finding employment in another region because of language and cultural barriers; what policy the Government was pursuing with a view to bringing such minorities into the national mainstream in terms of language; and whether the laws of each State were the same or whether they reflected cultural and social variation and, if so, how such differences were resolved at the national level. It was also asked what possibilities existed for the members of national minorities to seek redress from courts or other State institutions when their rights were infringed.

449. Some members of the Committee observed that the provisions of article 4, paragraphs (a) and (b) of the Convention were only partially reflected in article 83 of the Constitution and article 53 of the Criminal Code, described in the report. For example, the provisions of article 83 of the Constitution concerning the prohibition of "advocacy of chauvinistic and nationalistic ideas" could not comply with the Convention because of its confusion of a number of concepts and the wide latitude which it offered as a result. It was asked how such ideas in themselves could be controlled and how sentiments, when not translated into criminal acts, could be dealt with by the criminal law. In the opinion of one member, however, Mongolian legislation, especially article 83 of the Constitution and article 53 of the Criminal Code, adequately prohibited all activities involving racial discrimination, since the propagation of ideas was closely related to other activities, which were subject to the same penalty. Some members requested that the full text of article 53 of the Criminal Code be made available to the Committee in the next periodic report of Mongolia.

450. In connexion with the implementation of article 5 of the Convention, members of the Committee requested clarification of a definition concerning the statement in the report which spoke of the exercise of rights "to the detriment of the social and State system or of law and order". It was asked whether there was any legislation regulating the press and whether people had the right to hold unorthodox opinions or espouse views which were at variance with those of the Government. Referring to the rights of citizens to freedom of movement within the territory and to leave and return to it, as well as to regulations governing the issue of passports and visas, members of the Committee asked what were the provisions of those regulations; what grounds would be regarded as justifying a refusal to issue such a document; whether there was any discrimination in the granting of such permission; and whether or not those provisions complied fully with article 5, paragraph (d) (i) and (ii) of the Convention. Additional information was also required on the condition for the termination of contract by the employer or enterprise and on the right to form and join trade unions.

451. With regard to the implementation of article 6 of the Convention, members requested the text of article 85 of the Constitution as well as the text of provisions providing for other remedies, for example under the Code of Criminal Procedure of the Law on Supervision by the Procurator's Office, as well as detailed information about other competent organs and their powers which judged applications for compensation for damages. With regard to the provisions concerning courts and the election of judges, information was requested on how such elections were conducted and how a person became a candidate. In view of the large number of national minorities living in Mongolia, it was asked how the State Procurator was able to call in individuals for personal explanations and verifications, although the type of verification was not specified; how the defence of Mongolian citizens was organized; whether they had the right to assistance from a defence counsel during such verification, which was apparently similar to a preliminary investigation, or whether they were entitled to such counsel only in court. It would be helpful to have more information on the extent of the legal assistance granted to citizens, to citizens of foreign States with which Mongolia had agreements in this field and with those where no such agreements existed. One member wondered, however, if, as stated, legal assistance was granted to foreigners with permanent residence in the same way as to citizens, and why legal assistance agreements with some States were at all necessary. Concerning articles 72 and 74 of the Criminal Code which dealt with homicide and grievous bodily harm "as exceeding the limits of self-defense", it was asked whether the Code had made any provisions for a person accused of killing or wounding to be cleared of blame on the grounds of legitimate self-defense.

452. The Committee requested additional information on the implementation of article 7 of the Convention, in particular with regard to the inclusion of information on the United Nations in school curricula, and it was asked what age was such material introduced at the national level and within the national minorities.

453. The representative of Mongolia replied to some of the questions raised by members of the Committee. With regard to article 2 of the Convention, he stated that all national minorities, with the exception of the Kazakhs, spoke the same language. The report supplied information only on the Kazakhs since they alone had their own language. The other minorities differed only in their dialects, traditions and customs; there was no legislation to differentiate between the various minorities.

454. With regard to article 4, he read out an unofficial translation of article 53 of the Criminal Code, which provided that propaganda or agitation for the purpose of arousing nationalistic or racial hostilities or dissension, as well as direct or indirect restriction of rights or the establishment of direct or indirect privileges for citizens, depending on the nationalities or races to which they belonged, should be punished by the deprivation of liberty for a term not exceeding three years, or by exile.

455. With regard to the problem of "nationalism", he pointed out that, in the Mongolian language, there were two words which could be translated into English as "nationalism", one in the sense of national identity, of which people should be proud, and the other in the sense of national exclusiveness and superiority, which was prohibited under the Convention. Official Mongolian texts employed the second word in referring to nationalism prohibited under the Constitution.

456. With regard to article 5, he explained in detail the regulations on the issue of passports and entry and exit visas, and stated that a person's application for a visa either to enter or to leave the country could be refused if, for example, he was under investigation or on parole or was suffering from some mental disorder or had not submitted all the necessary documents. A foreign national who was a permanent resident in Mongolia was required to submit a special permission from his place of work or residence, in particular to ensure that he did not have any debts outstanding before he was authorized to leave. The right to work was guaranteed by the Constitution and the Labour Code, which regulated working conditions and applied to all those who had signed the labour agreement. The Labour Code also provided labour protection for women and teenage workers and specified the rights and duties of workers and management. According to the Labour Code, labour agreement could be terminated on the initiative of the employer, on the initiative of the worker himself or on the demand of the trade unions, who supervised the legality of the employer's actions.

457. Referring to treaties on legal assistance, which his country had concluded with many other States, he said that their provisions did not grant privileges to citizens of the Contracting States and their main purpose was to enable the authorities of the contracting States to render assistance to each other. He also stated that, according to the Code of Criminal Procedure, anyone involved in judicial proceedings who did not speak Mongolian would be provided with an interpreter and had the right to get acquainted with the relevant documents, which would be translated into his language, and to speak his own language. As regards acts committed in self-defence, the representative said that articles 9 and 10 of the Criminal Code specified the cases in which such acts were considered justified and in which they were not. There were several constitutional provisions relating to the courts and the procurator's office. They included the principles that proceedings should be open and that judges should be accountable before the electorate. They were independent in considering cases and were subject only to the law. The job of the Procurators was to maintain legality, protect the rights of citizens, and ensure that all organs of the State administration were in accordance with the law. If a citizen did not agree with the decision of the court, he could petition the Procurator, who was obliged to reply within 10 days, after duly considering all the relevant documents.

458. In conclusion, the representative assured the Committee that his Government would strive to reflect the concerns of members of the Committee when it drew up its next periodic report.

Denmark

459. The fifth periodic report of Denmark (CERD/C/75/Add.5) was considered by the Committee together with the introductory statement of the representative of the reporting State.

460. Members of the Committee congratulated the Danish Government on its objective report which showed that Denmark was undoubtedly promoting the goals enshrined in the Convention and that the Government was willing to maintain a permanent dialogue with the Committee.

461. In connexion with article 2 of the Convention, the Committee drew particular attention to the situation in Greenland which had acquired certain administrative autonomies since the adoption of the Greenland Home Rule Act by referendum in 1979. The wish was expressed to receive the full text of the new Home Rule Act and fuller explanation of how the provisions of the Convention were enshrined in it, particularly those relating to language, culture and education. It was asked, in this connexion, whether the ordinance of 1972 implementing the Convention in Greenland was still in force and if so, what was its relationship to the Home Rule Act, whether the central Danish Government could ask the territory to enact the necessary legislation to implement international instruments, whether that problem had come up already and whether, in future, the Government to be established in Greenland would be able to make corrections if local authorities infringed the provisions of the Convention. Members of the Committee were also interested in any new political or socio-economic measures taken in Greenland. They requested, in particular, information on the position and competence of the various institutions dealing with Greenland when the new Home Rule Act had come fully into force, on whether, after the Home Rule Act was implemented, the inhabitants of Greenland would still be citizens of Denmark and whether they would elect representatives to local legislative organs as well as to the Danish Parliament. Information was also requested on the Faroe Islands and any progress which had been made there since the adoption of the Home Rule Act, with regard, in particular, to opportunities available to the population to develop its own traditions, culture, language and socio-economic position. Since both Greenland and the Faroe Islands would continue to be heavily dependent on Danish support, detailed information was requested on the assistance provided by Denmark to ensure economic stability in both territories. It was asked, in particular, whether provision had been made to continue to supplement capital transfer from Denmark to Greenland beyond 1984, when Greenland achieved full autonomy, what measures had been taken by the Committee set up to facilitate the improvement of the standard of living in Greenland and whether the economic and social situation had improved, what opportunities were given to inhabitants of Greenland and the Faroe Islands to secure employment in Denmark, what opportunities would be opened up with the transfer to Home Rule of the production and sales activities of the Royal Greenland State Department, whether statistics could be provided on the per capita income in Greenland and Denmark and on that of the Eskimo population and whether information could be provided on the benefits from the loans granted by Denmark to the Faroe Islands. Precise information was also requested on the demographic composition of Denmark.

462. With regard to article 3 of the Convention, up-to-date information was requested on Denmark's stand on relations with South Africa with particular reference to investments and measures to assist national liberation movements in southern Africa.

463. In connexion with article 4 of the Convention, one member referred to subsection I of section 78 of the Constitution on the prohibition of racist organizations and asked for clarification with regard to who could request an association to be declared illegal or racist, whether it was the public prosecutor, the ombudsman or any individual in general.

464. In connexion with article 5 of the Convention, more information was requested on the Danish Government's policy on aliens, especially migrant workers. It was also asked how the Danish Government viewed the possibility of migrant workers becoming a full-fledged minority, with all the rights that that status entailed and whether migrant workers could form unions in the same manner as Danish workers. Reference was made to the study of the Danish Ministry of Social Affairs concerning the possibility of amending the provisions of Danish pension laws relating to the build-up period, citizenship and residence and it was asked whether information could be provided on the results of that study. It was asked also whether Laps, Eskimos and other ethnic groups had the same rights under article 5 of the Convention as other Danish citizens and what was the situation of the inhabitants of the Faroe Islands with respect to their enjoyment of the rights mentioned in that article.

465. With regard to article 6 of the Convention, it was asked what were the specific means by which foreign workers could seek remedies from the country's tribunals and State institutions and whether there had been cases of discrimination against Eskimos or the inhabitants of the Faroe Islands. More information was also requested on the two communications received by the consumer ombudsman about racial discrimination in advertising.

