

**REPORT  
OF THE  
COMMITTEE  
ON THE ELIMINATION  
OF RACIAL DISCRIMINATION**

**GENERAL ASSEMBLY**

**OFFICIAL RECORDS: FORTY-SECOND SESSION**

**SUPPLEMENT No. 18 (A/42/18)**



**UNITED NATIONS**

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#### **NOTE**

**Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.**

CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
Letter of transmittal .....		viii
<b>I. ORGANIZATIONAL AND RELATED MATTERS .....</b>	<b>1 - 17</b>	<b>1</b>
A. States parties to the Convention on the Elimination of All Forms of Racial Discrimination .....	1 - 2	1
B. Sessions and agenda .....	3 - 4	1
C. Membership and attendance .....	5 - 7	1
D. Solemn declaration .....	8	3
E. Election of officers .....	9	3
F. Meetings of the Committee in 1988 and 1989 .....	10	3
G. Co-operation with the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization .....	11 - 13	3
H. Other activities of the Committee .....	14 - 17	4
<b>II. OBLIGATION OF STATES PARTIES TO PAY THEIR ASSESSED CONTRIBUTIONS UNDER THE CONVENTION .....</b>	<b>18 - 37</b>	<b>5</b>
<b>III. ACTION BY THE GENERAL ASSEMBLY AT ITS FORTIETH AND FORTY-FIRST SESSIONS .....</b>	<b>38 - 44</b>	<b>8</b>
A. Action by the General Assembly at its fortieth session on the annual report submitted by the Committee under article 9, paragraph 2, of the Convention .....	38	8
B. Action by the General Assembly at its forty-first session on the note by the Secretary-General informing it of the circumstances leading to the postponement of the thirty-fourth session of the Committee and of the Committee's activities at its thirty-third session ....	39 - 40	8
C. Reporting obligations of States parties to United Nations conventions on human rights (General Assembly resolutions 40/116 and 41/121) .....	41 - 44	9

CONTENTS (continued)

	<u>Paragraphs</u>	<u>Page</u>
IV. CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION .....	45 - 845	10
A. Status of submission of reports by States parties .....	45 - 59	10
1. Reports received by the Committee .....	45 - 50	10
2. Reports not yet received by the Committee .....	51	17
3. Action taken by the Committee to ensure submission of reports by States parties .....	52 - 59	22
B. Consideration of reports .....	60 - 844	26
Central African Republic .....	63 - 77	27
Rwanda .....	78 - 94	29
Barbados .....	95 - 113	32
Mali .....	114 - 125	34
Malta .....	126 - 134	36
Tunisia .....	135 - 150	38
Ghana .....	151 - 159	40
Finland .....	160 - 173	42
Cuba .....	174 - 185	44
Peru .....	186 - 198	46
Bulgaria .....	199 - 226	48
Senegal .....	227 - 245	53
Denmark .....	246 - 267	56
Sri Lanka .....	268 - 298	59
Iraq .....	299 - 312	65
Netherlands .....	313 - 328	67
China .....	329 - 346	72
Sweden .....	347 - 364	76
Algeria .....	365 - 386	79

CONTENTS (continued)

	<u>Paragraphs</u>	<u>Page</u>
Canada .....	387 - 415	82
Union of Soviet Socialist Republics .....	416 - 434	88
Democratic Kampuchea .....	435 - 448	92
Trinidad and Tobago .....	449 - 459	94
Mauritius .....	460 - 466	95
Argentina .....	467 - 484	96
Sudan .....	485 - 502	100
Czechoslovakia .....	503 - 515	104
Nepal .....	516 - 529	107
Republic of Korea .....	530 - 543	109
Brazil .....	544 - 566	111
New Zealand .....	567 - 585	115
Israel .....	586 - 604	119
Luxembourg .....	605 - 616	122
Panama .....	619 - 631	124
German Democratic Republic .....	632 - 643	125
Netherlands .....	644 - 650	127
Byelorussian Soviet Socialist Republic .....	651 - 674	128
Holy See .....	675 - 692	131
United Kingdom of Great Britain and Northern Ireland .	693 - 717	134
Costa Rica .....	718 - 725	139
Hungary .....	726 - 744	139
India .....	745 - 783	142
Pakistan .....	784 - 805	148

CONTENTS (continued)

	<u>Paragraphs</u>	<u>Page</u>
Cameroon .....	806 - 833	152
Ethiopia .....	834 - 844	157
C. Draft proposal concerning rule 67 of the rules of procedure .....	845	158
V. CONSIDERATION OF COMMUNICATIONS UNDER ARTICLE 14 OF THE CONVENTION .....	846 - 850	159
VI. 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 .....	851 - 860	160
VII. SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION	861 - 866	166
VIII. DECISIONS ADOPTED BY THE COMMITTEE DURING THE PERIOD 1986-1987 .....		167
A. Thirty-fourth session .....		167
1. (XXXIV). Second Decade to Combat Racism and Racial Discrimination .....		167
2. (XXXIV). Obligation of States parties to pay their assessed contributions under the International Convention on the Elimination of All Forms of Racial Discrimination and future of the Convention .....		168
B. Thirty-fifth session .....		169
1. (XXXV). Obligation of States parties to pay their assessed contributions under the International Convention on the Elimination of All Forms of Racial Discrimination .....		169

CONTENTS (continued)

	<u>Paragraphs</u>	<u>Page</u>
<u>Annexes</u>		
I. A. States parties to the International Convention on the Elimination of All Forms of Racial Discrimination as at 7 August 1987 .....		171
B. States parties which have made the declaration under article 14, paragraph 1, of the Convention .....		175
II. Agenda of the thirty-third, thirty-fourth and thirty-fifth sessions .....		176
III. Assessments outstanding as at 31 July 1987 .....		178
IV. Documents received by the Committee at its thirty-third, thirty-fourth and thirty-fifth 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 .....		179
A. Documents submitted pursuant to the decision of the Trusteeship Council .....		179
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 .....		179
V. List of documents issued for the thirty-third, thirty-fourth and thirty-fifth sessions of the Committee .....		181
A. Thirty-third session .....		181
B. Thirty-fourth session .....		182
C. Thirty-fifth session .....		186

LETTER OF TRANSMITTAL

7 August 1987

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. In accordance with that article, 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".

As stated in your report to the General Assembly (A/41/561), owing to the non-payment of the assessed contributions by a number of States parties over several years and the grave financial crisis facing the United Nations, the August 1986 session of the Committee could not take place and the Committee was thus unable to report to the General Assembly at its forty-first session.

As you are aware, the financial problem facing the Committee continues to be critical and, therefore, the Committee was convened for only a curtailed one-week session in August 1987 in order to adopt its report to the General Assembly and deal with a number of other urgent matters.

The Committee held three sessions during 1986 and 1987 and, at its 814th meeting, held today, unanimously adopted its 1986-1987 consolidated report in fulfilment of its obligations under the Convention; it is submitted to you herewith for transmission to the General Assembly at its forty-second session.

Accept, Sir, the assurances of my highest consideration.

(Signed) John J. CREMONA  
Chairman of the Committee on the  
Elimination of Racial Discrimination

His Excellency  
Mr. Javier Pérez de Cuéllar  
Secretary-General of the United Nations  
New York

## I. ORGANIZATIONAL AND RELATED MATTERS

### A. States parties to the Convention on the Elimination of all Forms of Racial Discrimination

1. On 7 August 1987, the closing date of the thirty-fifth session of the Committee on the Elimination of Racial Discrimination, there were 124 States parties to the International Convention on the Elimination of All Forms of Racial Discrimination, which was adopted by the General Assembly 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 article 19.

2. By the closing date of the thirty-fifth session, 12 of the 124 States parties to the Convention had made the declaration envisaged in article 14, paragraph 1, of the Convention. Article 14 of the Convention entered into force on 3 December 1982, following the deposit with the Secretary-General of the tenth declaration recognizing the competence of the Committee to receive and consider communications from individuals or groups of individuals. Lists of States parties to the Convention and of those which have made the declaration under article 14 are contained in annex I.

### B. Sessions and agenda

3. The Committee on the Elimination of Racial Discrimination held three regular sessions in 1986-1987 (see also chap. II). The thirty-third session (750th-776th meetings) was held at United Nations Headquarters, New York from 3 to 21 March 1986. The thirty-fourth session (777th-804th meetings) was held at the United Nations Office at Geneva from 2 to 20 March 1987 and the thirty-fifth session (805th-814th meetings) was also held at Geneva from 3 to 7 August 1987.

4. The agenda of the three sessions as adopted by the Committee are reproduced in annex II.

### C. Membership and attendance

5. In accordance with the provisions of article 8 of the Convention, the States parties held their tenth meeting at United Nations Headquarters on 17 January 1986, 1/ and elected nine members of the Committee from among the candidates nominated to replace those whose term of office was due to expire on 19 January 1986.

6. The list of members of the Committee for 1986-1987, including those elected or re-elected on 17 January 1986, is as follows:

<u>Name</u>	<u>Country of nationality</u>	<u>Term of office expires on 19 January</u>
Mr. Mahmoud ABOUL-NASR*	Egypt	1990
Mr. Hamzat AHMADU**	Nigeria	1990
Mr. Michael Parker BANTON*	United Kingdom of Great Britain and Northern Ireland	1990
Mr. Mohamed Omer BESHIR*	Sudan	1990
Mr. André BRAUNSCHWEIG*	France	1990
Mr. Nikola CICANOVIC	Yugoslavia	1988
Mr. John J. CREMONA	Malta	1988
Mr. Nicolás DE PIEROLA Y BALTA	Peru	1988
Mr. Matey KRASIMEONOV	Bulgaria	1988
Mr. George O. LAMPTEY**	Ghana	1990
Mr. Kjell OBERG	Sweden	1988
Mr. Karl Josef PARTSCH**	Germany, Federal Republic of	1990
Mrs. Shanti SADIQ ALI	India	1988
Mr. Agha SHAHI**	Pakistan	1990
Mr. Michael E. SHERIFIS**	Cyprus	1990
Mr. SONG Shunhua	China	1988
Mr. Gleb Borisovich STARUSHENKO	Union of Soviet Socialist Republics	1988
Mr. Mario Jorge YUTZIS	Argentina	1988

\* Elected on 17 January 1986.

\*\* Re-elected on 17 January 1986.

7. All members of the Committee, except Mr. Ahmadu, attended the thirty-third session. Mr. Braunschweig attended part of that session. All members of the Committee attended the thirty-fourth session. Mr. Lamptey attended part of that session. All members of the Committee attended the thirty-fifth session.

#### D. Solemn declaration

8. At the opening meeting of the thirty-third session, those members of the Committee who were elected or re-elected by the tenth meeting of States parties made a solemn declaration in accordance with rule 14 of the rules of procedure of the Committee. Mr. Braunschweig made the solemn declaration at the 759th meeting, on 10 March 1986. Mr. Ahmadu made the solemn declaration at the thirty-fourth session of the Committee (777th meeting) on 2 March 1987.

#### E. Election of officers

9. At its 750th meeting, held on 3 March 1986, the Committee elected the following officers for a term of two years (1986-1987), in accordance with article 10, paragraph 2, of the Convention:

Chairman: Mr. John J. CREMONA

Vice-Chairmen: Mr. Nikola ČIČANOVIĆ  
Mr. George O. LAMPTEY  
Mr. Mario Jorge YUTZIS

Rapporteur: Mrs. Shanti SADIQ ALI

#### F. Meetings of the Committee in 1988 and 1989

10. At its 814th meeting, on 7 August 1987, the Committee was informed of the dates and the venue of its sessions to be held in 1988 and 1989 as follows:

- Thirty-sixth session - United Nations Office at Geneva, from 29 February to 18 March 1988.
- Thirty-seventh session - United Nations Office at Geneva, from 1 to 19 August 1988.
- Thirty-eighth session - United Nations Office at Geneva, from 27 February to 17 March 1989.
- Thirty-ninth session - United Nations Office at Geneva, from 7 to 25 August 1989.

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

11. In accordance with Committee decision 2 (VI) of 21 August 1972 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 sessions of the Committee.

12. At the thirty-fifth session, the report of the ILO Committee of Experts on the Application of Conventions and Recommendations, submitted to the seventy-third 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 Discrimination (Employment and Occupation) Convention, 1958, (No. 111) and the Indigenous and Tribal Populations Convention, 1957, (No. 107) as well as other information in the report relevant to its activities.

13. At the thirty-fourth session, the representative of UNESCO made a statement, about the activities carried out by that organization in the context of the Second Decade to Combat Racism and Racial Discrimination.

#### H. Other activities of the Committee

14. The Chairman, Mr. Cremona, represented the Committee at the solemn meeting held at United Nations Headquarters, on 21 March 1986, in observance of the International Day for the Elimination of Racial Discrimination and made a statement on behalf of the Committee.

15. The Committee held a solemn meeting to observe the International Day for the Elimination of Racial Discrimination, on 20 March 1987. The meeting was held at the United Nations Office at Geneva during the thirty-fourth session of the Committee.

16. At that meeting, a message from the Secretary-General of the United Nations was read out by Mr. Jan Martenson, Director-General of the United Nations Office at Geneva.

17. Statements were also made by Mr. Cremona, Chairman of the Committee, Mrs. Sadiq Ali, the Committee's Rapporteur, Mr. Ahmadu, Mr. de Pierola y Balta and Mr. Starushenko, members of the Committee, as well as by a representative of the United Nations Council for Namibia.

## II. OBLIGATION OF STATES PARTIES TO PAY THEIR ASSESSED CONTRIBUTIONS UNDER THE CONVENTION

18. At its 758th, 771st and 773rd meetings (thirty-third session), held in March 1986, the Committee considered the critical financial situation which affected its ability to discharge its monitoring functions under the Convention effectively. That situation had arisen from the non-payment by a number of States parties of their assessed contributions as required under article 8, paragraph 6 of the Convention, which stipulates that "States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties". Until the end of 1985, therefore, a sizeable portion of the activities of the Committee had had to be financed from the United Nations General Fund, pending receipt of contributions from the States parties in arrears. In 1986, however, the financial crisis facing the Organization prevented it from continuing to advance funds as it had done in the past.

19. The tenth meeting of States parties to the Convention, held on 17 January 1986, was urged by the Secretary-General to take appropriate action to resolve the problem. The meeting decided that, in order to reduce expenditures, the members of the Committee should travel in accordance with the United Nations travel standards rather than first-class and that both annual sessions of the Committee should henceforth be held at Geneva. <sup>1/</sup> At the same meeting, an appeal was made to the Secretary-General to advance the necessary travel funds once more so that members of the Committee could attend the thirty-third session in March 1986. The meeting appealed urgently to the States parties to pay their arrears as soon as possible, but not later than 15 June 1986, to enable the Committee to continue its important work.

20. At the thirty-third session, the Chairman, on behalf of the Committee, appealed by letter dated 13 March 1986 to States parties in arrears to pay their contributions without further delay. In addition, on 21 March 1986, he sent a letter to the presiding officers of the regional groups, requesting them to use their good offices to see that arrears of assessed contributions were paid by the States parties concerned.

21. Although some States parties responded favourably to the repeated appeals made by the Secretary-General and the Committee Chairman, the total of outstanding assessments and arrears, as at 16 June 1986, still amounted to \$262,611. Accordingly, the Secretary-General was obliged to inform the States parties and the members of the Committee of that situation and stated that, since the holding of the 1986 summer session depended on the receipt of sufficient funds to cover the advance from the United Nations General Fund and the anticipated expenses of the Committee members, the session, scheduled to take place at Geneva from 4 to 22 August 1986, had to be deferred. The Committee was thus unable to report to the General Assembly at its forty-first session on its 1986 activities, as required under article 9, paragraph 2, of the Convention.

22. At its forty-first session, the General Assembly considered the serious financial situation of the Committee and adopted resolution 41/105 of 4 December 1986, in paragraph 4 of which the Assembly appealed urgently to the States parties to fulfil their financial obligations under the Convention so as to enable the Committee to resume its work. A further appeal was made by the President of the General Assembly when that resolution was being adopted.

23. Pursuant to paragraph 5 of that resolution, on 8 December 1986, the Secretary-General made an urgent appeal by telex addressed to the Ministers for Foreign Affairs of some 60 States parties with outstanding contributions. On 7 November 1986, before the resolution had been adopted in plenary, the Secretary-General also transmitted the notices of the 1987 assessments to States parties, urging them to pay their 1987 contributions as soon as possible.
24. In addition, the Secretary-General, as requested by the General Assembly, explored all appropriate avenues to enable the Committee to meet in 1987 and advanced the needed funds from the United Nations General Fund in order to cover the expenses of the members of the Committee to attend the March 1987 session.
25. Finally, the Secretary-General, in response to the same General Assembly resolution, convened within available resources an emergency meeting of States parties, on 29 April 1987, in order to find a solution to the constant financial problem which continued to affect the functioning of the Committee.
26. At its thirty-fourth session (786th, 787th, 799th, 800th, 802nd and 804th meetings), held in March 1987, the Committee continued to consider the financial situation affecting its functioning under the Convention.
27. At its 804th meeting, on 20 March 1987, the Committee adopted, with minor changes, a draft decision, submitted by its Chairman, on the financial obligation of States parties to the Convention addressed to the meeting of States parties convened by the Secretary-General in pursuance of General Assembly resolution 41/105. The draft decision authorized the Committee Chairman to attend and address the meeting of States parties on behalf of the Committee and explored ways and means of overcoming the Committee's current financial crisis. Ultimately, one of the Vice-Chairmen, Mr. Lamptey, attended the meeting, as the Chairman was prevented from doing so for compelling personal reasons.
28. The text, as adopted, appears in section VIII.A, decision 2 (XXXIV).
29. The eleventh (emergency) meeting of States parties, convened by the Secretary-General on 29 April 1987, was attended by the Controller of the United Nations who informed the meeting of the critical situation affecting the functioning of the Committee, stressed the fact that the Secretary-General had explored and exhausted all possible action he could take to enable the Committee to continue its important work, and stated categorically that the thirty-fifth session of the Committee, scheduled to meet at Geneva in August 1987, would have to be cancelled unless a minimum amount required to cover the outstanding contributions and the expenses of the members of the Committee attending the thirty-fifth session was received by the United Nations before the end of June 1987.
30. The eleventh meeting decided to make a strong appeal to all States parties to fulfil their financial obligations under the Convention without delay so as to enable the Committee to continue its work. It requested its Chairman to convey the appeal to the Ministers for Foreign Affairs of States parties that were in arrears, through the permanent representatives in New York, and to urge them to pay their assessed contributions before the end of June 1987. In another action, the meeting of the States parties reaffirmed the decision of the tenth meeting (see para. 19 above) regarding the venue of the sessions of the Committee.

31. At the end of June 1987, the Secretary-General informed the Chairman of the eleventh (emergency) meeting of States parties and, subsequently, the Chairman of the Committee that regrettably the amount of contributions received as of that date from a number of States parties fell drastically short of the sum required to enable the Secretary-General to convene the thirty-fifth session of the Committee as scheduled in the calendar of conferences from 3 to 21 August 1987.

32. After extensive consultation with the Chairman of the meeting of States parties and the Chairman of the Committee itself, the Secretary-General informed the members of the Committee by cables dated 10 July 1987 that, in view of some promises made of early payments, a special effort was being made to convene a one-week session of the Committee at Geneva from 3 to 7 August 1987 in order to enable the Committee to deal with a number of most urgent matters and, above all, to adopt its 1986-1987 report for submission to the General Assembly at its forty-second session.

33. The Committee was informed in a message by the Under-Secretary-General for Human Rights at its reduced thirty-fifth session that the Secretary-General had taken that decision with a clear understanding: (a) that there were reasonable prospects of further contributions being received before the end of the year to cover the entire amount of contributions still outstanding; and (b) that, in respect of future sessions of the Committee, a firm cut-off date, would be established for each session and that a firm decision would be taken at each cut-off date in the light of availability of contributions, as to whether the session would be convened and, if so, for how long. The Secretary-General had emphasized that the decision taken would depend upon the funds actually received and available by each cut-off date.

34. At its thirty-fifth session (805th, 810th and 811th meetings), the Committee again discussed the critical financial situation affecting its future work and its inability fully to discharge its responsibility under the Convention.

35. The Committee noted that, in spite of numerous appeals made to States parties in arrears to pay their assessed contributions, the situation of the Committee continued to worsen. They observed that the insignificant amounts preventing the Committee from continuing to function might not be the real cause of the problem (see annex III).

36. The Committee noted with regret that a number of States parties had not fulfilled their financial obligations under article 8, paragraph 6, of the Convention for a number of years and that some of them had not submitted their periodic reports in conformity with article 9 of the Convention for many years. The Committee might request those States parties to explain why they were not complying with their treaty obligations and whether they still continued to feel bound by contractual obligations under the most widely accepted human rights treaty.

37. At its 811th meeting, the Committee unanimously adopted a draft proposal submitted by its Bureau. For the text as adopted, see section VIII.B, decision 1 (XXXV).

III. ACTION BY THE GENERAL ASSEMBLY AT ITS FORTIETH AND FORTY-FIRST SESSIONS

A. Action by the General Assembly at its fortieth session on the annual report submitted by the Committee under article 9, paragraph 2, of the Convention

38. The Committee considered this item at its 772nd meeting (thirty-third session), on 18 March 1986. The item was introduced by the Rapporteur of the Committee. She noted in particular that the report of the Committee had again been considered by the General Assembly in conjunction with other matters and that that procedure was likely to continue. She referred to General Assembly resolution 40/28, entitled "Report of the Committee on the Elimination of Racial Discrimination", particularly to paragraphs 4, 5 and 13 thereof. With reference to paragraph 4 of the resolution, in which the Assembly considered that the Committee "should not take into consideration information on Territories to which General Assembly resolution 1514 (XV) applies unless such information is communicated by the competent United Nations bodies in conformity with article 15 of the Convention", the Rapporteur drew particular attention to the legal interpretation of that paragraph, given by the Office of Legal Affairs (see A/C.3/40/SR.46, para. 27). Several members of the Committee made statements in connection with paragraph 4 of the resolution and the importance of the practice followed by the Committee regarding dependent territories.

B. Action by the General Assembly at its forty-first session on the note by the Secretary-General informing it of the circumstances leading to the postponement of the thirty-fourth session of the Committee and of the Committee's activities at its thirty-third session

39. The Committee considered this item, which was introduced by the Rapporteur at its 786th meeting (thirty-fourth session), on 9 March 1987.

40. She pointed out that the action by the General Assembly at its forty-first session regarding the work of the Committee had been taken under unique circumstances. For the first time since its establishment in 1970, the Committee had had to face a postponement of its summer session and had been unable to prepare the report it was required to submit to the Assembly under article 9, paragraph 2, of the Convention, because a number of States parties had not fulfilled their financial obligations under the Convention. The discussion of the Assembly had focused mainly on the financial crisis, which was preventing the Committee from fulfilling its mandate. Delegations had expressed regret that the Committee's August session had had to be cancelled because of the failure of some States parties to pay their contributions. Many representatives had urged States parties which had not yet done so to fulfil their financial obligations as soon as possible. However, there had been no unanimity in the Third Committee on how the financial crisis facing the Committee should be solved. The Rapporteur drew particular attention to paragraph 5 (d) of General Assembly resolution 41/105, by which the Assembly requested the Secretary-General to consider convening a meeting of States parties during the first regular session of 1987 of the Economic and Social Council, so that they could take stock of the level of assessed contributions and make recommendations on the future work of the Committee. She

referred to the comments made by several delegations on the decision of the tenth meeting of States Parties recommending, as an economy measure, that, for the time being, Geneva should be the venue for sessions of the Committee. Finally, she drew the attention of the Committee to the fact that the Assembly had re-established the consensus regarding the status of the Convention and the work of the Committee and had adopted its resolutions 41/104 and 41/105 without a vote.

C. Reporting obligations of States parties to United Nations conventions on human rights (General Assembly resolutions 40/116 and 41/121)

41. The Committee considered this question at its 775th meeting (thirty-third session), on 20 March 1986, at its 786th meeting (thirty-fourth session), on 9 March 1987, and at its 807th and 808th meetings (thirty-fifth session), on 4 August 1987.

42. The attention of the Committee was drawn in particular to the recommendations contained in the report of the Secretary-General on the reporting obligations of States parties to United Nations conventions on human rights (A/40/600 and Add.1) and to General Assembly resolutions 40/116 of 13 December 1985 and 41/121 of 4 December 1986. It was noted that the tenth meeting of States parties to the Convention had decided to approve the Committee's practice of considering successive overdue reports in a single document.

43. Within that context, the Committee was also informed of the decision adopted by the eleventh (emergency) meeting of States parties, on 29 April 1987, in which it was recommended that, as a general practice, after the submission of initial comprehensive reports to the Committee, States parties should submit further comprehensive reports on every second occasion thereafter on which reports were due (i.e., every four years) and brief interim reports on each intervening occasion. In the same decision, the eleventh meeting had invited the Committee to consider that matter at its next session as a matter of priority.

44. The Committee recognized the increasing burden that the coexisting reporting systems placed on Member States which were parties to the various human rights instruments. It would continue to be flexible in its procedure and practice concerning the content of periodic reports submitted in accordance with article 9 of the Convention. Some members supported the recommendation of the eleventh meeting of States parties.

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

1. Reports received by the Committee

45. From the establishment of the Committee on the Elimination of Racial Discrimination until the closing date of its thirty-fifth session (7 August 1987), a total of 842 reports under article 9, paragraph 1, of the Convention have been due from States parties as follows: 123 initial reports, 124 second periodic reports, 115 third periodic reports, 107 fourth periodic reports, 100 fifth periodic reports, 90 sixth periodic reports, 79 seventh periodic reports, 65 eighth periodic reports and 34 ninth periodic reports.

46. By the end of the thirty-fifth session, a total of 709 reports had been received by the Committee as follows: 119 initial reports, 106 second periodic reports, 98 third periodic reports, 95 fourth periodic reports, 85 fifth periodic reports, 74 sixth periodic reports, 52 seventh periodic reports, 46 eighth periodic reports and 24 ninth periodic reports.

47. In addition, 70 supplementary reports containing additional information were received from the States parties, submitted either on the initiative of the States parties concerned or at the request of the Committee following its examination of their respective initial or periodic reports under the Convention.

48. During the period under review i.e., between the closing dates of the Committee's thirty-second and thirty-fifth sessions (28 August 1985 and 7 August 1987), 82 reports were received by the Committee, consisting of 2 initial reports, 2 second periodic reports, 1 third periodic report, 6 fourth periodic reports, 5 fifth periodic reports, 10 sixth periodic reports, 12 seventh periodic reports, 20 eighth periodic reports and 24 ninth periodic reports. One supplementary report was also received during the period under review.

49. The relevant information concerning all reports received during the period under review is contained in table 1 below.

50. As the information in table 1 shows, only 5 of the 82 reports received during the period under review were submitted on time or before the deadline provided for under article 9, paragraph 1, of the Convention. The rest were submitted after some delay, ranging from a few days to over four years. In the case of 52 of the reports received during the period under review, one to eight reminders had been sent to the States parties concerned before their reports were submitted.

Table 1

Reports received during the period under review  
(28 August 1985-7 August 1987)

State party	Type of report	Date on which the report was due	Date on which the report was submitted	Number of reminders sent
Democratic Kampuchea	Initial report	28 December 1984	19 November 1985	2
Maldives	"	24 May 1985	23 September 1986	2
Maldives	Second periodic report	24 May 1987	14 April 1987	-
Portugal	"	23 September 1985	11 August 1986	1
Colombia	Third periodic report	2 October 1986	26 February 1987	-
Chad	Fourth periodic report	16 September 1984	4 November 1986	3
Israel	"	2 February 1986	11 March 1986	-
Luxembourg	"	1 June 1985	18 March 1986	1
Nicaragua	"	17 March 1985	9 January 1986	1
Republic of Korea	"	4 January 1986	14 February 1986	-
Seychelles	"	6 April 1985	24 July 1986	2
Sudan <u>a/</u>	"	20 April 1984	23 April 1983 and 12 November 1986	-
Ethiopia	Fifth periodic report	25 July 1985	29 November 1985	1
Italy	"	4 February 1985	9 March 1987	3

Table 1 (continued)

State party	Type of report	Date on which the report was due	Date on which the report was submitted	Number of reminders sent
Luxembourg	Fifth periodic report	1 June 1987	18 June 1987	-
Senegal	"	18 May 1981	12 September 1985	7
Seychelles	"	6 April 1987	20 April 1987	-
Italy	Sixth periodic report	4 February 1987	9 March 1987	-
Jordan <u>b/</u>	"	30 June 1985	29 January 1987	2
Mali	"	15 August 1985	20 February 1986	-
Mexico	"	22 March 1986	2 September 1986	1
Nepal	"	1 March 1982	12 February 1986	8
Rwanda	"	16 May 1986	15 July 1986	-
Senegal	"	18 May 1983	12 September 1985	4
Trinidad and Tobago	"	3 November 1983	7 January 1986	2
United Arab Emirates	"	21 July 1985	19 December 1985	1
United Republic of Tanzania	"	26 November 1983	17 July 1986	4
Austria	Seventh periodic report	8 June 1985	15 December 1986	2
Bulgaria <u>a/</u>	"	5 January 1982	15 August 1984 and 7 January 1986	4
Cameroon	"	24 July 1984	1 July 1986	3
Canada	"	12 November 1983	27 August 1985	2
Denmark	"	8 January 1985	1 October 1985	-

Table 1 (continued)

State party	Type of report	Date on which the report was due	Date on which the report was submitted	Number of reminders sent
German Democratic Republic	Seventh periodic report	26 April 1986	30 April 1986	-
Mauritius	"	29 June 1985	5 February 1986	1
Nepal	"	1 March 1984	12 February 1986	4
Netherlands <u>c/</u>	"	9 January 1985	11 November 1985 and 3 June 1986	1
New Zealand	"	22 December 1985	5 March 1986	-
Romania	"	14 October 1983	14 July 1986	5
Senegal	"	18 May 1985	12 September 1985	-
Sweden <u>a/</u>	"	5 January 1985	10 April 1985 and 10 February 1986	-
United Republic of Tanzania	"	26 November 1985	17 July 1986	1
Algeria	Eighth periodic report	15 March 1987	24 February 1987	-
Austria	"	8 June 1985	15 December 1986	2
Brazil	"	5 January 1984	24 February 1986	4
Bulgaria <u>a/</u>	"	5 January 1984	15 August 1984 and 7 January 1986	1
Canada	"	12 November 1985	10 February 1986	-
Chile	"	20 November 1986	29 June 1987	1
Costa Rica	"	5 January 1984	27 November 1985	4
Cuba	"	16 March 1987	9 June 1987	-
Egypt	"	5 January 1984	3 December 1986	4

Table 1 (continued)

State party	Type of report	Date on which the report was due	Date on which the report was submitted	Number of reminders sent
Finland	Eighth periodic report	16 August 1985	24 September 1985	-
France	"	28 August 1986	4 June 1987	1
India	"	5 January 1984	26 June 1986	4
Iraq	"	18 February 1985	24 September 1985	2
Morocco	"	17 January 1986	14 July 1986	1
Nepal	"	1 March 1986	12 February 1986	-
Norway	"	6 September 1985	6 August 1986	-
Philippines	"	5 January 1984	19 September 1985	3
Romania	"	14 October 1985	14 July 1986	1
Senegal	"	18 May 1987	18 May 1987	-
Syrian Arab Republic	"	20 May 1984	23 January 1986	3
Tonga	"	17 March 1987	26 June 1987	1
Argentina	Ninth periodic report	5 January 1986	6 January 1986	-
Brazil	"	5 January 1986	24 February 1986	-
Byelorussian Soviet Socialist Republic	"	7 May 1986	22 May 1986	-
Costa Rica	"	5 January 1986	14 July 1986	1
Cyprus	"	5 January 1986	5 January 1986	2
Czechoslovakia	"	5 January 1986	15 January 1986	-
Egypt	"	5 January 1986	3 December 1986	1

Table 1 (continued)

State party	Type of report	Date on which the report was due	Date on which the report was submitted	Number of reminders sent
Germany, Federal Republic of	Ninth periodic report	14 June 1986	8 October 1986	-
Ghana	"	5 January 1986	17 July 1986	1
Holy See	"	1 June 1986	27 May 1986	-
Hungary	"	5 January 1986	2 June 1986	-
Iceland	"	5 January 1986	16 September 1986	1
India	"	5 January 1986	26 June 1986	1
Kuwait	"	5 January 1986	30 September 1986	1
Madagascar	"	8 March 1986	2 October 1986	1
Mongolia	"	4 September 1986	12 February 1987	-
Pakistan	"	5 January 1986	1 July 1986	1
Panama	"	5 January 1986	17 April 1986	1
Poland	"	5 January 1986	7 October 1986	1
Spain	"	5 January 1986	7 July 1986	-
Ukrainian Soviet Socialist Republic	"	5 April 1986	3 June 1986	-
Union of Soviet Socialist Republics	"	5 March 1986	29 May 1986	1
United Kingdom of Great Britain and Northern Ireland	"	5 April 1986	29 May 1986	-
Venezuela	"	5 January 1986	25 September 1986	-

(Footnotes on following page)

a/ The original report was revised by the State party during the period under review.

b/ The original submission of the report, on 6 August 1986, did not reach the secretariat. A copy of the original submission was received on 29 January 1987.

c/ A supplementary report containing additional information was also submitted on the initiative of the State party concerned.

2. Reports not yet received by the Committee

51. By the closing date of the thirty-fifth session of the Committee, 133 reports expected from 73 States parties before that date had not yet been received, they comprised 4 initial reports, 18 second periodic reports, 17 third periodic reports, 12 fourth periodic reports, 15 fifth periodic reports, 16 sixth periodic reports, 17 seventh periodic reports, 19 eighth periodic reports and 15 ninth periodic reports. In addition, two supplementary reports requested by the Committee were not received. Table 2 below provides the relevant information on these reports.

Table 2

Reports which were due before the closing date of the thirty-fifth session (7 August 1987), but have not yet been received

State party	Type of report	Date on which the report was due	Number of reminders sent
Sierra Leone	Fourth report	5 January 1976	20
	Fifth report	5 January 1978	16
	Sixth report	5 January 1980	14
	Seventh report	5 January 1982	10
	Eighth report	5 January 1984	6
	Ninth report	5 January 1986	2
	Supplementary	31 March 1975	-
Swaziland	Fourth report	6 May 1976	21
	Fifth report	6 May 1978	17
	Sixth report	6 May 1980	15
	Seventh report	6 May 1982	9
	Eighth report	6 May 1984	5
	Ninth report	6 May 1986	-
Liberia	Initial report	5 December 1977	17
	Second report	5 December 1979	13
	Third report	5 December 1981	9
	Fourth report	5 December 1983	6
	Fifth report	5 December 1985	2
Guyana	Initial report	17 March 1978	17
	Second report	17 March 1980	13
	Third report	17 March 1982	9
	Fourth report	17 March 1984	6
	Fifth report	17 March 1986	2
Libyan Arab Jamahiriya	Sixth report	5 January 1980	14
	Seventh report	5 January 1982	10
	Eighth report	5 January 1984	6
	Ninth report	5 January 1986	2
	Supplementary	30 July 1979	-

Table 2 (continued)

State party	Type of report	Date on which the report was due	Number of reminders sent
Guinea	Second report	13 April 1980	13
	Third report	13 April 1982	9
	Fourth report	13 April 1984	5
	Fifth report	13 April 1986	-
Zaire	Third report	21 May 1981	11
	Fourth report	21 May 1983	7
	Fifth report	21 May 1985	3
	Sixth report	21 May 1987	-
Gambia	Second report	28 January 1982	10
	Third report	28 January 1984	6
	Fourth report	28 January 1986	2
Côte d'Ivoire	Fifth report	4 February 1982	10
	Sixth report	4 February 1984	6
	Seventh report	4 February 1986	2
Bangladesh	Second report	11 July 1982	9
	Third report	11 July 1984	5
	Fourth report	11 July 1986	1
Burundi	Third report	26 November 1982	8
	Fourth report	26 November 1984	4
	Fifth report	26 November 1986	1
Lebanon	Sixth report	12 December 1982	8
	Seventh report	12 December 1984	4
	Eighth report	12 December 1986	1
Gabon	Second report	30 March 1983	7
	Third report	30 March 1985	3
	Fourth report	30 March 1987	-
Togo	Sixth report	1 October 1983	6
	Seventh report	1 October 1985	2
Uganda	Second report	21 December 1983	6
	Third report	21 December 1985	2
Niger	Eighth report	5 January 1984	5
	Ninth report	5 January 1986	2
Uruguay	Eighth report	5 January 1984	4
	Ninth report	5 January 1986	1

Table 2 (continued)

State party	Type of report	Date on which the report was due	Number of reminders sent
Fiji	Sixth report	11 January 1984	4
	Seventh report	11 January 1986	1
Dominican Republic	Initial report	24 June 1984	5
	Second report	24 June 1986	1
Bahamas	Fifth report	5 August 1984	5
	Sixth report	5 August 1986	1
Belgium	Fifth report	6 September 1984	4
	Sixth report	6 September 1986	1
Somalia	Fifth report	27 September 1984	4
	Sixth report	27 September 1986	1
Cape Verde	Third report	2 November 1984	4
	Fourth report	2 November 1986	1
Lesotho	Seventh report	4 December 1984	4
	Eighth report	4 December 1986	1
Saint Vincent and the Grenadines	Second report	9 December 1984	4
	Third report	9 December 1986	1
El Salvador	Third report	30 December 1984	4
	Fourth report	30 December 1986	1
Papua New Guinea	Second report	26 February 1985	4
	Third report	26 February 1987	1
Zambia	Seventh report	5 March 1985	4
	Eighth report	5 March 1987	1
Suriname	Initial report	15 March 1985	4
	Second report	15 March 1987	1
Solomon Islands	Second report	17 March 1985	4
	Third report	17 March 1987	1
Botswana	Sixth report	22 March 1985	4
	Seventh report	22 March 1987	1
Lao People's Democratic Republic	Sixth report	24 March 1985	3
	Seventh report	24 March 1987	-

Table 2 (continued)

State party	Type of report	Date on which the report was due	Number of reminders sent
Viet Nam	Second report	9 July 1985	3
	Third report	9 July 1987	-
Greece	Eighth report	19 July 1985	2
	Ninth report	19 July 1987	-
Burkina Faso	Sixth report	18 August 1985	3
Qatar	Fifth report	22 August 1985	3
Bolivia	Eighth report	21 October 1985	2
Democratic Yemen	Seventh report	19 November 1985	2
Barbados	Seventh report	10 December 1985	2
Namibia	Second report	11 December 1985	2
Bulgaria	Ninth report	5 January 1986	2
Ecuador	Ninth report	5 January 1986	2
Iran (Islamic Republic of)	Ninth report	5 January 1986	2
Nigeria	Ninth report	5 January 1986	2
Philippines	Ninth report	5 January 1986	2
Tunisia	Ninth report	5 January 1986	2
Yugoslavia	Ninth report	5 January 1986	2
Haiti	Seventh report	18 January 1986	2
Guatemala	Second report	17 February 1986	1
Central African Republic	Eighth report	14 April 1986	1
Sudan	Fifth report	20 April 1986	1
Mozambique	Second report	18 May 1986	1
Syrian Arab Republic	Ninth report	20 May 1986	1

Table 2 (continued)

State party	Type of report	Date on which the report was due	Number of reminders sent
Malta	Eighth report	26 June 1986	1
Jamaica	Eighth report	5 July 1986	1
Cameroon	Eighth report	24 July 1986	1
Afghanistan	Second report	5 August 1986	1
Chad	Fifth report	16 September 1986	1
Australia	Sixth report	30 October 1986	1
Peru	Eighth report	30 October 1986	1
Trinidad and Tobago	Seventh report	4 November 1986	1
Democratic Kampuchea	Second report	28 December 1986	1
China	Third report	28 January 1987	-
Nicaragua	Fifth report	17 March 1987	1
Sri Lanka	Third report	20 March 1987	1
Sweden	Eighth report	5 January 1987	-
Denmark	Eighth report	8 January 1987	1
Netherlands	Eighth report	9 January 1987	1
Iraq	Ninth report	15 February 1987	1
Mauritius	Eighth report	29 June 1987	-
Jordan	Seventh report	30 June 1987	-
United Arab Emirates	Seventh report	21 July 1987	-
Ethiopia	Sixth report	25 July 1987	-

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

52. At its thirty-third, thirty-fourth and thirty-fifth sessions, the Committee reviewed the question of delays and non-submission of reports by States parties in accordance with their obligations under article 9 of the Convention.