466. In respect to article 7 of the Convention, more information was requested on measures in fields other than education. Furthermore, noting that the programme for education and the dissemination of the ideas of good relations between Danish citizens and foreigners were under the responsibility of local authorities and that there had been some cases of racial discrimination in the press, one member expressed the opinion that a centralized programme and the codification of the condemnation of the dissemination of racist information might be more in line with the Convention's ultimate objective.

467. Replying to questions raised by members of the Committee, the representative of Denmark explained, in connexion with article 2 of the Convention, that the Danish Constitution, Penal Code and all other legislation enacted before the Home Rule Act entered into effect still applied in Greenland. Therefore, the laws designed to prevent racial discrimination would be in force in Greenland. Greenlanders were considered Danish citizens and were free to seek work in Denmark. Both Greenlanders and Faroe Islanders had two representatives in the Parliament. Greenland's geographic location and climatic conditions placed natural limits on its economic development. The annual capital transfers from Denmark to Greenland would continue in the future even after home rule had been fully established. As regards the ethnic composition of the Danish population, the representative stated that his Government did not register persons according to ethnic origin and that there was a register law in Denmark with strict rules on what could be included in registers.

468. With regard to article 3 of the Convention, he pointed out that his Government had voiced its strong condemnation of apartheid on numerous occasions in various international fora and that in that regard, Denmark participated with the other Nordic countries in a common action oriented programme against South Africa.

469. In connexion with article 5 of the Convention, he stated that foreign workers could establish trade unions of their own in accordance with the freedom of association which was enshrined in the Constitution. In actual practice, however, most foreign workers joined regular Danish trade unions.

470. As regards article 6 of the Convention, he explained that foreigners who wished to lodge complaints could either resort to the Courts or to the Ombudsman. The latter procedure was free of charge and did not entail any formality. He also stated that no cases of discrimination against Eskimos or the people from the Faroe Islands had been brought before the Court.

471. In connexion with article 7 of the Convention, the representative pointed out that, even though education was the responsibility of the local authorities in Denmark, there was a wide range of private schools which were supplied by the State.

Netherlands

472. The fifth periodic report of the Netherlands (CERD/C/75/Add.6) was considered by the Committee together with the introductory statement of the representative of the reporting State, who supplemented the information given in the report and clarified the Government's approach to questions relating to demographic composition of the population, policy on minorities, application of the law on the right to association and attitude to the right-wing political parties openly professing racial discrimination. Concerning the law on the right to association, he asked the Committee whether it felt that the Convention required that racial discrimination should be incorporated as a separate and independent ground for dissolution of corporate bodies.

473. Members of the Committee expressed their satisfaction with the report and the introductory statement which reflected the complexities of a multiracial and multicultural society and frankly admitted the unavoidable problems facing the country in both the public and private sectors which had absorbed people of many different nationalities.

474. Noting the measures adopted by the Government in connexion with the implementation of article 2 of the Convention, to improve the lot of minority groups, some members asked that the Committee be kept informed of the scope of work, achievements and the terms of reference of the Minorities Policy Co-ordination Department that had been set up at the Ministry of Home Affairs, as well as on the progress of all the various measures being taken in favour of disadvantaged immigrants from Suriname, the Netherlands Antilles, workers from the Mediterranean region and Moluccans, including information on the types of pilot projects for young Moluccans. It was also asked what status minorities held under the Constitution and, if the Constitution did not recognize them as minorities, whether any amendments were proposed to ensure such recognition, and how long non-nationals had to reside in the Netherlands to be given the right to vote in local elections. Concerning the proposals to amend the Constitution, currently

before the Parliament, which sought to remove obstacles to voting in elections by foreign residents, it was asked what the nature and strength of those obstacles were, and if, even once those proposals were approved, whether it would still require "additional legislative measures" to remove them. More details were also requested about the implementation of the policy on publicly owned housing for minorities, about discrimination by mail order companies and about research on discriminatory attitudes.

475. With reference to article 4 of the Convention, it was noted that legislation had been adopted to abolish racial discrimination in the public and private sectors and that the report contained valuable information about cases of discrimination brought before the courts. Concerning the amendment to article 429 quater of the Criminal Code, it was noted that a major difference between the old and the new version had been that the new article no longer spoke of "discrimination on the grounds of race" but of "distinguishing on the grounds of race". As had been explained by the representative of the Netherlands the change had been made in order to avoid difficulty that arose when it was necessary to submit evidence of discrimination. It was pointed out, in this connexion, that discrimination implied a certain exercise of judgement or intention on the part of the person involved and it might be hard to prove such intention; accordingly, it might be better to use the word "distinguishing".

476. Referring to the Netherlands People's Union (NVU), an extreme right-wing political party, it was pointed out, in connexion with the new Civil Code, that there was no provision in Netherlands legislation which was really fully consistent with article 4 of the Convention. Articles 15 and 16 of the Civil Code which stated respectively that a legal person shall be deemed prohibited if its aims or activities are contrary to public order or morality and that the court may order the dissolution of a prohibited legal person upon application by the Public Prosecutor did not state directly that illegal organizations must be dissolved. Accordingly, it was possible for an illegal organization to continue in existence even though its purposes were contrary to those outlined in article 4 of the Convention. The members of the Committee asked why the NVU had not been dissolved and the Amsterdam District Court had exercised its discretionary power to deny the submission of the Public Prosecutor; why the Public Prosecutor had not recommended that other such kind of societies also be dissolved; and why financial assistance to an illegal organization from within the Netherlands was not punishable under article 140 or article 429 quater of the Criminal Code. Members of the Committee agreed with the proposal that the Government should take steps to amend article 15 of the Civil Code by adding the phrase "or contrary to the Netherlands legal order", or to include therein the words used in article 4 (b) of the Convention which required States to prohibit organizations promoting and inciting racial discrimination.

477. Concerning the so-called "non-Jewish" and "non-Israeli" declaration mentioned in the report, some members of the Committee asked what were the reasons for these declarations, whether they were economic and whether those root causes would be removed.

478. As to the question asked by the representative of the Government, whether the Convention required racial discrimination to be incorporated in the Civil Code as a separate and independent ground for the dissolution of a legal person, some members noted that the Committee had always interpreted the Convention literally to mean that any organization or association which promoted or incited racial

hatred or discrimination should be declared illegal, or its formation prohibited. However, under the laws of some countries such an organization or association could not be dissolved until it became apparent that its objective was racist in nature. The Committee had not really taken an adamant stand on that question, but if article 4 (b) was implemented to the letter, then the ad limina prohibition should be possible.

479. In connexion with article 5 of the Convention, more information was requested about the teaching of the regional language in Friesland on the optional or compulsory education programmes for workers from the Mediterranean region and other ethnic minorities in their own languages and to develop their traditions and customs. It was also asked whether any disciplinary measures had been taken in connexion with practices of certain employment offices mentioned in annex I of the report with a view to punishing them or pointing out to them the harm that they were doing to the country by failing to apply the precepts embodied in the Convention.

480. Members of the Committee commended measures being taken by the Government under article 7 of the Convention, to promote understanding, tolerance and friendship among racial groups. However, since the report itself admitted that "racial discrimination existed far more generally than previously supposed", there would be a need for a fuller programme of action to educate public opinion in order effectively to respond to article 7 of the Convention.

481. Replying to the questions raised by the members of the Committee, the representative of the Netherlands said that the Government's minority policy had produced encouraging results thus far, although the multicultural society was still in its infancy. Concerning arrangements for the political participation of minorities, he said that the detailed provisions for the participation in municipal elections were being worked out and in future the question of participation in the national elections might seriously be considered. The representative also drew attention to the fact that on 23 July 1981 the Council of Ministers had approved the preliminary draft of a statute containing various modalities whereby different organs could see to the political participation of minorities.

482. Replying to questions raised in connexion with the Frisians, he explained that they were not regarded as a minority but as Dutch nationals having their own cultural heritage and language. The Frisian language could be taught in school and that Frisian parents could require the schools attended by their children to teach that language.

483. In reply to questions concerning article 4 of the Convention, the representative stated that article 429 quater of the Criminal Code had differences between the old and the new versions. The old version had led to problems relating to evidence; courts had been uncertain as to how to handle that evidence and that had led to a certain reticence in applying the provision. The new version of article 429 quater, introducing the broader concept of "distinction" instead of "discrimination", would have a wider range of application. The Government had also intended the amendment to encompass the various forms of so-called "indirect discrimination", of which the "non-Jewish declarations" were an example. He felt that those declarations should not be seen as expressions of anti-Semitism; their roots had lain mainly in economic factors.

484. On the questions concerning the Netherlands People's Union (NVU), he explained that article 15 of the Civil Code meant that the prohibition of an association was automatic once it had been established that its aims or activities were contrary to public order or morality. However, problems began shortly to arise in connexion with evidence. In order to indict a legal person under article 140 of the Criminal Code, the Public Prosecutor had to prove in each case that the association was prohibited. As a consequence, the law is now being changed to reinstate the concept of the declaratory judgment, of general binding force, to overcome those problems.

485. Concerning the penalties for "outside financial assistance" to prescribed organizations, he said that external donations were covered by article 429 quater of the Criminal Code and were a misdemeanour carrying a light penalty, whereas donations made from within the body were tantamount to active participation in a prescribed organization and were thus an indictable offence under article 140, carrying a high maximum penalty.

486. Replying to questions of whether any disciplinary measures had been taken against employment officers who helped to maintain discriminatory practices, he stated that no such disciplinary measures had been taken, but that a circular had been sent by the Minister for Social Affairs, prohibiting such practices under administrative law and that the execution of that order had been followed up.

487. The representative assured the Committee that all questions and comments would be reflected in the next periodic report of the Netherlands.

V. CONSIDERATION OF COPIES OF PETITIONS, COPIES OF REPORTS AND OTHER INFORMATION RELATING TO TRUST AND NON-SELF-GOVERNING TERRITORIES AND TO ALL OTHER TERRITORIES TO WHICH GENERAL ASSEMBLY RESOLUTION 1514 (XV) APPLIES, IN CONFORMITY WITH ARTICLE 15 OF THE CONVENTION

488. The Committee considered this item at its 527th meeting (twenty-third session), on 10 April 1981, and at its 545th meeting (twenty-fourth session), on 18 August 1981.

489. The action taken by the Trusteeship Council at its forty-seventh session, in 1980, and by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples at its 1979 session, in conformity with article 15 of the Convention and General Assembly resolution 2106 B (XX) of 21 December 1965, was discussed in the annual report of the Committee on the Elimination of Racial Discrimination submitted to the General Assembly at its thirty-fifth session. ^{19/} The opinions and recommendations of the Committee, based on its consideration of copies of reports and other information submitted to it by the Trusteeship Council and the Special Committee in 1980, were contained in paragraph 476 of its report to the General Assembly.

490. In its resolution 35/40 of 25 November 1980, the General Assembly, *inter alia*, took note with appreciation of the report of the Committee on its twenty-first and twenty-second sessions; commended the Committee for paying greater attention to the question of the elimination of the policy of *apartheid* in South Africa and Namibia, as well as to the elimination of acts and practices of racial discrimination in Trust and Non-Self-Governing Territories and in all other Territories to which General Assembly resolution 1514 (XV) of 14 December 1960 applies; and called upon the United Nations bodies concerned to ensure that the Committee was supplied with all relevant information on all the Territories and urged the administering Powers to co-operate with these bodies by providing all necessary information in order to enable the Committee to discharge fully its responsibilities under article 15 of the Convention.

491. At its twenty-third session, the Committee was informed by the Secretary-General of the action taken by the Special Committee in 1980 in connexion with article 15 of the Convention. At its 1179th meeting, held on 20 August 1980, the Special Committee, having regard to the information requested of it under article 15 of the Convention, decided, on the recommendation of its Working Group, to request its Chairman to continue to transmit in accordance with the established practice all pertinent information to the Committee on the Elimination of Racial Discrimination. ^{20/} In a communication dated 19 December 1980, the Secretary-General was informed, on behalf of the Chairman of the Special Committee, that no petitions falling under the terms of article 15 of the Convention were received by the Special Committee during 1980.

492. At its twenty-fourth session, the Committee was informed by the Secretary-

^{19/} Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 18 (A/35/18), paras. 469-471.

^{20/} Ibid., Supplement No. 23 (A/35/23), part I, chap. I, sect. J, paras. 92-94.

General of the action taken by the Trusteeship Council at its forty-eighth (1981) session in connexion with article 15 of the Convention. The Trusteeship Council, at its 1519th meeting, held on 28 May 1981, considered the item on the agenda of its forty-eighth session entitled "Co-operation with the Committee on the Elimination of Racial Discrimination" together with the item concerning the "Decade for Action to Combat Racism and Racial Discrimination". The Council decided to take note of the statements made by two of its members (T/PV.1519). No further action concerning the opinions and recommendations of the Committee referred to above was taken by the Trusteeship Council.

493. However, as a result of earlier decisions of the Trusteeship Council and the Special Committee, the Secretary-General transmitted to the Committee at its twenty-third and twenty-fourth sessions the documents listed in annex V below.

494. At its twenty-third session, the Committee approved the appointment of the members of its three working groups to examine the documentation submitted to it under article 15 of the Convention and to report to the Committee on their findings as well as their opinions and recommendations for consideration by the Committee at its twenty-fourth session. The composition of the working groups was slightly modified at the twenty-fourth session in view of the changes made in the membership of the Committee and the absence of certain other members on the dates scheduled for the meetings of the groups. The working groups which met during the twenty-fourth session of the Committee consisted of the following members:

(a) African Territories

Mr. Baudin, Mr. Brin Martinez, Mr. Dechezelles, Mr. Devetak, with Mrs. Sadiq Ali as Convener;

(b) Pacific and Indian Ocean Territories

Mr. Inglés, Mr. Ténékidès, Mr. Valencia Rodríguez, with Mr. Nettel as Convener;

(c) Atlantic Ocean and Caribbean Territories, including Gibraltar

Mr. Shahi, Mr. Starushenko, with Mr. Ghoneim as Convener.

The Committee also agreed that Mr. Lamptey would serve as Chairman of the Conveners of the three working groups.

495. In accordance with established practice, the Committee agreed, at its twenty-fourth session, that the final text of its opinions and recommendations under article 15 of the Convention should be prefaced by the following observations: (a) that the Committee was submitting, in lieu of a "summary of the petitions and reports it has received from United Nations bodies", as required by article 15, paragraph 3, of the Convention, a list of those documents which may be found in annex V below; and (b) that the "expressions of opinion and recommendations" which the Committee was required to submit to different United Nations bodies relating to the petitions and reports that it had received from them in accordance with article 15, paragraphs 2 (a) and (b), of the Convention, were prepared not in separate texts, but in one integrated text, which would be submitted to the General Assembly in accordance with article 15, paragraph 3, of the Convention and also to the United Nations bodies concerned.

496. The reports of the three working groups mentioned above were considered by the Committee at its 545th meeting, on 18 August 1981, and were adopted paragraph by paragraph, with some amendments.

497. The opinions and recommendations of the Committee based on its consideration of copies of reports and other information submitted to it in 1981 under article 15 of the Convention, as adopted by the Committee at its 545th meeting, on 18 August 1981, are as follows:

The Committee on the Elimination of Racial Discrimination,

Having examined the information contained in the documents relating to Trust and Non-Self-Governing Territories and to all other Territories to which General Assembly resolution 1514 (XV) applies, transmitted to it by the Trusteeship Council and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in accordance with the provisions of paragraph 2 of article 15 of the International Convention on the Elimination of All Forms of Racial Discrimination,

Wishes to draw the attention of the General Assembly, the Trusteeship Council and the Special Committee to the following opinions and recommendations in conformity with its obligations under article 15 of the Convention:

General

With regard to the Territories considered by the Committee, the Committee regrets that, despite its repeated requests, no information "directly related to the principles and objectives" of the Convention has been forthcoming and that no positive response to its requests for information has been received. The Committee, therefore, finds it difficult to discharge fully its obligations under article 15 of the Convention.

A. AFRICAN TERRITORIES 21/

1. Namibia

(1) The Committee, having examined the working papers listed below, reiterates its grave concern over the persistence and growing aggravation of racial discrimination in the Territory, particularly in its most inhuman form, apartheid.

(2) Pending the attainment by Namibia of its full and legitimate sovereignty, the Committee reiterates its request to the United Nations, which is already involved in the search for an equitable, peaceful and internationally acceptable settlement under its auspices, to use every possible means to prevent the South African régime from pursuing its policy of apartheid, and to ensure the speedy

21/ Adopted at the 545th meeting, on 18 August 1981. With regard to these Territories, the following documents were submitted to the Committee:

- A/35/23/Rev.1, chap. IX (Western Sahara);
- A/AC.109/621 (Western Sahara);
- A/AC.109/653 (Namibia);
- A/AC.109/656 (Activities of foreign economic and other interests in Namibia);
- A/AC.109/660 (Military activities and arrangements by colonial Powers in Namibia).

exercise by the people of Namibia of their right to self-determination and the attainment of independence of the territory of Namibia, including Walvis Bay.

(3) The Committee strongly deplores the fact that the South African régime continues to defy the decisions and resolutions of the United Nations by intensifying its efforts to impose an internal settlement by, inter alia, the transformation of the so-called constituent assembly, illegally elected in 1978 in defiance of Security Council resolution 439 (1978), into a so-called national assembly, wholly dominated by elements totally dependent on the racist minority régime of South Africa, in an attempt to lay the groundwork for an eventual unilateral declaration of independence, and determined to ignore completely the claims of the vast majority of the population, which are demanding the total abolition of apartheid and the exercise of their right to self-determination leading to genuine majority rule.

(4) The Committee suggests to the General Assembly to urge the South African régime to take full account of its resolutions and of the relevant decisions of the Security Council and to implement as soon as possible the proposals for a peaceful settlement through, inter alia, the initiation of a cease-fire, the withdrawal of South African military forces and the setting up of a United Nations assistance group to supervise free and fair elections reflecting the will of all sectors of the Namibian population in the exercise of its right to self-determination.

(5) The Committee believes that, with a view to attaining this ultimate objective, the South African régime should be urged and, if necessary, compelled, to put an end to its intimidation and harassment of the black population; to the repressive measures against SWAPO and its supporters and the arrest of such nationalists; to the conscription of African men; to the intensification of its illegal military occupation by, inter alia, the displacement of Namibians from their homes and the establishment of new bases; and to the exploitation and rapid depletion of the resources of the Territory and of its economic zone and continental sea-bed, dominated by foreign interests and the white minority to the detriment of the African majority, which is deprived of all benefits under the existing system. The South African régime should also be prevented from continuing its acquisition of new arms and armaments in defiance of the decisions of the Security Council, and from the development of a nuclear capability which poses a constant threat to international peace and security and especially to the front-line States.

2. Western Sahara

The Committee believes that the prevailing situation adversely affects the enjoyment of equal and fundamental rights of the population of Western Sahara and, in this regard, endorses the resolutions of the United Nations and the Organization of African Unity reaffirming the inalienable rights of the people of Western Sahara to self-determination to be exercised under the supervision of the United Nations.

1. Guam

The Committee notes that certain problems existed concerning the use of and the education in the indigenous languages in Guam. It supported the recommendations of the Special Committee to improve that situation.

The Committee also takes note of the difficulties related to bilingual education and expresses the hope that ways and means would be found to avoid discrimination against that part of the population whose first language is not English.

2. Cocos (Keeling) Islands

The Committee notes the reported isolation of the Cocos Malay community from the outside world and believes it appropriate if the administering Power could consider measures as described in article 2, paragraph 2, of the Convention so as to ensure adequate development and protection of that community.

3. Trust Territory of the Pacific Islands

The Committee reiterates its request to receive more detailed information on the human rights situation in the territory including the contents of petitions as far as they relate to the principles and objectives of the Convention.

22/ Adopted at the 545th meeting, on 18 August 1981. With regard to these Territories, the following documents were submitted to the Committee:

- A/35/23/Rev.1, chap. X (East Timor);
- A/35/23/Rev.1, chap. XII (Brunei);
- A/35/23/Rev.1, chap. XXVII (Cocos (Keeling) Islands);
- A/AC.109/617 and Corr.1 (Brunei);
- A/AC.109/623 (East Timor);
- A/AC.109/635 (Cocos (Keeling) Islands);
- A/AC.109/648 (Pitcairn);
- A/AC.109/650 (Guam);
- A/AC.109/651 (Military activities and arrangements by colonial Powers in Guam);
- A/AC.109/654 (Cocos (Keeling) Islands);
- A/AC.109/661 (Trust Territory of the Pacific Islands);
- A/AC.109/663 (East Timor);
- T/L.1225 and Add.1 (Outline of conditions in the Trust Territory of the Pacific Islands);

C. ATLANTIC OCEAN AND CARIBBEAN TERRITORIES, INCLUDING GIBRALTAR 23/

1. British Virgin Islands

The Committee expresses its appreciation of the plan of the administering Power to make more use of the local population in the civil service; however, the Committee would like to have further detailed information on whether programmes of action have been initiated in furtherance of such stated plans.