53. At its 776th meeting (thirty-third session), the Committee, taking into account the wish expressed by the Governments of Australia, Canada, the Philippines and the Sudan, agreed to postpone consideration of their respective periodic reports. At the same meeting, the Committee decided to request the Secretary-General, in accordance with rule 66, paragraph 1, of its rules of procedure (CERD/C/35/Rev.3), to continue sending appropriate reminders to States parties whose reports were due before the closing date of its thirty-third session, but had not yet been received, requesting them to submit their reports by 30 June 1986. Also at the same meeting, the Committee decided not to send reminders to the Governments of Greece, Guatemala, Luxembourg, Pakistan, Seychelles, Spain, Uruguay and Venezuela, taking into consideration the information furnished by those States parties in connection with the preparation and submission of their respective periodic reports.

54. At its 802nd meeting (thirty-fourth session), the Committee, taking into consideration the wish expressed by the Governments of Nicaragua and the United Arab Emirates, agreed to postpone consideration of their respective periodic reports. The Committee also decided, in view of the shortage of time during its thirty-fourth session, to postpone consideration of the periodic reports of Australia and the Syrian Arab Republic to its next session. The Committee also acceded to the requests of the Governments of China, Fiji, Portugal and Sweden for postponement of the submission and/or for delay in the presentation of their respective reports.

55. Also at the same meeting, the Committee decided to request the Secretary-General, in accordance with rule 66, paragraph 1, of its rules of procedure, to continue sending appropriate reminders to States parties whose reports were due before the closing date of its thirty-fourth session, but had not yet been received, requesting them to submit their reports by 30 June 1987.

56. At its 809th meeting (thirty-fifth session), the Committee again addressed the issue of delays and non-submission of reports by States parties under article 9 of the Convention. In accordance with rule 66, paragraph 1, of its rules of procedure, and taking into account the number of reminders already 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, the Committee decided that further reminders should be sent by the Secretary-General to the States parties listed in table 2, as follows:

(a) A twenty-second reminder to the Government of Swaziland, requesting it to submit its fourth, fifth, sixth, seventh, eighth and ninth periodic reports, in one document, by 31 December 1987;

(b) A twenty-first reminder to the Government of Sierra Leone, requesting it to submit its fourth, fifth, sixth, seventh, eighth and ninth periodic reports, in one consolidated document together with its tenth periodic report, due on

5 January 1988, by that date, and to include therein the supplementary information requested by the Committee;

(c) An eighteenth reminder to the Government of Liberia, requesting it to submit its initial, second, third, fourth and fifth periodic reports, in one consolidated document together with its sixth periodic report, due on 5 December 1987, by that date;

(d) An eighteenth reminder to the Government of Guyana, requesting it to submit its initial, second, third, fourth and fifth periodic reports, in one consolidated document together with its sixth periodic report due on 17 March 1988, by that date;

(e) A fifteenth reminder to the Government of the Libyan Arab Jamahiriya, requesting it to submit its sixth, seventh, eighth and ninth periodic reports, in one consolidated document together with its tenth periodic report, due on 5 January 1988, by that date, and to include therein the supplementary information requested by the Committee;

(f) A fourteenth reminder to the Government of Guinea requesting it to submit its second, third, fourth and fifth periodic reports, in one document, by 31 December 1987;

(g) A twelfth reminder to the Government of Zaire requesting it to submit its third, fourth, fifth and sixth periodic reports, in one document, by 31 December 1987;

(h) An eleventh reminder to the Government of Gambia requesting it to submit its second, third and fourth periodic reports, in one consolidated document together with its fifth report, due on 28 January 1988, by that date;

(i) An eleventh reminder to the Government of Côte d'Ivoire, requesting it to submit its fifth, sixth and seventh periodic reports, in one consolidated document together with its eighth periodic report, due on 4 February 1988, by that date;

(j) A tenth reminder to the Government of Banladesh requesting it to submit its second, third and fourth periodic reports, in one document, by 31 December 1987;

(k) A ninth reminder to the Government of Burundi requesting it to submit its third, fourth and fifth periodic reports, in one document, by 31 December 1987;

(l) A ninth reminder to the Government of Lebanon requesting it to submit its sixth, seventh and eighth periodic reports, in one document, by 31 December 1987;

(m) An eighth reminder to the Government of Gabon requesting it to submit its second, third and fourth periodic reports, in one document, by 31 December 1987;

(n) A seventh reminder to the Government of Uganda requesting it to submit its second and third periodic reports, in one consolidated document together with its fourth periodic report, due on 21 December 1987, by that date;

(o) A seventh reminder to the Government of Togo requesting it to submit its sixth and seventh periodic reports, in one consolidated document together with its eighth periodic report, due on 1 October 1987, by that date;

(p) A sixth reminder to the Government of the Dominican Republic requesting it to submit its initial and second periodic reports, in one document, by 31 December 1987;

(q) A sixth reminder to the Government of Bahamas requesting it to submit its fifth and sixth periodic reports, in one document, by 31 December 1987;

(r) A sixth reminder to the Government of Niger requesting it to submit its eighth and ninth periodic reports, in one consolidated document together with its tenth periodic report, due on 5 January 1988, by that date;

(s) A fifth reminder to the Government of Suriname requesting it to submit its initial and second periodic reports, in one document, by 31 December 1987;

(t) A fifth reminder to the Governments of Papua New Guinea, Saint Vincent and the Grenadines and Solomon Islands requesting them to submit their second and third periodic reports, in one document, by 31 December 1987;

(u) A fifth reminder to the Governments of Cape Verde and El Salvador requesting them to submit their third and fourth periodic reports, in one document, by 31 December 1987;

(v) A fifth reminder to the Governments of Belgium and Somalia requesting them to submit their fifth and sixth periodic reports, in one document, by 31 December 1987;

(w) A fifth reminder to the Governments of Botswana and Fiji requesting them to submit their sixth and seventh periodic reports, in one document, by 31 December 1987;

(x) A fifth reminder to the Governments of Lesotho and Zambia requesting them to submit their seventh and eighth periodic reports, in one document, by 31 December 1987;

(y) A fifth reminder to the Government of Uruguay requesting it to submit its eighth and ninth periodic reports, in one consolidated document together with its tenth periodic report, due on 5 January 1988, by that date;

(z) A fourth reminder to the Government of Viet Nam requesting it to submit its second and third periodic reports, in one document, by 31 December 1987;

(aa) A fourth reminder to the Government of Qatar requesting it to submit its fifth and sixth periodic reports, in one document, by 31 December 1987;

(bb) A fourth reminder to the Governments of Burkina Faso and the Lao People's Democratic Republic requesting them to submit their sixth and seventh periodic reports, in one document, by 31 December 1987;

(cc) A third reminder to Namibia requesting it to submit its second periodic report, in one consolidated document together with its third report, due on 11 December 1987, by that date;

(dd) A third reminder to the Governments of Democratic Yemen, Barbados and Haiti requesting them to submit their seventh periodic reports, in one consolidated document together with their eighth periodic reports, due on 19 November 1987, 10 December 1987 and 18 January 1988 respectively, by those dates;

(ee) A third reminder to the Governments of Bolivia and Greece requesting them to submit their eighth and ninth periodic reports, in one document, by 31 December 1987;

(ff) A third reminder to the Governments of Bulgaria, Ecuador, the Islamic Republic of Iran, Nigeria, the Philippines, Tunisia and Yugoslavia requesting them to submit their ninth periodic reports, in one consolidated document together with their tenth periodic reports, due on 5 January 1988, by that date;

(gg) A second reminder to the Government of Guatemala requesting it to submit its second periodic report, in one consolidated document together with its third periodic report, due on 17 February 1988, by that date;

(hh) A second reminder to the Governments of Afghanistan, Democratic Kampuchea and Mozambique requesting them to submit their second periodic reports by 31 December 1987;

(ii) A second reminder to the Government of Sri Lanka requesting it to submit its third periodic report by 31 December 1987;

(jj) A second reminder to the Government of the Sudan requesting it to submit its fifth periodic report by 31 December 1987;

(kk) A second reminder to the Governments of Cameroon, the Central African Republic, Denmark, Jamaica, Malta and Peru requesting them to submit their eighth periodic reports by 31 December 1987;

(ll) A second reminder to the Government of Iraq requesting it to submit its ninth periodic report by 31 December 1987;

(mm) A first reminder to the Government of Ethiopia requesting it to submit its sixth periodic report by 31 December 1987;

(nn) A first reminder to the Government of Mauritius requesting it to submit its eighth periodic report by 31 December 1987.

57. The Committee decided not to send reminders: (a) to the Governments of Australia, Chad, Jordan, Nicaragua, the Syrian Arab Republic and the United Arab Emirates in view of the fact that previous reports submitted by those States parties were pending for consideration by the Committee, and (b) to the Governments of China, the Netherlands, Sweden and Trinidad and Tobago in view of the communications sent by those States parties informing the Committee that their respective reports were under preparation.

58. The Committee wishes to recall once again that rule 66 of its rules of procedure 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 States 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."

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, as well as to the action taken by the Committee to ensure submission of reports by States parties.

59. In this connection, 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." 2/

#### B. Consideration of reports

60. At its thirty-third and thirty-fourth sessions, the Committee examined 45 reports submitted by States parties under article 9 of the Convention. Of these, 26 reports were considered during the thirty-fourth session, which represents a record in the number of reports examined by the Committee at a single session. At the closing date of its thirty-fifth session, the Committee noted that there were 38 reports submitted by States parties pending consideration. The Committee devoted 42 of the 65 meetings it held in 1986-1987 to the discharge of its obligations under article 9 of the Convention.

61. In accordance with rule 64 of its rules of procedure, the Committee continued the practice, inaugurated at its sixth session, of requesting the Secretary-General to inform the States parties concerned of the dates on which their respective reports would be considered by the Committee. At its thirty-third and thirty-fourth sessions, all of the States parties whose reports were considered by the Committee, except Costa Rica and Mauritius, sent representatives to participate in the examination of their respective reports. The Committee noted with satisfaction that several States had sent qualified representatives to participate in the Committee's work and, in particular, to answer specialized questions raised and observations made in connection with their reports.

62. The following paragraphs, arranged on a country-by-country basis according to the sequence followed by the Committee at its thirty-third and thirty-fourth sessions in its consideration of the reports of States parties, contain a summary of the views expressed, observations made and questions asked by the members of the

Committee on the reports of the States parties concerned, as well as the substantive elements of the replies given by the representatives of the States parties present at the meetings.

### Central African Republic

The seventh periodic report of the Central African Republic (CERD/C/117/Add.5) wa. considered by the Committee at its 751st and 752nd meetings on 4 March 1986 (CERD/C/SR.751-SR.752).

64. The report was introduced by the representative of the Central African Republic, who said that the document contained replies to questions asked during the consideration of the previous reports. He added that texts of laws and regulations which had been requested by the Committee would be provided in a future report as soon as circumstances permitted.

65. Members of the Committee regretted that the report did not provide information regarding the many ethnic groups composing the population of the Central African Republic. Referring to the adequate development and protection of ethnic groups (art. 2, para. 2, in conjunction with art. 5), members wished to receive demographic information on the various ethnic groups, including the number, life expectancy and infant mortality rate of the Pygmies, and on the standing of those groups in the social hierarchy as well as their political importance. Concern was expressed that coercion might be used by the Government on Pygmies in trying to make them abandon their way of life and introduce them to "civilization". It was asked whether there were any procedures for ascertaining the wishes of the Pygmies. Members of the Committee wished to receive information about measures that were being taken to improve the living conditions of those groups.

66. The following questions were also asked: what the country's land tenure system was and what reforms were being introduced to bring about a more equitable distribution of land; what measures the Government had taken to reduce the emphasis on cash crops and to bring more land under cultivation for food crops; how the Government was distributing international emergency aid; how the country's mineral wealth was being used to accelerate economic development; which groups had been most adversely affected by the expropriation of land for mining activities, and what measures had been taken to compensate them; what percentage of administrative and executive posts were occupied by Africans and what measures were being taken to enhance the representation of the indigenous population in all sectors of employment; what agreements had been concluded with the Government of Zaire to facilitate movement across the border by members of the Baya group, which lived in both countries. Members also asked whether the right of each group to speak its own language was guaranteed and whether the courts provided interpreters in the various languages.

67. With regard to article 3, members asked whether the Central African Republic maintained any trade, economic or other relations with South Africa.

68. As far as article 4 was concerned, members of the Committee requested more specific information on the types of offences involving racial discrimination referred to in the report as well as on the existing machinery to deal with such cases. They noted that the current report did not renew the promise made by the Government in the preceding report that the necessary legislative measures would be taken to implement article 4 of the Convention. They pointed out that only a small

part of the requirements under article 4 were satisfied under the existing provisions of penal law. The Government should consider the possibility of enacting specific provisions to deal with cases not covered by the existing laws.

69. With regard to article 5, members pointed out that the suspension of the Constitution seemed to affect the rights enumerated in that article, in particular the political rights under letter (c). Concern was expressed at the tendency to concentrate civilian power in the hands of the military. Members sought clarification regarding the statement in paragraph 15 of the report that the Military Committee for National Recovery would decide the future of democratic institutions and political life. Reference was made to the contradiction between that statement and the assertion, also made in the report, that every citizen had a recognized right to take part in the conduct of public affairs. Additional information was requested on the rights and status of the naturalized groups referred to in paragraph 8 of the report.

70. Concerning the implementation of article 6, members asked whether the "Special Court" had been dismantled since the report was written and requested information about how it differed from the ordinary courts. It was also asked whether any recourse was available to individuals who had been punished by the police for certain minor offences.

71. Members of the Committee endorsed the request made in the report by the Central African Republic for assistance from the United Nations or UNESCO to establish a library or centre that could receive and distribute books and propagate audio-visual material relating to questions of racial discrimination in order to facilitate access to information and stimulate public awareness.

72. Responding to requests for statistics on the composition of the population, the representative of the Central African Republic said that in accordance with its policy of national unity, the Government had prohibited any reference to ethnic origin on birth certificates. The last census had been taken along geographical and not ethnic lines.

73. He stated that the Pygmies posed a delicate problem for his Government. It was often difficult to involve them in efforts aimed at integrating them into the mainstream of society. The Government's aim was not to force Pygmies to abandon their way of life, but rather to improve it. There was no discrimination whatsoever against Pygmies. There was no hierarchy among the ethnic groups in the country. While French was one of the two national languages, an individual had the right to express himself in the language of his choice. International emergency aid was distributed among the various ethnic groups for development projects of benefit to all.

74. Regarding article 3, he reassured the Committee that, since the fall of the Bokassa régime, there had been no diplomatic, trade, cultural or sporting relations with South Africa.

75. Concerning the measures taken by the Central African Republic to comply with article 4, he said that, in considering cases of racial discrimination, the courts were guided by Ordinance No. 66/32 and Decree No. 66/264. Serious acts of racial discrimination were viewed as incitement to public disorder threatening the life of the nation. Less serious cases were treated as insolence and were punished accordingly. Although racial discrimination was not a serious problem and the

courts had not often been called on to take action in that area, his Government was studying the possibility of adopting new provisions or supplementing existing ones.

76. Responding to questions regarding the implementation of article 5, he stated that the suspension of the Constitution affected the activities of political parties. Basic rights and freedoms, however, had not been affected. The Military Committee for National Recovery was composed of both military and civilian members who discussed decisions taken regarding the running of the country. There was no concentration of power in the hands of the military. The Military Committee had promised that the Constitution would be restored once the factors that had led the country to the brink of civil war were eliminated. The Supreme Court had been asked to set up a body to review the Constitution and revise it in the light of past errors. He stressed that all citizens enjoyed the rights guaranteed by the Convention and that naturalized citizens and citizens by birth enjoyed equal rights.

77. With regard to article 6, he said that the Special Court had been set up specifically to try those responsible for serious crimes, such as bomb attacks. That Court would be abolished when the circumstances that had led to its establishment no longer existed. He added that any person tried in the Special Court enjoyed all the same rights as those tried in other courts.

#### Rwanda

78. The fifth periodic report of Rwanda (CERD/C/115/Add.2) was considered by the Committee at its 752nd and 753rd meetings on 4 and 5 March 1986 (CERD/C/SR.752-SR.753).

79. The report was introduced by the representative of Rwanda, who informed the Committee that his Government wished its peoples (approximately 85 per cent Bahutu, 14 per cent Batutsi and 1 per cent Batwa) to benefit from the implementation of the Convention. He referred to relevant articles of the Rwandese Constitution, Labour Code and Criminal Code as well as to texts reproduced in the report. He stated that, because of the country's insufficient financial resources, Rwanda was facing problems in implementing the various international conventions to which it was a party.

80. Members of the Committee welcomed the introductory statement made by the representative of Rwanda. The report complied with the Committee's guidelines (CERD/C/70/Rev.1) and contained answers to questions raised during the consideration of the preceding report.

81. Members noted that it was stated in the report that laws in force in Rwanda at the date on which the Constitution entered into force would remain applicable if they did not conflict with the Constitution. In that connection, members asked whether former legislation that had not been amended or repealed comprised part of the new legislation, whether a court had the option of simply not applying an old law which it found to be unconstitutional or whether it had to turn to a court of appeal or to the Supreme Court.

82. With regard to article 2 of the Convention, members wished to know more about the special efforts made by the Government to promote the economic and cultural development of the disadvantaged ethnic groups, in particular the Batwa, how effective the plan of the National Revolutionary Movement for Development had been, and to what extent the cultural dominance of the Bahutu groups was due to the fact

that Kinyarwanda had become the national language. They requested further information with regard to the government policy for the equitable allocation of jobs in the public and private sector as well as in teaching in order to avoid the preponderance of certain ethnic or social groups. They asked whether the Government took into account the special needs of the different groups in allocating jobs, whether funds were available to raise the level of the two disadvantaged ethnic groups, and whether the policy consisted in setting a certain quota for the employment of members of the various ethnic groups. They would welcome information regarding the extent to which the Government had implemented its policy of equilibrium and any difficulties it had encountered. It was also stated that, in view of its relative economic and social backwardness, the Batwa group would seem to require a greater degree of protection by the law than that available under the current policy of equality before the law.

83. In relation to article 3, members requested information on how Rwanda was implementing that article and, in particular, whether Rwanda maintained any trade, military or diplomatic links with South Africa.

84. In relation to article 4, members sought clarification concerning the application of article 281 of the Penal Code, in particular regarding the death penalty measure envisaged for repeated violation of that article. It was also pointed out that article 281 of the Penal Code did not fully cover article 4 of the Convention.

85. As far as the implementation of article 5 was concerned, members wished to know how fundamental freedoms, such as freedom of opinion and expression, could be guaranteed, since the exercise of such freedoms could not take place outside the sole political party. It was asked whether freedom of the press included freedom to discuss the possible merits of a multi-party system and whether the certificate of good conduct required for certain political offices was only issued to those with the proper political opinion. Members would like to be informed as to how the country's three main ethnic groups were represented in its single political party and whether any single ethnic group was dominant in the party. Additional information was requested regarding the National Revolutionary Movement for Development and its philosophy and it was asked whether it included workers' organizations, trade unions, women's and youth organizations. It was also asked how many refugees had been accepted in Rwanda and whether there were any agreements with Burundi to reunite refugees with their families.

86. Information was requested, under article 7, regarding measures to combat prejudice leading to racial discrimination and to promote tolerance and understanding among different national and ethnic groups.

87. Replying to the questions raised by members of the Committee, the representative of Rwanda said that the codification of Rwandese legislative texts had still not been completed. Following independence, the Rwandese Constitution had provided that former colonial laws that were not contrary to the Constitution and had not been replaced by another text should remain in force.

88. With regard to article 2 of the Convention, he stated that there was no need for new legislation in that area. The basic cause of inequality among the three ethnic groups had been eliminated when the monarchy had been abolished in 1961. It was impossible to eradicate deep-rooted prejudices overnight. The Government was doing its utmost to integrate the Batwa. That, however, was not easy, since they

preferred to live according to their own customs and traditions. In accordance with its policy of equilibrium, the Government was trying to ensure that the three ethnic groups were represented on a proportional basis in jobs. The Batwa, however, were not represented in government posts and did not engage in commerce because of their lack of education. In general, the Bahutu and Batutsi were represented in proportion to their numbers. No sector, however, was reserved for any particular ethnic group.

89. The representative of Rwanda informed the Committee that a presidential decree of 1963 prohibited diplomatic, consular and economic relations with South Africa as long as that country persisted in its apartheid policy.

90. With regard to article 4 of the Convention, he said that the death penalty provided for recidivists in article 282 of the Criminal Code was justified by the spirit of articles 281 and 282. The Rwandese Government wanted to prohibit any organization aiming to reinstate the former régime which had caused inequality based on ethnic discrimination. The death sentence was not automatic and since the promulgation of the Criminal Code, no executions had been carried out. It was not necessary to revise article 281.

91. Concerning the nature and objectives of the National Revolutionary Movement for Development, he said that it had been set up in 1975 by the President of the Republic in order to bring together all the peoples of Rwanda. It provided for freedom of expression and civil, political, economic, social and cultural rights to be exercised within the framework of the Movement. The political structure of the Movement was pyramidal. A number of cells comprised a sector, above which, successively, were the commune, the prefecture, the Ministry of the Interior and the presidency of the Republic. Positions at any level of the structure were acquired by election through direct universal suffrage. There was freedom of expression and the government press co-existed with a growing private press.

92. With regard to economic, social and cultural rights, public and private enterprises enjoyed equal rights to produce, import and export. There was an ongoing programme to construct schools and hospitals and, within the limits of the country's resources, a number of centres had been established to combat illiteracy.

93. The National Revolutionary Movement for Development promoted organizations of workers, women and youth. The Constitution prohibited strikes by civil servants and public administration employees. On the question of the requirements for candidates for public office, the representative of Rwanda said that, after obtaining a certificate of good conduct and meeting the other requirements of age, education and residence, a person could run for any public office except the presidency of the Republic.

94. Of the approximately 40,000 people who had been driven out of Uganda in October 1982, only 6,000 to 7,000 were Rwandese. Voluntary free repatriation had taken place under the auspices of the United Nations High Commissioner for Refugees. No Ugandan refugees remained, and refugees recognized as Rwandese had been resettled either with their families or elsewhere in the country.

## Barbados

95. The sixth periodic report of Barbados (CERD/C/106/Add.13) was considered by the Committee at its 753rd and 754th meetings on 5 March 1986 (CERD/C/SR.753 and SR.754).

96. In introducing the report, the representative of Barbados pointed out that his Government took its reporting obligations very seriously, but had difficulty submitting periodic reports to the Committee because of its reporting obligations under other conventions. A number of States parties, particularly developing countries with a limited administrative and technical capacity that were experiencing severe economic hardship, shared his Government's concern in that regard. He also reaffirmed his country's total opposition to the practice of apartheid.

97. Members of the Committee congratulated the representative of Barbados on the report which was in accordance with the Committee's guidelines (CERD/C/70/Rev.1). They took note of the difficulties mentioned by the representative in his introductory statement regarding the fulfilment of reporting obligations and pointed out that the record of Barbados was all the more commendable in view of such difficulties.

98. Members sought clarification regarding the system of racial differentiation used in Barbadian censuses. They would appreciate further information on the different ethnic groups mentioned in annex I of the report, in particular a classification of the various ethnic groups by socio-economic categories.

99. With regard to article 2 of the Convention, it was noted that according to the report, since the Constitution guaranteed equal opportunities to all, no special measures had become necessary to ensure adequate protection and development of any racial group. Economic disadvantage, however, could lead to allegations of discrimination. In that connection, members asked whether any ethnic groups had been marginalized, whether the Government had established any poverty-alleviation programmes or whether it pursued a laissez-faire policy in that regard, how the various different languages were used in Barbadian schools and courts, whether the various ethnic groups participated equally in the labour unions, and whether the rights of immigrants and expatriates were guaranteed.

100. In relation to the implementation of article 3, members commended the Government of Barbados for its stand on apartheid.

101. As to the implementation of article 4, the Committee noted that, in the absence of any organization that promoted or incited racial discrimination, the Government did not see the need for a law to declare such activities an offence. Members pointed out, however, that the provisions of article 4 were preventive in nature and clearly provided that such offences should be declared punishable by law. In that regard, paragraphs 22 to 25 of the report were incompatible with the State party's obligations under article 4. They added that the possibility that organizations might promote or incite racial discrimination could not be ruled out, particularly in a multiracial society such as that of Barbados. They hoped that the Government would take into consideration the mandatory character of that article and reconsider its position.

102. In relation to article 5 of the Convention, information was requested on any programmes aimed at improving access to education, health care and employment. It was also asked whether the right to work was assured, whether there were trade unions, how civil rights were guaranteed, and whether any groups had sought asylum in Barbados or entered the country as a result of persecution in other countries. Clarification was sought as to whether private associations pursued any discriminatory policies.

103. With regard to article 6, further information was requested about the writs of certiorari and mandamus referred to in the report.

104. Additional information was requested in relation to the implementation of article 7; in particular, it was asked whether human rights questions were included in social studies programmes in schools and whether teachers were given any special training on the cultures of the various ethnic groups living in Barbados.

105. Members noted the good race relations situation prevailing in Barbados. Within that context it was asked whether the Government had considered making the declaration provided for under article 14 of the Convention.

106. Replying to questions raised by members of the Committee, the representative of Barbados explained the distinctions among the various ethnic groups in his country. He said that their classification was linked with the history of Barbados and that the groups had been identified more with the type of work that they did than with the concept of "race". However, in view of the comments of the Committee members on those classifications, there was probably a need to review them. The gap between the rich and the poor was being narrowed through a system of progressive taxation and through education, which made it possible for Barbadians of African descent to achieve greater social and economic mobility. The Asian groups, which had immigrated fairly recently, tended to settle in the same areas voluntarily because of their common cultural and religious background. Many of them held posts in the hospitals as doctors. There was no prejudice against those groups.

107. The University of the West Indies, which had campuses in Barbados, Trinidad and Tobago and Jamaica recognized the existence of dialect and tried to preserve the cultural identity of the islands by offering courses in dialect. There were now plays and poetry recitals in dialect. Teachers, particularly at the elementary level, were native Barbadians, who therefore recognized the problems and special circumstances of pupils.

108. With regard to the implementation of article 4 of the Convention, he said that the comments made by the members of the Committee deserved careful consideration by his Government.

109. Turning to questions raised by the Committee concerning article 5 of the Convention, he stated that the civil rights referred to therein were all protected by the Constitution of Barbados. The payment of estate duty had been abolished eight years previously, although a death tax was still in effect.

110. While the rights referred to in article 5 (e) (i) existed in Barbados, the Government did not control the availability of work. The right to form and join trade unions existed, and both major political parties recognized the need to make adequate housing available. Education was free from the elementary to the

university level. Discrimination had gradually been eliminated from the education system. The Government granted no subsidies to racially-segregated schools, and legislation compelled schools to employ nationals as teachers before hiring non-nationals. The Government of Barbados was in the process of establishing a free medical scheme. A national insurance and social security scheme had been in existence for some 20 years.

111. With regard to the provisions contained in article 5 (f), he said that sports and sports associations had played an important role in creating the satisfactory racial climate in Barbados. Although in earlier times each ethnic group and/or class had had its own club, the barriers had broken down and had by now been almost completely removed.

112. The legal system of Barbados, which was based on English common law, supported by statute, provided equal treatment for all ethnic groups. The courts exercised extensive powers of judicial review, such as those invoked by the writs of certiorari, mandamus and habeas corpus. Under a writ of habeas corpus, a magistrate was required to review a case within 24 hours, provided that a prima facie case existed and the applicable legal procedures had been observed. Writs of certiorari and mandamus were returnable in the High Court, where each Tuesday two judges reviewed such cases in chambers. His Government would provide more detailed information on the statutes governing judicial review.

113. With regard to the possibility of his Government making the declaration provided for under article 14, the representative of Barbados said that he would refer to his Government the arguments put forward by members of the Committee.

#### Mali

114. The fifth and sixth periodic reports of Mali (CERD/C/105/Add.7 and CERD/C/130/Add.2) were considered by the Committee at its 754th meeting on 5 March 1986 (CERD/C/SR.754).

115. In introducing the reports, the representative of Mali indicated that an attempt had been made therein to present Mali's overall policy in the framework of the struggle against racial discrimination. In spite of the varied socio-cultural groups in the country, there was no racial discrimination. The prime objective of Malian legislation was to achieve individual equality and national unity; accordingly any instance of racism would be dealt with severely.

116. Members of the Committee praised the Government of Mali for its efforts to prevent and eliminate racial discrimination, its continuing dialogue with the Committee, its stand on apartheid and its lack of relations with South Africa. They pointed out, however, that the next report should follow more systematically the Committee's guidelines (CERD/C/70/Rev.1) and reflect to a greater extent the measures taken by the Government to implement the Convention. The report should also contain more concrete demographic data about the various ethnic groups.

117. With regard to the implementation of article 2 of the Convention, members of the Committee took note of the statement contained in both reports that regionalism should be no more than a sectarian manifestation of racism and ethnocentrism. The reports were highly philosophical and analysed the problems of racial discrimination from a somewhat abstract perspective, making it difficult to assess the situation actually obtaining in the country. The members of the Committee said

that a distinction should be made between such tendencies and the aspirations of the various ethnic groups to maintain their own identities. Regionalism was not necessarily a manifestation of racism. The cultural identities of different groups could not be integrated into a single national identity by force. There was a danger of glossing over the diversity of those groups. The right of each ethnic group to self-expression was an important factor in the consolidation of national unity. Members asked whether article 55 of the Malian Penal Code had ever been applied; it might be useful for the Committee to be provided with examples of regionalism which were liable to punishment under that article. In that connection, clarification was sought on "local banishment" as a punishment under that article of the Penal Code. Members wished to receive information about the policy envisaged by the Government for respecting the rights (economic, social and cultural, as well as civil and political) of the various ethnic groups and how it intended to preserve their rich cultural heritage while promoting the unity and peaceful development of the country. Additional information was requested regarding access to the various levels of education by the ethnic groups, the distribution of wealth among them, and their political influence in ruling circles. Members were also interested to know in what languages children were taught, what the official languages of Mali were, what the literacy rate was and whether there were any programmes to promote primary and adult education.

118. Reference was made to information contained in the reports concerning the frontiers of Mali and the request, already made by Committee members during consideration of a previous report, for details about border agreements with neighbouring countries that would give security to cross-border groups and help deal with the problem of transnational ethnicity was reiterated. Mali's repudiation of apartheid, its lack of relations with South Africa and its non-recognition of "bantustans" were commended.

119. In relation to article 5 of the Convention, members of the Committee were interested to know how the single political party was constituted, how the various ethnic groups were represented in the party, government bodies and other important State institutions at the district, regional and national levels, and how the Development Plan was intended to alleviate the poverty of the more backward groups.

120. It was observed that some questions regarding articles 6 and 7 raised in connection with the fourth periodic report had not been answered.

121. In replying to questions raised and comments made by members of the Committee, the representative of Mali said that the next report of his Government would take into account all the points raised and comments put forward regarding the form and content of the report. It would also attempt to provide information on questions left unanswered. His Government would attempt to provide information regarding major ethnic groups; however, because of the mobility of the population, it would be difficult to provide a demographic breakdown.

122. All legislative provisions regarding racial discrimination and regionalism in Mali dated from the time of the country's independence. If no new legislation on the subject had been adopted since Mali had become a party to the Convention, it was because the Malian authorities believed that existing provisions adequately satisfied the country's obligations under that instrument.

123. Following independence, the Malian authorities had sought to emphasize national unity. At the same time, Mali was proud of its diverse ethnic heritage,

which gave it its cultural richness. Given the mobility of the Malian people, however, it had not been deemed necessary to undertake any special measures to assimilate individual ethnic groups into one national identity. Both the Constitution and the country's single party contributed greatly to the country's national unity. The Constitution recognized that all elements of the population had inherent human rights. The national territory was divided into 7 regions, which were in turn subdivided into 32 subregions, each of which corresponded to an ethnic group within it; but those groups overlapped. In the years 1960-1965, a significant migration of Tuaregs had taken place in the north at the instigation of politically antagonistic forces, but the situation had been reversed because many Tuaregs had since returned to Mali. One problem facing the country was that much of its historical territory currently lay outside its existing borders. The frontiers of Mali were stable and the recent problem with Burkina Faso was one which would soon be solved; it had been referred to the International Court of Justice with the co-operation of the parties involved.

124. No measures had been required to deal with any cultural or linguistic claims by the country's more than 20 ethnic groups because no such claims had ever been put forward. Mali had chosen French as its official language as a result of the cultural influence exerted during the 80-year colonial period. Since independence, Arabic had been introduced and institutions had been set up to perpetuate the Arab culture. In fact, a great many languages were spoken in Mali, many of which were spoken in neighbouring countries as well. Some of those languages were now being used as languages of instruction in schools, particularly in literacy campaigns. The term "banishment" mentioned in the report meant banishment to a zone other than the one from which a person came.

125. With regard to measures taken to implement article 5 of the Convention, the representative of Mali said that all ethnic groups were represented at the national level in the Government and in the National Assembly through democratic elections at all levels. Both white and black ethnic groups were widely represented in the Government. The different ethnic and social groups had no problem in expressing their identity at any level. As to measures taken to deal with the poverty of the most disadvantaged groups, in a country like Mali that was a difficult task. The largest ethnic groups were also the most active, enterprising, hard-working and advantaged, both in Mali and in the neighbouring countries in which they also lived. The least advantaged groups, in the north of the country, were also the least enterprising, and the authorities were trying to get them to abandon their nomadic ways and take up animal husbandry so as to ensure their survival.

#### Malta

126. The seventh periodic report of Malta (CERD/C/117/Adj.6) was considered by the Committee at its 755th meeting on 6 March 1986 (CERD/C/SR.755).

127. In his introductory statement, the representative of Malta informed the Committee that no case of racial discrimination had come before the Constitutional Court. Malta had adopted General Assembly and Security Council resolutions condemning apartheid. On the national front, the Government had mobilized public opinion against racism. The Maltese educational system continually promoted racial equality and instilled a spirit of racial tolerance among students.

128. Members of the Committee congratulated the Government of Malta on its report, which, though succinct, answered questions raised during the Committee's consideration of the previous report, as well as on its policy for, and general attitude towards, eliminating racial discrimination. Reference was made to the lack of demographic information in Malta's reports.

129. In relation to article 3 of the Convention, members requested further information on measures taken by the Government to isolate the South African régime and to bring an end to apartheid.

130. With regard to the implementation of article 4 of the Convention, members of the Committee referred to discussions held at previous sessions between the Committee and representatives of Malta, which indicated that a difference of opinion subsisted. Members did not share Malta's interpretation of article 4. They were of the opinion that the Seditious Propaganda Act complied, to a large extent, with paragraph (a) of article 4, but did not cover paragraphs (b) and (c) of that article. The Maltese Government should review its legislation with a view to complying more fully with article 4. In connection with the Seditious Propaganda Act, several members expressed surprise at the far-reaching scope of some of its aspects, which might favour the suppression of legitimate dissent or differences of opinion. They wished to know how the Act was being implemented and interpreted by the public prosecutors and the courts. Particular reference was made to the inclusion in the definition of "seditious matter" of the promotion of "feelings of ill will and hostility between different classes or races". In this context, one member pointed out that comparable provisions existed in a number of former British colonies. The statutory definition of seditious matter specifically mentioned races and referred to all inhabitants of the country and not only citizens. The Act had been promulgated in 1932 in the context of some anti-British feeling and was designed to combat possible racial strife.

131. As far as article 5 was concerned, members wished to know how the various ethnic groups were represented in Parliament, Government and the civil service and how the educational system took account of the different linguistic groups.

132. Concerning article 7, additional information was requested about measures taken within the Maltese educational system with a view to implementing that article.

133. In replying to questions raised by members of the Committee, the representative of Malta said that he would convey to his Government the comments of members on article 4 and the Seditious Propaganda Act. Only one case involving sedition had actually been tried in Malta. Any kind of material except pornography could be brought into the country for personal use. In the event of a disagreement over interpretation of the Act, an individual could appeal to the courts or to the board of censors. Freedom of the press existed in Malta, and an individual could publish anything he wished at any time. He took note of members' comments regarding the lack of data on ethnic origin in his country's censuses. Concerning education, he said that schooling in Malta was compulsory between the ages of 6 and 16, and that it was free in both government and church schools. With regard to South Africa, he said that there had been no changes in Malta's policy. There were no diplomatic, consular, economic or social ties with that country. His Government abhorred apartheid and the younger generation was being educated about the evils of apartheid. His Government would fully outline its position on apartheid in the next periodic report.

134. Regarding article 7, he stated that Malta's third periodic report (CERD/C/R.88/Add.2 and 8) provided full details about what the authorities were doing in the area of education. Concerning racial harmony, he said that Maltese were marrying Indians as well as persons of other ethnic origins, all of whom were well integrated into Maltese society.

### Tunisia

135. The eighth periodic report of Tunisia (CERD/C/118/Add.27) was considered by the Committee at its 755th and 756th meetings on 6 March 1986 (CERD/C/SR.755 and SR.756).

136. The report was introduced by the representative of Tunisia, who highlighted parts of it and emphasized that all the laws of Tunisia were consistent with article 6 of the Constitution, which provided that all citizens had the same duties and were equal before the law. The population of Tunisia was ethnically homogeneous, but the cultural or religious differences of minority groups were not ignored and did not give rise to discrimination. His country condemned apartheid and racism in southern Africa; it strongly supported the Second Decade to Combat Racism and Racial Discrimination and would continue its efforts to protect vulnerable minority groups as well as the drafting of an international convention to protect the rights of migrant workers.

137. Members of the Committee asked for clarification concerning the procedure whereby international treaties were incorporated into internal law in Tunisia. They wished to know whether the provisions of a duly ratified international treaty could be invoked in a Tunisian court of law or whether it was necessary to have a ruling from a higher judicial body as to whether the relevant internal laws were in accordance with the provisions of the treaty.

138. Information was requested on the Berber population of Tunisia and on the situation of other national groups in the country consisting of refugees or migrant workers. Members of the Committee were interested to know what steps the Tunisian Government had taken to preserve the cultural identity of the Berbers.

139. In relation to the implementation of article 3, the opposition of Tunisia to the policy of apartheid was noted with satisfaction. It was asked whether Tunisia had severed diplomatic relations with the Government of South Africa.

140. With regard to article 4 of the Convention, reference was made to the discussion of the preceding report of Tunisia and to the fact that the Press Code, though quite extensive, did not cover article 4 in its entirety. It was also asked whether the Criminal Code contained provisions relating to cases not covered by the Press Code regarding article 4 (b). Further information was requested on the new, just and equitable information order mentioned in the report. It was pointed out that there seemed to be a contradiction between two passages of the report: in one it was stated that "Tunisian law neither encourages nor prohibits racial discrimination ...", whereas in the other, it was reported that "Tunisian legislation contains a number of provisions designed to punish acts of ... incitement to racial hatred ...".

141. In relation to the implementation of article 5, members of the Committee requested information on the participation of the Berber population and the Jewish community in public and cultural life; they asked whether representatives of the

non-Muslim communities were members of the parliament or held government posts. They also wanted to know what limitations had been imposed on freedom of thought, conscience and opinion as well as freedom of movement of Tunisian workers in neighbouring African countries and whether there were any bilateral agreements to protect their rights. They requested information concerning the procedure of naturalization, the laws protecting the rights of migrant workers with regard to employment, and measures being taken to promote religious tolerance and harmony between the different religious groups. They also asked whether, under Tunisian law, a person with dual nationality was liable to military service in both countries of nationality. Information was also requested on whether Tunisia had granted political asylum to other groups in addition to the Palestine Liberation Organization.

142. With reference to article 6, it was asked whether there were any practical difficulties in implementing the Tunisian laws for the protection of the rights of non-Muslim communities and whether officials violating the rights of those communities would be punished by law. Members also wished to know whether the Tunisian League of Human Rights had dealt with or intervened in any cases of racial discrimination. Further information was requested on the appeals concerning abuse of authority described in the report; it was asked whether such an appeal could lead to an immediate remedy or whether it involved a time-consuming procedure.

143. Satisfaction was expressed at the exemplary manner in which Tunisia implemented the provisions of article 7 of the Convention.

144. A member asked whether the Tunisian Government might be willing to make the optional declaration under article 14.

145. Replying to the questions asked and comments made by members of the Committee, the representative of Tunisia said that duly ratified international treaties took precedence over internal law and must be applied by the courts. The Berbers, the first inhabitants of the country, had intermingled with the many other ethnic groups and it was impossible to know how many Berbers there were in the country. No one could claim to be of pure Berber blood, and hence there was no Berber problem in Tunisia. His country had no relations with South Africa and supported the victims of apartheid. It also advocated independence for Namibia.

146. While the law provided severe penalties for manifestations of racial hatred, he knew of no case that had been brought before the courts. He agreed that the passage of the report referring to Tunisian law and racial discrimination was ambiguous. Tunisia was striving to establish a new, just and equitable information order which was essential for the third world. An example of the biased information broadcast by news media, largely controlled by Western agencies, was their reporting on the Israeli bombing of Tunis in 1985, which they had described as an act of self-defence by Israel, although that country, with its sophisticated military intelligence, had been unable to name a single Palestinian leader among the many persons killed in the raid.

147. With reference to questions raised relating to the implementation of article 5 of the Convention, the representative of Tunisia said that the Koran recognized and protected other religions. There were also specific laws protecting religious rights, including the right to own places of worship. The Criminal Code provided appropriate penalties for interference with religious services and for religiously motivated acts of violence. Religious communities, including the Jewish one,

enjoyed the political rights guaranteed to all citizens. Jews were represented in parliament and in the country's political parties. The number of Jews in Tunisia had declined from some 15,000 to about 5,000. While there was no law prohibiting Jews from remaining in Tunisia, many had left to settle elsewhere, just as some Muslims had gone to France and other countries to work. Their departure could be explained in part by the withdrawal, after Tunisia's independence in 1956, of the special privileges previously enjoyed by French nationals. Also, some Jews who had been engaged in commerce had preferred to leave independent Tunisia when the new Government had embarked on its socialist programme of nationalization and the dismantling of the capitalist system. By virtue of a recent legislative reform, Tunisians who acquired a foreign nationality no longer forfeited their Tunisian nationality, and thousands of Jews had kept their passports and returned to Tunisia on vacation. The question of the performance of military service by Tunisians with dual nationality was currently the subject of bilateral discussions between the Government of Tunisia and other Governments. Aliens enjoyed the protection of the law but also had an obligation to obey the law. They could acquire Tunisian nationality either through marriage or by applying for it. The new immigrant workers resident in Tunisia enjoyed the same constitutional guarantees as Tunisians. Many Tunisians lived and worked in foreign countries. Their right to leave and return to Tunisia was guaranteed by law. Many Tunisian students, for example, attracted by higher remuneration, remained in the countries in which they had studied to work.

148. There was freedom of movement in every part of Tunisia for everyone, including foreigners, provided that their documents were in order. Tunisians had the right to live wherever they chose. Agreements had been signed with several countries concerning Tunisians working abroad. Tunisia had always given every possible support to the African National Congress. Political refugees were admitted into Tunisia, on condition that they did not engage in politics. The extradition of political refugees was prohibited under the Constitution.

149. Turning to questions posed in relation to the implementation of article 6, he said that there had never been a case of racial discrimination brought before the Administrative Tribunal. Any alleged victim of arbitrary detention automatically had the right to counsel and, in a procedure resembling the amparo procedure, could appeal to the examining magistrate for release, which would be granted not on payment of bail, since monetary considerations were irrelevant, but only on the basis of the relative seriousness of the charge. Officials who had made arbitrary arrests faced heavy penalties, ranging from fines to imprisonment.

150. As to his Government's position on article 14 of the Convention, he said that Tunisia was overwhelmed by its many treaty obligations; it was therefore normal that it should be circumspect about any further commitments. He would transmit the Committee's wishes on the matter to his Government.

### Ghana

151. The eighth periodic report of Ghana (CERD/C/118/Add.28) was considered by the Committee at its 757th meeting on 7 March 1986 (CERD/C/SR.757).

152. In introducing his country's report, the representative of Ghana stated that it was mainly a response to questions raised by the Committee during consideration of Ghana's sixth and seventh periodic reports.

153. Members of the Committee appreciated the fact that Ghana had endeavoured to fulfil its reporting obligations despite the exceptional circumstances in the country. They pointed out, however, that the report had not been prepared in accordance with the Committee's guidelines (CERD/C/70/Rev.1). They also stated that it would be useful, in order to assess the situation, to have some information about the various ethnic groups in Ghana. In that connection, the question was posed as to why it was illegal, as stated in the report, for any individual or establishment to collect and disseminate information on the ethnic composition of the population. One member noted that the report did not reflect the fact that, although the Constitution had been suspended, its fundamental human rights provisions were being applied. Further information on the constitutional situation in Ghana was requested.

154. Members of the Committee welcomed the information on the Directive Principles of State Policy; they indicated, however, that the provisions of Law 42 of the Provisional National Defence Council were so general that it was impossible to ascertain whether the provisional political and legal order in Ghana was in keeping with that country's obligation under the Convention in every respect. The reporting State should clarify whether Law 42 had the effect of doing away with fundamental rights altogether. It appeared to be a complete law in itself, containing no references to which articles of the suspended Constitution were in effect. Section 1 (1) of Law 42 did not refer to substantive rights.

155. With respect to Law 42 of the Provisional National Defence Council, additional information was requested on how the goal of achieving social justice was being translated into positive action and what the Government's strategy was for remedying imbalances resulting from earlier social patterns. It was asked whether the Provisional National Defence Council had undertaken any review of provisions, policies, laws and regulations that might be regarded as having given rise to the structure of injustice and exploitation referred to in the report. Clarifications were also sought as to how disparities between ethnic groups were being overcome and whether Ghana was considering the enactment of any special legislation dealing with ethnic discrimination. It was pointed out that it would be interesting to have statistical information on education, illiteracy, income levels and social services. Information was requested regarding the criteria used by the National Commission for Democracy in identifying the real needs of the deprived sectors of the community, the results of the Commission's work and the special plans to ensure the adequate development of such sectors of the community.

156. Information was requested in relation to article 3 of the Convention regarding Ghana's position on apartheid.

157. With reference to the implementation of article 4, members drew attention to the fact that the texts requested by the Committee relevant to the implementation of that article had not yet been provided. It was pointed out that criminal court decisions were not sufficient to constitute compliance with the provisions of article 4 and that the 1957 Avoidance of Discrimination Act showed that the Government of Ghana had at one time made provision for the existence of tribal, regional, racial or religious discrimination.

158. As far as article 6 of the Convention was concerned, members wished to receive information on judicial recourse procedures in Ghana, particularly on how expeditious such procedures were and whether remedies similar to habeas corpus and amparo existed in the country, and on the enforcement bodies that dealt with cases

of alleged discrimination on grounds of ethnic origin. It was asked whether such cases fell within the purview of public tribunals or that of the judicial system. They also wished to know whether any complaints of alleged discrimination on the part of any government authority had been made under the Ombudsman Act of 1980 and what action had been taken and whether any changes had been made in the country's criminal legislation in order to deal with cases of ethnic discrimination.

159. The representative of Ghana stated that the Committee's comments and questions would be conveyed to his Government, which would communicate its reply in due course.

### Finland

160. The eighth periodic report of Finland (CERD/C/132/Add.1) was considered by the Committee at its 757th meeting on 7 March 1986 (CERD/C/SR.757).

161. The report was introduced by the representative of Finland, who highlighted parts of the report dealing with the Sami and Romany populations. He also informed the Committee of the measures contained in the new Joint Programme of Action against South Africa of the Nordic countries as well as of their increased humanitarian assistance to refugees and liberation movements in southern Africa.

162. Members of the Committee welcomed the fact that the Finnish Government continued to carry out its policy designed to guarantee its citizens fundamental rights without discrimination. They said that the dialogue between the Committee and the Finnish Government was an exemplary one. It was also noted that Finland had found an excellent solution to the problem, faced by many countries, of conflicts associated with linguistic differences.

163. With regard to the implementation of article 2, additional information was requested concerning former Sami reindeer herders who had become wage-earners and the social and economic situation of the Samis living in cities; it was also asked whether the Sami Commission had considered the Swedish example of appointing an ombudsman to protect Sami interests.

164. Regarding the estimated Romany population, members observed that there was a wide margin of error in the statistics. Information was requested as to how the Finnish Government intended to integrate Gypsies into the mainstream of society and enable them to share in the high Finnish standard of living.

165. Clarifications were sought as to whether social, cultural and economic rights were fully extended to permanent residents of Finland who were not citizens of that country. Members also wished to receive information regarding measures to prohibit discrimination in the labour market on the basis of ethnic origin, assist migrant workers and members of minority groups in the area of education, and promote acceptance of refugees and counter xenophobia. Information was also requested concerning the ethnic background of Muslim minorities living in Finland as well as their place in Finnish society.

166. As to the implementation of article 3, members of the Committee noted that Finland had significantly reduced its South African imports and welcomed the activities carried out by Finland in conjunction with the other Nordic countries. They requested additional information about the national measures aimed at further restricting economic and other relations with South Africa. They would also

welcome information regarding Finland's diplomatic and military relations with the Government of South Africa. The hope was expressed that the relevant General Assembly and Security Council resolutions would be fully implemented and that Finland would sever all ties with South Africa.

167. In relation to article 7, it was pointed out that the Finnish people were fully aware of the content of human rights instruments and that the media devoted a considerable amount of time to news about the situation in South Africa.

168. It was asked whether Finland was considering making the optional declaration under article 14 of the Convention.

169. Replying to questions raised by members of the Committee, the representative of Finland said that there were several reasons why only approximate figures could be supplied regarding the Romany population. For one thing, while some Gypsies were settled in particular areas, there was still a great deal of movement throughout Finland as well as across the open borders into other Nordic countries.

170. As for the Sami population, reindeer farming continued to be the main source of livelihood, although a degree of economic diversification had taken place in recent years and Samis were now engaged in such fields as tourism. By tradition, the Samis tended to remain in the rural areas of northern Finland and were not generally found in the urban environment. As a result, they did not face problems of social or economic adaptation.

171. The question of refugees was currently a topic of considerable discussion at the governmental level. Finland's policy was perhaps not as liberal as that of some of the other Nordic countries. Nevertheless, the number of refugees admitted to Finland had certainly increased in recent times and refugees were not being turned away. The authorities were giving thought to ways of increasing Finland's participation in relief efforts for refugees, and the trend was towards liberalization of entry requirements.

172. The labour market in Finland was freely accessible and the idea of a common labour market was one of the economic pillars of the Nordic countries. Work permits were required, of course, and, once granted, the rights of the persons concerned were fully guaranteed. The granting of such permits was necessarily subject to economic considerations, but racial factors did not play a role. The text of the statute reproduced in the report regulating work agreements was certainly meant to apply to discrimination on racial grounds in employment matters. There was indeed a small Muslim population, probably no more than a few hundred, living chiefly in the Helsinki area. Specific information about the ethnic background of that population could be supplied in the next periodic report.

173. Turning to questions raised by the members of the Committee in relation to apartheid and the situation in southern Africa, the representative of Finland indicated that more detailed information about the measures put into effect recently would be made available in due course. For the time being, however, he could assure the Committee that the main purpose of such action was to reduce Finland's links with South Africa. Some of the measures, such as those regarding credits, were mandatory in nature, while others were intended to encourage importers to seek alternative sources of supply voluntarily. On the diplomatic level, the Finnish Government continued to maintain low-level representation in Pretoria, where it had one career diplomat serving as chargé d'affaires. No change

in that regard was envisaged in the foreseeable future, but it was felt that such representation in no way helped to support the apartheid régime; rather, it was a practical arrangement for bringing the Finnish Government's views on apartheid directly to the attention of the South African authorities.

#### Cuba

174. The seventh periodic report of Cuba (CERD/C/131/Add.4 and Corr.1) was considered by the Committee at its 759th meeting on 10 March 1986 (CERD/C/SR.759).

175. In introducing the report, the representative of Cuba made reference to relevant parts of the document and stated that her country continued to demonstrate its solidarity with the oppressed peoples living in South Africa, Namibia and Arab territories occupied by Israel, and fully supported the national liberation movements fighting against all manifestations of racial discrimination, zionism and apartheid.

176. The Committee praised Cuba's record in the struggle for the elimination of racial discrimination both domestically and internationally. The report complied with the Committee's guidelines (CERD/C/70/Rev.1) and provided relevant laws and constitutional provisions that were particularly useful. Cuba's success in eradicating illiteracy was particularly impressive. Members asked to be informed of the demographic distribution of the population. They also wished to know how the Cuban Government incorporated international conventions into internal laws and when the Convention had been published in the Gaceta Oficial.

177. With regard to article 2 of the Convention, clarifications were sought regarding the statement "promotion of sections of the population" mentioned in the report. In that context, members requested further information on the special measures the Government had taken to promote the rights of certain sections of the population which had been discriminated against by the old régime.

178. In relation to article 4 of the Convention, clarifications were sought concerning the definition of "anti-social acts" mentioned in the report. It was pointed out that the report showed that Cuba was taking adequate measures to comply with the provisions of that article. Information was requested on the penalties provided in article 349 of the Penal Code to punish individuals guilty of discrimination and it was asked whether there had been any cases in which those penalties had actually been imposed.

179. With reference to article 5 of the Convention, members wished to learn whether migrant or foreign workers were covered by the provisions on social security and health care and whether they could join the single trade-union federation, whether people of darker complexion were being recruited to the ranks of the ruling party, whether dark-skinned people were recruited as teachers in order to enhance equality among all sections of the population, what the Government's policy was regarding the participation of Christian militants in the conduct of public affairs, particularly membership in the Communist Party, whether the right to leave and to return to one's own country was guaranteed or whether there were restrictions on its exercise, and whether the existence of a single trade-union federation in Cuba meant that an ethnic group that wished to form its own trade union would not be permitted to do so.

180. As far as article 6 was concerned, members said that they would appreciate further information regarding effective protection and remedies against any act of racial discrimination and violations of fundamental rights, particularly when such violations were committed by public officials. Members of the Committee noted that an intensified educational campaign was being carried out by the Government to heighten the legal awareness of the population. In that respect and in relation to article 7, it was asked whether specific courses on the concept of human rights were provided for students, police officers and members of the legal profession. It was also pointed out that implementation of that article was particularly satisfactory.

181. The representative was asked whether the Cuban Government might be willing to make the declaration under article 14 recognizing the competence of the Committee to deal with communications from individuals.

182. In replying to questions raised by members of the Committee, the representative of Cuba said that article 4 of the Convention could be invoked by all organs and courts, because once a treaty had been published in the Gaceta Oficial, it acquired the force of domestic law. Article 349 of the Penal Code prohibited and punished discrimination against another person or encouragement or incitement of others to discriminate. In addition, article 128 of the Penal Code made apartheid a serious offence carrying severe penalties.

183. She reiterated that there was no religious discrimination in Cuba. The question as to whether Christians could be members of the Communist Party in Cuba was an internal issue and was currently under study. Some encouraging developments included a recent meeting of Church leaders, who had analysed the Church's dialogue with the Government and the favourable comments made by the Pope's emissary about the relationship between the Church and the Government.

184. Since 1959, Cuba had been striving to eliminate distinctions based on class, sex and race. The latest Party Congress had stressed the need for proportional representation of women and all races within the ranks of the Party and the Central Committee and in economic and social life. The single trade-union federation dated from 1939. Nevertheless, independent trade unions existed in such sections as construction, public services, education and health care. There was no ethnic group that sought to form a trade union of its own. There was no flow of migrant workers and no distinction was made between Cubans and foreign workers with respect to rights and wages. Anyone who wished to leave the country could do so. An individual simply had to submit an application to emigrate and obtain the appropriate documents. Applications were being considered from many individuals who had left in the early years of the revolution and who wished to return. All students, regardless of race or colour, were guaranteed access to Cuban educational establishments.

185. In keeping with article 6 of the Convention, legal remedies were available to any Cuban who considered himself to be the victim of a violation of his human rights, as provided for in articles 26 and 62 of the Constitution and article 154 of the Penal Code. Prison terms and fines were imposed on offenders.

## Peru

186. The seventh periodic report of Peru (CERD/C/117/Add.7) was considered by the Committee at its 760th and 761st meetings on 10 and 11 March 1986 (CERD/C/SR.760-SR.761).

187. In introducing the report, the representative of Peru pointed out that it had been submitted before the change of Government in Peru. The new democratically-elected Government had been concerned with integrating into the life of the country those who, for historical or geographical reasons, had been excluded from the mainstream of development, especially the indigenous people. The Government had decided to give priority to the development of an area of some 260,000 square kilometres in the Andes where the poorest 20 per cent of the Peruvian population lived. In the next five years, the Government would invest 16 per cent of public funds in that area, which contained nearly two thirds of the country's rural population. The new Government had also reorganized the police force, removing those officers involved in acts against the security of citizens and dismissing civilian, police and military officials responsible for violations of human rights. In order to maintain living standards, the new Government had decided to limit external debt servicing, which had been preventing the State from fulfilling its social functions.

188. Members of the Committee commended the Peruvian Government for its efforts to combat discrimination. The report was clear and concise and had been prepared in accordance with the Committee's guidelines (CERD/C/70/Rev.1).

189. In relation to the information on the demographic and ethnic composition of the population requested in the Committee's guidelines, members observed that the report stated that it was not possible to supply information on the racial composition of the country because "the race of an individual cannot be indicated in any official document in Peru". In that connection, they pointed out that article 1 of the Convention referred to discrimination based "on race, colour, descent or national or ethnic origin" and that the Peruvian authorities might be able to provide information according to one of those criteria. They also pointed out that racial discrimination often coincided with economic and social discrimination and that in that context the breakdown of the population according to ethnic composition was useful. In addition, the Government presumably obtained information on the percentage of the population speaking the various languages in Peru in order to ascertain how many teachers were needed to teach the children of the various regions their own regional language. It was also pointed out that the Government must have some means of estimating the numbers and needs of the various ethnic groups in order to implement its policy of employing indigenous people in proportion to their share in the total population.

190. With regard to the implementation of article 2 of the Convention, members wished to know what impact the steps referred to in the report had had on improving the living standards of the indigenous people and what other measures were being taken to achieve the new Government's social aims with regard to such people.

191. As to the implementation of article 3, members asked whether Peru had any economic ties with the Government of South Africa and what had been done by the Peruvian Government to apply further sanctions against South Africa.

192. In relation to article 4, members stated that it was encouraging that since presentation of its first report, Peru had taken into account the Committee's recommendations regarding the implementation of that article. They pointed out that only a few gaps remained to be filled to comply with the provision of article 4. They also noted that two commissions were preparing a new Penal Code and a new Code of Penal Procedure. In that connection, they asked whether the commissions were updating existing legislation or whether they were developing new legislation with a new philosophy of penal justice based on the prohibition of racial discrimination. They also wished to know when those Codes would be in force and what progress had been made in connection with the implementation of article 4. In addition, they wished to know whether the statement in the report that there had been no cases of racial discrimination in the country implied that no instances of discrimination had occurred, or whether it meant that existing legislation did not contain adequate provisions for dealing with such instances.

193. As far as article 5 was concerned, information was requested regarding the difficulties encountered in practice concerning the right of illiterate citizens to vote and it was asked whether the right of indigenous people to stand for election was affected by their culture and level of education and whether they encountered any restrictions in that regard.

194. Replying to questions and observations by members of the Committee, the representative of Peru said that efforts would be made to update the demographic statistics required for evaluating the progress achieved in different areas of social promotion. Legislation to promote handicrafts had raised the income and therefore the standard of living in the rural indigenous population, enabling that community to participate in the Peruvian economy while contributing to the country's cultural and technological development. The most densely populated and most homogeneous rural communities of the south-east, in the so-called "Andean quadrant", were the poorest and most backward. The Government had therefore decided to give that region priority in the area of public investment. The Quechua and Aymara groups were predominant there, making it imperative to increase the number of teachers of those languages. The lack of demographic data was an obstacle to the education programme. The most recent statistics on bilingualism dated from 1975. The educational materials available in local languages for bilingual education did not meet the country's requirements and mass media support for bilingual education was insufficient.

195. Peru saw unequal terms of trade as a symbol of the disparities between rich and poor in the world. Protectionism and the overvalued dollar compounded the problem of external debt. Since orthodox and traditional solutions to that problem were of no avail, Peru had adopted a unilateral decision to earmark only 10 per cent of its export earnings for debt servicing. Peru maintained no relations with South Africa in the areas of politics, diplomacy, transport, sport or culture.

196. A new Penal Code and Code of Penal Procedure had been completed and were undergoing final study by reviewing committees for promulgation in 1986. They were not simply revised versions of earlier ones, but rather reflected modern legal thought. There had been no trials on grounds of racial discrimination because in Peru that kind of offence had never been committed, and there was no specific legislation in that area. Peruvian law did not tolerate discrimination on any grounds and protected individuals who claimed that their human rights had been violated.

197. The high proportion of voters in the 1985 general election in areas where illiteracy was widespread showed that illiterates had not encountered major difficulties in exercising their right to vote. No complaints had been received from either political parties or people's organizations. All members of the indigenous population had been entirely free to elect officials and to stand for election themselves. The Government recognized the need to accelerate the integration of the indigenous population into Peruvian cultural and political life. However, the members of that population group were not subject to discrimination and participated fully in the civilian and military sectors of public administration.

198. Finally, the representative of Peru expressed the hope that his country's declaration under article 14 of the Convention would encourage other countries to intensify and expand their co-operation with the Committee.

### Bulgaria

199. The eighth periodic report of Bulgaria (CERD/C/118/Add.17/Rev.1) was considered by the Committee at its 761st and 762nd meetings on 11 March 1986 (CERD/C/SR.761-CERD/C/SR.762).

200. The report was introduced by the representative of Bulgaria, who stated that, during the past five years, although there had been no changes in the general legal framework within which Bulgaria's anti-discrimination and equal rights policy was implemented, a number of laws containing anti-discrimination provisions had been enacted, including the Family Code. Moreover, a new Labour Code would be adopted shortly. He then referred to the situation of Bulgarian Muslims and the anti-Bulgarian campaign designed to present the real situation in Bulgaria in a false light and to influence the experts of the Committee. In order to understand the current situation, it was essential to take full account of historical factors, starting with events that had taken place in the late fourteenth century. He had in mind, in particular, the Ottoman policy of assimilating the Bulgarian population by means of Turkicization. He stated that Bulgaria had consistently been extremely liberal in allowing Bulgarians with a strong Turkish national identity to migrate to Turkey. The Muslims and the unbelievers with Turkicized names who had remained in Bulgaria had chosen to belong to the Bulgarian people. With a view to avoiding confusion, the Bulgarian Muslims had themselves opted to change their Turkicized names. The marked increase in the resumption of Bulgarian names that had taken place recently was linked to the periodic renewal of identity documents, which had started two years earlier. The name changes had had no effect on religious convictions and sentiment of Bulgarian Muslims. They enjoyed complete freedom. Turkish claims regarding the situation of Bulgarian Muslims constituted inadmissible interference in the internal affairs of Bulgaria. With regard to the situation of Gypsy, Armenian and Jewish ethnic groups in Bulgaria, the information given in previous reports was still valid.

201. Members of the Committee noted that the report complied with the Committee's guidelines (CERD/C/70/Rev.1), contained a wealth of information on the Government's achievements in the economic and social fields and reflected the Government's continued commitment to the struggle against apartheid. It was, therefore, most regrettable that inadequate information was provided with regard to minorities. Disappointment was expressed that much of the important information provided in the original report (CERD/C/118/Add.17) did not appear in the revised version (CERD/C/118/Add.17/Rev.1). Members also observed that the information already

requested earlier by the Committee on Bulgaria's official policy for dealing with ethnic groups had unfortunately not been provided in the report under consideration.

202. Disquieting reports about the possible assimilation of Turkish or Muslim minorities in Bulgaria had caused a great deal of concern throughout the world. Members expressed serious doubts about the explanation given by the representative of Bulgaria regarding the Bulgarization of Muslim names. There was no other example in history of the voluntary changing of personal names after some three generations, during which names had been given in accordance with a cultural practice. That explanation was not scientifically plausible. Such a change of names represented the destruction of personal and cultural identity. Attachment to minority cultural values did not necessarily conflict with national sentiment. The problems of religion and names must be approached with deeper understanding. The fact was that their names were essentially Muslim in origin, often taken from the Koran, or sometimes Christian, and even in other communist countries, Christian or other names were retained. Members wished to be reassured that reports of the closure of mosques in Bulgaria were unfounded and that no restrictions were placed on the observance of Muslim religious rites. The recent reports about human rights violations in Bulgaria had caused great damage to the international reputation of that country. It was in the Government's interest to give a fuller account of events. It was asked whether Bulgaria would allow members of the Committee or other impartial observers to visit the country in order to obtain objective information on the situation.

203. It was difficult to see how Bulgaria was fulfilling its international human rights obligations if, in its reports, it chose to disregard the very existence of national minorities and ethnic groups living on its territory. It was evident from the 1965 census information provided by the Bulgarian Government for the Demographic Yearbook of the United Nations that there had been 759,000 Turks in Bulgaria at the time of the census. Moreover, when the sixth periodic report of Bulgaria had been examined by the Committee, the representative of Bulgaria had indicated that 130,000 Turks had left the country following the 1968 bilateral agreement between Turkey and Bulgaria. That would mean that at least 629,000 Turks remained in Bulgaria. Clarifications were sought as to the reason that had prompted the Bulgarian Government to take action with a view to assimilating the Turkish Muslims. It was noted that the statistics of the 1975 census, showing that 90 per cent of the total population of Bulgaria (8,750,000) consisted of Bulgarians and therefore that some 800,000 were of non-Bulgarian origin, did not appear in the revised version of the eighth periodic report (CERD/C/118/Add.17/Rev.1) submitted by Bulgaria on 7 January 1986. The original report submitted on 15 August 1984, as well as the fifth periodic report, indicated that, though no statistics had been collected in the 1975 census concerning the national origin of Bulgarians, citizens could, if they so wished, declare their national affiliation. Members wished to know whether the change from Turkish-Islamic names to Bulgarian names had any effect on the right of citizens to declare their national affiliation, how such a declaration could be made and to which authority, and how information in that regard was used, particularly since national affiliation had certain effects in the areas of language, religion and other spheres of socio-cultural life. In that context, attention was drawn to the "disappearance" of not only the Turkish but also of the Macedonian minority. A statement in the fifth periodic report indicated that Bulgaria was disregarding the existence of its Macedonian national minority, which was a Slav national minority. It was hard to understand how the reporting State could establish whether or not there were any national minorities or ethnic groups without statistical information based on ethnic origin or similar

indications. It was stated that Bulgaria chose to ignore the existence of real people for lack of political will. Furthermore, the reporting State should provide additional information on any measures it might be contemplating with a view to ensuring that the minorities and groups in question could exercise their rights under article 1 of the Convention. Clarification was sought regarding the term "others" used in the population statistics in the sixth periodic report of Bulgaria (CERD/C/66/Add.28), since it might cover the Macedonian minority.

204. One member, however, pointed out that Bulgaria could not be charged with failing to submit demographic data. Other States parties were also unable to do so because their censuses did not reflect national affiliation. The decline in the number of Muslims could be explained by the fact that more and more people became followers of materialism. Moreover, Bulgarians realized that they lived in a country that guaranteed all its citizens equal rights. The decline in the number of mosques was a natural consequence of that development. While there was a Muslim minority in Bulgaria, there was no ethnic minority. The Convention did not contain any provisions for the protection of religious minorities. Some countries were raising the issue of the Muslim minority in Bulgaria, under a convention to which they themselves had not acceded, in order to further their own political objectives. Others saw the issue as an opportunity to slander a socialist country and even to interfere in its internal affairs. There were no grounds for sending observers to Bulgaria. The Government of Bulgaria had made every effort to ensure that there was full equality for all citizens. Each State party to the Convention used its own methods to resolve national and ethnic problems.

205. Members of the Committee stressed the importance of being provided with demographic information on the ethnic composition of the population living in Bulgaria. That information should contain clarifications regarding the absence of references to Bulgarian citizens belonging to minorities, such as Greeks, Gypsies, Turks or Macedonians. It should include the language that each population group spoke, the level of education of each group, as well as the cultural and social development of the various ethnic groups, and the problems being encountered by the Government in fulfilling its obligations under the Convention. It would be useful to know about the growth or decline of the various ethnic groups in the total population, the number of marriages between members of different ethnic groups, the percentage of minority groups actually attending universities and whether they could publish in their own language. In particular, it was asked whether newspapers were still being published in Armenian and Yiddish and whether the Bulgarian radio service still had a Turkish translation section. In that connection, it was pointed out that there were indications that the periodicals and journals of the ethnic minorities in Bulgaria which had existed earlier were currently prohibited. Information was also requested about the status of the various religions in Bulgaria and clarifications were sought about the statement made by the authorities that Bulgaria was a homogeneous State. Clarifications were also sought regarding the statement that more than 50 per cent of the children of Gypsies in Bulgaria lived in children's homes, particularly in view of the suspicion with which Gypsies in general regarded the State and their attachment to their children. Gypsies were also one of the ethnic groups struggling hardest to preserve their ethnic identity and their own way of life.

206. In relation to Bulgaria's obligations under international law, members wished to know how international treaties were applied in its domestic law, whether the Convention had become law in Bulgaria and whether it could be directly invoked before the courts.

207. As to the implementation of article 4 of the Convention, further information was requested about the interaction between articles 162 and 163 of the Penal Code, which contained provisions governing offenders against national or racial equality, and articles 418 and 419 of the same Code prohibiting manifestations of racial segregation and apartheid. The relevant texts were also requested.

208. With reference to article 6, it was asked whether the existing measures for protection in cases of violation of human rights, mentioned in the report, related only to regular judicial procedures or whether they provided for immediate remedies on appeal.

209. More information was requested with regard to the implementation of article 7, in particular regarding the measures that were being taken to combat prejudice in Bulgaria and to promote tolerance.

210. It was asked whether Bulgaria might consider making the declaration under article 14 of the Convention.

211. One member proposed that a closed meeting be held to consider any suggestions or recommendations on the subject but the proposal was opposed by a number of other members.

212. The Chairman suggested that, in view of the points raised during the discussion of the eighth periodic report of Bulgaria, it might be advisable for the ninth periodic report, which had been due on 5 January 1986, to include replies to the questions raised during the current session and to be submitted as soon as possible.

213. Replying to questions raised and observations made by the members of the Committee, the representative of Bulgaria said that, while he hoped that his country's ninth periodic report would be ultimately submitted, he was doubtful that it could be submitted in the near future, since Bulgaria was about to hold its Thirteenth Congress of the Communist Party as well as national elections.

214. He would not be able to answer all the many questions raised, but wished to assure the Committee that all questions would be transmitted to the Bulgarian Government and would be given thorough consideration in the next periodic report.

215. The report contained no demographic data simply because exact figures did not exist. Like many other States parties, Bulgaria did not seek to identify citizens by ethnic affiliation in national censuses. Moreover, the principle of full equality of all citizens made the collection of such data unnecessary. Nevertheless, the Bulgarian Government would try to provide approximate figures for the various ethnic groups in the country.

216. Jews, Armenians and Gypsies constituted the three main ethnic minorities in Bulgaria. More specific information about those groups would be provided in subsequent reports. The Jewish population in Bulgaria had decreased from more than 50,000 before the Second World War to only a few thousand at present. During the period 1945-1955, most Bulgarian Jews had emigrated to Israel. Those who had chosen to remain in Bulgaria were active in all fields of national life and frequently enjoyed an enviable social position. Their relations with relatives in Israel were excellent, and each year many of them travelled between Bulgaria and Israel without any problem. Jews in Bulgaria experienced no problems of language.

The Yiddish school which had existed in the country prior to the Second World War was no longer there; however, Jews did have their own cultural and educational organizations.

217. The Armenian minority had existed in Bulgaria since the tenth century, with significant waves of immigration occurring in the fifteenth century and following the Turkish massacres at the end of the nineteenth century and in 1915. The Armenians had been fully integrated into Bulgarian society, although they published their own newspaper and had their own cultural organizations. The separate schools for Armenians which had existed immediately after the Second World War had evolved into classes taught in Armenian and, ultimately, into optional classes in the Armenian language. Some 400 to 500 Armenian children were enrolled in Armenian language classes in Sofia, Plovdiv, Varna and other cities.

218. The problem of Gypsies was not an easy one to solve. Still, Bulgaria had done much to improve the lot of the Gypsy minority since 1944. Previously nomadic, the Gypsies in Bulgaria were now provided with decent housing. They also had their own newspaper, published in the Bulgarian language. The children's homes were in fact kindergartens which provided young children - ethnic Bulgarians as well as Gypsies - with a wide range of opportunities, and it would be ridiculous to say that Gypsy children were forced to attend those institutions, when in fact their parents were eager for them to do so.

219. With regard to the Muslim population of Bulgaria, the representative reiterated that an understanding of that problem required a basic grasp of Bulgarian history. Prior to the period of Ottoman domination, there had been no Muslims or Turks in Bulgaria. Even after the country's liberation from Ottoman rule in 1878, most Muslims in Bulgaria were not Turks but Bulgarians who had converted to Islam. The last period of mass emigration from Bulgaria to Turkey had occurred between 1968 and 1978, and its purpose had been the reunification of families separated by earlier migrations. Needless to say, Muslims who remained in Bulgaria had done so voluntarily, considering themselves Bulgarian.

220. In changing all personal and place names of Turkish origin back to Bulgarian names, the Bulgarian people had given voice to its desire to sever the last remaining link with Turkish domination. The name-changing process had been facilitated by a change in the format of the identity documents held by all Bulgarian citizens.

221. Information had been requested about a non-existent minority, the Macedonians. The argument was often advanced on the basis of two censuses taken shortly after the Second World War, that Macedonians constituted an ethnic minority living in Bulgaria. However, that argument failed to take into consideration the very special situation of Bulgaria during the post-war period; moreover, proponents of that argument failed to consider any prior and subsequent census data for Bulgaria. In fact, according to numerous surveys, the population of the Macedonian region was considered Bulgarian. Bulgaria's efforts to achieve homogeneity were directed primarily at the social and not the ethnic sphere, since the unification of different social strata did much to foster national unity.

222. The situation with regard to the study of languages other than Bulgarian had changed greatly in recent years. Until the 1960s, Turkish had been widely studied, even though it was not a compulsory subject. At present, there were no Turkish

classes or schools in the country, although an individual who desired it was entitled to instruction in that language under the Constitution.

223. In the area of religion, it should be noted that Muslim Bulgarians who had changed their Turkish names to Bulgarian names had remained faithful to Islam. Allegations that pilgrimages to Mecca had been forbidden and that mosques had been closed in Bulgaria were untrue. New mosques and churches were built only when there was a need; however, the State did much to restore and preserve all Islamic religious and cultural monuments in the country.

224. Concerning the situation of the Muslims in Bulgaria, the representative said that the confusion between Turkish Bulgarians and Bulgarians of Turkish origin, which persisted for historical reasons, had led to the current government policy of strengthening the identity of the Bulgarian Muslims, but not to any policy of assimilating Turks.

225. As for the country's implementation of article 7, the entire Bulgarian educational system was based on an ideology that held that all prejudice must be overcome, not only in the field of education but in all areas of society.

226. Bulgaria would always be very hospitable to visiting experts from the Committee as guests, but under no circumstances would the Bulgarian Government agree to a commission of inquiry.

#### Senegal

227. The fifth, sixth and seventh periodic reports of Senegal, submitted in one document (CERD/C/131/Add.5), were considered by the Committee at its 763rd meeting on 12 March 1986 (CERD/C/SR.763).

228. The report was introduced by the representative of Senegal, who referred to that country's Constitution, in particular article 4, under which any act of racial, ethnic or religious discrimination was punishable by law. He highlighted relevant parts of the document and mentioned the Institute for Human Rights and Peace, set up in 1983 to train citizens in human rights.

229. Members of the Committee expressed their satisfaction that the Senegalese Government had resumed its dialogue with the Committee after a lapse of several years. They commended Senegal for its efforts to establish a democratic State based on the rule of law. They also pointed out that Senegal was a tolerant country that promoted human rights. The report adhered to the Committee's guidelines (CERD/C/70/Rev.1), but was confined to constitutional measures and gave inadequate coverage to the legislative, administrative, judicial and promotional measures for the implementation of the constitutional principles and the formation of a policy in the context of the country's ethnic diversity, particularly in relation to the relevant articles of the Convention.