2. Bermuda

The Committee reiterates its wish to be provided with information regarding constitutional provisions, new laws and measures which embody the principle of non-discrimination and the protection, enjoyment and exercise of human rights.

3. St. Helena

The Committee expresses its serious concern that trade with South Africa continues and has, indeed, increased. The Committee expresses the hope that the administering Power will take appropriate measures to comply, in this regard, with the pertinent resolutions of the United Nations.

23/ Adopted at the 545th meeting, on 18 August 1981. With regard to these Territories, the following documents were submitted to the Committee:

- A/35/23/Rev.1, chap. XXV (Belize);
- A/35/23/Rev.1, chap. XXVI (Antigua and St. Kitts-Nevis-Anguilla);
- A/AC.109/518 (Belize);
- A/AC.109/533 (Antigua and St. Kitts-Nevis-Anguilla);
- A/AC.109/643 (Montserrat);
- A/AC.109/644 (Cayman Islands);
- A/AC.109/645 (Bermuda);
- A/AC.109/646 (British Virgin Islands);
- A/AC.109/647 and Corr.1 (Turks and Caicos Islands);
- A/AC.109/649 (St. Helena);
- A/AC.109/652 (Activities of foreign economic and other interests in Cayman Islands);
- A/AC.109/655 (Activities of foreign economic and other interests in Bermuda);
- A/AC.109/657 (United States Virgin Islands);
- A/AC.109/658 (Activities of foreign economic and other interest in Turks and Caicos Islands);
- A/AC.109/659 (Military activities and arrangements by colonial Powers in Belize, Bermuda, Turks and Caicos Islands and United States Virgin Islands);
- A/AC.109/662 (Gibraltar).

4. United States Virgin Islands

The Committee reiterates its request for detailed information on the ethnic composition of the population of the islands. The Committee also wishes to be informed regarding constitutional provisions and other measures relevant to the protection of human rights.

5. Belize

The Committee requests information on the recruitment and representation of the different ethnic groups in the public service.

VI. DECADE FOR ACTION TO COMBAT RACISM AND RACIAL DISCRIMINATION

498. It will be recalled that at its ninth session the Committee decided to keep the item concerning the Decade for Action to Combat Racism and Racial Discrimination on its agenda throughout the Decade and requested the Secretary-General to keep it informed of the relevant activities undertaken under the Programme for the Decade (A/9618, para. 38). During the year under review, the Committee considered this item at its 525th and 526th meetings (twenty-third session), held on 9 April 1981, and at its 542nd to 544th meetings (twenty-fourth session), held on 14 and 17 August 1981.

499. At the twenty-third session, the representative of the Secretary-General informed the Committee that on the occasion of the International Day for the Elimination of Racial Discrimination, the Secretary-General had paid tribute to the work of the Committee on the Elimination of Racial Discrimination and had stressed the importance of the Convention which not only prohibited racial discrimination but established impartial international machinery to ensure the observance of its provisions. The General Assembly, in its resolution 35/40 of 25 November 1980, had welcomed the Committee's readiness to continue to contribute to the implementation of the Programme for the Decade by, inter alia, intensifying its monitoring of the implementation of the Convention and by preparing relevant studies on the Convention; had requested the Economic and Social Council to invite the Committee to take an active part in the preparations for the work of the second World Conference to Combat Racism and Racial Discrimination, in the manner found appropriate by the Committee; had requested the Secretary-General to provide necessary assistance to the Committee regarding its activities and contributions relating to the implementation of the Programme for the Decade; to make appropriate arrangements for the Committee to hold, as part of the activities within the Programme for the Decade, one session in a developing country, preferably in Africa, and to report in that regard to the General Assembly at its thirty-sixth session. The General Assembly, in its resolution 35/33 of 14 November 1980, had also expressed its satisfaction to the Committee for its contribution to the implementation of the Programme for the Decade.

500. The representative of the Secretary-General also informed the Committee of the meetings held or envisaged within the context of the Programme for the Decade, namely the UNITAR Colloquium on the prohibition of apartheid, racism and racial discrimination and the achievement of self-determination in international law (held at Geneva from 20 to 24 October 1980); the Seminar on effective measures to prevent transnational corporations and other established interests from collaborating with the racist régime of South Africa (held at Geneva from 29 June to 3 July 1981); as well as meetings to be held in Latin America, Australia and Geneva within the context of the Decade concerning the rights of indigenous peoples.

A. Participation of the Committee in the activities under the Programme for the Decade

501. The Chairman informed the Committee about the UNITAR Colloquium mentioned by the representative of the Secretary-General. He stated that he had attended the Colloquium and had drawn attention to the fact that under the Convention securing

purely formal equality before the law was not enough, and that States parties were required to undertake programmes for eliminating existing discriminatory measures and for achieving active integration in order to ensure equal rights in the economic, social and cultural fields. He had pointed out that the Committee paid special attention to the implementation of that obligation by States parties. The participants had stated that the international community had a duty to broaden the range of mandatory sanctions adopted by the Security Council and to examine means by which the existing sanctions against South Africa could be made more effective. They had agreed that apartheid, racism and denials of the right to self-determination should be perceived as violations of the peremptory norms governing international conduct and various views had been expressed regarding the legal consequences of such violations. The participants had also agreed that world-wide adherence to international human rights instruments would help to prevent violations of the peremptory norms of international law. In this connexion, the Committee believed that further ratification of the Convention by States which had not yet done so would be a major contribution to the realization of the aims and objectives of the Decade.

502. With regard to the possibility for the Committee to hold one session in a developing country, preferably in Africa, before the end of the Decade, in accordance with paragraph 13 of General Assembly resolution 35/40, Mr. Ghoneim recalled that various proposals had already been made in that respect. Mr. Lamptey suggested, in particular, that the Committee might hold its next spring session in Nairobi, where certain United Nations bodies had their headquarters. Several members of the Committee agreed with the choice of Nairobi, but made comments on the organizational and financial matters involved. They stated in particular that the Committee should have accurate information on the financial implications of such a meeting and that, if the Committee were to meet in a developing country as part of its contribution to the Programme for the Decade, that meeting should have a special character. Some members, however, expressed the opinion that the session which was to be held in a developing country should be a regular session of the Committee.

503. The representative of the Secretary-General, referring to the administrative and financial implications of paragraph 13 of General Assembly resolution 35/40, stated that it was the understanding of the Secretary-General that the Assembly had not intended to suggest any departure from the provisions contained in paragraph 5 of its resolution 31/140, under which United Nations bodies might hold sessions away from their established headquarters when a Government issuing an invitation for a session to be held within its territory had agreed to defray, after consultations with the Secretary-General as to their nature and possible extent, the actual additional costs directly or indirectly involved. He explained that under the rule sessions of the various bodies were held at the headquarters of their secretariat, but there could be departure from that rule if the General Assembly made explicit provision for it, and that there was no provision in General Assembly resolution 35/40 which would enable the Secretary-General to depart from resolution 31/140 on the pattern of conferences. If a session of the Committee on the Elimination of Racial Discrimination were to be held in an African country or another developing country, the additional costs involved must be defrayed by the Government of the host country.

504. Finally the Chairman stated that, in the absence of any objections, he would take it that the Committee was in agreement with holding its 1982 spring session in

Nairobi, which is a United Nations centre, or in some other African city, as suggested in General Assembly resolution 35/40, on the understanding that the Secretary-General would take the necessary steps to obtain the approval of the General Assembly at its thirty-sixth session.

505. At the twenty-fourth session, the Chairman informed the Committee that he had participated, as representative of the Committee, in the United Nations seminar on effective measures to prevent transnational corporations and other established interests from collaborating with the racist régime of South Africa, held at Geneva from 29 June to 3 July 1981, within the context of the Programme of the Decade for Action to Combat Racism and Racial Discrimination. He stated that the discussion in the seminar had centred on the nature and extent of collaboration between transnational corporations and South Africa, on the review of existing measures to prevent collaboration, and on proposals for future action. The participants in the seminar had declared that no tangible results would be achieved unless the Governments of the countries in which the transnational corporations were headquartered were convinced of the need to bring continued pressure to bear upon those corporations in order to put an end to their collaboration with South Africa. In this connexion, the Chairman had explained to the seminar the efforts being made by the Committee to ensure implementation of article 3 of the Convention, especially in view of the contention of some States parties that their relations with South Africa fell totally outside the scope of the Convention. He also informed the Committee that among its recommendations, the seminar had appealed to all countries to review their domestic legislation and, where necessary, to enact new legislation to prohibit collaboration by transnational corporations and other companies and individuals with South Africa and to ensure implementation of the provisions of the Convention with respect to relations with the apartheid régime.

506. The Committee also recalled that in paragraph 3 of its resolution 35/40, the General Assembly had requested the Economic and Social Council to invite the Committee to take, within the context of its activities on the implementation of the Convention, an active part in the preparation for the work of the Second World Conference to Combat Racism and Racial Discrimination in the manner the Committee found appropriate. In this connexion, reference was made to Economic and Social Council resolution 1981/30 of 6 May 1981, by which the Council recommended to the General Assembly the adoption of a draft resolution, in paragraph 20 of which the Assembly would express its satisfaction, inter alia, to the Committee on the Elimination of Racial Discrimination for its contribution to the implementation of the Programme for the Decade and would invite it to include in its activities questions relating to the preparation for the Second World Conference to Combat Racism and Racial Discrimination. Accordingly, the Committee expressed the wish to be represented by one of its members in the Preparatory Sub-Committee of the Economic and Social Council, to be established in accordance with Council decision 1981/130 of 6 May 1981 to undertake, in consultation with the Secretary-General, the preparations for the Second World Conference.

507. The Committee reiterated the decision taken at its twenty-third session with regard to the holding of its 1982 spring session in Nairobi, on the understanding that the Secretary-General would take the necessary steps to obtain the approval of the General Assembly at its thirty-sixth session in so far as the administrative and financial implications of the matter was concerned.