230. Members of the Committee requested further information on the ethnic composition of the population and the location and economic development of each group. It was asked whether the diversity of dialects ever created conflicts. In that respect, it was pointed out that all the ethnic groups spoke Wolof and that Senegalese society was basically homogeneous.

231. With regard to the implementation of article 2, information was requested on the way in which minority group cultures and life-styles were being protected and the measures adopted as part of the regional development plan to give the relatively backward groups economic and political opportunities. Further information was also sought about institutional arrangements dealing with pluralism and integrationist approaches and how they were balanced. In view of the prohibition of regionalism, clarifications were requested as to how the Government dealt with regional economic diversity.

232. Members expressed appreciation for Senegal's implementation of article 3 of the Convention and for its policy towards apartheid.

233. As to the implementation of article 4, it was pointed out that, despite provisions in the Senegalese Constitution and Criminal Code, the country's legislation still did not fully meet the requirements of that article. Members were interested to know whether any legislation had been enacted formally prohibiting the existence of racist organizations and whether the constitutional provision stating that "groups whose purpose or activity is contrary to the criminal laws or at variance with public order shall be prohibited" could afford a basis for prosecution without a specific law providing for punishment. They also requested additional information regarding Act No. 65-40 and Act No. 79-02 concerning seditious or illegal associations, as well as clarification about the meaning of the term "public order". They noted that, although article 283 bis of the Criminal Code defined racial, ethnic and religious discrimination, the report stated that in Senegal there was no discrimination as so defined. In that connection, they asked whether any case of such discrimination had ever been brought before the courts or come to the attention of the authorities. It was also asked whether there were any cases of discrimination that had not gone to court because law enforcement officers had failed to take action.

234. In relation to article 5, members would like to be provided with a breakdown of the refugee population by country of origin and to know how the Government dealt with their needs. They also requested additional information concerning: the policy towards immigrants and foreign workers; the economic measures taken for Senegal's overall development with regard to the right to work, housing, public health, medical care, social security and social services and education and training, including Government supervision of private schools; unemployment and literacy rates; the type of assistance provided to economically deprived dependants and the way in which legal equality was established. Clarification was sought as to whether those persons who could not be included in electoral registers were deprived of their right to vote forever.

235. With regard to article 7, it was pointed out that Senegal's record was commendable. Information was requested regarding the role of the press in influencing public opinion, particularly with regard to apartheid.

236. Responding to questions asked by Committee members, the representative of Senegal said that ethnic differences in Senegal were blurred by the fact that the various ethnic groups belonged to two or three major religions.

237. Concerning regional development, he said that at present, under the guidance of regional administrators, certain communities were encouraged to take their own decisions on essential matters relating to the requirements of the local population and to establish their own budget. The idea was that such communities would

eventually be able to operate on the basis of self-management. Regionalism was punishable if it promoted discriminatory practices.

238. The official language of Senegal was French. Although the Wolof language was spoken or understood by most Senegalese, there had been no attempt to impose any one national language throughout the country. On the contrary, Senegal's policy was to encourage the various ethnic tongues, which were widely taught in primary schools in order to enable Senegalese to become literate and to pursue their education on the basis of the language they knew best.

239. Further information on the relevant laws regarding the implementation of article 4 of the Convention could be provided in the next periodic report. As far as he was aware, no cases involving racial discrimination had been brought before the courts. Similarly, no instances of punishment for discrimination on racial grounds could be cited.

240. All arrested persons were considered equal before the law and were automatically provided with the services of a competent, experienced lawyer. After trial, the defendant was asked to pay a token sum for legal aid. Public order could be defined as the minimum conditions necessary to guarantee basic rights.

241. Supervision of private schools was both administrative and financial, since the State bore part of the burden for the operation of those schools as well as responsibility for the recruitment of suitably qualified teachers.

242. With regard to the Electoral Code, under which certain categories of persons could be excluded from electoral registers, he said that such sanctions were definitive in some cases, but they could also be temporary in character. The rationale behind such sanctions was that a criminal offender could not be regarded as socially responsible, or indeed suitable for elective office. As far as legally incapacitated persons were concerned, it was felt that a legal provision was needed to protect the interests of such categories of people as the senile or the mentally ill.

243. Senegal had established a Commission made up of high-ranking judges of the Supreme Court and representatives of the principal departments concerned, including the Ministry of Foreign Affairs. Its function was to determine refugee status and make recommendations to the President of the Republic, who had the final decision on refugee matters. The Commission worked in close co-operation with the Office of the United Nations High Commissioner for Refugees, whose representative could attend the Commission's meetings as an observer and could be heard on each case.

244. With regard to the rights of migrant workers, Senegal had signed a number of co-operation agreements with friendly countries, the nationals of which had settled temporarily on its territory. Apart from the provisions of those agreements, other basic measures of protection were envisaged for migrant workers in keeping with Senegal's obligations under the various international human rights instruments to which it was a party.

245. The mass media in Senegal sought to provide clear, full and objective treatment of events in South Africa. There were weekly radio broadcasts on developments relating to apartheid and extensive coverage was also given by the press. No restrictions were placed on the scope and content of such reporting, the

aim of which was to inform national public opinion and enhance its awareness of action being taken against apartheid at the international level.

#### Denmark

246. The seventh periodic report of Denmark (CERD/C/131/Add.6) was considered by the Committee at its 763rd to 765th meetings on 12 and 13 March 1986 (CERD/C/SR.763-SR.765).

247. In introducing the report, the representative of Denmark drew the attention of the Committee to his Government's adoption of a series of restrictive measures against South Africa and its participation in the international endeavours in the Security Council, the General Assembly, the Nordic Group of States and the European Economic Community (EEC). He also indicated that the number of so-called "spontaneous asylum seekers" - i.e., refugees who entered Denmark on their own initiative and not under the auspices of the United Nations High Commissioner for Refugees - had increased from 332 in 1983 to 4,312 in 1984. In September 1985, Denmark had adopted a comprehensive programme to ensure proper treatment of those refugees and their integration into Danish society.

248. Members of the Committee commended Denmark for its excellent record in implementing human rights internally and in aiding victims of racial discrimination abroad and for having made the declaration under article 14 of the Convention recognizing the competence of the Committee to deal with individual communications. They also praised the humanitarian assistance provided by the Danish Government to refugees. The Danish report complied fully with the Committee's guidelines (CERD/C/70/Rev.1). It was pointed out that, although Denmark did not collect information on the ethnic origin of individuals, the report showed that there were minorities or ethnic groups living in the country.

249. With reference to immigrants, it was observed that the Aliens Act distinguished between three categories and it was asked whether the purpose of that distinction was differential treatment of the three groups and whether any steps were taken to ensure that there was no discrimination against any of those groups. Clarification was sought concerning the ban restricting the entry and employment of aliens, in particular it was asked whether there was any corresponding legislation for the protection of aliens, what exceptions were made to the ban, and under what circumstances aliens could be expelled within a period of three months. Information was requested regarding the criteria for issuing work permits. Clarification of the requirements for becoming a Danish citizen was also requested. Members wished to know what type of education was provided to the children of immigrants. They also requested a breakdown of the national origin of refugees entering Denmark.

250. Members of the Committee inquired about the constitutional relationship between Denmark and Greenland. They expressed the hope that replies would be forthcoming to questions asked during the Committee's consideration of Denmark's previous report concerning the situation of Eskimos in Greenland, their economic situation and their representation in higher education posts and the civil service.

251. With regard to article 3 of the Convention, members of the Committee commended the Danish Government for its outstanding record of opposition to apartheid and for the measures it had taken, both alone and in association with other countries, in relation to the racist régime in South Africa. They also emphasized the

humanitarian assistance provided by Denmark to victims of apartheid, liberation movements and the front-line States. It was pointed out, however, that Denmark still had extensive relations with South Africa and it was asked what Denmark's position on armed struggle was when the need for such struggle was being imposed upon the population. Members requested further information regarding the decisions taken in Denmark to apply sanctions against South Africa. They also asked about the volume of Danish capital investment in South Africa and of trade relations between the two countries, whether any Danish companies had been penalized for their relations with South Africa, particularly for violations of the arms embargo, and whether the Committee could assume that Denmark no longer had any diplomatic relations with South Africa. It was also asked what steps Denmark had taken to encourage other members of EEC which still had extensive relations with South Africa to take effective measures against the apartheid régime, what had resulted from the negotiations with Nordic enterprises with a view to restricting their production in South Africa and whether Danish ships had stopped transporting oil to South Africa.

252. As far as the implementation of articles 4 and 6 of the Convention was concerned, members welcomed the inclusion in the report of information concerning two court cases involving racial discrimination. In connection with one of those cases, clarification was sought as to which authorities were responsible for serving the writ that had not been served in time. Members expressed surprise, however, that only two court cases involving racial discrimination had been reported, particularly in view of the present tide of xenophobia affecting the industrialized countries of Europe primarily as a result of increased unemployment. They inquired as to whether there had been any court cases regarding discrimination with respect to employment practices and whether there was any provision prohibiting discrimination in employment. They wished to know whether the reduced incidence of racial discrimination in Denmark at a time of rising xenophobia was due to the fact that immigrants, particularly newcomers, were poorly informed about the possibilities that existed for seeking redress, or that the preventive measures taken by the Government were successful, or that the problem was not adequately monitored. They also asked whether effective remedies were available to individuals who felt that their basic human rights had been violated and whether those remedies provided for prompt redress.

253. Regarding article 5, it was asked whether work was recognized as a right in Denmark and additional information was requested concerning the possibility of extending pension benefits to refugees.

254. The positive measures taken by Denmark to implement article 7 were emphasized and it was asked whether the Government was envisaging any intensification of its efforts in that area.

255. Responding to questions raised and comments made by Committee members, the representative of Denmark said that foreigners in Denmark were registered according to nationality and not ethnic group. The three categories mentioned in the report reflected Denmark's treaty obligations, and were applied in determining the legal status of foreigners entering Denmark.

256. Resident foreigners had the right both to vote and to stand for local elections; three foreigners had recently been elected to local councils. There was no discrimination against foreigners seeking Danish citizenship and residence. Citizenship requirements applied to all foreigners regardless of national origin.

They included a minimum of seven years' residence, knowledge of Danish, and parliamentary approval upon application. Expulsion of foreigners was extremely rare, and the guidelines for doing so were quite strict. Immigrants could be expelled for reasons of national security if they had repeatedly committed serious crimes, if they had been sentenced to six years in prison, or if they had entered the country illegally. Immigrants enjoyed the full protection of Danish law.

257. Children of refugees and immigrants in Denmark were given free education in Danish schools. The Government did not make special provision for the teaching of those children in their own native languages, but State-subsidized courses were available to them at minimal cost. Consulates representing the countries of origin of refugees did not operate special schools, chiefly because the individual national groups concerned were rather small. Institutes of education were open to immigrants and refugees on an equal basis with Danes, and access to higher education in general was based on ability and not economic means.

258. The latest statistics for 1985 showed that the number of refugees who had entered Denmark on their own initiative, rather than under the auspices of the Office of the United Nations High Commissioner for Refugees, had reached some 8,000 by August, almost double the figure for the whole of 1984. Those refugees represented 35 nationalities, the main ones being Lebanese, Iranians, stateless Palestinians, Poles and Turks. In earlier years, many refugees had come from Chile and Hungary, and there was now also a large group of Vietnamese refugees who had arrived through the Rescue at Sea Resettlement Offers (RASRO) scheme. No preferential treatment was given to any one group of refugees. All cases were decided on the basis of need, not of country of origin.

259. With regard to Greenland, it could be said that socio-economic conditions and educational levels were roughly the same as those in the rest of the Danish realm, and illiteracy there was unknown. No exact figures for the Eskimo population were available since Danish citizens were not registered according to ethnic origin. Only rough estimates could be made, on the basis of the regular population censuses. Greenlanders had been appointed as Supreme Court justices. By virtue of the 1953 Constitution, Greenland was as much a part of Denmark as Copenhagen. Since 1979, however, it had enjoyed home rule and exercised powers in respect of State affairs with the exception, inter alia, of constitutional and criminal law, foreign relations and national defence.

260. Only three Danish firms were currently doing business in South Africa. Three court cases were on record, which Denmark deeply regretted. The first two cases dealt with arms shipments to South Africa on Danish ships that had been leased to other countries. No arms had been shipped from Danish ports. In the first case, the Supreme Court had imposed a sentence of unconditional incarceration because it had deemed that the lower court's decision had been too mild. The penalty had then been extended to four years, and had been imposed in absentia in the second case. The third case was still pending.

261. Denmark had never had diplomatic relations with South Africa at the ambassadorial level. Since the closing of its consulate-general in Johannesburg in 1985, there had been no Danish representation in South Africa. South Africa had a consulate-general in Copenhagen. Danish activities with South Africa could not be characterized as "relations".

262. Since 1980, no oil had been carried to South Africa aboard Danish ships. No Danish-produced oil had been exported to South Africa. Coal imports, which accounted for roughly 90 per cent of Danish imports from South Africa, were expected to be completely halted by spring, by virtue of a government bill providing for an end to import-export trade with South Africa at the earliest possible date. Figures showed that the volume of trade with South Africa over the past few years was static. Total 1981 imports amounted to 1.25 billion Danish kroner, while the 1985 total was 1 billion Danish kroner.

263. The Danish Ministry of Industry was studying the extent of Danish investment in South Africa; research had not yet been concluded and more information would be provided in the next report. Most Danish companies had disinvested as a result of the Joint Programme of Action against South Africa.

264. Denmark provided humanitarian aid to oppressed South Africans, but did not support armed conflicts. To do so would contravene the Charter of the United Nations. Within the Nordic community, the European Economic Community and the United Nations, Denmark strove to convince others to adopt its policy.

265. As to legal remedies against acts of racial discrimination, all persons had the full protection of the law and the opportunity to report such incidents to the police and to initiate legal proceedings in the courts. Such proceedings were dealt with expeditiously. With respect to the cases mentioned in the report, the lawyer for the petitioner had been responsible for not serving the writ on time. Since the case against the first person had been dismissed, and it had not been clearly established that the second person had made a defamatory statement independently of the first, the second person had been found not guilty. Another case pending concerned a television journalist who had interviewed youths making defamatory racial statements. The youths and interviewer had been prosecuted, as well as the new programme's supervisory officer.

266. There were probably so few recorded cases of racial discrimination in Denmark because strong nationalism had never been a prevailing force, and the Danes were a pragmatic people who did not openly discriminate. Racist organizations were illegal by virtue of the law and the Constitution. There were no racist organizations to the knowledge of State authorities. Denmark fully complied with article 4 of the Convention.

267. The right to work, as laid down in article 5 of the Convention, was indeed recognized in Denmark. Under the new Social Pensions Act, which had entered into force on 1 October 1984, pensions were paid to non-Danish citizens who had been permanently resident in Denmark for at least 10 years between the ages of 15 and 67. Of those 10 years, at least 5 had to be within the period immediately preceding the award of the pension.

### Sri Lanka

268. The second periodic report of Sri Lanka (CERD/C/126/Add.2) was considered by the Committee at its 764th and 765th meetings on 12 and 13 March 1986 (CERD/C/SR.764-SR.765).

269. Introducing his country's report, the representative of Sri Lanka said that, with a view to achieving a political settlement of the Tamil question, a draft "terms of accords and understanding" had been finalized by his Government and India on 30 August 1985. In addition, a cease-fire had been established between the Government of Sri Lanka and certain sections of the terrorist groups operating in the country, but it had been sabotaged by continued violations on the part of the terrorists. The number of displaced persons resulting from the most recent terrorist violence had reached 150,000. He indicated that 93,000 persons of recent Indian origin and their children had been given Sri Lankan citizenship by an Act of Parliament of 30 January 1986. Sri Lanka's problem was that a very small minority urged separation of the country into two racially homogeneous States. Terrorism had prevented a solution of the problem and no meaningful steps towards a political dialogue could be taken until most members of the minority community could exercise their free will unhindered by terrorist action.

270. Members of the Committee appreciated the prompt submission of Sri Lanka's second periodic report in spite of the difficult situation, as well as the statement of the representative of the reporting State providing updated information on important political developments since submission of the report. They pointed out, however, that the report did not conform to the Committee's guidelines (CERD/C/70/Rev.1) and that the situation prevailing in the country required that its report, in depicting the current ethnic crisis, reflect on the past and look forward to the future.

271. They noted that the report suggested that there was alarming internal violence between the minority Tamil community and the Sinhalese and that escalating violence had undermined security to the point where there were currently 150,000 displaced persons, almost all of whose rights had been violated. They indicated that they would welcome information on the causes of the violence and the reasons for the separatist trend and asked what social and economic differences existed between the two groups concerned. There was a marked tendency in the report to characterize the Tamil community as the only guilty party in the current situation. The central problem seemed to be not just the violence of certain groups of the Tamil community, but the fact that the Government was not addressing the underlying causes. Explanations were requested regarding the three rather different elements which were amalgamated in the report, namely terrorist violence, communal disturbance and the minority Tamil community. Those three categories should be clearly distinguished and terrorism should be considered quite separately.

272. It was pointed out that ethnic polarization was at the root of the tragedy that had been unfolding in Sri Lanka since 1958. Combating polarization in Sri Lanka required political responsibility and the maintenance of law and order. The army, in its determination to impose order, should not commit atrocities. It was asked whether the police in Sri Lanka were underpaid, undertrained and understrength as that would obviously have a considerable bearing on the situation. The adoption of a policy aiming at a military solution would lead to a suspension of civilian government and the loss of the independence of the judiciary. The Government bore political responsibility for the strong anti-Tamil sentiment in southern Sri Lanka, where very few Tamils lived.

273. It was indicated that the violence in Sri Lanka had escalated alarmingly and that excesses had been committed by the Tamil elements and by the government security forces. There was an element of religious antagonism in addition to ethnic antagonism. Information was sought on the fate of the committee set up to

monitor the cease-fire agreed by the All-Party Conference and the Government through the good offices of the Government of India. Clarifications were sought about additional measures being taken to restore Tamil confidence in the credibility of the cease-fire committee, which seemed to have been eroded after the resignation of two of its Tamil members.

274. It was also observed that the Government should not counter violence with violence and that it was the duty of any State to combat violence without suspending constitutional guarantees.

275. Members expressed concern about the civilian population who were caught in the middle of the conflict. They requested information on the protection that was accorded to civilian populations in the security zones as well as to those Tamils who were forced to flee and on the impact of military actions on the non-combatant Tamil population.

276. Members of the Committee welcomed the references in the report and in the representative's introduction to the search for a political solution and the determination of the Government to follow a peaceful path. The efforts of the President of Sri Lanka and the co-operation extended by the Prime Minister of India were encouraging and it was hoped that they would bear fruit.

277. With reference to the implementation of articles 2 and 5 of the Convention, it was pointed out that compliance with those two articles was not a matter of terrorism requiring a military solution, but a matter arising from an increasing sense of frustration among the Tamil population and from legitimate social, economic and political grievances, particularly in such areas as denial of equal status for their language, the problem of land settlement, education, employment and a growing sense of insecurity. Many of the rights provided for in those articles of the Convention were in jeopardy and it was important to adopt measures to safeguard them. It was pointed out that the relevant extracts of the provisions of the Constitution concerning fundamental rights, requested during the consideration of Sri Lanka's initial report, had not been received.

278. Members requested additional information regarding the extent of devolution of power at local government level that might have been proposed or discussed in the recent negotiations with Tamil community leaders. It was asked why successive Governments had had difficulties in implementing the Bandaranaike-Chelvanayakam Pact of 1957. Further information was also requested concerning the declared policies of the Government as well as of the non-government opposition parties regarding the maintenance of the unitary multicomunal, multireligious status of Sri Lanka.

279. Additional information was requested about the national policy on land settlement and the basis on which the Government intended to undertake land colonization, as well as on the opening up of previously unsettled rural lands through the establishment of new irrigation projects; it was asked whether such lands included parts of the Northern and Eastern Provinces.

280. It was pointed out that the policy of the Government on admissions to universities did not reflect the ethnic composition of the population. Tamil students pursuing university studies in various branches of science had significantly decreased since 1970. Tamil-speaking Sri Lankans had contributed greatly to the country's development. However, the inflexible approach of the

Government had signalled to qualified Tamil youths that they could not look forward to equal competition with other citizens in their country, and that had reinforced the separatist tendency within the Tamil community. The latest admission policy of the University Grants Commission was that 5 per cent of the available places in each course of study would be allocated to five administrative districts. Since the proportion of Tamils and Sinhalese varied in each of those districts, the basis for that figure needed clarification.

281. Members of the Committee requested additional information on the relationship between Buddhism, the Hindu caste system and the Sinhalese community. They also wished to know whether the class and caste system concerned both the Sinhalese and the Tamil populations. Since it was stated that there was no evidence to indicate that the Sinhalese and the Tamil sects had kept their ethnic identities distinct, it was difficult to understand the real differences between them around which the whole issue appeared to revolve.

282. It was asked how many of the displaced persons accommodated at welfare centres after the 1983 communal disturbances had been able to return to their homes and whether the Government was committed in principle to creating the conditions required for the displaced persons, including refugees in India, to return to their homes. Questions were also asked about the Government's policy towards the estimated 50,000 Tamils who had been driven out of the Trincomalee and Batticaloa areas in the Eastern Province, since the exodus was likely to change the demographic character of that Province. Information would also be welcomed about the impact of the security zones in the Northern Province.

283. Members wished to know what the prospects were of lifting the sixth amendment to the Constitution, so as to enable moderate members of the Tamil United Liberation Front to participate in Parliament and work towards a political solution to the ethnic crisis. They also asked what was being done to guarantee the right to vote to the entire Tamil population, which was currently only available to 20 to 25 per cent of them in some areas, whether the Government intended to increase the percentage of Tamils entering the administration, which had decreased to approximately 6 per cent, what additional measures were being taken to restore harmony among the people of Sri Lanka, and what special measures the Government was adopting to safeguard the cultural identity of the Tamil community, in which language played a crucial role.

284. In relation to article 3 of the Convention, members of the Committee were interested to learn whether the Government still maintained its policy of having no relations with South Africa and wished to receive information about recent developments in Sri Lanka's anti-apartheid struggle. They asked whether it would be possible to control trading between Sri Lankan individuals and South Africa through import-export legislation. It was asked why the Government could not prohibit individuals from exporting tea to South Africa, when the Government had on a previous occasion imposed deterrent punishment on a private group of Sri Lanka cricketers for touring in South Africa. In view of Sri Lanka's excellent record in its endeavours to isolate South Africa, members of the Committee asked the representative of the reporting State to transmit their apprehensions to his Government with a view to encouraging it to find ways and means to stop even limited relationships with the South African régime.

285. It was pointed out that nothing was to be found in the report concerning measures called for in article 4.

286. With regard to article 6, clarifications were sought on the manner in which effective protection and remedies, as well as appeal procedures were implemented in cases of racial discrimination. Further information was also requested about the decision of the Sri Lankan Supreme Court in relation to the Job Bank Scheme mentioned in the report.

287. It was pointed out that implementation of article 7 of the Convention was of special significance in Sri Lanka. Additional information was requested regarding measures that were being taken to improve intercommunity relations through education, culture and information, with a view to achieving a fair and workable solution to the ethnic problem within the framework of a united Sri Lanka.

288. The Committee expressed the wish that the people and the Government of Sri Lanka would overcome their difficulties in a manner satisfactory to all concerned. A political solution must be sought in the framework of the country's territorial integrity and unity. The Committee hoped that peace and order would be restored and efforts to partition the country abandoned. They also hoped that the Government would achieve equality for all and that it would guarantee to everyone the rights laid down in the Convention irrespective of origin or religion.

289. In replying to questions raised and observations made by the members of the Committee, the representative of the reporting State said that, in its second periodic report, the Sri Lankan Government had focused on the country's current problems, which were directly related to the implementation of the Convention. He was sure, however, that his Government would comply with the Committee's guidelines in the preparation of the third periodic report. He added that the reasons why certain members of the Tamil minority community had resorted to violence, the historical background of that situation and the steps that the Government had taken or proposed to take with a view to achieving a political solution would be dealt with in a detailed report at a later stage.

290. The troubles in Sri Lanka were being caused by a small group of terrorists who were seeking to establish a mono-ethnic entity based on racism on a portion of the island. The terrorists had stated that their demands were non-negotiable. Polarization was indeed the crux of the current problem, but polarization was the goal, not of the Sri Lankan Government, but of certain groups within the country, which claimed that certain parts of the national territory were theirs alone. It was a mistake to state that the report implied that the Tamil community was to blame for the current problems in Sri Lanka. Only a small number of Tamils were involved. The Government and moderate groups within the country had sought to enter into negotiations, but were prevented from doing so by extremist groups. The only issue on which the Government was not prepared to negotiate was that of the territorial integrity of Sri Lanka.

291. The representative of Sri Lanka stated that the security forces took every precaution to avoid civilian casualties, but the terrorists located their camps in, or initiated their action from, populated areas and sometimes launched mortar attacks on army installations from behind the cover of civilian residences. Instances of irresponsible behaviour on the part of the security forces had been extremely rare and the Government had taken appropriate steps to deal with them. While the Sri Lankan Government conceded that there had been unfortunate incidents in which civilians had been the victims of clashes between the security forces and the terrorists, it must be recognized that not all the people portrayed to the international community as civilian victims were genuine civilians. The army and

navy camps had been located in the same premises for a very long time. Members of the police force were not underpaid in comparison with similar public servants in Sri Lanka. However, they were understaffed and steps had been taken to remedy that problem through recruitment.

292. Pending a political solution, the Government had to take steps to protect civilians from terrorists who sought to evict them from their homes. Unfortunately, that situation was regarded as a spiral of violence. For many years, large numbers of Sri Lankans had been seeking economic benefits in Western Europe. More recently, some members of the Tamil community had been claiming that they were refugees fleeing from violence, when in fact, they were seeking greater affluence. The 90,000 "stateless persons" mentioned in the report were Tamils who had been brought from India by the British in the nineteenth and twentieth centuries to work on plantations. The question had been solved only recently, when such persons had been given Sri Lankan citizenship by an Act of Parliament.

293. No racial distinction could be made between the Sinhalese and Tamil communities. No caste system existed under Buddhism. Not all Sinhalese families had been classified according to occupational groups. Among the Sinhalese, there were both Buddhists and Christians and among the Sri Lankan Buddhists, there were both Sinhalese and non-Sinhalese. The structure of Buddhism was the very antithesis of the caste system. In Sri Lanka, the caste system was a racial phenomenon that was not based on any religious factor and was to be found among Tamils and Sinhalese. All schools in Sri Lanka taught the Sinhala and Tamil languages. Admission quotas were determined on the basis of administrative districts, regardless of the ethnic background of students from those districts.

294. Irrigation and development projects were largely financed by donor countries and international financial institutions such as the World Bank. Certain provinces were better endowed with natural resources and were consequently more likely to be chosen as project sites. Other factors were also responsible for the determination of project locations: a project financed with Canadian aid in the northern part of the country had had to be abandoned as a result of terrorist activity there.

295. There was legislation that met the requirements of the Convention, for example, chapter III of the Constitution which was in conformity with article 5 of the Convention. A Ministry for Hindu Affairs and a Ministry for Muslim Affairs had been set up, under a Tamil and a Moor Cabinet Minister, to ensure that the cultural traditions of the population groups concerned were maintained and fostered. Details would be provided in the next report. As for the question as to whether the sixth amendment to the Constitution could be repealed or modified, he drew the Committee's attention to the fact that Sri Lanka was a unitary State. Anybody who aimed to uphold the Constitution must disallow separatism, and anybody who wished to remain a member of Parliament must uphold the Constitution. The representative rejected statistics given by one member of the Committee concerning the percentage of Tamils who could vote. Sri Lanka had had universal adult franchise for many years. The only persons who had been unable to vote previously were "stateless" persons, a situation which had since been rectified. He further pointed out that the Chief Justice, the Attorney-General and three Cabinet members were all Tamils.

296. As of 31 January 1986, some 81 inquests had been carried out in connection with deaths caused by the security forces during the period of violence, and the verdicts had been forwarded to the Commission on Human Rights. While an individual could, under Sri Lankan law, plead diminished responsibility as a defence, it was

impossible for a group to do so. Thus, if a group of security forces was alleged to have committed a crime, the group as a whole could not be convicted unless it was proved that they had a common intent or were guilty of unlawful assembly. As a result, the Government was frequently compelled to try such cases under military law. It should be noted that, as yet, there had been no cases in which witnesses were willing to speak out against the security forces.

297. Under the Job Bank Scheme, preference was given to members of a family in which nobody was employed. The term "class" referred to the classification of applicants.

298. In relation to the implementation of article 7, the representative of the reporting State said that Sri Lanka endeavoured to inculcate the principles of human rights in university students at all levels, including the doctorate level.

### Iraq

299. The eight periodic report of Iraq (CERD/C/132/Add.2) was considered by the Committee at its 765th to 767th meetings on 13 and 14 March 1986 (CERD/C/SR.765-SR.767).

300. The report was introduced by the representative of Iraq, who highlighted relevant parts of the document.

301. Members of the Committee commended the Iraqi Government for the regularity with which it met its reporting obligations, the continuation of the long-standing and sustained dialogue between Iraq and the Committee and the content of the report.

302. It was asked how the Convention was integrated into Iraqi domestic legislation.

303. Noting references in parts of the report to numerous ethnic minorities in Iraq, members of the Committee asked how, without any demographic data, the Government could assess the needs of those populations and determine what measures were required to satisfy those needs. Clarifications were sought regarding the representation on a proportional basis of Arabs and members of minority groups in the autonomous bodies. Members of the Committee sought clarification of the statement in the report regarding the distinction between two categories of non-Iraqis, namely, Arab and non-Arab workers. It was asked whether the special provision which referred specifically to Arab citizens of other countries met the requirements of article 1, paragraph 3, of the Convention and whether there were any provisions to protect the cultural rights of Arabs from other countries, because, despite a common heritage, there were cultural nuances from State to State in the Arab world.

304. Members of the Committee praised the establishment of an autonomous region for the Kurdish population in Iraq as a very positive step. It demonstrated that national unity was better achieved through an accommodation of ethnic aspirations rather than through efforts to suppress them. Iraq provided an excellent example for the developing countries to follow. Despite wartime conditions, Iraq had shown that it could maintain its unity and that autonomy had only strengthened that unity. Further information was requested about the functions that were discharged by the central Government and what specific matters were supervised by the body established by the Iraqi Court of Cassation. Clarification was sought about the statement in the report that the political aspect of the Kurdish problem was merely

a result of foreign interference, aimed at prejudicing Iraq's territorial integrity. Members also inquired as to whether the members of the Legislative Council of the autonomous region numbered 70 or 80, how the Legislative Council operated in practice and how many elections had been held since 1978. They also asked whether the intermarriage of Arabs and Kurds affected their ethnic affiliation and that of their children and what criteria governed the admission of Arab and Kurdish students to Iraqi universities. Noting that, under Revolutionary Command Council decision 288, one of the vice-presidents of Iraq must be a Kurd, it was asked whether that person was also a member of that Council.

305. Additional information was requested on minorities other than the Kurds and it was asked whether they were living concentrated in specific areas or scattered throughout the country. It was pointed out that the measures taken to protect the cultural rights of the Turkoman and Syriac-speaking community, described in the report, constituted an excellent example of the way in which the Convention ought to be implemented. Members of the Committee were interested to know whether the war between Iraq and the Islamic Republic of Iran had had any effect on the human rights situation in the country, particularly with regard to the rights of minorities, and how it affected the way in which Iraq fulfilled its obligations under the Convention. The question was asked as to whether members of ethnic groups were entitled to the service of a court-appointed lawyer, regardless of whether they were plaintiffs or defendants.

306. Clarifications were sought as to why specific legislation had been enacted for the Orthodox, Armenian, Israelite and Assyrian communities and it was asked whether that legislation differed from other legislation protecting religious freedom in general. Members requested additional information about the Higher Board of Religious Communities, in particular its composition, level of representation, procedure and mandate, and whether it was an intersectarian body which dealt with all problems of an intersectarian nature. It was also asked whether religious communities and ethnic communities were considered to constitute separate categories or whether they overlapped to some extent.

307. With regard to article 3 of the Convention, members praised Iraq's remarkable record in combating apartheid and racial discrimination.

308. With reference to articles 4 and 6 of the Convention, members of the Committee wished to know whether the term "crime" in Iraqi legislation on racist propaganda and practices referred to any offence or to an offence of a particularly serious nature, whether the term "sectarian conflict" in article 204 of the Criminal Code had been interpreted to include racial discrimination, since that article would appear to be beyond the scope of the Convention if it had not, whether any cases had arisen under the Convention and whether any of the legislative provisions listed in the report had been applied in recent years. In that connection, additional information was requested about any judicial precedents that Iraq might have established for cases involving racist practices and it was asked whether an individual who had headed a racist organization had ever been punished by an Iraqi court. Further information was also requested regarding the recourse available to an individual who suffered moral or material damage as a result of racial discrimination; it was asked whether, when the public prosecutor did not initiate criminal proceedings, the victim could still file a civil suit.

309. Replying to questions asked and observations made by members of the Committee, the representative of Iraq said that the Convention was considered to be part of Iraq's domestic legislation. The race or religion of individuals was not specified in Iraq's population statistics. With the exception of Kurdistan, there was no area in the country where any one ethnic group was concentrated. There was no residential segregation of ethnic groups in large cities. Nationals of Arab countries were allowed to enter Iraq without a visa and move freely about the country, and were accorded the same treatment as Iraqi citizens. All nationals of Arab States received such treatment without distinction as to their religion or ethnic identity. Iraq's policy with regard to workers from Arab countries stemmed from agreements concluded within the framework of the Arab League. Non-Arab workers were usually employed in Iraq under agreements between the Government or an Iraqi company, on the one hand, and a foreign company, on the other. Provisions for the protection of the rights of such workers were usually included in the relevant contracts.

310. In reply to questions relating to Kurds, he said that a special body established by the Court of Cassation supervised the legal validity of decisions taken by the autonomous administration in Kurdistan. The number of members of the autonomous region's Legislative Council was governed by Act No. 56 of March 1980, which provided that there should be one representative for every 30,000 inhabitants. The current membership stood at 80. The Vice-President of the Legislative Council was also a member of the Revolutionary Command Council. The first elections to the Legislative Council in Kurdistan had been held in 1980, when Iraq had also elected the National Council in Baghdad. The Legislative Council usually met twice a year. Elections had been held more recently in 1984 to fill vacancies in the Council. Ordinance No. 32 of 1981 provided that the protection of religious communities was an obligation of the State and a right enjoyed by those communities. A Higher Board of Religious Communities had been set up, comprising representatives of churches and synagogues. Its functions were described in the report. There was considerable intermarriage between members of the different ethnic groups and no special problems were experienced in that regard.

311. Turning to the concerns that had been expressed over the Iran-Iraq conflict, the representative of Iraq said that his country fervently hoped for an end to the tragedy and had from the outset accepted all Security Council resolutions on the subject and proposals advanced by the group of non-aligned countries and the Islamic Conference.

312. As far as legal remedies for the victims of discrimination were concerned, he said that every individual had the right to initiate legal proceedings in the courts and, if his case was successful, to be awarded compensation. Individuals could, moreover, appeal to the Ministry of Justice and even to the President of the Republic. The Ministry of Justice designated one day each week for citizens to bring to its attention any complaints they had concerning their dealings with the courts or other government officials.

#### Netherlands

313. The seventh periodic report of the Netherlands (CERD/C/131/Add.7) was considered by the Committee at its 766th, 767th and 769th meetings on 14, 15 and 17 March 1986 (CERD/C/SR.766, SR.767 and SR.769).

314. In introducing his country's report, the representative of the Netherlands said that his Government had been unable to provide information on the implementation of the Convention in the Netherlands Antilles in time for inclusion in the report, but that that information would be available soon. He highlighted relevant parts of the report and stated that his Government valued highly the dialogue with members of the Committee and would be interested to hear the Committee's views on the problem of "conflicting fundamental rights", namely, the guarantees laid down in article 4 of the Convention and the exercise of the right to freedom of expression and of association. The next report would provide details on proposed amendments aimed at tightening up certain parts of the Criminal Code dealing with racial discrimination.

315. Members of the Committee complimented the Netherlands for its exemplary record with regard to human rights and the implementation of the Convention. The report was frank in discussing the real situation in the country and conformed to the Committee's guidelines (CERD/C/7C/Rev.1). Information was requested on the political status of the Netherlands territories in Latin America, their demographic composition, degree of autonomy and standard of living. Clarifications were requested as to whether their nationals enjoyed all the rights of Netherlands citizens and whether they elected representatives to the Netherlands legislature.

316. With regard to the implementation of articles 2 and 5 of the Convention, members of the Committee underlined the positive measures taken by the Government to give minorities the same opportunities for development as other residents in the Netherlands and its efforts to combat discrimination in the labour market and in housing, two major areas where minorities and immigrants were at a significant disadvantage. They requested information on non-citizen migrant workers and asked what was being done to preserve their right to their own culture and language. Clarification was sought regarding the distinction between members of the minority groups and non-nationals. In connection with employment policies, members wished to receive further information on the level of unemployment among minorities and the effect that the measures indicated by the Government had had or would have in creating employment opportunities for minorities in the Netherlands; it was asked what was meant by the municipal police, as opposed to the national police, whether employment was a right in the Netherlands, what the percentage of members of ethnic minorities in the National Police Force was and what percentage of the population in the Netherlands were resident aliens. Noting that in certain cases employers could employ aliens who had obtained a "declaration" rather than the normal employment permit, it was asked whether such employees received the same treatment and wages as those who had complied with all the formal requirements necessary to obtain the permit. Members wished to learn about any surveys that might have been conducted on the employment situation and asked whether such surveys indicated any correlation between the level of discrimination and that of unemployment. Clarification was sought regarding the use of the "minority budget"; it was asked how funds were allocated and, in view of the high unemployment among minorities, what percentage of funds could be used to improve their situation. Further information was requested about the amendment to the Foreign Workers Employment Act and how it would benefit migrant workers. Members wished to know whether affirmative action to promote minority groups also covered areas such as bilingualism, and whether such linguistic competence was recognized as a merit or qualification in government service. It was also asked how the integration of Indonesians who had emigrated to the Netherlands had proceeded at the political and socio-economic levels. Members pointed out that the new law, which enabled resident aliens to vote and be candidates in municipal elections, was of particular

interest. In that context, they wished to know the reaction of the people of the Netherlands and whether there had been any political opposition to the adoption of the law.

317. In relation to the implementation of article 3 of the Convention, members of the Committee requested further information about the state of economic and trade relations between the Netherlands and South Africa; they asked what action the Government was taking and whether there were any limitations imposed on Netherlands citizens in their economic relations with South Africa and in the fields of sport and culture. They also wished to know whether the people of the Netherlands supported their Government's anti-apartheid policy, whether the press was playing an effective role in that regard and what the extent of the ban on imports from South Africa, called for in Security Council resolution 558 (1984), adopted on the initiative of the Netherlands, was.