B. Preparation of studies on the Convention

508. The Chairman recalled that suggestions had been made during previous sessions of the Committee with regard to studies to be prepared on the implementation of certain articles of the Convention, particularly articles 4 and 7, and invited the Committee to consider how such studies might be undertaken. Mr. Partsch stated that the idea of conducting studies on the implementation of certain articles of the Convention had given rise, during the Third Committee's consideration of the annual report of the Committee, to two conflicting theses: some representatives had felt that the studies should be undertaken by Committee members individually, while others had stated that they should be a collective effort of the Committee. In his view, the drafting of each study might be entrusted to a Committee member independently, in his personal capacity. Mr. Lamptey, supporting Mr. Partsch's proposal, stated that a study on articles 4 and 7 could be entrusted to a special rapporteur, and the Committee could then examine and, if suitable, approve the draft. In this connexion, Mr. Partsch pointed out that there were some disadvantages in the procedure suggested by Mr. Lamptey, as it was often difficult to make a clear distinction between the rapporteur's views and those of the body on whose behalf the study was prepared. The Chairman explained that if the study was undertaken by a special rapporteur according to the Committee's instructions, it would, if suitable, be adopted by the Committee before being submitted to the second World Conference to Combat Racism and Racial Discrimination, but it would remain the study of the special rapporteur, who would be the author of it. Members of the Committee agreed that the study must be entrusted to one or two members of the Committee.

509. Mr. Devetak recalled that during the debate in the Third Committee on questions concerning Committee participation in the second World Conference to Combat Racism and Racial Discrimination, a study had also been proposed on article 2, paragraph 2, of the Convention. He endorsed this proposal and stated that the study should have two objectives: to review all the information submitted to the Committee by States parties since 1970 and to analyse the experience acquired. The Chairman, supported by Mr. Lamptey, pointed out that UNESCO was probably going to prepare a study on access of ethnic minorities to education and on development of intercultural education and that other agencies or bodies of the United Nations might also make a contribution on the subject-matter. The Committee should therefore endeavour to avoid duplication. Perhaps the best way to comply with General Assembly resolution 35/40 would be to prepare two separate studies on articles 4 and 7 of the Convention, which would represent the contribution by the Committee to the work of the second World Conference to Combat Racism and Racial Discrimination.

510. On the basis of proposals made by the Chairman and by Messrs. Ghoneim and Lamptey, and with the concurrence of the members concerned, the Committee decided by consensus to designate Mr. Ingles as Special Rapporteur of the Committee to undertake a study on the implementation of article 4 of the Convention, and to designate Mr. Ténékidès as Special Rapporteur to prepare a study on the

implementation of article 7 of the Convention. It was also agreed that the Committee should be able to consider rough outlines of the two studies at its twenty-fourth (August 1981) or twenty-fifth (March 1982) sessions, with a view to finalizing them at its twenty-seventh (March 1983) session for submission to the second World Conference to Combat Racism and Racial Discrimination which is scheduled to take place during the same year.

511. At the twenty-fourth session, with regard to the Committee's contributions to the Second World Conference to Combat Racism and Racial Discrimination, Mr. Devetak renewed and expanded upon his earlier proposal for a study on the implementation of the economic, social and cultural rights covered by article 5 (e) of the Convention in conjunction with the implementation of the provisions of article 2, paragraph 2. He stated that the study should examine the impact of underdevelopment on racial discrimination, should place particular emphasis on the problems of underprivileged racial and ethnic groups, and should be fully in line with the Programme of Action adopted at the first World Conference to Combat Racism and Racial Discrimination. This proposal was supported by several members of the Committee. However, it was pointed out by others that a number of studies on similar subjects had already been undertaken during the Decade by special rapporteurs of the Sub-Commission on Prevention of Discrimination and protection of Minorities and that the Committee should endeavour to avoid duplication and confine its contribution to the second World Conference to the preparation of the two studies on articles 4 and 7, on which a decision had already been taken by the Committee at its twenty-third session. They also pointed out that difficulties could arise in undertaking a study on article 5 (e) of the Convention in view of the short time available to the Committee and the financial implications involved. Furthermore, those members felt that the preparation of such a study needed further elaboration in order clearly to define its outline and scope. The Committee, nevertheless, recognized the importance to be given to the implementation of article 5 of the Convention and agreed that it would be useful to discuss thoroughly the provisions of that article at future sessions, as it had done in the past for articles 4 and 7, in order to arrive at a single interpretation of those provisions before undertaking a study.

512. At the suggestion of the Chairman, the Committee decided to postpone to its next session the question concerning the consideration of the preparation of a study on article 5 (e) in conjunction with article 2, paragraph 2, of the Convention and to allocate few meetings of that session to the discussion on the subject.

513. The Committee also confirmed at its twenty-fourth session the decision taken by consensus at its previous session to designate Messrs. Inglés and Ténékidès as Special Rapporteurs of the Committee to undertake two studies on the implementation of articles 4 and 7 of the Convention respectively, regardless of the changes which may take place in Committee membership during the forthcoming elections to be held in January 1982.

514. In connexion with the preparation of the studies on articles 4 and 7, the Committee emphasized that in paragraph 4 of its resolution 35/40 the General Assembly had requested the Secretary-General to provide necessary assistance to the Committee regarding its activities connected with its contribution to the implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination.

VII. MEETINGS OF THE COMMITTEE IN 1982 AND 1983

515. The Committee considered this item at its 527th meeting (twenty-third session), held on 10 April 1981, and at its 544th meeting (twenty-fourth session), held on 17 August 1981.

516. In connexion with the meetings of the Committee to be held in 1982, it may be recalled that at its 495th meeting (twenty-second session), held on 18 August 1980, the Committee had agreed that its twenty-fifth session would be held at United Nations Headquarters, New York, from 22 March to 9 April 1982 and that its twenty-sixth session would also be held at United Nations Headquarters, New York, from 2 to 20 August 1982. 24/

517. At its twenty-third session, the Committee, while considering the item of its agenda concerning "Decade for Action to Combat Racism and Racial Discrimination", discussed in some detail paragraph 13 of General Assembly resolution 35/40, by which the Assembly requested the Secretary-General to make appropriate arrangements for the Committee to hold, as part of activities within the Programme of the Decade for Action to Combat Racism and Racial Discrimination, one session in one of the developing countries, preferably in Africa, before the end of the Decade and to report in this regard to the General Assembly at its thirty-sixth session. In this connexion, the Committee was unanimously in agreement with holding its twenty-fifth session (spring 1982) in an African city, preferably in Nairobi, which is a United Nations centre, as suggested in General Assembly resolution 35/40 on the understanding that the Secretary-General would take the necessary steps to obtain the approval of the General Assembly at its thirty-sixth session. The decision of the Committee on this matter, reached at its twenty-third session, was again confirmed by the Committee at its twenty-fourth session when it considered questions relating to the Decade. 25/

518. At its 544th meeting (twenty-fourth session) held on 17 August 1981, the Committee was informed by the representative of the Secretary-General that, if the twenty-fifth session of the Committee were to be held at United Nations Headquarters, as initially decided by the Committee at its twenty-second session, it would be necessary for the Committee to modify the dates of its twenty-fifth session in order to enable the Secretariat to provide the Committee with the required technical and language facilities for the performance of its work.

519. Taking into account the above-mentioned information, the following decisions were taken by the Committee at its twenty-fourth session in connexion with the dates and the venue of its sessions to be held in 1982 and in 1983:

24/ See Official Records of the General Assembly, Thirty-fifth Session, Supplement No. 18 (A/35/18), chap. VII, para. 516.

25/ See chap. VI, paras. 502-504 and 507 above.

Twenty-fifth session

The Committee decided that its twenty-fifth session should be held from 1 to 19 March 1982 at United Nations Headquarters, New York, unless the General Assembly at its thirty-sixth session approves the required administrative and financial implications for the holding of that session in Africa, preferably in Nairobi, in accordance with paragraph 13 of its resolution 35/40.

Twenty-sixth session

The Committee confirmed its earlier decision that its twenty-sixth session should be held at United Nations Headquarters, New York, from 2 to 20 August 1982;

Twenty-seventh session

The Committee decided tentatively that its twenty-seventh session would be held from 7 to 25 March 1983 either in New York or in Geneva;

Twenty-eighth session

The Committee decided that its twenty-eighth session should be held at United Nations Headquarters, New York, from 1 to 19 August 1983.

ANNEX I.

States parties to the International Convention on the
Elimination of All Forms of Racial Discrimination as at21 August 1981

<u>State</u>	<u>Date of receipt of the instrument of ratification or accession</u>	<u>Entry into force</u>
Algeria	14 February 1972	15 March 1972
Argentina	2 October 1968	4 January 1969
Australia	30 September 1975	30 October 1975
Austria	9 May 1972	8 June 1972
Bahamas	5 August 1975 b/	5 August 1975 b/
Bangladesh	11 June 1979 a/	11 July 1979
Barbados	8 November 1972 a/	8 December 1972
Belgium	7 August 1975	6 September 1975
Bolivia	22 September 1970	22 October 1970
Botswana	20 February 1974 a/	22 March 1974
Brazil	27 March 1968	4 January 1969
Bulgaria	8 August 1966	4 January 1969
Burundi	27 October 1977	26 November 1977
Byelorussian Soviet Socialist Republic	8 April 1969	8 May 1969
Canada	14 October 1970	13 November 1970
Cape Verde	3 October 1979 a/	2 November 1979
Central African Republic	16 March 1971	15 April 1971
Chad	17 August 1977 a/	16 September 1977
Chile	20 October 1971	19 November 1971
Costa Rica c/	16 January 1967	4 January 1969
Cuba	15 February 1972	16 March 1972
Cyprus	21 April 1967	4 January 1969
Czechoslovakia	29 December 1966	4 January 1969
Democratic Yemen	18 October 1972 a/	17 November 1972
Denmark	9 December 1971	8 January 1972
Ecuador c/	22 September 1966 a/	4 January 1969
Egypt	1 May 1967	4 January 1969
El Salvador	30 November 1979 a/	30 December 1979
Ethiopia	23 June 1976 a/	23 July 1976
Fiji	11 January 1973 b/	11 January 1973 b/
Finland	14 July 1970	13 August 1970
France	28 July 1971 a/	27 August 1971
Gabon	29 February 1980	30 March 1980
Gambia	29 December 1978 a/	28 January 1979
German Democratic Republic	27 March 1973 a/	26 April 1973

Date of receipt of the
instrument of ratification
or accession

<u>State</u>	<u>Date of receipt of the instrument of ratification or accession</u>	<u>Entry into force</u>
Germany, Federal Republic of	16 May 1969	15 June 1969
Ghana	8 September 1966	4 January 1969
Greece	18 June 1970	18 July 1970
Guinea	14 March 1977	13 April 1977
Guyana	15 February 1977	17 March 1977
Haiti	19 December 1972	18 January 1973
Holy See	1 May 1969	31 May 1969
Hungary	4 May 1967	4 January 1969
Iceland <u>c/</u>	13 March 1967	4 January 1969
India	3 December 1968	4 January 1969
Iran	29 August 1968	4 January 1969
Iraq	14 January 1970	13 February 1970
Israel	3 January 1979	2 February 1979
Italy <u>c/</u>	5 January 1976	4 February 1976
Ivory Coast	4 January 1973 <u>a/</u>	3 February 1973
Jamaica	4 June 1971	4 July 1971
Jordan-	30 May 1974 <u>a/</u>	29 June 1974
Kuwait	15 October 1968 <u>a/</u>	4 January 1969
Laos People's Democratic Republic	22 February 1974 <u>a/</u>	24 March 1974
Lebanon	12 November 1971 <u>a/</u>	12 December 1971
Lesotho	4 November 1971 <u>a/</u>	4 December 1971
Liberia	5 November 1976 <u>a/</u>	5 December 1976
Libyan Arab Jamahiriya	3 July 1968 <u>a/</u>	4 January 1969
Luxembourg	1 May 1978	31 May 1978
Madagascar	7 February 1969	9 March 1969
Mali	16 July 1974 <u>a/</u>	15 August 1974
Malta	27 May 1971	26 June 1971
Mauritius	30 May 1972 <u>a/</u>	29 June 1972
Mexico	20 February 1975	22 March 1975
Mongolia	6 August 1969	5 September 1969
Morocco	18 December 1970	17 January 1971
Nepal	30 January 1971 <u>a/</u>	1 March 1971
Netherlands <u>c/</u>	10 December 1971	9 January 1972
New Zealand	22 November 1972	22 December 1972
Nicaragua	15 February 1978 <u>a/</u>	17 March 1978

Date of receipt of the
instrument of ratification
or accession

State

Entry into force

Niger	27 April 1967	4 January 1969
Nigeria	16 October 1967 <u>a/</u>	4 January 1969
Norway <u>c/</u>	6 August 1970	5 September 1970
Pakistan	21 September 1966	4 January 1969
Panama	16 August 1967	4 January 1969
Peru		
Philippines	29 September 1971	29 October 1971
Poland	15 September 1967	4 January 1969
Poland	5 December 1968	4 January 1969
Qatar	22 July 1976 <u>a/</u>	21 August 1976
Republic of Korea	5 December 1978	4 January 1979
Romania		
Rwanda	15 September 1970 <u>a/</u>	15 October 1970
Senegal	16 April 1975 <u>a/</u>	16 May 1975
Seychelles	19 April 1972	19 May 1972
Sierra Leone	7 March 1978 <u>a/</u>	6 April 1978
	2 August 1967	4 January 1969
Somalia		
Spain	26 August 1975	25 September 1975
Sudan	13 September 1968 <u>a/</u>	4 January 1969
Swaziland	21 March 1977 <u>a/</u>	20 April 1977
Sweden <u>c/</u>	7 April 1969 <u>a/</u>	7 May 1969
	6 December 1971	5 January 1972
Syrian Arab Republic		
Togo	21 April 1969 <u>a/</u>	21 May 1969
Tonga	1 September 1972 <u>a/</u>	1 October 1972
Trinidad and Tobago	16 February 1972 <u>a/</u>	17 March 1972
Tunisia	4 October 1973	3 November 1973
	13 January 1967	4 January 1969
Uganda		
Ukrainian Soviet Socialist Republic	21 November 1980 <u>a/</u>	21 December 1980
Union of Soviet Socialist Republics	7 March 1969	6 April 1969
United Arab Emirates	4 February 1969	6 March 1969
United Kingdom of Great Britain and Northern Ireland	20 June 1974 <u>a/</u>	20 July 1974
United Republic of Cameroon		
United Republic of Tanzania	24 June 1971	24 July 1971
Upper Volta	27 October 1972 <u>a/</u>	26 November 1972
Uruguay <u>c/</u>	18 July 1974 <u>a/</u>	17 August 1974
Venezuela	30 August 1968	4 January 1969
	10 October 1967	4 January 1969
Yugoslavia		
Zaire	2 October 1967	4 January 1969
Zambia	21 April 1976 <u>a/</u>	21 May 1976
	4 February 1972	5 March 1972

a/ Accession.

b/ Date of receipt of notification of succession.

c/ Made the declaration under article 14, para. 1 of the Convention.

ANNEX II

Membership of the Committee on the Elimination
of Racial Discrimination

<u>Name of member</u>	<u>Country of nationality</u>	<u>Term expires on 19 January</u>
Mr. Yuli BAHNEV	Bulgaria	1984
Mr. Jacques BAUDIN <u>a/</u>	Senegal	1982
Mr. Pedro BRIN MARTINEZ	Panama	1984
Mr. André DECHEZELLES	France	1984
Mr. Silvo DEVETAK	Yugoslavia	1984
Mr. Abdel Moneim M. GHONEIM	Egypt	1982
Mr. José D. INGLES	Philippines	1984
Mr. George O. LAMPTEY	Ghana	1982
Mr. Erik NETTEL	Austria	1984
Mr. Manuel V. ORDONEZ	Argentina	1984
Mr. Karl Josef PARTSCH	Germany, Federal Republic of	1982
Mrs. Shanti SADIQ ALI	India	1984
Mr. Gleb Borisovich STARUSHENKO <u>a/</u>	Union of Soviet Socialist Republics	1984
Mr. Agha SHAHI	Pakistan	1982
Mr. Georges TENEKIDES	Greece	1982
Mr. Luis VALENCIA RODRIGUEZ	Ecuador	1982
Mr. Shuaib Uthman YOLAH	Nigeria	1982

a/ See chap. I, paras. 6-9 above.

ANNEX III

Submission of reports and additional information by States
parties under article 9 of the Convention during the year
under review a/

(22 August 1980 to 21 August 1981)

<u>State party</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s) sent, if any</u>
A. <u>Initial reports</u>			
Bangladesh	11 July 1980	21 January 1981	(1) 10 October 1980
Cape Verde	2 November 1980	NOT YET RECEIVED	(1) 28 April 1981
El Salvador	30 December 1980	NOT YET RECEIVED	(1) 28 April 1981
Gabon	30 March 1981	17 April 1981	(1) 28 April 1981
Gambia	28 January 1980	30 October 1980	(1) 28 April 1980 (2) 10 October 1980
Guyana	17 March 1978	NOT YET RECEIVED	(1) 21 April 1978 (2) 15 September 1978 (3) 25 April 1979 (4) 28 September 1979 (5) 28 April 1980 (6) 10 October 1980 (7) 28 April 1981
Israel	2 February 1980	3 March 1981	-
Liberia	5 December 1977	NOT YET RECEIVED	(1) 21 April 1978 (2) 15 September 1978 (3) 25 April 1979 (4) 28 September 1979 (5) 28 April 1980 (6) 10 October 1980 (7) 28 April 1981
Sudan	20 April 1978	NOT YET RECEIVED	(1) 15 September 1978 (2) 25 April 1979 (3) 28 September 1979 (4) 28 April 1980 (5) 10 October 1980 (6) 28 April 1981

a/ For the reminders to be sent to the States parties concerned, in accordance with the request of the Committee at its twenty-fourth session and rule 66 of the provisional rules of procedure, see chap. IV, para. 58 above.

<u>State party</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s) sent, if any</u>
Togo	1 October 1973	NOT YET RECEIVED	(1) 30 April 1974 (2) 20 September 1974 (3) 20 May 1975 (4) 1 October 1975 (5) 30 April 1976 (6) 27 August 1976 (7) 27 April 1977 (8) 26 September 1977 (9) 25 April 1979 (10) 28 September 1979 (11) 28 April 1980 (12) 10 October 1980 (13) 28 April 1981

B. Second periodic reports

Burundi	26 November 1980	31 December 1980	-
Chad	16 September 1980	NOT YET RECEIVED	(1) 28 April 81
Guinea	13 April 1980	NOT YET RECEIVED	(1) 10 October 1980 (2) 28 April 1981
Guyana	17 March 1980	NOT YET RECEIVED	(1) 28 April 1980 (2) 10 October 1980 (3) 28 April 1981
Lebanon	12 December 1974	5 December 1980	(1) 1 October 1975 (2) 30 April 1976 (3) 27 April 1977 (4) 26 September 1977 (5) 28 September 1979 (6) 28 April 1980 (7) 10 October 1980
Liberia	5 December 1979	NOT YET RECEIVED	(1) 28 April 1980 (2) 10 October 1980 (3) 28 April 1981
Luxembourg	1 June 1981	11 June 1981	-
Nicaragua	17 March 1981	NOT YET RECEIVED	(1) 28 April 1981
Seychelles	6 April 1981	22 April 1981	(1) 28 April 1981
Somalia	27 September 1978	NOT YET RECEIVED	(1) 25 April 1979 (2) 28 September 1979 (3) 28 April 1980 (4) 10 October 1980 (5) 28 April 1981
Sudan	20 April 1980	NOT YET RECEIVED	(1) 10 October 1980 (2) 28 April 1981

<u>State party</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s) sent, if any</u>
Togo	1 October 1975	NOT YET RECEIVED	(1) 30 April 1976 (2) 27 August 1976 (3) 27 April 1977 (4) 26 September 1977 (5) 25 April 1979 (6) 28 September 1979 (7) 28 April 1980 (8) 10 October 1980 (9) 28 April 1981
Zambia	5 March 1975	NOT YET RECEIVED	(1) 20 May 1975 (2) 1 October 1975 (3) 30 April 1976 (4) 27 August 1976 (5) 27 April 1977 (6) 26 August 1977 (7) 25 April 1979 (8) 28 September 1979 (9) 28 April 1980 (10) 10 October 1980 (11) 28 April 1981
<u>C. Third periodic reports</u>			
Australia	30 October 1980	13 July 1981	(1) 28 April 1981
Bahamas	5 August 1980	NOT YET RECEIVED	(1) 10 October 1980 (2) 28 April 1981
Barbados	10 December 1977	NOT YET RECEIVED	(1) 21 April 1978 (2) 15 September 1978 (3) 28 September 1979 (4) 28 April 1980 (5) 10 October 1980 (6) 28 April 1981
Belgium	6 September 1980	NOT YET RECEIVED	(1) 28 April 1981
Botswana	22 March 1979	NOT YET RECEIVED	(1) 25 April 1979 (2) 28 September 1979 (3) 28 April 1980 (4) 10 October 1980 (5) 28 April 1981
Ethiopia	25 July 1981	NOT YET RECEIVED	-
Haiti	18 January 1978	8 July 1981	(1) 21 April 1978 (2) 15 September 1978 (3) 25 April 1979 (4) 28 September 1979 (5) 28 April 1980 (6) 10 October 1980 (7) 28 April 1981