318. With reference to the implementation of article 4 and the problem of conflicting fundamental rights on which the Committee's views had been invited, members pointed out that minority groups were often at a disadvantage in multi-ethnic societies and clearly required effective protection. Freedom of expression and association should not be used to promote racial discrimination. The Convention had been elaborated after the Universal Declaration of Human Rights had become accepted as the standard for the international community. The freedoms of expression and association must be balanced against the effect which their exercise would have on the freedom of others. In that context, it was appropriate for the legal order to provide for limitations in favour of anti-discriminatory measures. It must be remembered that in most, if not all, countries there were restrictions on the right to freedom of expression. Where an organization's objectives were clearly racist, its freedom of association should be limited and the organization banned. The Convention had been drafted as a result of the international community's bitter experience of racist acts which had led to great suffering. Freedom of association could no longer be equated with the principle of non-discrimination, the very hub of the Convention. Limitation of the right of association restricted freedom only to the extent needed to promote harmony within society. The solution lay essentially in a judicious differentiation between a right and its punishable abuse. The question of conflict of rights also arose in the case of defamation, where criminal liability might be regarded as interference with freedom of expression but was at the same time universally accepted, since there the issue was not one of the legitimate exercise of a right, but of its abuse. The Committee's study on article 4 of the Convention 3/ concluded that paragraphs (a) and (b) of article 4 were not discretionary, but mandatory. Moreover, given a reasonable interpretation of article 19, paragraph 3, of the International Covenant on Civil and Political Rights, there was no ground for any conflict regarding the prohibition of certain organizations as called for under article 4 of the Convention. It was pointed out, however, that repressive measures might be counterproductive: an organization driven underground might be much more dangerous than one which was allowed to act openly. In that context, it was observed that any difficulty which might arise should be regarded rather as inherent in the political situation of the country concerned, and it could be seen from the excerpts from the speech given in the report that the Prime Minister of the Netherlands preferred to deal with organizations which propagated racist ideas primarily by using the political strength and openness of a democracy to initiate public debate and express criticism and perhaps only then to have recourse to the law. Majority public opinion in industrialized countries like the Netherlands had the capacity to espouse opinions of varying degrees of hostility or tolerance

according to the circumstances, and the attitudes or positions which the public adopted were often a response to the kind of political guidance it received. It was hoped that the action taken by the Prime Minister would be part of a wider programme of leadership in all areas of administration aimed at bringing about desired changes in majority attitudes.

319. Members of the Committee requested information about the Centre Party, its social and political basis and membership. Noting that the Centre Party was not being prosecuted for producing the memorandum "the Netherlands for the Netherlands", but only its authors, members wished to know whether the Party could be prosecuted as an organization, on the basis of its ideals and activities. It was pointed out that, if only organizations in breach of public order could be prohibited, it would be difficult to prevent organizations which proclaimed racist views from being formed and thus to observe the provisions of the Convention.

320. With regard to article 6 of the Convention, members welcomed the inclusion in the report of an account of court cases involving racial discrimination. The Committee had been able to see the practical application of the law and hoped that that practice would be followed by other States parties. It was asked whether there were any pending cases relating to racial discrimination and whether court decisions had had a dissuasive effect in that regard.

321. It was also asked whether prosecutors were helping to promote awareness on the part of minority groups of the ways in which they could seek legal redress. Additional information was requested about the terms of reference of the Ombudsman and specifically about whether he had the power to bring cases before the courts on behalf of persons claiming to have been victimized or given inadequate protection by government agencies or the public authorities. It was noted that, at a time when measures to combat racial discrimination were increasing, the number of instances of racial discrimination was also rising. In that connection, it was asked what social and cultural factors lay behind that phenomenon. A clarification was sought on the implication of the proposed deletion of the word "morality" from book 2, article 15, of the Civil Code.

322. In reply to questions raised by Committee members about the Netherlands Antilles, the representative of the Netherlands said that, as a result of an agreement in 1986 between the parties concerned, the Kingdom of the Netherlands comprised three countries: the Netherlands, Aruba and the Netherlands Antilles - the latter consisting of the two remaining leeward islands, Curaçao and Bonaire, and the three windward islands of Saba, St. Eustatius and St. Maarten. Under the legal framework established by the Charter of the Kingdom of the Netherlands, the three countries served their own interests independently, with complete domestic autonomy, and they were bound, on the basis of equality, to pursue their common interests and provide mutual assistance.

323. Netherlands citizens of Indonesian stock had not been treated as a separate group in statistics for a long time. They had Netherlands nationality, were culturally almost indistinguishable from indigenous Netherlanders, particularly in respect of language, and were widely distributed throughout the social structure. Information regarding the Moluccans, too, had been given in previous reports. Unlike the Netherlanders of Indonesian stock, the Moluccans differed from the indigenous population in terms of both race and culture. They spoke Malay and practised their own religion. Since the majority of the Moluccans had decided not to retain their Indonesian nationality and had not wished to become naturalized

Netherlands citizens, and as they had been in the Netherlands since 1951 and were likely to remain there, their position had been regulated by a 1977 Act according them equal status with Netherlands citizens but without Netherlands nationality.

324. The measures referred to in the report concerning the Government's policy on minorities in the area of education and employment were for the benefit of both Netherlands people and members of minority groups. The educational system had been adjusted to meet the needs of minorities. The average unemployment rate in the Netherlands was approximately 17 per cent. The purpose of the measures outlined in the report was to reduce unemployment among members of minority groups. The available figures would be provided in the next report, together with additional information about affirmative action in the labour market for the benefit of aliens. It was not possible to say when such action would produce tangible results. Funds for the purpose of alleviating the problems of unemployed non-nationals were available from the "minorities budget" and from the regular budgets of the Ministries concerned. It was difficult to calculate exactly what percentage of those budgets the funds in question represented. In general there had been a positive reaction in the Netherlands to the revised Franchise Act, under which non-nationals were now permitted to vote and stand for election in municipal council elections. The terms "resident" and "citizen" were used interchangeably in the report and applied to both nationals and non-nationals. Nationals had Netherlands citizenship. In the report, non-nationals were also referred to as aliens and foreigners. The Government of the Netherlands defined minorities as Moluccans, residents of Surinamese and Antillian origin, migrant workers and members of their families from the countries of recruitment, Gypsies and refugees. Its policies were based on the view that people belonging to those categories constituted an integral part of Netherlands society. Caravan-dwellers were also defined as a minority, in order to ensure that they derived the maximum benefit from the minorities policy. The distinction between the municipal police force and the national police force had no practical implications as far as implementation of the Convention was concerned. Non-nationals accounted for approximately 4 per cent of the population as a whole.

325. In connection with article 3 of the Convention regarding relations with South Africa, the representative of the Netherlands said that his country strictly observed Security Council resolution 418 (1977) and, at the national level, was in the process of introducing legislation to prohibit the export of paramilitary goods to South Africa and to give a statutory basis to the provisions of resolution 558 (1984) calling on Member States to ban the import of South African arms.

326. The Netherlands had consistently advocated selective economic sanctions under Chapter VII of the Charter, in particular a mandatory ban on investments and an oil embargo. It believed that, for a restriction of new investments in South Africa to be effective, it must be mandatory or at least supported by a significant number of countries. The Netherlands Government fully subscribed to the measure agreed upon with its partners in European political co-operation to cease oil exports to South Africa and actively encouraged Netherlands companies to reduce their imports of South African coal. It had terminated its cultural agreement with South Africa and introduced visa requirements for South Africans, the latter measure enabling the authorities to restrict South African participation in sporting events in the Netherlands. The Government had increased its contacts and programmes for assisting members of the non-white community and anti-apartheid organizations dedicated to the goal of peaceful transformation of South Africa's social and political system. In addition, the Netherlands would continue to provide

humanitarian assistance to political prisoners and other victims of apartheid through appropriate channels. The representative of the Netherlands thanked members of the Committee for their comments with regard to the implementation of article 4 of the Convention and the question of "conflicting fundamental rights". Those comments would be given careful consideration, and a detailed response would be made in the next Netherlands report with a view to continuing the dialogue with the Committee on that specific issue.

327. The previous report had voiced concern about the general climate in the country with respect to racism and racial discrimination, and in particular about the growing intolerance shown by individuals or groups towards one another and the rise of certain political groups. Partly as a reaction to certain events, groups had been set up and organizations and action committees had been established to fight racial discrimination. The media had begun to pay more attention to the phenomenon of racial discrimination and how society reacted to it; governmental institutions had also responded. As far as the political process was concerned, parliamentary and municipal council elections were to be held in 1986 and their outcome would show whether candidates of political groups such as the Centre Party and other extreme right-wing groupings had any significant support among voters. Recent polls suggested that those groupings, which were in any case marginal, were on the decline.

328. The Government's policy on the investigation and prosecution of cases of racial discrimination applied not only to individuals but also to organizations. The relevant legal provisions had been described in previous reports, and it should be noted that, under articles 15 and 16 of book 2 of the Civil Code, courts could prohibit an organization if its aims or activities were contrary to public law, morality or the Netherlands legal order. Cases of racial discrimination fell within that description.

### China

329. The second periodic report of China (CERD/C/126/Add.1) was considered by the Committee at its 767th to 769th meetings on 14 and 17 March 1986 (CERD/C/SR.767-SR.769).

330. The report was introduced by the representative of China, who referred to the policies, principles, decrees and regulations formulated by the Government with a view to eliminating all vestiges of national oppression and discrimination and putting an end to economic and cultural backwardness in minority areas. As a result of the Government's sustained efforts, a new relationship of equality, unity and mutual assistance had been forged among the various nationalities in China. In the first half of 1985, the value of gross industrial and agricultural output of the five national autonomous regions had increased by 22.2 per cent, compared with that of the same period in 1984. The population growth of minorities in China was noticeably higher than that of the Han people. In recent years, China had co-operated actively with the Office of the United Nations High Commissioner for Refugees and had provided massive financial and material assistance to the large number of Indo-Chinese refugees who had entered China.

331. Members of the Committee commended China for its comprehensive report prepared in compliance with the Committee's guidelines (CERD/C/70/Rev.1) and submitted on time. They welcomed the extensive information provided on the country's ethnic composition and pointed out that the implementation of the Convention by China was

of great significance. They noted the Government's determination to preserve unity and to integrate its 56 nationalities and commended efforts to protect the rights of minorities scattered throughout the country. Clarifications were requested, however, regarding the figure of 879,201 Chinese citizens who belonged to "unknown nationalities" indicated in the report. It was pointed out that comparative population figures for all nationalities at different points in time would give the Committee a better understanding of how the situation had improved for the various nationalities. Relevant information for each of the five regions and three provinces was requested separately to show compliance with articles 2 to 7.

332. With regard to the implementation of article 2 of the Convention, members of the Committee commended the reporting State for applying its planning policies more flexibly to minority populations. Additional information and clarification was requested in that respect with regard to the Tibetan autonomous region. It was asked whether the measures on behalf of national minorities might not be viewed as giving preferential treatment to minorities, rather than ensuring the equality of all citizens. Concerning the regional autonomy policy followed by the Government, members asked how the Chinese authorities interpreted the principle of self-determination, what criteria were used in establishing autonomous institutions, what mandate the special organs responsible for handling the nationalities' affairs had at both the national and local levels, how regional administrations were elected, whether there were any quotas for minority representation, and whether there were any initiatives aimed at decentralizing the decision-making process. Clarifications were requested regarding the recent establishment of several autonomous counties in the provinces and about the areas in which the Tibetan-Burman language group was located. It was asked whether the members of that group had only language in common or whether they shared the same cultural traditions. Members also asked on what basis nationality townships had been established and whether their establishment had anything to do with agrarian reform or economic viability, what proportion of the population of the newly-established townships must belong to a minority nationality in order for the township to be categorized as being a particular nationality, and how the people's congresses of the national autonomous areas worked under articles 19 and 20 of the Act relating to Regional Autonomy for Minority Nationalities of 1984. Members of the Committee also requested further information regarding the isolated and backward territories, the results obtained through financial measures applied to national autonomous areas and the repercussions of the Cultural Revolution.

333. Members of the Committee indicated that China's unreserved implementation of article 3 was a valuable contribution to the world-wide struggle against apartheid.

334. Regarding the implementation of article 4 of the Convention, members noted the measures taken by the Government to combat Han chauvinism, but asked whether any legal provisions had also been adopted to punish persons who discriminated against minority nationalities. They wished to know whether there were provisions in the Criminal Code with respect to discrimination on grounds of race and requested that the texts of the relevant legislation relating to the implementation of article 4 be included in future reports.

335. In relation to the enjoyment of civil and political rights under article 5 of the Convention, members requested information regarding the local election system, the participation of any national minorities in the central Government, freedom of movement internally and the right to leave China and return. In that connection, it was asked how many Tibetans had returned to their homeland as a result of the

Government's promotion of the migration of the Kazakh people, what provisions ensured freedom of opinion and freedom of religion and particularly, whether persons who practised any of the religions mentioned in the report were permitted to participate in the various spheres of public life, including the Communist Party. Clarification was requested about what was meant by the term "primitive religions" mentioned in the report.

336. With regard to economic, social and cultural rights under article 5 of the Convention, members of the Committee requested further information about the Government's language policy and the measures taken to implement it. They wished to know whether the Government's objective was to teach each individual his local or regional language as well as putonghua and the Han written language, whether putonghua was compulsory for predominantly minority nationality schoolchildren, whether public services outside the region were open only to citizens who were proficient in putonghua, whether the Government gave special attention to minority groups which were not proficient in that language to enable them to participate fully in the political, economic and social life of the country, and whether the minority populations were educated about history. It was asked whether the provisions described in the report applied only to the five autonomous regions or whether they extended to other areas. Additional statistics were requested on employment, housing, income, health, education and agricultural policies in order to assess the progress achieved. Further information was also requested on the allocation of resources to restore and repair the monasteries and other cultural monuments of the Tibetan people which had been destroyed.

337. Members of the Committee requested additional information concerning the implementation of article 6. They were interested in knowing what role the courts played in connection with article 41 of China's Constitution and what remedies were available to victims having complaints against private individuals. It was asked whether any legal provision established what constituted "fabrication or distortion of facts" under article 41 of the Constitution. Information was requested on judicial and administrative penalties applicable to violations of instructions banning derogatory references to national minorities.

338. It was asked whether China would consider the possibility of making the optional declaration provided for in article 14 of the Convention.

339. In reply to questions raised and observations made by members of the Committee, the representative of China said that the policy on the autonomous regions had been formulated in the light of a specific historical background. The purpose of the autonomous system for the minority region was to guarantee the rights of the minorities in those regions and enable them to handle their own internal affairs. The autonomous regions had more extensive rights than the other regions of China. Within a given autonomous region, there might be a certain number of Hans or other minorities. China had drawn up a new Constitution, together with new legislation for the autonomous regions, following the Cultural Revolution. It was specified that autonomous organs had the right to control the region's financial, economic, cultural and educational affairs. Measures designed to promote the economic development of the minorities had been adopted and had proved extremely successful, for example, in Tibet. The Constitution also specified that high-level posts in the regions, states, districts and counties should be occupied by members of the appropriate minority group.

340. The nationalities that used the languages of the Tibetan-Burman group were scattered over south-western China; those languages had been classified by linguists on the basis of similar origin and structure. Of course, nationalities that shared the same language were closely linked. However, each group had its own dialect and most groups considered themselves to be unique. The Government therefore recognized them as being different nationalities.

341. In connection with the implementation of article 3, the representative emphasized that the Chinese Government had consistently condemned the racist policies pursued by the Government of South Africa and always supported the just struggle waged by the people of South Africa against racial discrimination and apartheid.

342. He said that the Constitution guaranteed the minorities equal legal rights. Moreover, the Chinese Criminal Code provided that members of all the nationality groups were entitled to have their own language used in court proceedings. So far, the courts had not dealt with any cases of racial discrimination because such problems were solved at an early stage through conciliation procedures at the local level. The Government was carrying out an educational campaign to combat chauvinism by promoting equality, unity and prosperity for all. It was monitoring the implementation of national policies to counteract both Han chauvinism and nationalist tendencies.

343. In reply to the question concerning the return of a group of Kazakh people to their homeland in Xinjiang, the representative of China explained that the people in question had been reluctant to mingle with other Tibetans and had asked to be sent back to Xinjiang. The Government had helped them to return there. Tibetans currently residing overseas could return to their motherland, if they wished to do so, and the Government would welcome them and take care of them or, if they wished to leave, would allow them to do so.

344. With regard to the use of the putonghua language, he said that the Constitution gave all minorities the right to develop their own languages and dialects. The autonomous organs were required to teach those local languages, and Han cadres were requested to learn them. After government documents were published in Han, they were translated into minority languages; moreover, at the meetings of the National People's Congress, simultaneous interpretation into the local languages and dialects was provided. Radio programmes and many publications also existed in the minority languages. If a member of a minority nationality worked for the central Government, he was not required to learn putonghua; however, many workers did so for their own convenience.

345. Appropriate measures had been adopted with a view to promoting the development of minorities in the areas of culture and education. Considerable sums of money had been spent on restoring the Tibetan temples and monasteries that had been damaged during the Cultural Revolution.

346. With regard to the question concerning primitive religions, he said that in both south-western and north-eastern China there were certain nationalities that had retained beliefs such as animism and totemism, but that there was no derogatory connotation in the Government's use of the term "primitive religions". He added that further information on the implementation of the Convention would be provided in the next periodic report.

## Sweden

347. The seventh periodic report of Sweden (CERD/C/131/Add.2/Rev.1) was considered by the Committee at its 768th and 769th meetings on 14 and 17 March 1986 (CERD/C/SR.768 SR.769).

348. In introducing the report, the representative of Sweden pointed out that the document had been revised to take into account the study published by the National Commission on Ethnic Prejudice and Discrimination. One of the difficulties raised during the analysis of the report was whether or not a conflict existed between the obligations of Sweden under article 22 of the International Covenant on Civil and Political Rights and article 11 of the European Convention on Human Rights on the one hand, and the implementation, through the legislative prohibition of certain kinds of organizations, of article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, on the other. He also referred to the proposal dealing with the appointment of an ombudsman to whom questions pertaining to ethnic discrimination could be addressed and the establishment of a board on ethnic discrimination to assist such an ombudsman.

349. The Committee congratulated the Swedish Government on its voluntary declaration under article 14, paragraph 1, of the Convention. It was noted, however, that the Convention was not being fully implemented; continuation of the dialogue was therefore important. With regard to the demographic composition of the population, the hope was expressed that future reports would provide figures which would enable members of the Committee to evaluate measures taken to protect minorities as well as to understand the scope of their problems. In that connection, it was pointed out that, in order to identify future problems that might arise, for example, with regard to the population of 276,000 children with immigrant parents, and to assess the aims of Swedish social policy to cope with them, future reports should provide social trends. Regarding the Sami population, it was noted that assistance had been given to reindeer breeders because of their occupation and not because they were members of that population. More information was also requested on the status of the Sami people.

350. Concerning the implementation of article 3 of the Convention, members of the Committee noted that several Swedish companies were active in South Africa and Namibia and that their activities had apparently not resulted in any violation of Swedish law. It was asked whether Sweden had diplomatic or other relations with South Africa. The Swedish Government was also urged to sever all links with the South African Government.

351. Members of the Committee disagreed with the Swedish interpretation of article 4 (b) of the Convention to the effect that it did not require legislative action. They pointed out that the optional character of the use of legislative measures, among others, in pursuing the policy of eliminating racial discrimination under article 2, paragraph 1 (d) of the Convention did not override the precise mandatory character of the provision of article 4 (b), which in relation to article 2 was a lex specialis. They stated that racist organizations, such as the neo-Nazi groups referred to in the report, had to be prohibited in order to conform to article 4 (b) of the Convention and to avert potentially tragic consequences.

352. As to the implementation of article 5 of the Convention, it was noted that non-Swedes had had the right to participate in elections for almost a decade, and it was asked whether the Swedish population had readily agreed to such

participation and how many non-Swedes had actually stood for election. Clarifications were requested as to whether the entitlement regarding social benefits, referred to in the report, also covered migrant workers on leave in their country of origin. Further information was requested concerning the results of efforts to achieve bilingualism and it was asked whether the teachers of "home languages" were properly qualified and how the educational and housing situation of the minorities compared with that of the rest of the population.

353. Members of the Committee observed with concern that, after 15 years of implementation of the Convention, no legislation had yet been adopted in Sweden to prohibit ethnic discrimination in the labour market. It was pointed out that the Swedish Commission on Ethnic Prejudice and Discrimination had found discrimination in hiring, promoting and training and concluded that legislation was needed in order to comply with article 5 of the Convention; however, the Government had decided against such legislation because of the legal technicalities referred to in the report. It was further noted that, in the absence of any legal means, employers could, for instance, refuse to hire blacks and immigrants with impunity and that some cases of discrimination arose from agreements between managements and labour unions. Members of the Committee also questioned the use of the term "unlawful discrimination" mentioned in the report. They pointed out that under the Convention, all forms of racial discrimination must be regarded as unlawful. It was asked whether an example of "lawful" discrimination in Swedish legislation could be provided.

354. As far as the implementation of article 6 was concerned, it was noted that a person who claimed to be a victim of ethnic discrimination could turn to the Ombudsman for advice on what to do and how to do it, but that, as long as ethnic discrimination in the labour market was not prohibited by law, there was not much that he could actually do. It was asked whether any expeditious and effective remedies were available for the protection of human rights, including those relating to racial discrimination, when they were violated. With regard to agitation against ethnic groups considered by the courts in 1983-1984, it was asked whether there had been instances other than the ones mentioned in the report, and on whose initiative legal action had been taken. Clarification was requested concerning a case involving the right of a Sikh to wear a turban at work and it was asked whether the complainant had appealed against the decision of the court.

355. With regard to article 7 of the Convention, it was asked what training public officials received to combat racial discrimination.

356. Responding to questions raised and observations made by Committee members, the representative of Sweden stated that Swedes were not registered according to race, ethnic origin or colour, and that such information could therefore not be provided. He said that no single criterion, such as reindeer husbandry, kinship or language, was used to determine who was a Sami. Sami identity had been strengthened in the past few years because of increased international interest in minorities in general and owing to government measures focusing not only on education but also on reindeer breeding, fishing and hunting, which assured the viability of traditional Sami life-styles.

357. The Swedish Government condemned apartheid and did not tolerate the practices referred to in article 3. Like the other Nordic countries, Sweden had a good working relationship with the African National Congress. No military co-operation existed with South Africa, and there were neither cultural nor sports exchanges.

358. The Swedish Government did not consider it necessary to prohibit the establishment of organizations that could be defined as carrying out or aiming to carry out prohibited and punishable acts. The representative of Sweden said that he would inform his Government of the Committee's criticism of Sweden's implementation of article 4 (b).

359. With regard to article 5 (c) of the Convention, he said that at the current stage, the majority of Swedes accepted the fact that immigrants had the right to vote and to stand for election. In 1976, 1979 and 1982, 60 per cent, 50 per cent and 52 per cent, respectively, of eligible immigrants had voted.

360. With respect to article 5 (e) of the Convention, he said that most of the Swedish experts who had been in favour of legislation prohibiting discrimination in the labour market opposed the specific proposals made by Sweden's Commission on Ethnic Prejudice and Discrimination on the grounds that the proposed legislation focused on employment criteria rather than discrimination itself. The Government had taken the first step towards solving that problem by appointing a new Ombudsman to deal with discrimination questions, whose task it was to investigate the need for further action and to propose new amendments to the Government on the basis of the experience gained.

361. Under the Swedish social security system, foreign workers on home leave were entitled to the same rights in their country as in Sweden. Municipalities were obliged to arrange for home-language courses, if so requested by pupils speaking a language other than Swedish, or by their parents. In 1983, roughly 65 per cent of pupils in the compulsory education system with a home language other than Swedish had chosen home-language tuition. Seventy foreign languages were offered, either as a subject in themselves or as languages of tuition, and home-language instruction existed in practically every school subject. Well-qualified teachers were readily available for the more popular immigrant languages, but it was difficult to find teachers of the other languages. There were 192 places for training home-language teachers in teacher-training colleges.

362. Concerning article 6, the representative of Sweden stated that victims of discrimination were protected by law and naturally had the opportunity to bring cases before the courts. They could also request assistance from the public prosecutor, who had the responsibility of instituting proceedings when there were grounds for doing so. In addition, the Ombudsman was continuing to take steps to ensure that vulnerable minority groups were properly advised of their rights. Regarding the case of a Sikh employed by the Gothenburg Tramways, described in the report, he pointed out that the Labour Court had considered that the notice to the employee had not been contrary to the law, since it had been the employee's duty to carry out the work given to him until a judicial decision was reached. Certainly, the formal view taken by the Court might be open to some criticism, but further consideration of the merits of the case was difficult since there had been no appeal against the Court's decision and no additional information was available.

363. No cases other than those described in the report had been heard by the courts in 1983 and 1984. He pointed out, however, that, although cases involving unlawful discrimination could be taken up by the public prosecutor, even if the alleged victim did not personally seek redress, the prosecutor generally found it difficult to prove that an offence had been committed under the terms of the law. Thus, between 1973 and 1983, of 133 reported instances of violations, only eight had

resulted in a decision to prosecute. That was one area that the Ombudsman intended to explore further with a view to elaborating effective safeguards.

364. With regard to article 7, he said that one of the principal aims of the Swedish school system was to foster understanding of ethnic differences, and a subject entitled "Cultures and civilizations" had been introduced recently into the curriculum to that end. Also, in 1985, pupils, in co-operation with teachers, had launched a campaign - inspired by an initiative originating in France - under the slogan "Don't touch my pal", aimed at dispelling ethnic prejudice and discrimination against students belonging to minority groups. That campaign had been supported nationwide. Training for law-enforcement and penitentiary-system officials included orientation courses dealing with Sweden's legal commitments in the area of human rights. Graduate research was now being conducted at the Wallenberg Institute of Human Rights and Humanitarian Law within the law department of the University of Lund.

### Algeria

365. The seventh periodic report of Algeria (CERD/C/131/Add.3) was considered by the Committee at its 769th and 770th meetings on 17 March 1986 (CERD/C/SR.769-SR.770).

366. The report was introduced by the representative of Algeria, who referred, in particular, to the adoption by referendum, on 16 January 1986, of a new version of the 1976 National Charter. The major feature of the new version, he said, was a reaffirmation of Algeria's ongoing commitment to the defence of human rights, the guaranteeing of equal rights for its citizens and the support of just causes around the world.

367. Members of the Committee congratulated the representative of Algeria on his country's consistent record in implementing the Convention. They noted that the report contained a wealth of information and answered questions raised in connection with the previous report. They pointed out, however, that the report did not comply with the Committee's guidelines and expressed the hope that the eighth periodic report of Algeria would be as informative as the seventh, but structured in keeping with the Committee's guidelines.

368. Noting that the report did not contain any data about the demographic composition of the population, members of the Committee pointed out that it was impossible for the Committee to assess the treatment of ethnic minorities in Algeria in the absence of even the most basic information about such groups. Noting the statement in the National Charter that the Algerian population was not a collection of disparate people, that the nation was the people itself, seen as an historical entity, they said that they understood the importance of building a country's national unity, but felt that it should not imply neglect of the rights of minorities or small cultural units. It was asked whether Algeria had a homogeneous culture and only a single ethnic group. Members also understood that the Algerian Government did not wish to use racial origin as a criterion in its censuses, but pointed out that censuses were not the only source of information to establish the ethnic composition of the population. There were some minority groups in Algeria about whom more information would help the Committee to evaluate how article 2, paragraph 2, of the Convention was being implemented. It would also be of interest to have a breakdown of the 3,000 refugees in Algeria according to their country of origin, as well as more information on Algeria's policies

regarding the civil, economic and cultural rights of minority groups and about repatriation and resettlement of aliens. In that connection, it was observed that Algeria needed to underline its unity and consider minorities as an integral part of the whole nation, instead of emphasizing individual differences. It was further observed that that Algerian Government respected the provisions of its National Charter concerning the equality of its citizens. Information was requested about the languages that were spoken in Algeria, the percentage of the population that spoke each one and the level of education the various linguistic groups attained. Algeria was also asked to explain in its next report how the concept of discrimination based on race was interpreted.

369. Members of the Committee wished to receive additional information about the results of the Government's efforts to eliminate social and economic disparities, in particular specific measures for the benefit of the most deprived areas.

370. With regard to the implementation of article 3 of the Convention, the Committee emphasized and commended Algeria's commitment and important role in the international struggle against apartheid. Members noted that Algeria's efforts to combat apartheid were described in rather modest terms and requested that more substantive information be provided in the next report.

371. In connection with article 4, it was pointed out that Algeria was complying with its requirements, as was demonstrated by the adoption of legislation consistent with that article mentioned in the report; the adoption of further legislation would be followed with interest. It was hoped that legislation on the subject of freedom of association might be reviewed to bring it directly in line with the Convention. It was also observed that under article 298 of the Algerian Criminal Code, defamation of persons belonging to an ethnic or ideological group or to a specific religion was punishable when it was intended to incite hatred, and it was asked whether defamation was still covered by article 4 (a) of the Convention even if there was no intent to incite hatred, in view of the right to freedom of opinion and association.

372. With regard to the civil and political rights mentioned in article 5 of the Convention, members of the Committee wished to receive additional information, particularly concerning the right to freedom of religion. It was also asked whether foreign workers, such as coopérants, encountered any discrimination in Algeria.

373. Concerning the economic, social and cultural rights under article 5, members requested further information relating to the Government's efforts to raise the standard of living of the Algerian people and Algeria's defence of the rights and interests of its citizens abroad. It was also asked whether the Algerian Criminal Code contained sanctions for acts of discrimination such as the denial of housing or employment on racial grounds.

374. Information was requested in connection with article 6 of the Convention about the effective remedies available to Algerian citizens who claimed that their fundamental rights had been violated, and the way in which those measures put an end to such violation and compensated the victims.

375. In relation to article 7, more information was requested, particularly concerning Algeria's relations with other African countries and the way in which Algeria was informing its public about other parts of the world.

376. It was asked whether the Algerian Government, in view of the fact that it appeared to experience few racial problems, was prepared to make the declaration provided for in article 14 of the Convention.

377. Replying to the questions raised and observations made by the members of the Committee, the representative of Algeria said that the remarks made regarding the form of the report would be borne in mind in the preparation of the eighth periodic report. His country felt that the question of the composition of the Algerian population was not relevant, since the socialist principles followed by Algeria left no room for differentiation among its citizens. The 1960 and 1970 censuses contained no details concerning the religion, colour or beliefs of the Algerian people. While some States parties to the Convention had political systems based on the existence of national minorities, other States parties did not and, like his own, were trying to restore national unity after its erosion under the impact of colonialism.

378. As for the relationship between Algeria's National Charter and its Constitution, he said that they were complementary texts and that both had been adopted by referendum. The Charter was the fundamental source of the country's policies, laws and institutions and the basis of the Constitution. They had equal status and the latter clarified and implemented the former.

379. He said that some members of the Committee had interpreted Algeria's regional development plans as special plans coming within the purview of article 2, paragraph 2, of the Convention. That was not the case, for the disparities among the poorer regions were a function of economic inequities inherited from the colonial era. The key task of the independent Algerian Government was to redress the imbalance and ensure that all regions were afforded the same development opportunities.

380. Turning to article 3, he pointed out that Algeria was extremely active in the Special Committee against Apartheid and in the United Nations Council for Namibia, and that it had prohibited all trade with the apartheid régime of South Africa. Algeria's next report would provide additional information on the implementation of that article.

381. Concerning the penal provisions against acts of racial discrimination, he pointed out that the general provision of article 299 of the Criminal Code could be interpreted by analogy to cover racism.

382. Regarding Algeria's attitude towards emigrants, he said that Algerians living outside the national territory were considered an integral part of the Algerian community and were entitled to full protection of their rights, which were secured through bilateral agreements, negotiations on specific problems and a policy of encouraging repatriation, but within the framework of agreements designed to protect pension and other rights acquired in the host country. With respect to the status of aliens and the repatriation of refugees, he said that he knew of no cases of discrimination against foreigners living in Algeria, all of whom were protected by law. Algeria had ratified all the international instruments protecting the rights of refugees, which had the force of law. Under the Algerian Constitution, no political refugee could be extradited. Most of the 175,000 refugees in the country were from Western Sahara, however, and their repatriation could occur only when the people of Western Sahara achieved self-determination, in other words, when the causes of the mass exodus were removed.

383. In the matter of religious freedom, the Algerian Constitution was very clear. Articles 53 and 54 guaranteed freedom of thought, conscience and religion. Even though the majority of the population was Muslim, followers of other religions enjoyed full freedom because tolerance had always been a characteristic of Islam.

384. Education was free and compulsory and the school enrolment rate was 85 per cent. The number of persons pursuing post-secondary studies had risen from 8,000 in 1962 to 110,000. There were 17 university centres and over 100 specialized institutes situated throughout the country. The entire teaching staff at elementary schools was Algerian, and 80 per cent of the staff at secondary schools was Algerian. Furthermore, free medical care was provided, and all infants were vaccinated against childhood diseases. The health-care network extended to the remotest parts of the country.

385. As for the protection of victims of racial discrimination, the Court of Appeals and the Supreme Court provided judicial remedies, a chamber of the Supreme Court that dealt with preventing administrative abuse provided administrative remedies, and an Inspector-General's Office heard appeals in cases of administrative abuse.

386. Concerning article 14 of the Convention, the representative of Algeria reiterated his Government's position that it did not intend to make the declaration.

#### Canada

387. The seventh and eighth periodic reports of Canada (CERD/C/107/Add.8 and CERD/C/132/Add.3) were considered by the Committee at its 778th and 781st meetings on 3 and 4 March 1987 (CERD/C/SR.778 and SR.781).

388. The reports were introduced by the representative of Canada who referred to various constitutional and statutory mechanisms for the protection of human rights, in particular the Canadian Charter of Rights and Freedoms, incorporated into Canada's Constitution in 1982, Canada's Criminal Code and the Quebec Charter of Human Rights and Freedoms. He stressed the leading role Canada was playing, particularly among Commonwealth nations, in the struggle against apartheid and his Government's commitment to continuing to exert pressure on the South African Government to abolish that system. He informed the Committee of the action taken by the federal, provincial and territorial Governments of Canada to achieve the objectives of the Second Decade to Combat Racism and Racial Discrimination and made reference to the Special Committee on Visible Minorities established by the Canadian Parliament, and the measures carried out for the promotion and protection of vulnerable groups in employment and training. A new law had just been adopted on equity in employment, which established a requirement for employers under federal jurisdiction to set up programmes aimed at guaranteeing equality in employment for visible minorities, women, disabled persons and aboriginal people. With regard to aboriginal people, he informed the Committee that important initiatives had been taken. On 26 and 27 March 1987, the last scheduled constitutional conference on aboriginal matters would take place between federal, provincial and territorial Governments and aboriginal organizations with a view to the conclusion of an agreement on an amendment to guarantee self-government. He added that the Federal Government had recently adopted new approaches for the settlement of claims to aboriginal title based on traditional and continuing use or occupancy of land.

389. Members of the Committee stressed the high quality of the reports and congratulated the Canadian Government on the efforts it was making to implement the Convention, taking account of the ethnic composition of its multicultural society. The wealth of information contained in the reports should be given careful consideration by other States parties to the Convention. The reports might serve as a model for federal States, where human rights responsibilities were shared by the federation and the entities composing it. There were, however, enormous differences in the information provided by the provinces, and the progress made in implementing the Convention varied from one province to another. It might be useful in future reports to include a part dealing with the measures adopted since the last report at the federal level and in the provinces and territories, as well as the effects of such measures and what remained to be done.

390. Clarifications were requested regarding any differences between administrative divisions as far as the applicability of the Convention was concerned; it was asked what a territory was and whether it was the Federal Government that exercised jurisdiction over the territories. It was also asked what the Canadian Government would do in a case where a province ratified a treaty on a matter that was not within its competence. Members stressed the usefulness of continuing to receive periodic information on the ethnic composition of the population of each province. They requested clarification of the results of the population census by selected home language in Saskatchewan, which seemed to indicate a decline in the Ukrainian and Amerindian populations and to reflect an assimilation trend contrary to the pluralistic approach. It was pointed out that the adjective "visible", in the title of the Parliamentary Committee on Visible Minorities, had racial connotations and was not in line with article 1 of the Convention.

391. With regard to article 2 in conjunction with article 5 of the Convention, additional information was requested on the progress made by the various provinces in bringing their legislation and regulations in line with section 15 of the Canadian Charter of Rights and Freedoms, which dealt with equal rights and non-discrimination. It was also pointed out that provinces should submit relevant extracts of their legislation, as well as information on the special measures they had developed for the promotion and protection of disadvantaged groups in conformity with section 15, paragraph 2, of the Canadian Charter. It was asked whether the provinces also applied the principle of pluralism in the case of indigenous peoples, who accounted for a sizeable share of the population and constituted a strategic element of society, or whether that principle was applicable only in the case of whites at the federal level. Members of the Committee wished to know whether indigenous populations were developing at the same rate as Canadian society as a whole and whether the Government was taking measures to ensure equality in that area. It seemed that the equality provided for in the Constitution did not exist in practice. Information was requested on the effects of the measures taken to speed up the development of the indigenous populations and it was recommended that the reports by the provinces should include data on indigenous peoples, their languages, level of education, employment situation, income and housing. It was asked whether the provinces had a system of fiscal commissions for periodically reviewing the allocation of revenue for development purposes to the main population and the indigenous population, and whether there were any tax disputes between the provinces and the Federal Government in that regard. Further information was requested regarding the Indian First Nations and the kind of self-government envisaged for them by the Federal Government. Detailed information was requested on the settlement of the claims of the MicMac people of Nova Scotia; notwithstanding the treaty that their Grand Council had concluded with

the United Kingdom in 1752, they had been resettled in Indian reserves after 1944 and their settlements and farms had been confiscated. Clarifications were requested concerning programmes to help immigrant women in Canada, but which might destroy the cultural identity of those persons.

392. With regard to article 3 of the Convention, members of the Committee asked for updated information on Canada's action in the struggle against apartheid. They wished to know whether the Canadian Government was planning to adopt sanctions and, in particular, to sever diplomatic relations with South Africa.

393. Concerning the implementation of article 4 of the Convention, members of the Committee pointed out that the law in Canada did not prohibit the discriminatory activities referred to in that article, particularly in paragraph (b) dealing with racist organizations. In New Brunswick, for example, the law did not prohibit any of the activities referred to in article 4 (a), (b) and (c). They noted, however, that the Minister of Justice had directed that the provisions of the Criminal Code concerning racist propaganda be examined with a view to making any necessary amendments to improve their effectiveness. They expressed the hope that the next report would indicate further progress in the implementation of article 4 in general. They requested information on the regulations in force in the various provinces to give effect to the provisions of article 4 of the Convention. Reference was made to the activities of the Ku-Klux-Klan in Nova Scotia and additional information was requested thereon, in particular, the provinces in which it existed, its activities and the measures that had been taken to prohibit it. Each province might be requested to provide relevant information on its activities. Reference was also made to the racist literature distributed through the mail to schoolchildren, and it was asked whether that was done by isolated sections of the population or, rather, by social groups with broader support.

394. Further information was requested with regard to the implementation of article 6 of the Convention, in particular, about prompt legal action for individuals who claimed that their rights under the Convention had been violated. It was asked whether the Convention could be invoked directly in Canadian courts, whether the courts which enforced the relevant criminal legislation in relation to the implementation of article 4 of the Convention were federal or provincial, whether they were composed only of professional judges or of lay judges as well, whether legal proceedings based on that legislation were instituted frequently and what the average number of sentences handed down by those courts was.

395. Additional information was requested regarding the proposal made by the Government of Manitoba to initiate discussions in Canada in connection with the advisability of making the declaration under article 14 of the Convention.

396. Replying to questions and observations made by members of the Committee, the representative of Canada said that the Constitution divided legislative power between the Federal Government and the 10 provinces, and that the power of each level of government was exclusive: the Federal Government could not enact legislation over property and civil rights, an area of legislation reserved to the provinces, while the provinces could not legislate on matters of criminal law or Indians and lands reserved for Indians. Although in strict law, Canada's two territories were governed pursuant to federal legislation, extensive legislative powers had been conferred on the territorial governments under federal laws. Quebec, like the other provinces of Canada, was aware that it did not have direct

access to the ratification of conventions in international law. In confirming its commitment to comply with the terms of similar conventions in the future, the province of Quebec had decided to drop the word "ratify" in favour of "declares itself bound by the Convention".

397. The Committee's interest in receiving demographic data would be conveyed to those involved in the preparation of Canada's report. The "uneven information" provided by the provinces might be explained in part by the nature and diversity of Canada's provinces.

398. Each of the governments in Canada had embarked on a review of the whole of its legislation to bring about the greatest consistency with the new constitutional human rights standards following the adoption of the Canadian Charter of Rights and Freedoms in 1982. Quebec had initiated a similar review, in the light of the Quebec Charter, which was nearing completion. Most governments had begun their review with laws affected by the provisions of the Charter, and by 1985, amendments to some 60 federal laws had been enacted.

399. With regard to equality of rights under section 15 of the Charter, most governments had decided to review their laws in a second stage, bearing in mind that that section had only come into force in April 1985. Amendments had been proposed in several provinces and changes had been enacted. Paragraph 2 of section 15 had been adopted in the light of certain notorious challenges to affirmative action, and was similar in aim to article 1, paragraph 4, of the Convention; it was designed to ensure that action programmes or special measures designed to provide for the advancement of disadvantaged groups would not be jeopardized by the new right to equality that was being encompassed in the Constitution. Thus, for example, the equity in employment legislation and programmes mentioned in the report would be insulated against challenges under section 15, paragraph 1, but in the normal course of events it could not be anticipated that section 15, paragraph 2, would itself be a source of legislation. For many years the census had avoided racially discriminatory questions, but, in consultation with representatives of minority groups in Canada, the term "visible minorities" had been selected as a collective term referring to persons who, because of their race or colour, were distinguishable from, and smaller in number than, the rest of the population. Visible minorities, who in Canada were non-whites, numbered 1.1 million persons or 5 per cent of the total population in 1981. The census data included in that group individuals of black, Caribbean, Indo-Pakistani, Japanese, Chinese, Korean, Indo-Chinese, Filipino, Pacific Island, Lebanese, and Arab origin. The term "visible minorities" was not used to cast any racial slur but rather to face up openly and publicly to the needs and potential problems of such persons, so that their situation could be examined and employment and other programmes implemented in order to redress inequities.

400. The mini-census of 1986 had enabled the special needs of disadvantaged groups to be recognized through the manner in which information was sought in the census. The groups for which self-identification had been sought included disabled persons, visible minorities and aboriginal peoples. A major census due to take place in 1991 would elicit more data in those areas. The programmes on immigrant women were aimed at helping them to live full and satisfying lives in Canadian society and did not imply cultural assimilation.

401. The report entitled Canada's Native People contained an extensive study, based on the 1981 census, of the geographical circumstances and the economic and social conditions of aboriginal people. The report indicated a clear and unmistakable disparity between the economic and social conditions of aboriginal people and those of the general population. In partial response to that situation, the Government of Canada had increased its expenditure on aboriginal programmes to \$2.8 billion for the 1985/86 fiscal year, which represented a growth rate of roughly three times that of the aboriginal population over the past 10 years. Recent years had seen progress in health and social conditions, life expectancy had increased, infant mortality had declined, and advances had been made in improving housing conditions and increasing employment opportunities.

402. In the field of education, levels of participation had increased significantly, with post-secondary enrolment of status Indians increasing from 2,500 in 1979 to 11,700 in 1985, bringing the participation rate for status Indians in line with that for Canadians as a whole. Further measures relating to aboriginal languages had been taken. An agreement with the Federal Government and the North-West Territories allocated more than \$16 million to provide communication services in French and a number of aboriginal languages which had been declared official languages of the North-West Territories. The Federal Government maintained an important programme to provide for wider use of aboriginal languages throughout Canada.

403. The Special Parliamentary Committee on Indian Self-Government had recommended the development, through both constitutional and non-constitutional means, of a new relationship between aboriginal people and the Government, which would give the former responsibility for their own lives and community. Constitutional discussions were currently under way between representatives of Canada's four main aboriginal groups and all levels of government on the constitutional entrenchment of a right to self-government. A constitutional conference on the subject would begin on 26 March 1987.

404. A number of non-constitutional initiatives had also been adopted by the Federal Government to promote self-government, following the report of the Special Parliamentary Committee. Those initiatives included a community negotiation process, by which Indian and Inuit communities were offered an opportunity to discuss their own self-government proposals with the Federal Government. The arrangements available under that process included new legislative initiatives, changes in administrative policy and flexible funding agreements.

405. To support the federal policy of self-government and community-level negotiations, a new Indian self-government sector had been created as part of the Department of Indian Affairs and Northern Development. That sector was currently considering over 20 self-government proposals from Indian Bands affecting over 50,000 Indians, and concrete progress had been made on several of them. The new legislation also contained a provision for ongoing funding arrangements, in the form of grants, between the Band and the Federal Government. In addition, legislation had been enacted to provide self-government to the Cree and Naskapi Bands of Northern Quebec. Self-government negotiations between non-status Indians and metis communities and the provincial and federal governments were also well under way, as were developments in the north.

406. The Government of Canada had established a Task Force to Review Comprehensive Claims Policy, and, as a consequence of its report, a revised policy had established new approaches to the resolution of claims to aboriginal title based on traditional and continuing use or occupancy of land.

407. The application of the MicMac Grand Council, or MicMac Tribal Society, for a comprehensive land claim had been rejected on the basis that they had not continued to use the land in a traditional manner. The MicMac could initiate the process of specific claims, a well-established process available to all Indian Bands, under which claims could be brought against the Federal Government on the basis of the Government's alleged failure to meet its lawful obligations relating to the administration of Indian lands or other assets, or arising from the non-fulfilment of the terms of Indian treaties.

408. Reference had also been made to a treaty of 1752, which had in fact been the subject of a recent decision by the Supreme Court of Canada. The Court had held that, as between the Federal Government and the MicMac of Eastern Nova Scotia, the Halifax Treaty of 1752 remained in force under domestic law and thus protected the hunting rights of the descendants of those who had signed the Treaty.

409. The MicMac Tribal Society had submitted a communication to the United Nations Human Rights Committee under the Optional Protocol to the International Covenant on Civil and Political Rights.

410. In relation to article 3, the representative of Canada recalled that sanctions against South Africa had been adopted by the Canadian Government and its Commonwealth partners, particularly in connection with air links, investments, bank loans, imports and tourism. The Canadian Government had also terminated dual taxation agreements and withdrawn its consular facilities from South Africa. Since July 1985, Canada had allocated \$7 million for education grants for the sectors of the South African population suffering the most from the oppression of the apartheid régime; it had also contributed to the United Nations Trust Fund for South Africa and provided assistance to non-governmental organizations working in South Africa. In 1986, Canada had pledged \$1.5 million to help the families of political prisoners in that country. Following a recent visit to Zimbabwe by the Canadian Prime Minister, the Canadian Government had decided to intensify pressure on South Africa. If no progress was made towards the goals laid down in the Nassau Accord, the Canadian Government was prepared to invoke total sanctions, and if necessary, sever its relations with South Africa, as pledged by the Canadian Prime Minister in the United Nations General Assembly in October 1985.

411. Commenting on the questions raised with regard to article 4 of the Convention, he said that the statement made in the seventh periodic report, to the effect that New Brunswick law did not specifically prohibit the activities referred to in article 4 (a), (b) and (c), needed to be understood in the light of the constitutional division of powers that he had already described. To the extent that the implementation of those provisions of the Convention involved the exercise of criminal law, legislative power lay with the Federal Parliament, and it was accordingly federal law that accomplished the relevant prohibitions in that area.

412. Referring to the actions of the Ku-Klux-Klan, the representative of Canada said that those people were marginal, and he reassured the Committee that the Canadian police found it quite possible to keep track of their activities and to act whenever necessary.

413. He referred to three significant prosecutions under the Criminal Code relating to racial discrimination actions which were pending and stressed the wide variety of other criminal and non-criminal legislation which, when taken as a whole, sought to accomplish the true objectives of article 4 within Canada's legal system. He informed the Committee that careful consideration was being given to the inadequacy of Canada's hate propaganda laws, in the course of a fundamental review of its Criminal Code as a whole. Policy development would be continuing for some time to come, and careful consideration of the Convention was an integral part of the process. Furthermore, Customs guidelines were being developed to restrict the entry of hate materials for dissemination in Canada. The Committee's strict view of the Convention would be explained to a Canadian court in the near future, as part of the justification, under section 1 of Canada's Charter, for one of its existing restrictions on freedom of expression.

414. In relation to the observations made on the implementation of article 6 of the Convention, he said that, under Canadian law and practice, a treaty must be incorporated into the legal system by legislation. Adoption of the treaty did not affect the distribution of legislative competence: the courts had held that, while the Federal Government alone had the power to conclude a treaty, it could not implement the treaty if its subject matter involved an area assigned to the provinces. The Convention involved obligations affecting both federal and provincial areas of legislation. Because neither the federal nor the provincial legislatures acting alone could fully implement the Convention, it was not open to Canada simply to establish the text of the Convention itself as domestic law. It therefore followed that an individual could not rely directly on the Convention itself if he perceived that rights under the Convention were not being observed. Recourse in such a case was governed by the relevant federal or provincial implementing legislation. The speed of recourse obviously depended on the nature of the alleged breach, but Canadian law was quite capable of reacting very quickly in cases of need through remedies such as habeas corpus, injunctions and the right to bail.

415. Finally, on the question raised in connection with the statement by the Attorney-General of Manitoba proposing that Canada should make a declaration under article 14, the representative of Canada indicated that Canada's position on that issue must take into account the views of all the provinces, the territories and the Federal Government. The question would undoubtedly continue to be the subject of intergovernmental discussion in Canada. In the mean time, however, it should be pointed out that, for most practical purposes within the scope of the Convention, Canadians already had a right of recourse to an international review body under the Optional Protocol to the International Covenant on Civil and Political Rights.

#### Union of Soviet Socialist Republics

416. The ninth periodic report of the Union of Soviet Socialist Republics (CERD/C/149/Add.8) was considered by the Committee at its 779th meeting, on 3 March 1987 (CERD/C/SR.779).

417. In introducing the report, the representative of the Soviet Union informed the Committee of revolutionary changes which had taken place in his country since the report had been prepared. The Congress of the Communist Party of the Soviet Union and the Soviet State attached primary importance to further developing relations between nationalities in his country. The struggle against racism was an essential part of a system of comprehensive international security and required the broadest

co-operation between States. The abhorrent system of apartheid in southern Africa and Pretoria's policy had rightly been described by the Harare Conference as one of genocide. Zionism also represented an example of racial discrimination in its continuing violations of the rights of the Arab peoples.

418. Members of the Committee congratulated the representative of the Soviet Union on the report and on the important introductory statement on the new historic and revolutionary policy adopted by the Soviet Union. They welcomed the new phase begun in Soviet society and wished to receive additional information regarding the changes introduced during recent months and to know how those changes had influenced life in that vast country. Further information was requested on the relationship between internal humanitarian policy and the new foreign policy in the Soviet Union, in particular the proposals introduced by the USSR in the United Nations concerning a comprehensive system of international security, in which the economic and humanitarian elements were regarded as essential conditions.

419. Information was requested regarding the applicability of the Convention by the courts and the interpretation of the new USSR Constitution. It was asked whether the new Constitution contained any changes in relation to the right of secession of the union republics contained in the 1936 Constitution. With regard to the riots in Kazakhstan, it was asked what measures had been taken by the authorities and whether penal action had been taken in dealing with the situation.

420. Members commended the Soviet Union for the measures it had taken to eliminate apartheid and its active part in the campaign to free Nelson Mandela and other political prisoners in South Africa.

421. In relation to article 4 of the Convention, some members claimed that, though social legislation fully provided for the implementation of that article, anti-Semitic propagandists, in anti-Zionist guise, had never been prosecuted for their writings. It was asked whether the text of article 36 of the USSR Constitution, which related to article 4 (b) of the Convention, could be provided to the Committee.

422. With reference to the right to leave and to return to one's own country under article 5 of the Convention, some members wished to know why Jewish emigrants to Israel were made to give up their Soviet nationality and to pay a substantial levy - whereas other emigrants could retain their Soviet nationality, what the present situation of Jewish "refuseniks" was, whether any statistics were available on Jewish emigration, and whether a new law promulgated in January 1987 restricted the emigration from the Soviet Union of persons with knowledge of State secrets until such secrets were out of date. In that connection, clarification was requested on the meaning of "knowledge of State secrets" since it seemed ambiguous and required subjective interpretation. Another member suggested that Jewish citizens were privileged with respect to emigration.

423. Members referred to the right to work, under article 5 of the Convention, which was guaranteed to citizens by the Constitution of the Soviet Union, in accordance with their inclination, abilities, training and education, taking due account of the needs of society. They noted that the accent was on a new style of work, modernization, high efficiency and productivity. Within that context, they wished to receive further information on how efficiency and productivity could be harmonized with the fact that there was no unemployment, since in the interests of efficiency, some workers had to be dismissed for poor performance. It was asked

what was meant by the "needs of society" and how those needs modified the freedoms of the individual, whether labour rights were still protected by the courts since the new changes, how the rapid increase in the minority populations, particularly the Asian populations, had affected employment and freedom of movement, and to what extent the population of the Asian republics was represented at the higher levels of Soviet society.

424. In connection with the right to education and training under article 5 of the Convention, one member asked whether Soviet statistics did not show a much greater decline in the number of Jewish students between 1968/69 and 1980/81 than the numerical decline in the Soviet Jewish population in general and the relevant age group in particular and, if so, how that fact was to be interpreted. Discrimination in the admission of Jewish students to leading mathematics departments in Moscow between 1978 and 1980 was also noted by one member and clarifications were requested as to whether such practices still persisted. It was asked why optional teaching of Yiddish had been introduced in Birobidzhan, when there were 20 times more Jews in Moscow and 13 times more in Byelorussia than in Birobidzhan, particularly in view of the fact that article 20 of the Fundamental Principle of Legislation on Public Education guaranteed that pupils might study the language of another people. On the other hand, a member observed that Jews were a privileged group compared with other nationalities; the percentage of Jews with higher education and access to culture seemed to be higher than that of other minorities, particularly the Muslims. It was asked whether freedom of choice of the language of instruction was limited to primary school. Clarification was requested concerning the opening of schools with a total of 195,000 pupil places and pre-school establishments with 154,000 places in the northern districts where over 30 million inhabitants lived. The measures aimed at improving equality in education, such as the amendments to the Fundamental Principles of Legislation on Public Education, 1985, and the 1984 decision to expand the training of teaching staff in certain regions, including the republics of Central Asia and Kazakhstan, were noted with appreciation. Further information was requested on the new measures concerning education for the people of the Soviet Far East, vocational education, proposals concerning uniformity in secondary education and the effect that that would have on the cultural heritage of minorities, and the number of minority students in natural sciences in the republics of Central Asia, Siberia and the Far East. In relation to the Soviet policy on higher or secondary specialist education, which included special measures to promote the advancement of certain racial or ethnic groups which were justified by article 1, paragraph 4, of the Convention, additional information was requested regarding the second part of that provision which stipulated that such measures should be discontinued after the desired objectives had been achieved.

425. In relation to article 6 of the Convention, one member requested information about new legislation which would give citizens a broader right to recourse against the Government. He suggested that the absence of cases of racial discrimination before the courts could indicate that people lacked the courage to bring such cases before the courts, since in no country was racial discrimination totally absent.

426. With regard to article 7 of the Convention, one member asked whether it was true that in Soviet textbooks matters relating to the Jewish people in Soviet history had been belittled or passed over in silence, and that in many cases the Jews had been presented in a negative light.

427. With regard to article 14 of the Convention, it was asked whether the Soviet Union could consider making the optional declaration under that article recognizing the competence of the Committee to deal with individual communications.

428. In reply to the observations made by the members of the Committee about the changes that had taken place in his country, the representative of the Soviet Union said that the revolutionary transformation was a further democratization of society on the basis of what had already been achieved. His country was trying to intensify self-government and self-development, particularly at the local level. Measures included protection of political, social and individual rights, preservation of socialist law and denunciation of illegal acts by the authorities in violation of people's rights. There was a close link between the Soviet Union's internal changes and its efforts to promote international security. His Government took the view that, if mankind was to survive, the arms race must be halted, food supplies must be assured, the environment must be protected and space must be used only for peaceful purposes. Co-operation and agreement must replace power politics and interference so that mankind could proceed with its development. Co-operation should extend to humanitarian matters so as to eliminate all forms of nationalism, discrimination and racism.

429. He stated that the Convention formed part of Soviet law, although changes in domestic legislation were made if they were found necessary in order to reflect particular provisions of the Convention more effectively. He said that there had recently been a problem in Kazakhstan, where, under the former authorities, advantages had been given to certain groups from the south of the republic to the detriment of the rest of the population. That had led to nepotism and corruption. The former authorities had not been successful in coping with the complex and delicate aspects of the nationalities' question. However, the Government's policy was that all citizens should have equal rights, as required by the Convention.

430. He informed the Committee that the provisions of article 4 (b) of the Convention were covered by article 36 of the Constitution and by the Penal Code; however the question as to whether specific legislation was needed to prohibit racist organizations or whether the present Penal Code was adequate was under discussion.

431. He assured the Committee that article 5 of the Convention was implemented without limitations of race, colour, nationality or ethnic origin. Difficulties sometimes arose with employment, and efforts were being made to find appropriate solutions. However, uneconomic enterprises could not be closed down until the workers concerned had been retrained and provided with alternative employment with at least the same level of remuneration. The process of transformation might therefore proceed slowly. At present, a citizen could practice his occupation anywhere in the USSR, although in some cases he might have a problem if he wished to find employment in his own occupation in the place where he was born. Efforts were being made to overcome such difficulties and to create the best possible conditions for labour mobility within the country through the planned distribution of manpower.

432. As to the right to leave and to return to the USSR, he pointed out that article 20 of a new law guaranteed that both Soviet and foreign citizens could enter and leave the country on private business without discrimination. It was true that persons who, through their work, were in possession of State security secrets might not be permitted to leave the country for a certain period. The

period concerned depended on the closeness of the connection with State secrets. It sometimes happened that permission was opposed by the applicant's parents who would find themselves without support if the application was granted. Under Soviet law, Jews were neither discriminated against nor given advantages. It was true that it had been easier for Jews to leave the country than for other groups and that 185,953 persons had left the Soviet Union for Israel, but that was due to the fact that the Second World War had split a large number of Jewish families, many of whom had subsequently been reunited. Jews were not deprived of their nationality in the Soviet Union. There was, however, a legal problem in the case of Jews emigrating to Israel because under Israeli law, citizenship was automatically granted to all Jews. The USSR did not recognize dual citizenship, so persons with dual nationality were in a difficult situation.

433. The representative of the USSR said that Jews held a high percentage of senior positions in medicine, science and the arts because they had played an active part in the Revolution, and after the Revolution they had taken advantage of the new educational facilities made available to them. The statistical situation was slowly changing, not as a result of any discrimination against Jews but through the advancement of other national groups. The Moscow synagogue was open to all Jews, but 90 per cent of them in the Soviet Union were atheists. He indicated that, although cases of abuse of authority might have occurred, the law and government policy favoured the equality of all minority languages, including Yiddish and Hebrew. Minority languages were used as the vehicle of instruction in both primary and secondary schools and sometimes in higher education as well. The figures for the northern nations given in the report related to all persons residing in the north, but primarily to the smaller nationalities. Minority groups received their vocational training in the three types of schools of the USSR, where children were guided into occupations suited to their capabilities. Before the Revolution, minorities were dying out, but now their numbers were increasing.

434. He added that the questions to which he had not replied would be transmitted to his Government.

#### Democratic Kampuchea

435. The initial report of Democratic Kampuchea (CERD/C/111/Add.4) was considered by the Committee at its 780th and 802nd meetings on 4 and 19 March 1987 (CERD/C/SR.780 and SR.802).

436. The report was introduced by the representative of Democratic Kampuchea, who referred to the Vietnamese war of occupation which had ravaged his country since December 1978 and to the fact that his Government would not be in a position to prepare a proper report until the foreign occupying forces had withdrawn. He drew the Committee's attention to the systematic efforts of the Vietnamese occupying forces to exterminate the Khmer race. He stated that Viet Nam, a party to the Convention, was not fulfilling its obligations under the Convention. Finally, he referred to the peace proposal made by the three Democratic Kampuchea coalition leaders and their appeal, on 18 February 1987, to Viet Nam and the USSR.

437. Members of the Committee referred to the tragic situation in Democratic Kampuchea, where thousands of human beings had lost their lives. They said that that situation presented one of the gravest ethnic conflicts before the Committee. Democratic Kampuchea was a country occupied by foreign forces and its Government was unable to exercise power in its own territory. It was to be hoped that the

foreign occupation would end in the near future and that peaceful solutions could be found, enabling the Kampuchean people to exercise their right to self-determination and freely to elect a government of their own choice, without foreign interference. It was pointed out that Democratic Kampuchea did not exercise sovereignty over Kampuchean territory and could not claim to represent Kampuchea internationally. It was also observed that the allegations against Viet Nam emanated from a Government whose main component was an offshoot of the Pol Pot régime, guilty of the crime of genocide against its own people.

438. Members of the Committee drew the attention of the representative of Kampuchea to the provisions of article 11 of the Convention which provided for a State party, if it considered that another State party was not giving effect to the provisions of the Convention, to bring the matter before the Committee. However, the Committee had to be seized with a written communication to begin the procedure under article 11.

439. Members of the Committee requested information on the ethnic composition of the population, the functioning of the legal system in Democratic Kampuchea and the criteria used for the election of judges. It was asked whether the Government was already preparing legislation which might be of interest to the Committee.

440. At the 780th meeting, a Committee member introduced a draft decision on the initial report of Kampuchea. At the 802nd meeting, he withdrew the proposed draft decision.

441. As the Committee had already declared, the occupation of the territory of a State party to the Convention constituted a grave breach of the Convention, particularly if the organs of that State were prevented from fulfilling their obligations under the Convention and if demographic changes in the population were imposed.

442. Consequently, some members of the Committee expressed the hope that the territorial integrity of Kampuchea would be re-established so that it could comply with its international obligations under the Convention.

443. The representative of Democratic Kampuchea expressed his thanks to the members of the Committee who had shown their compassion for the tragic fate of his country and to those who had expressed the hope that peace and freedom would be restored in Kampuchea soon.

444. With regard to the national minorities, he said that it was estimated that until 1950 there had been 218,000 Chinese, 230,000 Vietnamese and 100,000 Chams of the Islamic faith, in addition to other smaller minority groups inhabiting the mountainous regions, the plateaux and the areas bordering on Viet Nam and Laos. In 1957, there had been 600,000 foreigners of various origins in the country.

445. He stressed that his Government had already responded on various occasions to the accusations of genocide of the Kampuchean people: the very survival of Democratic Kampuchea and the formation of its coalition Government constituted an incontrovertible refutation of the claims of the occupiers.

446. With regard to the fundamental law and other laws of the country, the coalition Government recognized only the common declaration made at the time the

Government was created and the eight-point peace proposal unanimously adopted by the three political parties comprising the coalition as the National Charter.

447. Concerning the violations committed by the current Vietnamese authorities against his people, the representative of Democratic Kampuchea reserved the right to transmit a communication in good and due form under article 11 of the Convention after consultation with the authorities of Democratic Kampuchea.

448. Finally, he said that the real issue was that of the life or death of an entire people and a sovereign State.

#### Trinidad and Tobago

449. The sixth periodic report of Trinidad and Tobago (CERD/C/116/Add.3) was considered by the Committee at its 722nd meeting on 5 March 1987 (CERD/C/SR.782).

450. The report was introduced by the representative of Trinidad and Tobago who indicated that her Government had endeavoured to reply to all questions raised by the Committee during the consideration of the previous report. However, her Government had not replied in writing to the question regarding political representation along ethnic lines, because it did not seem to be applicable to her country and because that type of approach was more conducive to division and disharmony than to racial cohesion. She referred to relevant parts of the report and to the recent elections that had taken place in her country following an electoral campaign characterized by racial tolerance and civic discipline.

451. Members of the Committee thanked the representative of Trinidad and Tobago for the interesting report which had been compiled in accordance with the Committee's guidelines (CERD/C/70/Rev.1) and expressed satisfaction at the constructive dialogue that Trinidad and Tobago was maintaining with the Committee.

452. Members asked how the exercise of the rights recognized in the Constitution was guaranteed and whether the Courts could challenge the application of laws that had been duly passed. Members requested further information regarding the ethnic composition of the population, in particular, the ratio of Africans to East Indians, who together accounted for 81.5 per cent of the total population, and the percentage of Caribs in the population. It was pointed out, however, that in the case of Trinidad and Tobago, the various ethnic groups were intermingled and that identification with a particular group was only possible in a very limited number of cases.

453. In relation to the implementation of article 2, paragraph 2, in conjunction with article 5 of the Convention, the request for a breakdown of the members of Parliament by ethnic group was reiterated, since it seemed quite possible, under the electoral system described in the report, to arrange constituency boundaries in such a way as to prevent a particular group from being represented in Parliament. Members of the Committee asked whether there were concentrations of ethnic groups in some parts of the country that could influence the results of elections, whether the political parties were based on ethnicity, whether the party that had recently come to power had an ethnically balanced membership and, if not, which groups predominated therein. They wished to know how the Government was helping the various ethnic groups to preserve their cultural heritage, whether work was regarded as a right and whether discrimination in employment was strictly prohibited by law and, if so, what means of legal redress were available to victims

of racial discrimination, how the Government intended to eliminate economic inequality, how affiliation to a particular ethnic group affected the right to employment or to education, whether all ethnic groups had access, on an equal basis, to all levels of education, and whether the percentage of private establishments was as high in secondary and university education as in primary education. It was noted that the exclusive nature of the educational system, based on ethnic or religious affiliation, had an effect on the economic situation of the various ethnic groups and it was asked how article 2, paragraph 2, of the Convention was being applied. Members also requested information about refugees and immigrants and asked whether there were any restrictions.

454. With regard to article 3 of the Convention, members of the Committee congratulated Trinidad and Tobago on its exemplary and active role in the struggle against apartheid in South Africa. It was asked whether the Government maintained diplomatic relations with South Africa. The hope was expressed that the next periodic report would contain updated information concerning the measures that the Government had taken.

455. In connection with the implementation of article 4 of the Convention, members of the Committee referred to the Sedition Act and pointed out that, although the Act partly met the requirements of article 4 (a), it totally failed to meet those of article 4 (b). Members indicated that the intention to commit a seditious act as defined by the law was extremely difficult to prove in practice and asked how the courts interpreted that provision. With regard to the definition of spheres of competence, clarifications were requested as to the criteria for adjudication by a single judge or by a jury and, if the case was heard by a jury, the way in which that jury was constituted. Members of the Committee expressed the hope that Trinidad and Tobago would enact specific legislation to give effect to all the provisions of article 4 of the Convention, which was crucial.

456. Regarding article 6, information was requested on the effectiveness and promptness of the remedies available in the event of a violation of the rights recognized in the Convention. Clarification was requested regarding the Ombudsman; it was asked what type of cases were referred to him, whether he was appointed by the executive or by Parliament, what his relationship to the courts was, and whether he was able to intervene in legal proceedings.

457. Concerning article 7, members wished to know in particular whether there were any special programmes to inform police officers of the provisions of the Convention.

458. As to article 14, it was asked whether the Government intended to make the declaration under that article of the Convention recognizing the competence of the Committee to deal with individual communications.

459. The representative of Trinidad and Tobago stated that the replies to the questions and comments made by members of the Committee would be given in the next periodic report.

#### Mauritius

460. The seventh periodic report of Mauritius (CERD/C/131/Add.8) was considered by the Committee at its 782nd and 792nd meetings, on 5 and 12 March 1987

(CERD/C/SR.782 and SR.792), without the participation of a representative of the reporting State.

461. Members of the Committee requested more detailed information on the ethnic composition of the population, particularly since the annex to the report, which listed the population by religion, did not refer to the ethnic groups which composed the Mauritian community. The hope was expressed that the next periodic report would give a more realistic picture of the racial situation in Mauritius.

462. With regard to article 3, reference was made to the information given in previous reports of Mauritius concerning its relations with South Africa and the efforts of the Government to diversify its relations by turning towards countries other than South Africa, notwithstanding its traditional links. Additional information was requested on the status of its trade relations with South Africa, as well as on its activities with the Indian Ocean Commission Authority.

463. In relation to article 4, members of the Committee observed that significant gaps still remained in the application of that article. Information was requested as to how the Penal Code gave effect to the provisions of article 4. It was asked whether public officers who ordered an arbitrary discriminatory act were liable to criminal persecution or only to administrative sanctions. The hope was expressed that the Government would soon introduce the race relations bill referred to in the report, since specific legislation was needed to ensure the full application of article 4 of the Convention.

464. In relation to article 5 of the Convention, members of the Committee wished to receive more detailed information about the rate of unemployment and the way in which it affected the various ethnic groups, the electoral law in Mauritius, which allocated additional seats to the different ethnic groups on the basis of the 1972 census, regardless of whether the members of those groups had voted or not, and on the limitations provided for in the Constitution regarding the freedom of the press, some of which were based on the need to prevent the expression of racial prejudice or discrimination, and it was asked whether there had been any cases in which those limitations had been applied in recent years.

465. Concerning article 6, information was requested about the legal remedies available to Mauritian inhabitants who believed themselves to be victims of violations of the rights recognized in the Convention.

466. Members also wished to receive ample information about the implementation of article 7 of the Convention.

### Argentina

467. The ninth periodic report of Argentina (CERD/C/149/Add.1) was considered by the Committee at its 783rd meeting, on 5 March 1987 (CERD/C/SR.783).

468. The report was introduced by the representative of Argentina, who said that the primary objective of the democratic Government which had taken office on 10 December 1983 had been to re-establish the rule of law, together with full respect for human rights, after a long period during which the military dictatorship had flagrantly and systematically violated fundamental human rights. During the period under review, Argentina had taken steps to ratify all the international conventions on human rights, which could then be invoked directly

before domestic courts and administrative authorities. On 30 September 1985, the National Congress had adopted Act No. 23 302, which was designed to enable indigenous communities to participate in the task of government and preserve their cultural and linguistic identity, and to compensate them for the lands of which they had been dispossessed. On 22 May 1986, the Argentine Government had decided to sever diplomatic relations with the racist Government in Pretoria in compliance with article 3 of the Convention. A bill opposing any type of discrimination or incitement thereto, consistent with article 4 of the Convention, had been adopted by the Chamber of Deputies and was now before the Senate. In May 1986, Argentina had organized a Latin American seminar against discrimination within the context of article 7 of the Convention. The representative of Argentina assured the Committee that the Convention was being implemented throughout Argentina, but not in the Falkland Islands (Malvinas), where his Government had been prevented from exercising its sovereignty.

469. The Committee paid tribute to the Government of Argentina for the impressive work of reparation and healing, which it had carried out with speed and determination after the years of havoc wrought by military dictatorship. The Government and Congress of Argentina had succeeded in restoring a system of democracy. Members of the Committee commended the report for its frankness and for its new spirit. Argentina, once a problem case, was now taking an active part in the struggle against discrimination both at home and abroad. The enactment of domestic legislation and the ratification of international human rights instruments were impressive measures to build up a strong system of guarantees for preserving human rights and were evidence of the Government's will to overcome problems inherited from the past. The report, which had been submitted on time, followed the Committee's guidelines (CERD/C/70/Rev.1) and had been supplemented with valuable information by the representative of Argentina. One member noted with regret that the report could cover only the mainland territory of Argentina.

470. Members of the Committee pointed out that the report did not contain data on the demographic composition of the population, requested on previous occasions, and expressed the hope that that information would be included in the next periodic report. Additional information on the numbers of refugees and exiles and how that issue had been dealt with was also requested. Members wished to know to what extent the debt burden and austerity measures imposed by the International Monetary Fund (IMF) had affected the implementation of the Convention and other human rights instruments in Argentina, and in particular, how it had affected the situation of indigenous peoples and the poorest sections of the population.

471. In relation to article 2 of the Convention, members of the Committee noted with appreciation that the Government had enacted a series of laws for the benefit of indigenous peoples and wished to receive more detailed information regarding the National Institute of Indigenous Affairs, the National Register of Indigenous Communities and the registration of indigenous names. They would welcome information on the land redistribution measures, such as which authority would be responsible for the indigenous populations, when the indigenous peoples would be provided with land, whether indigenous communities were to be relocated, brought back to the land which was originally theirs or resettled where the Government considered that their conditions would improve, whether any budgetary provision had been made to enable the persons concerned to make a living on the land they would occupy, and who would determine the price of land in cases of expropriation. Clarification was requested as to how indigenous peoples could both preserve their historical and cultural identity and, at the same time, be assimilated into

national society. Further information was requested on the size of indigenous communities, the percentage of the total population they represented, the number of schools for indigenous communities and the language of instruction. It was also asked whether the communities were dispersed throughout the territory or concentrated in specific areas, and whether nomadic and semi-nomadic peoples were included under indigenous communities. Members of the Committee expressed the hope that Argentina's next periodic report would contain information on the extent to which the Government's policy and measures had been implemented, the amount of land transferred, the number of indigenous peoples given land rights, the steps taken to promote agricultural production, and the programmes designed to give indigenous peoples access to all levels of education, health care and governmental schemes.

472. With regard to the implementation of article 3, members of the Committee commended the action taken by the Government. However, they hoped that all relations with Pretoria would be severed. Members wished to receive information on the private trade that Argentinian citizens maintained with South Africa and on Argentina's position with regard to mandatory and comprehensive sanctions. It was asked how the Argentine Consular Official in Cape Town was empowered to sign on behalf of the Embassy which had been closed in Pretoria. Information was also requested regarding Argentina's relations with liberation movements other than the African National Congress of South Africa (ANC) and the South West Africa People's Organization (SWAPO) in southern Africa.

473. In connection with article 4, members of the Committee congratulated the Government on the legislation being enacted to implement its obligations under that article. The amendments to the Penal Code proposed in the bill currently before Congress appeared to meet the requirements of article 4. The only missing elements seemed to be the financing of racist organizations by persons who were not themselves members. That would be considered an offence under article 4, but did not appear in the bill. More detailed information would be appreciated. It was also asked whether anti-Semitism was still a problem in Argentina and how it was tackled.

474. In relation to article 6, members welcomed the establishment of the Office of the Under-Secretary for Human Rights within the Ministry of the Interior. They wished to know how it was organized, how it functioned, how many persons were involved and whether it was also responsible for indigenous peoples. It was also asked whether it might not have been more appropriate to place it within the Ministry of Justice. Members were interested to know how successful the efforts of the Office of the Under-Secretary for Human Rights to report infringements of human rights to the authorities had been and what subsequent action had been taken. They noted with satisfaction that the Ministry of Education had reinstated all teaching staff dismissed on political grounds during the military dictatorship and asked whether those reinstated had been compensated for their lost salaries and whether other Ministries had taken similar action. It was asked whether article 5 of the bill to combat discrimination, which provided for compensation in certain circumstances, was currently in force and how speedy the legal process was. Members expressed concern about the "Punto Final" legislation and requested an explanation of the real implications of establishing a statute of limitation for human rights offences committed by the military during the "dirty war". They raised the question of whether the "Punto Final" legislation might not be contrary to article 6 of the Convention, since the limitation which it established might have the effect of depriving victims of an effective remedy.

475. Regarding article of the Convention, the Government was congratulated on the course on human rights for civil servants, organized by the Office of the Under-Secretary for Human Rights. It was asked whether police officers were regarded as members of the civil service for that purpose.

476. As to article 14 of the Convention, members were interested to know whether the Government was considering making the declaration provided for under that article recognizing the competence of the Committee to deal with individual communications.

477. Replying to the members of the Committee, the representative of Argentina said that, according to the latest census taken, in 1965, the estimated indigenous population was 150,000, but that it could well be twice the size. It represented 0.64 per cent of the total population. The main ethnic groups lived in nine provinces. The former educational system, in which indigenous children who did not understand Spanish were taught in that language, had been an additional source of marginalization for the indigenous peoples. It was intended to remedy that situation through the new legislation. Efforts were being made to provide for the promotion of education and indigenous culture, with emphasis on indigenous aspects, employment of indigenous teachers and teaching in indigenous languages. He informed the Committee that the new draft law on indigenous communities envisaged granting them land in the areas where they lived. They would not be moved to other areas; the land would be situated where they lived or nearby and would be appropriate for development. He explained that integration of the indigenous people into society on equal terms meant the elimination of oppression and marginalization and the granting of equal opportunities. The new Act No. 23 162 authorizing the registration of indigenous names would fill a legislative gap. The operation of the new National Institute of Indigenous Affairs, proposed by a new draft law, would be determined by the executive and it would have the same competence, but not the bureaucratic drawbacks, of the former Institute, which it would replace. In accordance with the relevant provisions of that draft law, the authorities would conduct a census of the indigenous peoples in order to obtain the data required as a basis for the law. He trusted that adequate data would be provided in the next periodic report.

478. Regarding the external debt, the representative said that, while Argentina could restore civil and political rights, it was obviously difficult to ensure the exercise of economic, social and cultural rights in a situation where an unjust international economic system caused overwhelming debts, because interest on those debts exceeded the balance of trade.

479. Referring to the questions on South Africa and Namibia, he informed the Committee that, in addition to the information given in the report and to breaking off diplomatic relations with South Africa, Argentina had voted for all United Nations resolutions on South Africa and Namibia, including a Security Council resolution sponsored by his delegation.

480. He indicated that the observations made by members of the Committee in relation to the draft law against discrimination to implement the provisions of article 4 of the Convention would be transmitted to the relevant authorities. He added that the Committee had made a valuable contribution and that the summary of the dialogue would be transmitted to Congress together with the recommendations concerning the declaration under article 14 of the Convention.

481. A series of regulations had been adopted on the question of remedies under the law incorporating international law within Argentine internal law. Argentina had in fact adhered to nearly all international conventions relating to refugees, since it wished to amend its internal law so that the right of asylum would apply to all refugees. The previous law implied that only Nazis could apply for asylum, since that right applied only to people defeated in war. In 1984, Congress had enacted a law withdrawing such a reservation.