<u>State party</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s) sent, if any</u>
Italy	4 February 1981	NOT YET RECEIVED	-
Jordan	30 June 1979	NOT YET RECEIVED	(1) 28 September 1979 (2) 28 April 1980 (3) 10 October 1980 (4) 28 April 1981
Lao People's Democratic Republic	24 March 1979	NOT YET RECEIVED	(1) 25 April 1979 (2) 28 September 1979 (3) 28 April 1980 (4) 10 October 1980 (5) 28 April 1981
Lebanon	12 December 1976	5 December 1980	(1) 27 April 1977 (2) 26 September 1977 (3) 28 September 1979 (4) 28 April 1980 (5) 10 October 1980
Qatar	22 August 1981	5 August 1981	-
Rwanda	16 May 1980	29 October 1980	(1) 10 October 1980
Somalia	27 September 1980	NOT YET RECEIVED	(1) 28 April 1981
Togo	1 October 1977	NOT YET RECEIVED	(1) 25 April 1979 (2) 28 September 1979 (3) 28 April 1980 (4) 10 October 1980 (5) 28 April 1981
Upper Volta	18 August 1979	6 March 1981	(1) 28 April 1980 (2) 10 October 1980
Zaire	21 May 1981	NOT YET RECEIVED	-
Zambia	5 March 1977	NOT YET RECEIVED	(1) 27 April 1977 (2) 26 August 1977 (3) 25 April 1979 (4) 28 September 1979 (5) 28 April 1980 (6) 10 October 1980 (7) 28 April 1981

D. Fourth periodic reports

Barbados	10 December 1979	NOT YET RECEIVED	(1) 28 April 1980 (2) 10 October 1980 (3) 28 April 1981
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<u>State party</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s) sent, if any</u>
Botswana	22 March 1981	NOT YET RECEIVED	(1) 28 April 1981
Central African Republic	14 April 1978	NOT YET RECEIVED	(1) 15 September 1978 (2) 25 April 1979 (3) 28 September 1979 (4) 28 April 1980 (5) 10 October 1980 (6) 28 April 1981
Costa Rica	5 January 1976	16 December 1980	(1) 30 April 1976 (2) 1 October 1976 (3) 27 April 1977 (4) 26 September 1977 (5) 15 September 1978 (6) 25 April 1979 (7) 28 September 1979 (8) 28 April 1980 (9) 10 October 1980
Fiji	11 January 1980	8 June 1981	(1) 28 April 1980 (2) 10 October 1980 (3) 28 April 1981
Haiti	18 January 1980	8 July 1981	(1) 28 April 1980 (2) 10 October 1980 (3) 28 April 1981
Jordan	30 June 1981	NOT YET RECEIVED	-
Lao People's Democratic Republic	24 March 1981	NOT YET RECEIVED	(1) 28 April 1981
Lebanon	12 December 1978	5 December 1980	(1) 28 September 1979 (2) 28 April 1980 (3) 10 October 1980
Mali	15 August 1981	NOT YET RECEIVED	-
Malta	26 June 1978	29 June 1981	(1) 15 September 1978 (2) 25 April 1979 (3) 28 September 1979 (4) 28 April 1980 (5) 10 October 1980 (6) 28 April 1981
Mauritius	29 June 1979	NOT YET RECEIVED	(1) 28 September 1979 (2) 28 April 1980 (3) 10 October 1980 (4) 28 April 1981

<u>State party</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s) sent, if any</u>
Nepal	1 March 1978	25 June 1981	(1) 21 April 1978 (2) 15 September 1978 (3) 25 April 1979 (4) 28 September 1979 (5) 28 April 1980 (6) 10 October 1980 (7) 28 April 1981
New Zealand	22 December 1979	26 January 1981	(1) 10 October 1980
Sierra Leone	5 January 1976	NOT YET RECEIVED	(1) 30 April 1976 (2) 27 August 1976 (3) 27 April 1977 (4) 27 August 1977 (5) 25 April 1979 (6) 28 September 1979 (7) 28 April 1980 (8) 10 October 1980 (9) 28 April 1981
Swaziland	6 May 1976	NOT YET RECEIVED	(1) 27 August 1976 (2) 27 April 1977 (3) 26 August 1977 (4) 21 April 1978 (5) 15 September 1978 (6) 25 April 1979 (7) 28 September 1979 (8) 28 April 1980 (9) 10 October 1980 (10) 28 April 1981
Togo	1 October 1979	NOT YET RECEIVED	(1) 28 April 1980 (2) 10 October 1980 (3) 28 April 1981
Tonga	17 March 1979	7 April 1981	(1) 25 April 1979 (2) 28 September 1979 (3) 28 April 1980 (4) 10 October 1980
Trinidad and Tobago	4 November 1980	17 June 1981	(1) 28 April 1981
United Arab Emirates	21 July 1981	26 June 1981	-
Upper Volta	18 August 1981	NOT YET RECEIVED	-
Zambia	5 March 1979	NOT YET RECEIVED	(1) 25 April 1979 (2) 28 September 1979 (3) 28 April 1980 (4) 10 October 1980 (5) 28 April 1981

<u>State party</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s) sent, if any</u>
<u>E. Fifth periodic reports</u>			
Algeria	15 March 1981	3 June 1981	(1) 28 April 1981
Austria	8 June 1981	NOT YET RECEIVED	-
Bolivia	21 October 1979	NOT YET RECEIVED	(1) 28 April 1980 (2) 10 October 1980 (3) 28 April 1981
Canada	12 November 1979	27 October 1980 31 March 1981	(1) 10 October 1980
Central African Republic	14 April 1980	NOT YET RECEIVED	(1) 10 October 1980 (2) 28 April 1981
Chile	20 November 1980	27 November 1980	-
Costa Rica	5 January 1978	16 December 1980	(1) 15 September 1978 (2) 25 April 1979 (3) 28 September 1979 (4) 28 April 1980 (5) 10 October 1980
Cuba	16 March 1981	14 April 1981	-
Denmark	8 January 1981	26 June 1981	(1) 28 April 1981
France	28 August 1980	13 August 1980	-
Holy See	1 June 1978	30 December 1980	(1) 15 September 1978 (2) 25 April 1979 (3) 28 September 1979 (4) 28 April 1980 (5) 10 October 1980
Jamaica	5 July 1980	NOT YET RECEIVED	(1) 10 October 1980 (2) 28 April 1981
Lebanon	12 December 1980	5 December 1980	-
Lesotho	4 December 1980	NOT YET RECEIVED	(1) 28 April 1981
Malta	26 June 1980	29 June 1981	(1) 10 October 1980 (2) 28 April 1981
Mauritius	29 June 1981	NOT YET RECEIVED	-
Nepal	1 March 1980	25 June 1981	(1) 28 April 1980 (2) 10 October 1980 (3) 28 April 1981
Netherlands	9 January 1981	3 July 1981	(1) 28 April 1981

<u>State party</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s) sent, if any</u>
Peru	30 October 1980	NOT YET RECEIVED	(1) 28 April 1981
Senegal	18 May 1981	NOT YET RECEIVED	-
Sierra Leone	5 January 1978	NOT YET RECEIVED	(1) 25 April 1979 (2) 28 September 1979 (3) 28 April 1980 (4) 10 October 1980 (5) 28 April 1981
Swaziland	6 May 1978	NOT YET RECEIVED	(1) 15 September 1978 (2) 25 April 1979 (3) 28 September 1979 (4) 28 April 1980 (5) 10 October 1980 (6) 28 April 1981
Sweden	5 January 1981	8 January 1981	-
Tonga	17 March 1981	7 April 1981	-
United Republic of Cameroon	24 July 1980	NOT YET RECEIVED	(1) 10 October 1980 (2) 28 April 1981
Zambia	5 March 1981	NOT YET RECEIVED	(1) 28 April 1981

F. Sixth periodic reports

Bulgaria	5 January 1980	17 November 1980	(1) 28 April 1980
Costa Rica	5 January 1980	16 December 1980	(1) 28 April 1980 (2) 10 October 1980
Ecuador	5 January 1980	NOT YET RECEIVED	(1) 28 April 1980 (2) 10 October 1980 (3) 28 April 1981
Finland	16 August 1981	NOT YET RECEIVED	-
Germany, Federal Republic of	14 June 1980	19 September 1980	-
Ghana	5 January 1980	NOT YET RECEIVED	(1) 28 April 1980 (2) 10 October 1980 (3) 28 April 1981
Greece	19 July 1981	18 August 1981	-
Holy See	1 June 1980	30 December 1980	(1) 10 October 1980
India	5 January 1980	8 June 1981	(1) 28 April 1980 (2) 10 October 1980 (3) 28 April 1981
Iraq	15 February 1981	NOT YET RECEIVED	(1) 28 April 1981

<u>State party</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s) sent, if any</u>
Libyan Arab Jamahiriya	5 January 1980	NOT YET RECEIVED	(1) 28 April 1980 (2) 10 October 1980 (3) 28 April 1981
Mongolia	4 September 1980	22 June 1981	(1) 28 April 1981
Niger	5 January 1980	NOT YET RECEIVED	(1) 28 April 1980 (2) 10 October 1980 (3) 28 April 1981
Nigeria	5 January 1980	4 September 1980	(1) 28 April 1980
Panama	5 January 1980	13 August 1981	(1) 28 April 1980 (2) 10 October 1980 (3) 28 April 1981
Sierra Leone	5 January 1980	NOT YET RECEIVED	(1) 28 April 1980 (2) 10 October 1980 (3) 28 April 1981
Swaziland	6 May 1980	NOT YET RECEIVED	(1) 10 October 1980 (2) 28 April 1981
Syrian Arab Republic	20 May 1980	25 March 1981 <u>b/</u>	-
Yugoslavia	5 January 1980	15 September 1980	(1) 28 April 1980

G. Additional information requested by the Committee

<u>States parties which were requested to submit additional information</u>	<u>Requested by the Committee at its</u>	<u>Date of submission</u>
Sierra Leone	Tenth session	NOT YET RECEIVED
Libyan Arab Jamahiriya	Nineteenth session	NOT YET RECEIVED
Venezuela	Twenty-first	4 March 1981

b/ Additional information submitted in connexion with the sixth periodic report.