482. The Office of the Under-Secretary for Human Rights, which had replaced the National Commission on Missing Persons, was responsible for continuing the work of that Commission, providing evidence and bringing the guilty to justice. It was not only the Ministry of Justice that would be dealing with missing persons. Other departments would be involved and courses were being organized for civil servants on the law, human rights and other relevant subjects. Concerning the reinstatement of teachers and former officials, he said that each Ministry tried to provide compensation and each one had a list of applications from former employees who had returned from abroad. Many, of course, had disappeared.

483. Regarding the punishment of crimes perpetrated under the military dictatorship, which had resulted in the disappearance of thousands of people, he referred to the repeal of the law enacted by the former Government granting itself amnesty for its acts and to the spectacular trial of the former military President who had been given a life sentence. The fact that Parliament had now adopted a law setting a time-limit for such penal action did not mean that all criminals would be protected. There was ample evidence and the trials would continue until guilt had been established.

484. Lastly, in connection with the territory over which Argentina exercised authority, he recalled that his Government had always contested efforts by the United Kingdom to extend the coverage of any convention to the Falkland Islands (Malvinas). He added that in the case of Non-Self-Governing Territories, the Committee was not competent to receive information directly from States parties to the Convention regarding such Territories and referred to the provisions of article 15 of the Convention and General Assembly resolution 1514 (XV).

#### Sudan

485. The fourth periodic report of the Sudan (CERD/C/114/Add.1/Rev.1) was considered by the Committee at its 784th and 785th meetings on 6 March 1987 (CERD/C/SR.784 and SR.785).

486. The report was introduced by the representative of the Sudan who stated that, under the transitional Constitution of 1985, his country was now, after 17 years of autocracy, a pluralist democracy. The judiciary was independent and the Government was freely elected by universal suffrage. The Sudan, one of the least developed countries, was emerging from a long and hard struggle against climatic conditions that had brought 8 million Sudanese, out of a total population of about 20 million, to the verge of famine. Nevertheless, the Sudan was the African country hosting the largest number of refugees: 1 in every 20 inhabitants of the Sudan was a refugee. He informed the Committee that, in a decision dated 25 November 1986, the Supreme Court had ruled that the verdict delivered against the late Mahmoud Muhammad Taha had been null and void. A constitutional conference, attended by all Sudanese political forces, would be held shortly to study all fundamental problems.

487. Members of the Committee commended the Sudanese Government for its excellent report, which showed how much it had accomplished in a short time. They praised the frankness of the report, which described how a third world country was overcoming the after-effects of a repressive régime and was embarking on the reinstatement of human rights, and appreciated the willingness of the Government to maintain a dialogue with the Committee. They noted the Government's efforts to promote national reconciliation and to solve the problems it was facing through negotiation and welcomed the political dialogue it had established as well as the announcement of a constitutional conference. They stated that the transition from a military régime to democracy was not easy, especially in a developing country faced with numerous problems such as debt, famine, refugees and ethnic problems, to name only a few.

488. It was pointed out that, in order to justify the state of emergency in the Sudan, the Government was invoking the war and the need to avoid violence. Those problems should not be used as a pretext for undue prolongation of the emergency measures, which should be regarded as temporary. Members of the Committee said that legislative reform in the Sudan was urgently required for the settlement of the internal conflicts and the elimination of ethnic, racial and other forms of discrimination.

489. Some members of the Committee expressed concern at the fact that the penalties prescribed in the shariah were still incorporated in the Criminal Code. They noted that, although apparently, the September laws were to be repealed, the transitional Constitution stipulated that the Islamic shariah and customary usage were the two primary sources of legislation. It was pointed out that 400 persons were still in prison awaiting amputation, that the September laws were responsible for many amputations of young persons, persons from the north and the south, and persons who had not committed any offence. Information on such amputations was requested. It was also stated that the war that was tearing the Sudan apart was not a conflict between north and south or between Muslims and Christians, but rather a direct consequence of the promulgation of the September laws, which also constituted the main obstacle to peace. Some members observed, however, that it was not the application of Islamic law as such that had given rise to problems, but rather its use to repress and liquidate the régime's political and religious opponents.

490. Members of the Committee noted that the Sudanese Government intended to amend the criminal legislation. They recommended that Sudanese legislation should be modified as early as possible to bring it in line with international human rights standards and the provisions of the Convention. In the new legislation, the Government and the legislative bodies should seek a way to safeguard the interests of the population as a whole, including those living in the south. They asked, in particular, what progress had been made in the drafting of the new legislation, when it would be adopted, what its content was, and which provisions of the Criminal Code would be applied in the meantime.

491. In relation with article 3 of the Convention, members of the Committee commended the Sudan for the courageous and extremely active role it had been playing in the struggle against apartheid.

492. With regard to article 5 taken in conjunction with article 2, paragraph 2, of the Convention, members of the Committee asked for a breakdown of the composition of the population by ethnic group. They pointed out that the most important problem facing the Government was the crisis between the north and the south, which

was jeopardizing the full application of the Convention, and expressed their doubts as to whether it would be possible to solve those problems as long as the Koranic law was applied. They wished to know how education subsidies were allocated in a country in which over 150 languages were spoken and how the various cultures were located, so that they could compile a cultural map of the Sudan. Explanations were requested concerning economic and military policy with regard to the south and the Government's position vis-à-vis the Addis Ababa Agreement of 1972, which established a regional government in the south. Further information was requested concerning the armed groups or militias whose establishment had been encouraged by the previous régime.

493. Members congratulated the Sudanese Government on its introduction of political pluralism and asked for information on the exercise of political rights particularly concerning participation in elections in the south. In that context, it was observed that the ideology of the two parties that had won the elections in April 1986 was more religious than political and that elections had been cancelled in more than half of the 68 constituencies in the south, where about one quarter of the population lived. It was also pointed out that the opposition to the Islamic shariah law prevailed in the south, and that region's demand for the establishment of a federal system remained major obstacles to its participation in political life. Members asked to be informed of the results of the constitutional conference.

494. They also wished to know what percentage of the representatives in the Constituent Assembly and other main national bodies were from the south, what rights were recognized in the Public Service Act and the Social Security Act, what amendments had been made to the Trade Union Regulatory Act, whether the new legislation being drafted would also apply to aliens, and whether the Local Government Act of 1980 was still in force. They requested information on the exercise of trade-union rights, the situation of different ethnic groups in regard to education and literacy, and the law on marriage, and asked whether that law applied equally to all citizens or whether it took into account the special characteristics of the various groups. They also asked whether the Sudan was considering becoming a party to the International Covenant on Economic, Social and Cultural Rights.

495. Members of the Committee commended the manner in which the Sudan was dealing with the refugee problem, which was particularly onerous for a country with limited resources, and stressed that it should receive appropriate assistance from the international community. They observed that the number of political refugees from neighbouring countries exceeded 1 million and requested information on the origin of the refugees, their distribution within the country and the effect they had on the Sudanese economy, as well as the Sudan's relations with neighbouring countries, arms traffic and the food supply situation within the country. They wished to know what proportion of the assistance was provided by the Office of the United Nations High Commissioner for Refugees (UNHCR) and the international community and what proportion was being borne by the Sudan, whether some refugees, such as the Ethiopians, had been in the Sudan for many years and, if so, whether arrangements had been made with a view to their permanent settlement. It was observed that the former Government had indicated in a previous report that, while admitting refugees to the camps, it also gave them the opportunity to assimilate into Sudanese society if they so desired, and it was asked what the position of the current Government was in that respect. Information was requested on the measures taken by the Government to solve the problem of political refugees as a whole, and in

particular, that of a group of Ethiopian prisoners, whom the Tigrean Liberation Front had helped to escape from their prison and who had reached the Sudan, as well as on the Falasha refugees from Ethiopia.

496. On the implementation of article 6 of the Convention, members of the Committee welcomed the decision of the Supreme Court which had annulled the judgement delivered by the summary courts on the case of Mahmoud Muhammad Taha and expressed the hope that the text of that judgement would be published and communicated to the various human rights organizations as well as to Islamic countries. It was suggested that the Sudan might consider appointing an ombudsman, since that legal institution was particularly useful in a multi-ethnic society. It was hoped that measures could soon be taken to enable citizens belonging to various ethnic groups to use their own language in legal proceedings.

497. Members of the Committee noted with satisfaction that a centre for human rights was to be established at the Faculty of Law of Khartoum University.

498. In reply to the comments made and the questions raised by members of the Committee, the representative of the Sudan said that the sharing of wealth between different regions, and particularly with southern Sudan, would be a central issue at the forthcoming constitutional conference; he could add nothing further for the moment.

499. Concerning representation of the southern part of the country, there was no discrimination of any kind in elections to any office. Not all constituencies in the south were, however, represented in the Constituent Assembly as it had not been possible, for security reasons, to hold elections in certain areas. The background to the conflict in the south was very complicated and its roots were deeply entrenched in the history of the colonial period. In 1947, the tribal chiefs and others had decided unanimously on the unity of south and north. The schedule for the introduction of the new Constitution would be established on the basis of a consensus to be reached at the forthcoming constitutional conference.

500. On the question of refugees, he drew attention to General Assembly resolution 41/139 of 4 December 1986 regarding the situation of refugees in the Sudan, in which the General Assembly had expressed grave concern at the consequences of the massive presence of refugees for the security and development of the country and had commended the Sudan for the humanitarian relief which it had provided, against a background of shrinking resources.

501. In connection with the educational system in his country, the representative of the Sudan said that different schools existed for different communities; education was free and communal schools would accept any Sudanese national. The basic language in schools was Arabic. In the eastern region, more than 60 per cent of the students came from the refugee population in that part of the country.

502. In conclusion, he wished to say that there were no problems between the north and the south as such; current events involved northerners and southerners on both sides. Regarding his country's compliance with article 3 of the Convention, he wished to add that Nelson Mandela had been awarded an honorary doctorate in the Sudan.

## Czechoslovakia

503. The ninth periodic report of Czechoslovakia (CERD/C/149/Add.2) was considered by the Committee at its 785th meeting, held on 6 March 1987 (CERD/C/SR.785).

504. The report was introduced by the representative of Czechoslovakia, who highlighted and further explained relevant parts of the report, in particular with regard to the ethnic composition of the population, the position of foreign workers in Czechoslovakia and the efforts of her Government to raise the living standards of the Gypsy population.

505. Members of the Committee expressed appreciation for the report as well as for the introductory statement. They pointed out that the report was consistent with the Committee's guidelines (CERD/C/70/Rev.1) and that it answered questions which had been raised during earlier discussions. They also commended the Government for its willingness to maintain a dialogue with the Committee.

506. In relation to the implementation of article 2, paragraph 2, in conjunction with article 5 of the Convention, members of the Committee asked for clarification and further information about Constitutional Act No. 144 of 1968 establishing rights for ethnic groups. In particular, they asked whether the various ethnic groups had full equality, what opportunities national minorities were given and whether the size of the group was the decisive factor in granting rights. Regarding the limitation in article 3 of the Act, an explanation was requested as to what constituted the interests of the groups concerned and who decided thereon. Clarification was requested concerning the minorities grouped under the category "others and not mentioned" and it was pointed out that the small groups listed under that category should be mentioned by name, since they were more vulnerable and needed more protection than the larger groups. Clarification was requested on the words "national" and "ethnic" as they were used in the report. It was observed that there was no teaching in the German language and that teaching in Hungarian had been declining since the promulgation of Act No. 144 of 1968; that gave the impression that a process of assimilation, either voluntary or imposed, was taking place. In that connection, members were interested to know how many members of the Hungarian minority still used the Hungarian language, whether their children attended special institutions of their own, whether they were educated in one or two languages, whether they had a say in running their schools so that they could retain their cultural identity, and whether they were concentrated in one republic or region or whether they were dispersed. It was asked whether the Government made special budgetary allocations to improve the education of national minorities, whether minorities had any say in the administration at the grass-roots level or any municipal representation, and what assistance was given to preserve and promote the interests and needs of groups which had remained marginalized or disadvantaged.

507. With regard to the Government's policy towards the Gypsy community, members commended the efforts of Czechoslovakia in support of Gypsy citizens and the hope was expressed that their identity would be preserved. Some members asked whether some kind of modified assimilation was not taking place. It was noted that that ethnic group was known as Gypsy or Romany and it was asked whether the members of the group themselves had been asked which name they preferred. Members commended the Government for having persuaded Gypsies to settle permanently and for having provided them with flats or family houses. It was asked, however, whether the 1958 law, which provided that a person who refused to accept a flat was liable to a term of imprisonment, and which had apparently been promulgated in connection with the

Gypsy population, was still in force. Members wished to know whether Romany people were allowed freedom of movement to look for work after being settled in their allocated flats, whether such movement was organized by the Government, whether they were entitled to the same type of housing as the average worker or whether their dwellings were designed to meet the needs of their particular way of life, whether they were settled in an organized group or among other workers, and whether they would face housing problems if they moved because of their work. Information was requested on the numbers of the Gypsy population in order to judge their position in society; it was asked, in particular, whether the 350,000 Gypsy citizens all received welfare assistance, since the number of Gypsy citizens was determined on the basis of the census and their registration with national committees providing welfare assistance. Members of the Committee expressed concern at the illiteracy and low level of education of the Romany group despite the fact that they lived in a socialist State where education was compulsory and free of charge. The fact that only 1.7 per cent of Gypsy children continued their studies in secondary schools was a source of disappointment and a matter of the greatest importance for the long-term future of majority-minority relations and should be given high priority. Members also asked whether any literature on the Romany language was made available to teachers with Gypsy children in their classes which would help them to communicate more effectively with those children, whether students of the Romany language were subsequently employed to teach Gypsy children, whether Czechoslovakia had had the same experience as other countries where a disproportionate number of Gypsy children were allocated to special schools for educationally subnormal children because of language difficulties and whether, if the problem had been identified, steps were being taken to deal with it. In connection with health care, it was noted that mortality associated with childbirth among Gypsy mothers was not higher than the norm, and it was asked whether health statistics were collected on a sufficiently local basis for certain inferences to be made concerning Gypsy health. It was also asked whether figures on the incidence of tuberculosis and trachoma in areas where there were large numbers of people of Gypsy origin could be provided in the next report.

508. In connection with the implementation of article 3 of the Convention, members welcomed the action taken by the Government. It was pointed out, however, that the report could be amplified in order to give a fairer and broader picture of the activities carried out by Czechoslovakia in the struggle against apartheid, in particular its assistance to liberation movements and front-line States. It was asked whether there had been any judicial precedents interpreting the legal concept of "indignation", since the phrase "in a manner causing indignation" used in section 198 of the Penal Code on the offence of defamation raised problems of interpretation and proof.

509. As to article 4 of the Convention, it was observed that the extensive information provided in the Penal Code fully reflected both the spirit and the letter of article 4. It was pointed out that under section 260 of the Penal Code, though adherence to a movement which propagated racial discrimination was punishable, the position of individuals who did so was not clear, and further information was requested on that point as well as on any cases that might have been brought before the courts under that section. Additional information was requested regarding penalties for persons and groups using or threatening violence against certain other groups, in particular identification of the people or groups who suffered such attacks and whether they might be opponents of the régime. It was asked who was responsible for identifying persons who might be regarded as having opinions contrary to the socialist and governmental system and why such

people should be punishable by imprisonment. It was noted that certain offences were punishable by death and it was asked whether capital punishment had been applied in Czechoslovakia during the past four years.

510. In relation to article 5 of the Convention, members noted that the report gave ample information on religious freedom but did not mention restrictions on other rights under that article, such as freedom of expression, and they requested information in that respect. Further information was requested regarding section 236 of the Penal Code, in particular as to who was authorized to prevent other persons from taking part in a religious rite. It was also asked how and by whom freedom of religion was defined, whether those who professed religious faith could propagate their ideas freely and whether persons professing specifically religious ideas could be members of the Communist Party. Information was also requested regarding the position of foreigners in Czechoslovakia; it was asked whether they could marry Czechoslovak citizens and whether foreign students could work after qualifying. In that context, it was pointed out that the manner in which foreign workers were treated in Czechoslovakia was exemplary in many ways. It was also asked whether Czechoslovakia accepted refugees and, if so, how many had been granted asylum.

511. Regarding article 6 of the Convention, it was asked whether rapid and effective remedies were available to a citizen who claimed that any of the rights recognized in the Convention had been violated and whether a citizen could invoke the Convention directly before the courts, as part of domestic law.

512. In relation to article 7, the hope was expressed that in the next report extra attention would be given to the attitudes of the police and magistrates towards Gypsies and information would be provided on any special training given to such target groups.

513. With regard to article 14 of the Convention, it was asked whether the Government would be willing to make the declaration under that article recognizing the competence of the Committee to deal with individual communications.

514. In reply to the comments made and questions raised by the members of the Committee, the representative of Czechoslovakia said that she would endeavour to answer some of the questions and would transmit the others to her Government to be answered in detail in the next periodic report. She informed the Committee that in Czechoslovakia there were only two nations - the Czechs and the Slovaks, but other nationalities lived in the territory. In addition to those nationalities, there was a Gypsy population with a very different way of life. The Government's task had been to remove the differences in development between the various ethnic groups and to integrate them into society, while allowing them to maintain their own traditions. The children of the Polish, German and Hungarian minorities had the opportunity of studying in their own languages. Romany could currently be studied at a language school in Prague, and Gypsy children had an opportunity of studying their own language. Books were published in Romany. Other national minorities had their own newspapers and books. The terms "Romany" and "Gypsy" were used interchangeably. The population census included the Gypsy population. All Gypsies who applied for social assistance were registered as Gypsies but it could not be said that such persons accounted for the entire Gypsy population of some 350,000. The 1958 Act merely prohibited a nomadic life and applied to Gypsies and non-Gypsies alike. As for the place of residence, Gypsies were treated just like

other citizens; they worked in the nearby factory, they were not forcibly removed, and they had the same wages and working conditions as other people.

515. The Penal Code, especially sections 196, 221, 223, 259 and 260, served to fulfil all Czechoslovakia's obligations under the Convention. However, the Convention did not form part of domestic law. Citizens could invoke only domestic law in vindication of their rights under the Convention. The death penalty was applied only for exceptional crimes: in 1986, it had been applied in five instances, all involving murder.

### Nepal

516. The sixth, seventh and eighth periodic reports of Nepal submitted in one document (CERD/C/148/Add.1) were considered by the Committee at its 787th meeting on 9 March 1987 (CERD/C/SR.787).

517. The report was introduced by the representative of Nepal, who provided additional information about the political structure of his country and State policy.

518. Members welcomed the presence of a government representative, which afforded an opportunity for more substantive and constructive dialogue with the Committee. Although the report provided new information and answered questions raised in connection with the previous report, it was regretted that the consolidated report had not been compiled strictly in accordance with the Committee's guidelines (CERD/C/70/Rev.1). The hope was expressed that the next report would be presented in accordance with those guidelines and that it would contain information on the composition of the population.

519. In relation to the implementation of article 2, paragraph 2, in conjunction with article 5 of the Convention, members noted the valuable information contained in the annex to the report on districts declared as underdeveloped areas and their populations. In that context, they wished to know how the areas were demarcated, whether the inhabitants of those areas represented ethnic groups distinct from the main population of Nepal or whether they were of the same ethnic stock, whether each area was ethnically homogeneous or mixed, and whether persons of particular castes or religions were concentrated in those areas. Also in connection with those areas, they requested additional information on investment and budget allocations, particular problems, the occupation of the population (animal husbandry or crop production), the efforts made by the Government to develop the economy, the literacy rate and the percentage of the population receiving primary, secondary and higher education. It was noted that the establishment of a Remote Areas Development Committee was an important measure and additional information was requested regarding its terms of reference and the number of local representatives of such areas appointed to that body. It was asked whether that Committee had a purely advisory role or whether it was actively involved in the implementation of development programmes. Members of the Committee also, asked for further information about other special measures adopted by the Government, they asked whether scholarships had been introduced, whether a fixed percentage of jobs in administration or seats on the panchayat bodies were reserved for people from the remote areas, and what the language of education was.

520. With regard to article 3, members requested further details on the implementation of that article, particularly because five years had elapsed since the submission of its fifth report, which contained information on the Government's policy of opposition to apartheid, and because there had been a number of developments in the situation in southern Africa and at the international level in the interim.

521. Concerning article 4 of the Convention, members of the Committee were disappointed to note from the report that Nepal had made a reservation (the text was classified under declarations or statements of interpretation in conformity with the practice of the Secretary-General as depositary of the Convention (CERD/C/60/Rev.1)) with regard to that article. It was suggested that the Government could avail itself of the opportunity, under article 20, paragraph 3, of the Convention, to withdraw its reservation so as to ensure the applicability of the important provisions in article 4. A question was also raised as to whether the human rights covered by the Convention were effectively protected by the penal legislation of Nepal and the Government was encouraged to consider drafting specific legislation that would give direct effect to its provisions.

522. Regarding the implementation of article 5, it was pointed out that there were strict limitations on the right to freedom of opinion and expression in the interest of national unity, indivisibility and harmonious relations. According to Amnesty International, certain difficulties had reportedly arisen with regard to the registration of the National Teachers' Organization, which had led to a number of arrests. It was asked whether those arrests had been made in the interest of public order or for other reasons. It was also observed that the authorities could impose 90 days of pre-trial detention and that there were many prisoners of conscience in Nepal. Additional information was requested regarding the "back-to-the-village" national campaign, and it was asked whether rural development precluded political participation at the grass-roots level, as it appeared that the village bodies were currently devoid of political power. Clarifications were requested regarding the political and constitutional status of those Rastriya Panchayat members who had created a forum outside the panchayat system and it was asked whether they were able to continue their political activities under the partyless system. Explanations were requested concerning the grounds on which some members of the Christian community in Nepal had been taken into custody.

523. Members of the Committee expressed the hope that the next report of Nepal would contain information on measures adopted in pursuance of articles 6 and 7 of the Convention which were of fundamental importance, in particular on the remedies available to persons who considered that their rights under the Convention had been violated. It was also asked whether the Convention could be invoked directly as domestic law in the courts.

524. In reply to the comments made and the questions raised by members of the Committee, the representative of Nepal informed the Committee that, according to the 1981 census, Hindus accounted for 89.5 per cent of the total population of the country, Buddhists for 5.3 per cent, Muslims for 2.7 per cent, and Jainists for 0.1 per cent; there were small numbers of Christians and other religious groups. Some 58 per cent of the population spoke Nepalese, a large number of other languages also being spoken. There were linguistic and cultural similarities with some parts of India.

525. He explained that the figures given in the table of districts declared as underdeveloped areas in the annex to the report related to total populations and not to ethnic groups. The districts in question had been identified as underdeveloped for administrative purposes. The Government's main objective had been to remove the imbalances between regions in the distribution of the fruits of development and to raise the economic and social status of neglected rural areas and disadvantaged communities through the mobilization of resources on the basis of local capacities, requirements and skills and through the participation of the population, particularly in remote areas, in regional development activities. The imbalances between regions were due to geographical conditions and differences in population, agricultural wealth and development investment. Those imbalances had now been reduced in fields such as education, health, postal services and the provision of safe drinking-water. The "back-to-the-village" campaign was no longer in operation.

526. Nepal remained steadfast in its opposition to apartheid and had great faith in the effectiveness of mandatory economic sanctions against South Africa.

527. The question regarding the possibility of withdrawing the reservation which Nepal had entered in respect of article 4 of the Convention would be referred to his Government.

528. The spirit of the relevant section of the Press and Publication Act No. 2032 (1975), since repealed, had been incorporated in the new Freedom of Speech and Publication Act No. 2037 (1980). A number of teachers had been arrested, but the matter had been settled amicably and the teachers were working again. More information on Nepal's implementation of articles 6 and 7 of the Convention would be given in the next periodic report. In that connection, he said that, on Human Rights Day, the ideals enshrined in human rights instruments had been highlighted by eminent persons in the mass media and at meetings. Humanitarian law and human rights were studied at university. A substantial number of voluntary organizations were working in different fields to create an atmosphere of love from which all racial hatred was excluded.

529. Finally, he assured the members of the Committee that the dialogue with his country would continue and that the questions which had remained unanswered would be referred to Kathmandu.

#### Republic of Korea

530. The fourth periodic report of the Republic of Korea (CERD/C/144/Add.1) was considered by the Committee at its 787th meeting on 9 March 1987 (CERD/C/SR.787).

531. The report was introduced by the representative of the Republic of Korea who highlighted parts of the report and assured the Committee that his Government would continue to pursue a strict and consistent policy against all forms of racial discrimination and to make every effort to fulfil its obligations under the Convention.

532. Members of the Committee thanked the representative of the Republic of Korea for his country's report, which was in accordance with the Committee's guidelines (CERD/C/70/Rev.1) and reflected his Government's willingness to continue its dialogue with the Committee.

533. Concerning the implementation of article 3 of the Convention, members asked whether the Republic of Korea maintained any diplomatic relations with South Africa and, if so, the hope was expressed that they would be broken off in order to isolate the racist régime of that country.

534. With regard to articles 4 and 6 of the Convention, members of the Committee pointed out that the fact that the Convention had become part of domestic law and that it could be invoked before the courts was insufficient. The enactment of specific domestic legislation was necessary for the implementation of the provisions of articles 4 and 6. In that context, information was requested about how cases arising under the Convention were settled in practice, since the Convention did not indicate any penalties for violation of its provisions. The provisions of article 4 of the Convention were mandatory and provided judges with an effective tool where a specific legal text had been enacted. Members welcomed the fact that the Government was studying a revision of the Criminal Code which would provide a good opportunity for enacting the appropriate legislation.

535. Regarding article 5 of the Convention, clarification was sought concerning the freedom of movement of citizens and the Exit and Entry Control Act, which provided that the Ministry of Justice could prohibit the departure of any person whose departure was considered detrimental to the interests of the country or who was under criminal investigation. Confirmation was sought of the statement in the report that the right of any national to return to his country may, under no circumstances, be restricted even by law. Members of the Committee requested information regarding the freedom to vote and to stand for election in free periodic elections, and refugees, in particular, North Koreans, seeking political asylum. Questions were asked concerning the status of persons of mixed United States/Korean parentage and it was inquired as to whether they could hold dual citizenship. It was also asked how foreigners who had lived in the Republic of Korea for generations were treated and whether they used their own languages and had their own schools. An explanation was requested in connection with the right of an alien to leave the country, which might be suspended when he was under criminal investigation or suspicion of having committed a crime that might "endanger national security" or "disturb the social order". It was also asked how the right to work was guaranteed, what the level of unemployment was, how "optimum wages" were guaranteed, and how the right to form trade unions was secured.

536. In connection with article 14 of the Convention, it was asked whether the Government might be willing to make the optional declaration under that article recognizing the competence of the Committee to deal with individual communications.

537. Replying to comments and questions made by members of the Committee, the representative of the Republic of Korea said that it had been the consistent policy of his Government to seek the eradication of apartheid. His country maintained no diplomatic, consular or other relations with the racist régime in South Africa.

538. Existing constitutional safeguards and domestic legislation were generally sufficient for the full implementation of article 4. The possible acceptance of an obligation to enact specific legislation under that article was under review by the Minister of Justice and further developments would be brought to the notice of the Committee in his country's next report.

539. On the issue of civil and political rights, chapter II of the Constitution, on the rights and duties of citizens, stipulated the rights and duties under each article of the Convention. There was, for example, full equality before the law and provision for habeas corpus. Concerning elections, he said that all citizens who had attained the age of 20 had the right to vote; all citizens also had the right to hold office after they had reached a certain age. That was reflected not only in legislative provisions but in practice.

540. In connection with freedom of movement and the right to return to one's own country, the right to return was fully guaranteed. The guarantees in respect of aliens provided under domestic law, combined with international practice, fully conformed to international standards. The departure of aliens might be suspended in accordance with article 25 of the Exit and Entry Control Act if they were under criminal investigation, remiss in complying with their tax or other public obligations, or if their departure was considered particularly inappropriate for the purposes of protection of the interests of the Republic of Korea.

541. As to questions relating to the right to work, the representative said that his country's economic development had certainly been successful but that there was still a long way to go. Unemployment was normally between 3 and 4 per cent. The reference to optimum wages meant wages that guaranteed a subsistence level for the worker consistent with the economic situation. On the issue of collective action by trade unions, he said that there were a number of articles in the Constitution on the right of association and collective bargaining.

542. A question had been raised concerning racial mixing resulting from the presence of foreign troops in the country. There had certainly been intermarriages but no statistics were available regarding the number of children of such marriages. The permanent foreign population was about 27,000 and it did not present a problem. Once foreigners had met stipulated conditions, they could accept jobs before becoming Korean citizens; most held white-collar jobs and many were teachers. With regard to the status of North Korean defectors, there were indeed some such cases and, from a constitutional point of view, defectors were regarded as citizens.

543. Finally, he said that he would convey to his Government the desire of the Committee that the Republic of Korea make the optional declaration provided for in article 14.

### Brazil

544. The eighth and ninth periodic reports of Brazil submitted in one document (CERD/C/149/Add.3) were considered by the Committee at its 788th meeting on 10 March 1987 (CERD/C/SR.788).

545. The report was introduced by the representative of Brazil, who informed the Committee that, in November 1986, the Brazilian people had elected a Constituent Assembly with responsibility for drafting a new federal constitution. He referred to relevant parts of the report dealing in particular with his Government's policy on the indigenous populations in Brazil.

546. Members of the Committee expressed satisfaction at the high quality of the report, which provided abundant information and bore witness to the importance Brazil attached to maintaining a meaningful dialogue with the Committee. They also

welcomed the readiness with which the Brazilian Government had answered many of the questions put to it when the previous report had been discussed. Members welcomed the important new legislation that had been promulgated to eliminate racial discrimination. It was pointed out, however, that States parties were also required to consider the effectiveness of such measures and to decide whether other measures than legal ones were not also required.

547. With regard to the implementation of article 2 taken in conjunction with article 5 of the Convention, members welcomed the policy of the Government and its activities to improve the situation of indigenous populations. They observed, however, that considerable efforts were still needed in order to secure the indigenous inhabitants a position equal to that enjoyed by other citizens. It was asked how Brazil's considerable external debt affected the domestic economy and the implementation of the Convention. Members asked in particular whether the difficulties arising from the external debt might disrupt the Government's new policy of land distribution and to what extent the groups constituted by the landowners were an obstacle to the implementation of the programme.

548. In relation to the demarcation of indigenous land in accordance with the Indian Statute, members asked whether provision was made for general legal aid and legal assistance in court for Indians who appealed against the demarcation of such land or its assignment, for example, to mining companies for exploitation. They inquired whether there had been any cases in which the Government had imposed penalties on mining companies for infringing Decree No. 88985, which sought to protect the patrimony and welfare of the Indians, and asked how the mining companies were reacting to the implementation of that Decree. It was asked whether the term "demarcation" meant the right of Indians to live in a demarcated area or the transfer to the Indians of the title-deeds to indigenous lands. A clarification was sought in respect of differences in the system applicable to areas belonging to the Indians and to the domain of the Union.

549. Members wished to receive additional information on the exploitation of the subsoil in the areas belonging to the Indians. They asked whether such exploitation was carried out with the consent of the indigenous population, whether the latter gave its consent directly or through the agencies representing it, whether there had been any cases in which profits from the exploitation of the subsoil in the areas belonging to the Indians or indemnities and royalties for the occupation of the land had been paid to them, what the total income paid to the Indians for the occupation of their lands was in such a case, and whether the interests of the recipient company or Indian tradition would prevail in the event of a conflict.

550. Members pointed out that the Amazonian tropical forest was of considerable importance, not only for the Indians who lived in it, but also for the climatic balance of the world. It would therefore be useful to have up-to-date information about the activities of multinational companies which were deforesting vast areas. It was pointed out that, in order to prevent private interests from dispossessing the Indians of their lands, it was extremely important to speed up the process of demarcating them so as to guarantee the physical and cultural survival of the indigenous communities. It was suggested that prospecting and exploitation should be restricted to State enterprises and that profits from the exploitation of the subsoil should be reserved exclusively for the Indians.

551. Additional information was requested regarding the tutelage system imposed on the Indians' enjoyment of civil and political rights. It was asked why civil and political rights could not be extended at least to those Indians capable of exercising them, and what the advantages of the tutelage system (from which, according to the report, no Indian had applied to be released) were.

552. Members of the Committee inquired about the level of participation of Indians in the management of public affairs. They asked whether the Government made use of the wisdom and intelligence of the indigenous inhabitants in building the country, if there were engineers and technicians among the indigenous population, and whether there were any other Indian members in the Chamber of Deputies besides the Indian chief mentioned in the previous report.

553. Clarification was sought on the part played by Christian missionaries in Brazil, in particular concerning differences in attitude between European Catholics and fundamentalist Protestants from the United States of America towards the customs and life-styles of the Amazonian Indians, and it was asked whether the Brazilian authorities exercised control over the missionaries' activities. It was also asked what had become of Leonardo Boff after the Vatican had censured the theology of liberation.

554. Members of the Committee observed that very few Indians continued their studies beyond elementary school and expressed the hope that rapid progress would be made in that field. They asked for an explanation of the reduction in the number of Indian pupils in elementary schools from nearly 20,000 in 1983 to 4,536 in 1985. They requested additional information on the total indigenous population in Brazil, its composition and growth. They also wished to know how many Indian languages were spoken in the country and their relative importance.

555. Members inquired whether there was a long-term programme aimed at integrating the indigenous population into national life and how the Government was able to reconcile its concern for preserving the indigenous population's culture with its desire to integrate that population into national society. It was asked whether, for example, the indigenous methods of cultivation were compatible with the application of science and technology to agricultural production.

556. With regard to the Afro-Brazilians, members of the Committee asked whether they constituted a separate ethnic group, whether they lived mainly in towns, whether they formed part of the working classes and what their educational level was. They noted that important measures on education had been adopted by the Government with the aim of promoting Afro-Brazilian culture. It was asked whether the Brazilian navy included blacks and whether a study had been conducted on equal representation of the various ethnic groups of the population in the navy and the civil service. Additional information was requested about the Brazilian Government's policy in respect of equity in employment in the civil service.

557. Concerning article 3 of the Convention, members of the Committee paid tribute to the Brazilian Government for the new measures it had adopted to implement that article. They expressed regret, however, that the guidelines recommended by the Brazilian authorities were not binding on individuals and private companies. They inquired about the Government's attitude to mandatory sanctions being imposed on South Africa by the Security Council and asked whether the Brazilian Government would ensure that individuals and private companies complied with economic sanctions. It was asked whether Decree No. 91524 forbidding cultural, artistic and

sports exchanges with South Africa, as well as oil and arms sales to that country had ever been applied. Members wished to know whether Brazil maintained diplomatic relations with South Africa and whether the Brazilian airline Varig still flew to South Africa. Further information was requested on the seminar held in Rio de Janeiro under the auspices of the United Nations Commission on Transnational Corporations. Members of the Committee expressed the hope that Brazil would ultimately sever all relations with the racist régime of South Africa.

558. In relation to the implementation of articles 4 and 6 of the Convention, members of the Committee expressed concern at the incidents reported by Amnesty International, according to which 261 Pataxó Hã-Hã-Hãe Indians living in the State of Bahia had been murdered by military police and mercenaries in the pay of landowners. They asked what action had been taken to prevent the recurrence of such incidents. It was also asked whether the incidents had been referred to the Council for the Defence of Human Rights.

559. They inquired as to whether the penalties envisaged for the crime of genocide (12 to 30 years' imprisonment) were equivalent to the maximum prescribed in criminal law, as was customary for the most serious crime, whether Act No. 7437 of 1985 was applicable to discriminatory acts committed by private individuals as well as by Government officials, whether the Act had been adopted and applied in the courts and, if not, when it could be adopted, whether the Act was also applicable in cases where propaganda did not involve the use of force but, for example, defamation. They also asked whether civil servants guilty of discrimination were liable to administrative penalties only or to criminal penalties as well, whether the legislation forbidding discrimination in employment had been invoked and, if so, what types of cases had been brought before the courts and what remedies were available. Further information was requested on the membership of the Council for the Defence of Human Rights; it was asked whether it included representatives of the various sectors of the population and particularly the Catholic Church, which was especially sensitive to the cause of human rights, as well as how and by whom the members of the Council were appointed. The hope was expressed that the Government would take the opportunity of the adoption of the new Constitution to adopt legislation which would give full effect to the provisions of article 4 of the Convention.

560. In reply to questions raised and comments made by members of the Committee, the representative of Brazil stated that his Government recognized that there was still a long way to go as far as the protection and promotion of the rights of the indigenous populations were concerned. Tensions had arisen in Brazil owing to the expansion of the agricultural frontier and the mining activities of gold prospectors and, regrettably, there had been a number of casualties. However, the Federal Police Department and the Ministry of Justice were doing their utmost to try to resolve the problem and bring to justice those whose responsibility had been duly established. The figures given in the report on Indians and primary education showed an enormous decrease between 1984 and 1985. The figure given for 1985 no doubt covered only part of the year and would be corrected in the next report. There were currently 220,000 Indians in Brazil out of a total population of 130 million. They already occupied a very large area of land which the Government was endeavouring to extend still further. There were about 205 Indian languages and dialects in Brazil. Portuguese was the only common language.

561. Regarding the external debt, he said that Brazil had decided to declare a moratorium in order to give itself the time to readjust the domestic economy. Brazil was unable to agree to the conditions of certain international financial institutions because its first priority must be national development.

562. The Government was extremely grateful to the missionaries for the very useful assistance they gave to the Indians. The problem recently created by the theology of liberation was an internal matter of concern solely to the Church.

563. As for the lack of blacks in the Brazilian diplomatic service and the navy, he recalled that in 1893, a revolt led by a black admiral had broken out in Rio de Janeiro (Revolta da Armada). The Brazilian Government attached great importance to the number of mixed marriages registered, which were producing a new race and a new culture.

564. In connection with article 3 of the Convention, Brazil maintained diplomatic relations with South Africa, where it was represented only by an assistant secretary. The Brazilian Government did not encourage trade or other relations with South Africa. Varig maintained its air links with South Africa, but it was a private company.

565. With regard to the implementation of article 4 of the Convention, the representative informed the Committee that the new law had been referred to the new Minister of Justice who had been appointed in March 1986. The death penalty and life imprisonment did not exist in his country. The maximum penalty was 30 years' imprisonment. The Council for the Defence of Human Rights was not a new body, but it had been completely restructured at the end of 1985 so as to meet the current needs of Brazilian society. It came under the jurisdiction of the Ministry of Justice and was composed of members from that Ministry, the Ministry of Foreign Affairs, the Federal Police Department, Congress (majority and opposition parties) and eminent persons from the press, the education sector and the bar. The composition of the Council was currently under review.

566. He added that a great part of the legislation in force in Brazil would be revised in the near future as a result of the adoption of the new Constitution. The next report would therefore contain much new information regarding the implementation of the Convention and would show that the Government took account of the Committee's comments and questions, the number and complexity of which attested to the importance the Committee attached to Brazil's reports.

#### New Zealand

567. The seventh periodic report of New Zealand (CERD/C/131/Add.9) was considered by the Committee at its 788th, 789th and 791st meetings on 10 and 11 March 1987 (CERD/C/SR.788, SR.789 and SR.791).