ANNEX IV

Consideration by the Committee at its twenty-third and
twenty-fourth sessions of the reports submitted by
States parties under article 9 of the Convention

State party	Type of report						Meetings at which considered	Date of meetings
	Initial	Second	Third	Fourth	Fifth	Sixth		
Spain						x	501	24 March 1981
Israel	x						502-503	24-25 March 1981
Luxembourg	x						504	25 March 1981
Nicaragua	x						504	25 March 1981
German Democratic Republic				x			505	26 March 1981
Republic of Korea	x						505-506	26 March 1981
Senegal				x			506-507	26-27 March 1981
Syrian Arab Republic						x	507-508	27 March 1981
Kuwait						x	509	30 March 1981
France					x		509-510	30 March 1981
Ivory Coast		x	x	x			510-511	30-31 March 1981
Yugoslavia						x	511-512	31 March 1981
Nigeria						x	512-513	31 March - 1 April 1981
Burundi		x					513-514	1 April 1981
Bulgaria						x	514-515	1-2 April 1981
Chile					x		515-516	2 April 1981
Lebanon		x	x	x	x		516	2 April 1981
Costa Rica				x	x	x	516-517	2-3 April 1981
Uruguay						x	517	3 April 1981

State party	Type of report						Meetings at which considered	Date of meetings
	Initial	Second	Third	Fourth	Fifth	Sixth		
Holy See					x	x	517-518	3 April 1981
Madagascar						x	518	3 April 1981
Rwanda			x				518	3 April 1981
Canada					x		522	7 April 1981
Germany, Federal Republic of						x	528-529	4 August 1981
Sweden					x		530	5 August 1981
Bangladesh	x						531	5 August 1981
New Zealand				x			531-532	5 and 6 August 1981
Venezuela						x <u>a/</u>	532-533	6 August 1981
Upper Volta			x				533	6 August 1981
Cuba					x		533-535	6 and 7 August 1981
India						x	535	7 August 1981
Algeria					x		536-537	10 August 1981
Luxembourg		x					537	10 August 1981
Seychelles		x					537	10 August 1981
Trinidad and Tobago				x			538	11 August 1981
Mongolia						x	539	11 August 1981
Denmark					x		540	12 August 1981
Netherlands					x		540-541	12 August 1981

a/ Supplementary report.

Documents received by the Committee on the Elimination of Racial Discrimination at its twenty-third and twenty-fourth sessions pursuant to decisions of the Trusteeship Council and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, in conformity with article 15 of the Convention a/

A. Documents submitted pursuant to the decision of the Trusteeship Council

1. Outline of conditions in the Trust Territory of the Pacific Islands: working paper prepared by the Secretariat (T/L.1225 and Add.1);
2. Report of the Government of the United States of America on the administration of the Trust Territory of the Pacific Islands for the period from 1 October 1979 to 30 September 1980 (T/1830).

Official Records of the Security Council, Thirty-sixth Year, Special Supplement No.1

B. Documents submitted pursuant to decisions of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

1. The Special Committee did not submit copies of petitions in 1980 and 1981 under the terms of article 15 of the Convention.
2. Copies of reports and working papers submitted by the Special Committee:

Western Sahara	A/35/23 (Rev.) chapter IX
East Timor	A/35/23 (Rev.) chapter X
Brunei	A/35/23 (Rev.) chapter XII
Belize	A/35/23 (Rev.) chapter XXV
Antigua and St. Kitts-Nevis Anguilla	A/35/23 (Rev.) chapter XXVI
Cocos (Keeling) Islands	A/35/23 (Rev.) chapter XXVII
Brunei	A/AC.109/617 and Corr. 1
Belize	A/AC.109/618
Western Sahara	A/AC.109/621
East Timor	A/AC.109/623
Antigua and St. Kitts-Nevis-Anguilla	A/AC.109/633
Cocos (Keeling) Islands	A/AC.109/635

a/ See chap. V, paras. 489-497 above.

Montserrat	A/AC.109/643
Cayman Islands	A/AC.109/644
Bermuda	A/AC.109/645
British Virgin Islands	A/AC.109/646
Turks and Caicos Islands	A/AC.109/647 and Corr.1
Pitcairn	A/AC.109/648
St. Helena	A/AC.109/649
Guam	A/AC.109/650
Military activities and arrangements by colonial powers in Guam	A/AC.109/651
Activities of foreign economic and other interests in Cayman Islands	A/AC.109/652
Namibia	A/AC.109/653
Cocos (Keeling) Islands	A/AC.109/654
Activities of foreign economic and other interests in Bermuda	A/AC.109/655
Activities of foreign economic and other interests in Namibia	A/AC.109/656
United States Virgin Islands	A/AC.109/657
Activities of foreign economic and other interests in Turks and Caicos Islands	A/AC.109/658
Military activities and arrangements by colonial powers in Belize, Bermuda, Turks and Caicos Islands and United States Virgin Islands	A/AC.109/659
Military activities and arrangements by colonial powers in Namibia	A/AC.109/660
Trust Territory of the Pacific Islands	A/AC.109/661
Gibraltar	A/AC.109/662
East Timor	A/AC.109/663

List of documents issued for the twenty-third and twenty-fourth sessions
of the Committee on the Elimination of Racial Discrimination

A. Twenty-third session

Documents issued in the general series

CERD/C/18/Add.9	Fourth periodic report of Lebanon
CERD/C/20/Add.39	Fifth periodic report of Costa Rica
CERD/C/20/Add.40	Fifth periodic report of the Holy See
CERD/C/47/Add.3	Third periodic report of Upper Volta
CERD/C/48/Add.10	Fourth periodic report of New Zealand
CERD/C/50/Add.6 and 7	Fifth periodic report of Canada
CERD/C/61/Add.1/Rev.1	Initial report of Israel
CERD/C/61/Add.3	Initial report of Gambia
CERD/C/61/Add.4	Initial report of Bangladesh
CERD/C/62/Add.1	Second periodic report of Burundi
CERD/C/63/Add.2	Third periodic report of Rwanda
CERD/C/65/Add.2	Fifth periodic report of France
CERD/C/65/Add.3	Fifth periodic report of Chile
CERD/C/65/Add.4	Fifth periodic report of Lebanon
CERD/C/66/Add.25	Sixth periodic report of Nigeria
CERD/C/66/Add.26	Sixth periodic report of Yugoslavia
CERD/C/66/Add.27	Sixth periodic report of the Federal Republic of Germany
CERD/C/66/Add.28	Sixth periodic report of Bulgaria
CERD/C/66/Add.29	Sixth periodic report of Costa Rica
CERD/C/66/Add.30	Sixth periodic report of the Holy See

CERD/C/66/Add.31	Sixth periodic report of Venezuela (Supplementary information)
CERD/C/66/Add.32	Sixth periodic report of the Syrian Arab Republic
CERD/C/69/Add.1	Implementation of article 7 of the Convention: note by the Secretary- General
CERD/C/71	Initial reports of States parties due in 1981: note by the Secretary-General
CERD/C/72	Second periodic reports of States parties due in 1981: note by the Secretary- General
CERD/C/73	Third periodic reports of States parties due in 1981: note by the Secretary- General
CERD/C/74	Fourth periodic reports of States parties due in 1981: note by the Secretary- General
CERD/C/75	Fifth periodic reports of States parties due in 1981: note by the Secretary- General
CERD/C/75/Add.1	Fifth periodic report of Sweden
CERD/C/76	Sixth periodic reports of States parties due in 1981: note by the Secretary- General
CERD/C/77	Provisional agenda and annotations of the twenty-third session of the Committee: note by the Secretary-General
CERD/C/78	Action by the General Assembly at its thirty-fifth session on the annual report submitted by the Committee on the Elimination of Racial Discrimination under article 9, paragraph 2, of the Convention: note by the Secretary-General
CERD/C/79	Consideration of copies of petitions, copies of reports and other information relating to trust and non-self-governing territories and to all other territories to which General Assembly resolution 1514 (XV) applies, in conformity with article 15 of the Convention: note by the Secretary-General
CERD/C/SR.500-527	Summary records of the twenty-third session of the Committee

B. Twenty-fourth session

Documents issued in the general series

CERD/C/17/Add.5	Third periodic report of Haiti
CERD/C/18/Add.10	Fourth periodic report of Malta
CERD/C/18/Add.11	Fourth periodic report of Nepal
CERD/C/48/Add.11	Fourth periodic report of Tonga
CERD/C/63/Add.3	Third periodic report of Australia
CERD/C/64/Add.3	Fourth periodic report of Trinidad and Tobago
CERD/C/64/Add.4	Fourth periodic report of Fiji
CERD/C/64/Add.5	Fourth periodic report of Haiti
CERD/C/65/Add.5	Fifth periodic report of Malta
CERD/C/65/Add.6	Fifth periodic report of Nepal
CERD/C/66/Add.33	Sixth periodic report of India
CERD/C/66/Add.34	Sixth periodic report of Mongolia
CERD/C/71/Add.1	Initial report of Gabon
CERD/C/72/Add.1	Second periodic report of Seychelles
CERD/C/72/Add.2	Second periodic report of Luxembourg
CERD/C/74/Add.1	Fourth periodic report of the United Arab Emirates
CERD/C/75/Add.2	Fifth periodic report of Cuba
CERD/C/75/Add.3	Fifth periodic report of Tonga
CERD/C/75/Add.4	Fifth periodic report of Algeria
CERD/C/75/Add.5	Fifth periodic report of Denmark
CERD/C/75/Add.6	Fifth periodic report of the Netherlands
CERD/C/80	Provisional agenda and annotations of the twenty-fourth session of the Committee: note by the Secretary-General

CERD/C/81

Consideration of copies of petitions, copies of reports and other information relating to trust and non-self-governing territories and to all other territories to which General Assembly resolution 514 (XV) applies, in conformity with article 15 of the Convention; note by the Secretary-General

CERD/C/82

Filling of a vacancy in the Committee in accordance with article 8, paragraph 5 (b), of the Convention and rule 13 of the provisional rules of procedure: note by the Secretary-General

CERD/C/83

Filling of a vacancy in the Committee in accordance with article 8, paragraph 5 (b), of the Convention and rule 13 of the provisional rules of procedure: note by the Secretary-General

CERD/C/SR.528-548

Summary records of the twenty-fourth session of the Committee

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