568. The report was introduced by the representative of New Zealand, who highlighted relevant parts thereof, particularly the ethnic composition of the population and the system of conciliation under the Race Relations Act 1971 and the Human Rights Commission Act 1977. He informed the Committee of the establishment of a Ministry of Pacific Island Affairs to advance the position of minority ethnic groups in New Zealand. He also referred to the amendment to the Treaty of Waitangi Act, passed by Parliament, which extended the temporal jurisdiction of the Waitangi Tribunal back to 1840 and provided that Maoris might submit claims arising from the

prejudicial consequences of any legislation, policy or action of the Crown since that date. With regard to South Africa, he reaffirmed his Government's resolute opposition to apartheid and stated that New Zealand had implemented the measures agreed on by Commonwealth Heads of Government in 1985 and most of those recommended by the Commonwealth mini-summit of August 1986.

569. Members of the Committee paid tribute to the Government of New Zealand for the high quality of the report, which was in compliance with the Committee's guidelines (CERD/C/70/Rev.1) and for the additional information provided in the introductory statement. They congratulated the Government for its genuine efforts to promote racial tolerance and combat racial discrimination under the Convention. They also welcomed the detailed statistics provided in the report and its annexes. Members pointed out that New Zealand was pursuing its policy on racial discrimination in a very progressive manner.

570. Clarification was sought regarding the criteria used in determining permanent and long-term migrants by nationality and the way in which persons were given one or the other status. Additional information was requested on the Government's immigration policy. It was also asked whether some of the larger groups of migrants included minorities that were too small to list separately. An explanation was requested of the two categories under which Maoris had been grouped in the statistical table of the report.

571. In relation to the implementation of article 2 of the Convention taken in conjunction with article 5, members of the Committee wished to know what action had been taken on the paper on Maori land presented by the New Zealand Maori Council to the Minister of Maori Affairs, whether Maori lands had been appropriated for mining activities and, if so, on what conditions, whether the trading profits referred to in the report related to trading in land or in land products, and how the increase in interest rates had affected the ability of the Maori to obtain land.

572. Additional information was requested regarding measures to expand teaching in the Maori language and to open up educational training for disadvantaged groups, such as Maoris and Pacific Islanders, the percentage of Maoris who had completed primary, secondary and university education, the percentage of Maoris in the public service and their employment rate. Members of the Committee asked when the bill to make Maori an official language was expected to be introduced and whether any literature was published in Maori and, if so, how much.

573. It was asked whether the measures adopted at the Maori Economic Development Conference had brought about any improvement in the social and economic conditions of the Maoris. Additional information was also requested regarding the problem faced by the Indo-Chinese community.

574. With regard to article 3 of the Convention, members of the Committee congratulated the Government on its excellent record, its exemplary policy vis-à-vis apartheid and its relations with South Africa. They noted that trade with South Africa had been drastically reduced and that it represented less than 0.5 per cent of total trade. They asked what the prospects were of ending that trade and suggested that severing even the minimum remaining trade links with South Africa could have an important psychological impact. Total isolation of South Africa was now the only available means of dismantling apartheid through non-violent action. It was asked whether there were any diplomatic relations between New Zealand and South Africa.

575. Concerning the implementation of article 4 of the Convention, members of the Committee sought clarification concerning a case mentioned in the report in which racist material had been seized, but, since no offence had been committed, no criminal proceedings had been brought and the material had been returned to those responsible on condition that they distributed it only to persons who expressly requested it.

576. Regarding the implementation of article 6 of the Convention, members of the Committee expressed appreciation for the range of procedures available to individuals, in particular the conciliation procedure. They requested information about the Race Relations Conciliator and his functions, and asked how and by whom he was appointed and how he maintained his independence; they also asked about the Equal Opportunities Tribunal, i.e., its membership, whether it was part of a judicial body, its activities and sphere of competence and the procedure for submitting cases to it. They wished to know what matters arising under the Race Relations Act could be taken before the Equal Opportunities Tribunal and whether they were confined to the field of employment. It was also asked what the terms of reference of the Pacific Island Affairs Advisory Council were.

577. Members of the Committee requested further information on the Treaty of Waitangi Act and its amendment, as well as on the Waitangi Tribunal, which had recently heard submissions concerning the Maori language.

578. As to article 7 of the Convention, members expressed satisfaction at the way in which New Zealand was implementing it. Additional information was requested regarding programmes aimed at combating prejudice and promoting understanding, tolerance and friendship among ethnic groups, particularly in view of the large number of complaints that had been lodged relating to incitement to racial disharmony. It was also asked whether the Conciliator was the same person as in 1985 or, if not, whether his successor was also Maori. Further information was requested regarding the establishment of an ethnic council.

579. Replying to questions raised and observations made by the members of the Committee, the representative of the reporting State informed the Committee that New Zealand's immigration policy had been reviewed completely in 1986, together with the introduction of new draft legislation on immigration. The Government had abolished the "traditional source" preference and applicants were now assessed solely on personal qualities, skills, qualifications, potential contribution to the New Zealand economy and society, and capacity to settle well in the country. The distinction between permanent and long-term migrants depended on how long the migrant wished to stay.

580. Regarding issues of concern to the Maori people, the representative of New Zealand referred to some relevant cases which had come before the Waitangi Tribunal, in particular to four of the reports which the Tribunal had presented on those cases over the past 10 years and which were considered to be of particular significance. Those reports were at various stages of consideration or implementation by the authorities concerned. Since the adoption of the amendment to the Treaty of Waitangi Act in 1985, the Tribunal had been very active. It had 75 claims at various stages of consideration, one quarter of which related to the pollution of fishing grounds and traditional shellfish beds by domestic and industrial waste. The principles of the paper on Maori land presented by the New Zealand Maori Council to the Minister of Maori Affairs in 1983 had been

incorporated into draft legislation on Maori affairs, which was due to be introduced in Parliament in 1987.

581. The total amount of land occupied by Maori farmers or economic authorities had increased to 670,000 hectares by 1984. Some Maori land, but a declining amount, was also leased to non-Maoris for farming purposes. There was no survey of the amount of Maori land applied to, or under licence for, mining activities. However, the general principle was that no Maori land could be mined without the written consent of the owner. High interest rates had no bearing on the traditional ownership of Maori land. A number of socio-economic measures had flowed from, or had been influenced by, the Maori Economic Development Conference. The specific goals of the Pacific Island Affairs Advisory Council were to help accelerate the closure of gaps in various fields and to foster the transmission of the cultural values deemed important to the identity of the various Pacific Island peoples and to the identity of New Zealand as a whole.

582. With regard to article 3 of the Convention, the representative stated that New Zealand's trade with South Africa, which was totally insignificant, had fallen still further in 1985. A ban on imports of uranium, coal, iron and steel would be put into effect very shortly, along with an extension of the arms embargo regulations to include a ban on exports of electronic and telecommunication equipment, as recommended by Security Council resolution 591 (1986) of 28 November 1986.

583. Concerning the implementation of article 4 and the case of racial disharmony referred to in the report, he informed the Committee that under the Race Relations Act a prosecution relating to written material could be brought if the material was published or distributed. Since the report had been issued, the Race Relations Conciliator had taken the matter of publication of the leaflet referred to in the report to the Equal Opportunities Tribunal. A decision was still awaited.

584. With regard to the implementation of article 6 of the Convention, the representative of New Zealand said that the Race Relations Conciliator could be considered as a sort of ombudsman in the race relations area. He was appointed for a three-year term by the Governor-General on the recommendation of the Minister of Justice. He referred to the Act, which prescribed his duties, powers and functions. The latest report of the Race Relations Conciliator, i.e., for the year ending 31 March 1986, contained ample material on ethnic councils, including the possible establishment of further councils in other towns. The former Race Relations Conciliator, who had retired in March 1983, was a Maori; the present one was not, although some of his staff were Maoris.

585. The Equal Opportunities Tribunal was one of the administrative tribunals of the High Court of New Zealand with a judicial function. It had power to adjudicate with regard to people's rights, and to enforce its decisions. The matters that could be brought before the Tribunal were set out in both the Human Rights Commission Act and the Race Relations Act. Where a settlement could not be achieved by the Commission or the Conciliator following a complaint of a violation of the prohibitions set out in the two Acts, or where the complainant remained aggrieved, a case could be brought before the Tribunal. The Tribunal was chaired by a barrister or solicitor of not less than seven years' standing and two other persons appointed by the Chairman for each hearing from a panel of 12 names maintained by the Minister of Justice. The persons currently on the panel were of diverse backgrounds, comprising both Maori and European men and women. The draft

bill of rights would be a major piece of constitutional legislation entrenched in New Zealand law and would provide statutory protection for the whole range of civil and political rights. In view of its importance, it was still very much under discussion in New Zealand and he was therefore unable to say when it would be enacted. In response to other questions asked by members of the Committee, the representative of New Zealand made available copies of the Treaty of Waitangi, a statistical report on New Zealand Maoridom from 1961 to 1986 covering a range of social and economic areas, and a further breakdown of other nationalities included in the table in the report on permanent and long-term migrants.

### Israel

586. The fourth periodic report of Israel (CERD/C/144/Add.2) was considered by the Committee at its 789th meeting on 10 March 1987 (CERD/C/SR.789).

587. The report was introduced by the representative of Israel, who referred to the multiracial and pluralistic nature of Judaism and Israeli society. Any person could adopt Judaism as a religion and, having been converted, regardless of racial or ethnic origin, was considered as having joined the Jewish people. He said that the emergence of the Kahane party was an aberration in Israel's political system and informed the Committee that the bill on incitement to racism, tabled before the Knesset, had become law. He further explained the scope of that new law, as well as of the Amendment to the Basic Law, the Knesset, which had itself become law on 31 July 1985, and which banned any list which incited to racism from elections to the Knesset. He also highlighted other parts of the report and reiterated his country's stand against the South African apartheid system.

588. Members of the Committee raised questions concerning the territorial area covered by the report and the territories occupied by Israel. They wished to know whether the frontiers followed the United Nations partition plan, whether they included the area occupied by Israel following the 1967 war, including the Golan Heights, and whether people had been settled there on a racial basis. They asked for explanations about Israel's settlement policy. It was pointed out that the situation in the occupied territories was in sharp contrast to the small, if positive, efforts of the Government to combat racism. Reference was made to the need to obtain some reporting from those territories in order to monitor the implementation of the Convention. In that context, it was pointed out that the Committee itself, at an earlier date, had decided that it was not competent to receive any information on the occupied territories as that might imply recognition of the legitimacy of the occupation. Several members expressed the view that the Committee should revise that decision. Other members were of the opinion that that decision had not been taken lightly and that the Committee must guard against the risk of giving legitimacy to the Israeli occupation. The reporting State could report on the situation in the occupied territories provided that Israel referred to them as "occupied territories" or it was explicitly stated in the report that those territories were not within the internationally-recognized borders of Israel.

589. Members indicated that the report bore witness to a more serious attempt by Israel to co-operate with the Committee, although it still failed to meet its reporting obligations under the Convention. The reporting State should follow the Committee's guidelines (CERD/C/70/Rev.1). They asked for clarification concerning the composition of the population and pointed out that the demographic statistics in the report gave a breakdown by religion but not by ethnic group. Many of the Jews who had gone to Israel had different ethnic backgrounds. They asked whether

the Muslims could be equated with the Arabs, whether there were any Arab Christians and what the category "Druze and others" was, and indicated that the composition of the population should be given by ethnic group.

590. Explanations were requested about the statement that anyone having been converted, regardless of racial or ethnic origin, was considered as having joined the Jewish people, which implied a religious definition; and it was asked whether the persons who had left the United States to live in the Negev were entitled to Israeli nationality. An explanation was requested regarding the statement that Israel was a multiracial society; that contradicted paragraph 26 (2) of the report, which stated that the State of Israel was a multicultural society.

591. In relation to article 3, members of the Committee regretted the attitude of Israel towards the apartheid régime of South Africa, pointed out that mere condemnation was not sufficient and requested information on Israel's collaboration with South Africa in every field, including the economic, cultural, arms and, in particular, the nuclear. Although the report did not contain any information on the subject, such collaboration appeared to be on the increase, and in the nuclear field, it had reached the level of full partnership, notwithstanding Israeli denials. In fact, Israel was South Africa's closest ally.

592. In relation to articles 4 and 6 of the Convention, members of the Committee expressed their concern over the problem of racial discrimination and the increasing trend towards racist extremism in Israel. It was asked whether there was a threat to the spirit of tolerance that Israel had shown in the past. Reference was made to the need for legislation to implement article 4 of the Convention. It was noted that Mr. Kahane, an extreme racist who had been in the forefront of the campaign to defend the rights of the Jews in the Soviet Union, had been elected to the Knesset by some 26,000 people or 1.2 per cent of the vote. Members of the Committee wished to know what percentage of the population supported Mr. Kahane and also Mr. Kirat, a football player, whether Mr. Kahane represented the whole racist movement or whether there were others operating independently from him, whether the Penal Law Amendment was now in effect and whether Mr. Kahane and Mr. Kirat would be prosecuted under it, and what punishments had been meted out to demonstrators. Clarification was requested regarding the Attorney-General's directive on racial discrimination, which forbade public officials to discriminate, but not individuals. Information was requested on the recourse procedures available under article 6.

593. With regard to article 5 of the Convention, members of the Committee wished to know why Israel did not permit the Palestinian Arabs who had been driven from their lands to come back and obtain the same treatment as Jewish people in respect of the recovery of their land, and whether it was Government policy to ensure equal rights for Palestinians in respect of the rights referred to in article 5. It was pointed out that the next report should include a section on the rights of the Palestinians. Members asked whether education was given in various languages, what level of integration minority groups achieved in Government and other public services, particularly the percentage of Arabs, how allocations to Arab municipalities compared with those to Jewish ones, whether Arabs received the same wages as Jews and whether they could join trade unions, what status and opportunities were given to non-whites in Israel, including Arabs and immigrants from Asia and Africa, and whether specific legislation existed to protect the rights of migrants and emigrants. It was pointed out that it was difficult to reconcile the aims of the Israeli educational system and the actual practice with

regard to the Palestinians. It was asked whether it was true that the Israeli Government was appealing to the United States authorities not to admit Jewish emigrants from the Soviet Union. An explanation was requested regarding the adoption law under which both adoptive parents and the child had to belong to the same religion.

594. Replying to questions raised and observations made by the members of the Committee, the representative of the reporting State said that Israel consisted of the areas in which Israeli law applied, and that the Government had therefore not reported on those areas which it administered but which were not under its sovereignty.

595. Israel maintained population statistics covering only place of birth and religion. According to figures available for 1983-1984, 59 per cent of the population had been born in Israel, 18 per cent were immigrants from Asian and African countries, and 22 per cent came from Europe and the Americas. Jews had settled in Israel from all parts of the world and it was encouraging to note that the rate of intermarriage between Jews of different descent was increasing. Since statistics were kept only for place of birth and religion, he was unable to provide any exact figures for the Arab population as such, or for non-whites.

596. The question of who was a Jew posed a theological problem that was widely debated in Israel. Under the usual definition, a Jew was someone who was born to a Jewish mother or who had converted to Judaism; in other words, a person could be a Jew simply by having a Jewish mother and without professing a religion. Indeed, some Jews were atheists. The black Hebrew sect claiming to be Jews could not be so considered in that context. Nevertheless, some Jews were black.

597. Israel maintained diplomatic and trade relations with South Africa; however, trade was minimal, representing only 1.7 per cent of exports and 2 per cent of imports. Israel complied strictly with Security Council sanctions and did not sell arms or nuclear material to South Africa.

598. With regard to the cases of Mr. Kahane and Mr. Kirat, the legislation in question was not retroactive but should serve to deter them from future activities of a similar nature. If it did not, the authorities would have to decide whether it was possible to prosecute. Mr. Kahane's immunity had not been lifted and he was still a member of the Knesset. If the circumstances warranted, the Knesset might have to consider further action to deprive him of his privileges.

599. The reason why the Attorney-General had issued a directive only to government offices on the subject of the prevention of racial discrimination was that he had jurisdiction solely in the area of public administration. He could not bind private individuals by his instructions. As far as was known, no public official had been charged with or accused of racism.

600. He was not sure whether the question of the right of Palestinians to return came within the scope of the Convention. However, there were some 800,000 Jews in Israel who had fled Arab countries, leaving all their goods behind. There had been an exchange of populations, as had happened in other parts of the world. It was to be hoped that when Israel entered into peace negotiations with its neighbours, those issues could then be raised. Israel wished to secure peace with all its neighbours in the same ways as it had done, after very difficult negotiations, with Egypt.

601. Concerning the question of adoption, it was his understanding that the religion of the child or of the child's parents, if unknown, was not relevant for the purposes of adoption. If the religion was known, the child would be found adoptive parents of the same religion.

602. On educational opportunities for Arabs, he could only provide statistics for 1983-1984. The total number of children in the Arab education system was 204,498, of whom 18,700 were in kindergarten, 136,611 in primary education, 19,207 in intermediate schools, 29,462 in secondary schools and 518 in post-secondary education. Those figures did not include the large number of Arabs who had chosen to attend State-run schools and universities. The language of instruction in State schools was either Hebrew or Arabic. However, there were some private schools that provided instruction in Yiddish and certain Christian denominations ran schools that taught in French. There was also an international school where instruction was in English.

603. Arabs could and did join trade unions, and they received the same wages and salaries as Jews. Vacancy announcements were not usually issued in Arabic except when they were aimed at a specific population. For instance, a teaching post in an Arabic school would be advertised in Arabic, but for general vacancies, where knowledge of Hebrew was required, that would not be the case.

604. Regarding Israel's dialogue with the United States on Jewish emigrants from the Soviet Union, the issue was whether a person entitled to Israeli nationality should be considered a stateless person. Israel firmly believed that any person should be free to travel wherever he wished and any individual could leave Israel at will and emigrate to the United States.

#### Luxembourg

605. The fourth periodic report of Luxembourg (CERD/C/128/Add.2) was considered by the Committee at its 790th meeting on 11 March 1987 (CERD/C/SR.790).

606. The report was introduced by the representative of Luxembourg, who highlighted parts thereof.

607. Members of the Committee congratulated the representative of Luxembourg on an excellent report. They asked what privileged treatment was extended to nationals of EEC countries compared to nationals of other countries, and whether the nationals of European countries which were not members of EEC enjoyed special treatment compared with nationals of other countries of the world.

608. Members noted that aliens accounted for 26 per cent of the population and asked whether their presence caused any xenophobic or racist reactions. Additional information was requested regarding the measures adopted by the Government to assist resident aliens.

609. In relation to article 3 of the Convention, clarification was requested concerning the statement in the report to the effect that trade and foreign policy did not fall under the provisions of the Convention itself. It was asked whether Luxembourg maintained trade and diplomatic relations with South Africa.

610. Concerning articles 4 and 6 of the Convention, members wished to know what progress had been made in the implementation of the Convention, since it was not itself directly applicable and violations of its provisions were punishable only through domestic legislation. It was asked what specific provisions had been enacted to ensure implementation of the provisions of article 4, and whether legislation punishing acts of racial discrimination was intended to apply only to public officials or also to ordinary citizens. It was asked whether the European Convention on Human Rights was frequently invoked before the courts and whether judges applied the provisions of that Convention readily or reluctantly. A copy of the Act of 9 August 1980 mentioned in the report was requested for information.

611. It was observed that nationality was acquired primarily according to the rule of jus sanguinis but that in some cases preference had been given to the rule of jus soli. Additional information was requested in that regard.

612. It was asked whether the Government was contemplating making the declaration under article 14 of the Convention recognizing the competence of the Committee to deal with individual communications.

613. In reply to the questions raised and comments made by the members of the Committee, the representative of Luxembourg stated that the term "privileged treatment" used in the report referred to the principle of free movement of persons established by the Treaty of Rome. There was no discrimination between nationals of the 12 member States of EEC.

614. The people of Luxembourg did not show any hostility towards foreigners, though minor isolated instances of friction might occur from time to time.

615. It was evident that foreign policy could not disregard human rights violations. Apartheid was a special case. The report enumerated the measures agreed upon by EEC and adopted by Luxembourg.

616. With regard to the implementation of the Convention in Luxembourg law, articles 454 and 455 of the Penal Code had been amended to bring them in line with the general principles of the Convention. As to the implementation of the European Convention on Human Rights, any needy person charged with an offence, whether a national or an alien, was entitled to legal assistance, and aliens were granted the services of professional interpreters appointed by the court. Luxembourg had endeavoured to give effect to the Convention through domestic legislation.

617. The bill on the acquisition of Luxembourg nationality, mentioned in the report, had become law on 23 December 1986. In view of the comprehensive nature of the Act, it was difficult to give a very precise and technical answer on that point. Nationality was basically acquired according to the rule of jus sanguinis, but naturally the rule of jus soli also applied, particularly in the case of children born of foreign parents on Luxembourg soil who lived there for a certain time; they were at an advantage if they wished to acquire Luxembourg nationality.

618. In order to facilitate the integration of aliens, the Government had issued a model statute for the Communal Consultative Commissions for Immigrants.

## Panama

619. The eighth and ninth periodic reports of Panama submitted in one document (CERD/C/149/Add.4) were considered by the Committee at its 790th meeting, on 11 March 1987 (CERD/C/SR.790).

620. The report was introduced by the representative of Panama, who highlighted some parts thereof and stated that the situation of the indigenous communities and other disadvantaged sectors of the Panamanian population was at the heart of the development strategy of her country.

621. Members of the Committee expressed satisfaction with the report, which conformed to the Committee's guidelines (CERD/C/70/Rev.1) and showed Panama's political will to maintain a fruitful dialogue with the Committee.

622. Members observed that the Government was still unable to implement all the provisions of the Convention in the Canal Zone, where the Panamanian population was disadvantaged in the field of employment, in violation of a bilateral treaty, the Panama Canal Zone Treaty of 1977. They required additional information in order to assess the situation and to judge to what extent those acts constituted discriminatory acts within the meaning of the Convention.

623. In relation to article 2 in conjunction with article 5 of the Convention, members of the Committee requested detailed information about the ethnic composition of Panama and asked how the indigenous population was integrated into the population as a whole. They wished to know how many title-deeds showing either individual or collective ownership had been granted to indigenous communities, how large the indigenous zones were and what percentage of the land had been owned by non-indigenous persons, including private enterprises, prior to delimitation, what progress had been made in transferring land back to the indigenous population, what the renewable and non-renewable natural resources of those regions were, what percentage of the revenue from the activities of non-indigenous private enterprises the indigenous people were receiving, what activities the National Directorate for Renewable Natural Resources carried out in those regions, and what percentage of the national budget and development plans was allocated to the indigenous zones. An explanation was requested concerning the demarcation of the lands of the Guayami community, which might in fact reduce those lands. Concern was expressed at the statement in the report that, in order to control the entry of outsiders into the Cuna reservation, the boundaries had to be fenced. Even if that measure was intended to protect the indigenous group, it must be kept in mind that the aim of States must be to integrate indigenous communities into the population and not to isolate them.

624. Members congratulated the Government on its measures to protect the three major indigenous communities. It was to be hoped that those measures would be extended to the other communities. In that context, they inquired about the policy of the Government with regard to the lesser-known indigenous groups and asked whether they were being assimilated into larger groups or could preserve their identity. They also asked what the average per capita income of indigenous communities was, what their employment and literacy rates were, and what percentage of them received secondary and university education.

625. Additional information was requested concerning the draft legislation intended to deal with the status of the indigenous authorities and the participation of the national administrative authorities in the government of the indigenous areas. In particular, it was asked what role the national administration would play and in which areas, and whether any institutional body - an ombudsman, for example - was envisaged to supervise the administration itself. Copies of relevant extracts from the new legislation were asked for. Clarification was requested concerning the powers and functions of the municipalities (corregimientos) and an explanation was called for about what seemed to be an element of discrimination between the traditional and elected authorities of the Guayami indigenous community as far as equality before the law was concerned. It was also asked what judicial machinery could be used in such cases and the procedure by which the authorities could be removed from office for infringement of the law.

626. Information was requested on specific programmes that might be available to make indigenous people aware of their rights under the Constitution and of the measures and benefits provided for them.

627. With regard to article 3 of the Convention, members inquired as to whether Panama maintained any diplomatic, consular or trade relations with South Africa and, if so, whether they were negligible or important.

628. Concerning the implementation of article 4 of the Convention, members pointed out that the content of article 39 of the Constitution was praiseworthy, but that the principles enunciated therein must be matched by corresponding penal sanctions, as required in article 4 (b) of the Convention. The hope was expressed that the Government of Panama would see to it that specific legislation was promulgated to give full effect to article 4.

629. As far as article 6 of the Convention was concerned, members asked whether the remedies available to citizens who considered that they had been victims of violations of the rights enshrined in the Convention were prompt and effective and whether they were also applicable in the Canal Zone.

630. Regarding the implementation of article 14 of the Convention, the Government of Panama was invited to consider the possibility of making the declaration under that article recognizing the competence of the Committee to deal with individual communications.

631. In reply to the questions raised and observations made by the members of the Committee, the representative of Panama stated that her Government did not maintain relations of any sort with South Africa. All the questions asked by members of the Committee would be transmitted to the Panamanian authorities, who would see to it that they were answered in the next report.

#### German Democratic Republic

632. The seventh periodic report of the German Democratic Republic (CERD/C/147/Add.1) was considered by the Committee at its 791st meeting, on 11 March 1987 (CERD/C/SR.791).

633. The report was introduced by the representative of the German Democratic Republic, who highlighted pertinent parts thereof, referred to the active part played by his Government in combating apartheid and assured the Committee of his

Government's willingness to continue the constructive dialogue that it had always had with the Committee since its accession to the Convention.

634. Members of the Committee congratulated the representative of the German Democratic Republic for his Government's concise and substantial report. It was pointed out, however, that a number of the questions asked in connection with the previous report still remained unanswered and that the Committee's guidelines (CERD/C/70/Rev.1) should be followed more closely in the future.

635. With regard to articles 2 and 5 of the Convention, members of the Committee welcomed the valuable information provided on the Sorbian minority. They wished to know whether the Sorbian population was growing at the same rate as, or more slowly than, the population as a whole, what measures had been taken to promote their language and culture, whether Sorbian children were taught in their own language, to what extent the Sorbs participated in political and social activities, and what degree of representation they had in the People's Chamber and in other areas. It was noted that Jews enjoyed full rights and that their traditions and religion were safeguarded. It was observed that, though data had been provided on citizens of the Jewish faith, information was lacking with respect to the implementation of article 5. Members requested up-to-date figures on the size of the Jewish population and more details about their participation in the various fields of public, professional and cultural life. It was asked whether there had been any inquiries to ascertain whether workers from Poland and other people's democracies suffered any form of discrimination. Clarification was requested about the distinction between a "national minority" and an "ethnic minority".

636. Regarding article 3 of the Convention, members expressed their appreciation for the exemplary contribution of the German Democratic Republic to international efforts to eliminate apartheid.

637. In relation to the implementation of article 4 of the Convention, members welcomed the efforts of the Government to develop legislation to suppress racial discrimination and any revival or revanchism or militarism and to promote democratic ideals. It was noted that the principles of Nürnberg had been embodied in the country's legislation and it was asked whether those principles were as reflected in the Convention on the Prevention and Punishment of the Crime of Genocide, to which the German Democratic Republic was party, or whether they simply related to the Charter of the International Military Tribunal and its judgement. It was pointed out that not all provisions of article 4 appeared to have been incorporated into the legislation. It was also asked whether neo-Nazi feelings still persisted among the population and whether they were more prevalent among older or younger people, whether there had been any cases of racial discrimination and, if so, whether there had been any conflict between the need to apply the law and respect for freedom of opinion.

638. Concerning article 7, more information was requested about how the educational system helped the young generation to learn from the lessons of the past and promote understanding, tolerance and friendship among nations and ethnic groups.

639. Replying to the questions raised by members of the Committee, the representative of the German Democratic Republic said that, under the Constitution, the Sorbs enjoyed the same right as all other citizens to cultivate their mother tongue and develop their culture. Friendly relations existed between the Sorbs, who numbered approximately 100,000, and the rest of the population and there were

no cases of discrimination or prejudice against that minority. The Sorbs participated equally in all fields of political and social life. For example, the Sorbs living in 12 districts of the counties of Dresden and Cottbus were represented by 2,241 deputies, 7 Sorbs were currently members of the People's Chamber, 40 held seats in the county assemblies of Dresden and Cottbus, 87 were mayors, 169 were members of town and village councils, and several hundred acted as judges, procurators or members of people's courts. There were 59 secondary polytechnic schools teaching in both Sorbian and German. An institute for Sorbian national research was attached to the Academy of Sciences of the German Democratic Republic. There was a radio station in Cottbus that broadcasted for 330 minutes in Sorbian each week. In the courts, Sorbian was recognized as an official language in the counties of Dresden and Cottbus.

640. There were eight Jewish communities, which were provided with a variety of facilities to meet their religious and cultural needs. Many Jews held leading positions in professional and social life and enjoyed full equality of rights. There were no barriers to the employment of Jews in any professional or social sphere. At least 500 members of the Association of Jewish Communities professed the Jewish faith, but he could not immediately furnish exact figures on the size of the Jewish population or the number of believers.

641. No trends towards neo-nazism could be observed in the German Democratic Republic, a fact that could be attributed to the anti-Fascist orientation of the school system. No instances had ever been reported of young people forming groups to promote racist activities. As far as the older generation was concerned, the German Democratic Republic systematically brought Nazi war criminals to trial. In the recent past, former Nazi prosecutors and police officers had been tried and convicted of war crimes. Individual acts of hostility towards foreign citizens were not based on racial hatred or national enmity. Rather, they took the form of brawls or insults, usually resulting from the consumption of too much alcohol.

642. With regard to the crime of genocide, the Penal Code prescribed the most stringent penalties. Persons convicted of offences involving persecution on such grounds as race, ethnic origin or religion, and offences involving the dissemination of Fascist propaganda or incitement to racial discrimination faced heavy sentences ranging from 2 to 10 years' imprisonment, life imprisonment or, for serious crimes, including war crimes, the death penalty.

643. Lastly, the representative of the German Democratic Republic said that he would communicate the views of the Committee to the Government regarding the format of the report so that they could be taken into account in the preparation of the next report.

#### Netherlands

644. The report of the Netherlands (CERD/C/131/Add.10) containing additional information to that provided in its seventh periodic report (CERD/C/131/Add.7) was considered by the Committee at its 791st meeting on 11 March 1987 (CERD/C/SR.791).

645. The report was introduced by the representative of the Netherlands, who explained that it dealt with measures adopted and progress made in the Netherlands Antilles. It constituted the second part of the seventh periodic report considered by the Committee in 1986. He referred to the composition of the Kingdom of the

Netherlands and its constitutional framework and gave additional background information.

646. Members of the Committee thanked the representative of the Netherlands for the report, which had been prepared in accordance with the Committee's guidelines (CERD/C/70/Rev.1) and contained ample information on the Netherlands Antilles.

647. Some members wished to know whether the Kingdom of the Netherlands was a federation with three countries in it or whether there were differences in status as a result of its overseas territories having been former colonies, and they pointed out that it was essential that the Government clarify the constitutional situation. They asked what the implications of the "separate status" transition period were for Aruba and why Aruba and not Curaçao, which had a larger population, should seek independence. Additional information about the composition of the population was also requested and it was asked what percentage of people from the Netherlands in Europe were living in the islands. Members wished to know what role was played by the residents from Europe and other countries in administration and economic activity, and whether there were many foreign companies and transnational corporations there. An explanation was requested concerning the percentage of the population that was illiterate. Members noted that 18 per cent of the labour force was unemployed and asked what measures the Government was taking to resolve the problem and which ethnic groups were most affected.

648. With regard to article 3 of the Convention, members asked whether there had been any new developments regarding compliance with General Assembly resolutions concerning South Africa and the relations between the Netherlands and South Africa.

649. Concerning article 7 of the Convention, information was requested about the measures taken by the Government to promote understanding, tolerance and friendship among nations and ethnic groups and to propagate the principles of the United Nations.

650. In reply to the questions raised and comments made by members of the Committee, the representative of the Netherlands said that they would be taken into account in the eighth periodic report, which was now under preparation.

#### Byelorussian Soviet Socialist Republic

651. The ninth periodic report of the Byelorussian Soviet Socialist Republic (CERD/C/149/Add.5) was considered by the Committee at its 792nd meeting on 12 March 1987 (CERD/C/SR.792).

652. In his introductory statement, the representative of the Byelorussian SSR made reference to relevant parts of the report.

653. Members of the Committee congratulated the representative on the excellent and instructive report, which was in conformity with the Committee's guidelines (CERD/C/70/Rev.1). The reports of the Byelorussian SSR were submitted with praiseworthy punctuality and gave proof of the Government's willingness to maintain a regular dialogue with the Committee.

654. Clarification was sought as to which constitution the report referred to and what was meant by nationalities in Eastern European countries.

655. Members praised the reporting State for the very firm position it had taken against apartheid and for the aid it was providing to its victims.

656. In relation to the implementation of article 5 taken in conjunction with article 2, paragraph 2, of the Convention, members of the Committee wished to receive more detailed information on the ethnic composition of the population and asked what special measures, if any, the Government had taken to help certain ethnic groups. They also asked whether every citizen, regardless of national affiliation, could be elected to public office in the Byelorussian SSR and whether Byelorussians enjoyed such treatment in other republics. It was noted that the situation of foreign citizens was regulated by the Act on the legal status of aliens in the USSR and additional information was requested about duplication between the legislation of the Soviet Union and that of the Byelorussian SSR; in particular, it was asked whether certain laws of the Soviet Union were automatically applied in the Byelorussian SSR and vice versa.

657. Members asked whether the general education given to children covered human rights, especially those rights concerning freedom of speech and the organization of trade unions, what facilities were available to study Yiddish and Polish, whether the right to work was expressly guaranteed by the Constitution and how the 80 different nationalities enjoyed that right. Additional information was requested about improvements in the living conditions of the 80 nationalities living in the Byelorussian SSR and the educational levels of the different ethnic groups. Clarification was requested regarding the opportunities available to citizens to attend a school where teaching was in their native language. It was asked how the right to freedom of thought, conscience and religion was being applied in the Byelorussian SSR, and whether persons who openly claimed to be the followers of a religion had the right to participate in the State's executive bodies. More detailed information was requested on how the 1983 Act on the interrelationship between labour collectives and the organs of State power was applied, and about the mechanisms by which the decisions taken by the workers' collectives were translated into the legislation of the State.

658. It was asked whether the Byelorussian SSR accepted refugees and, if so, what status they were accorded.

659. Concerning the implementation of articles 4 and 6 of the Convention, members of the Committee observed that it was necessary for States parties to go beyond mere references to the Constitution and to report in a more pragmatic way, indicating specific cases of discrimination and the action taken by the authorities to sanction such cases. They suggested that the next periodic report of the Byelorussian SSR should contain specific examples together with the conclusions, judgements and decisions that had been taken by tribunals or relevant institutions on cases of racial discrimination.

660. Members of the Committee asked whether article 71 of the Criminal Code, the only provision which implemented article 4 of the Convention, was designed to cover all forms of racial discrimination, whether the penalty of internal exile was imposed at the actual place of residence of the person or elsewhere, whether all judges were professional judges and what their educational background was, whether the Government was taking steps to ensure that the authors of anti-Zionist publications did not abuse their privilege by using anti-Zionism as a cloak for the practice of anti-Semitism.

661. Additional information was requested about the bodies responsible for protecting rights in the Byelorussian SSR and it was asked whether those bodies could act ex officio or only at the request of citizens. It was also asked whether citizens had the right to appeal directly to the tribunals or whether they first had to apply to the public prosecutor and, if so, what remedy they had if the public prosecutor refused to institute proceedings. More detailed information was requested on the legal remedies available to citizens who considered themselves the victims of violations of rights enshrined in the Convention and it was asked whether those remedies were rapid and effective.

662. With regard to the implementation of article 14 of the Convention, it was asked whether the Government would be willing to make the optional declaration under that article recognizing the competence of the Committee to deal with individual communications.

663. In reply to the questions and comments by the members of the Committee, the representative of the Byelorussian SSR emphasized the importance for his country of the debate that had just taken place and informed the Committee that the various supervisory organs, at all levels, monitored the implementation of the law and could intervene in cases of dispute. Justice was administered by elected people's assessors, as well as by judges and public attorneys who were professional men and also elected.

664. He explained that human rights were taught in the schools as a part of various disciplines, such as history and social sciences, and that the study of the instruments relating to human rights, including the country's Constitution and the relevant international instruments, was included in the secondary school curriculum.

665. Replying to a question about equality between the different nationalities, he said that, according to the figures of the 1979 census, which was the most recent, of a total population of 10 million inhabitants at that time, there had been 7.6 million Byelorussians, 400,000 Poles, 230,000 Ukrainians, 135,000 Jews, 10,000 Tatars, 8,000 Lithuanians, 6,400 Gypsies, 2,600 Letts, 2,300 Armenians, 1,900 Chuvashes, 1,800 Moldavians, 1,800 Uzbeks, 1,700 Morovians and various other nationalities comprising less than 1,000 persons. The largest group was that of the Byelorussians - 80 per cent - followed by the Russians. It should be noted that those populations did not live in isolation and that there was real intermingling among them.

666. All persons of Byelorussian nationality and other nationalities with Soviet citizenship living in the Byelorussian SSR had the right to vote and to be elected to public office.

667. Referring to the implementation of article 5 of the Convention and its consequences in the labour field, he pointed out that his country's Constitution confirmed the equality of all citizens without distinction with regard to employment and social development. More specifically, its labour legislation provided for the conclusion of labour agreements; it guaranteed work, free vocational education, the improvement of working conditions, old-age insurance, sickness insurance and the exercise of trade-union rights. It prohibited discrimination with respect to wages for reasons of race.

668. The law provided for a choice in the language of education, which could be the mother tongue or another language of one of the Soviet Socialist Republics. At the time of registering children of school age, parents were invited to indicate the school to which they wanted to send their children. Their choice was mainly determined by the language spoken in the home.

669. In the Byelorussian SSR, all nationalities had benefited from cultural development, which had made it possible to eliminate the illiteracy which had affected 80 per cent of the population in the 1920s. They also benefited from economic and social progress and were in no particular need.

670. Referring to opportunities for nationals of the Byelorussian SSR to obtain executive positions or promotion in other Soviet Republics, he said that they depended on the professional and moral qualifications of the candidate.

671. Concerning the competence of the State and that of the workers' collectives, he said that the local organs and State authorities had different functions which did not necessarily coincide, but both were needed to implement a decision. In that connection, a law on enterprises was now under discussion that would deal, among other things, with the specific rights of enterprises and executive organs and relations with the local and central State organizations, and that would strengthen the self-management system.

672. There were no refugees in the Byelorussian SSR, for no problems of that kind existed in neighbouring countries.

673. Replying to the question as to whether religious believers could participate in State executive bodies, the representative pointed out that State bodies contained many atheists but also believers. There were no statistics on that matter, since affiliation to a religion was never mentioned in official documents.

674. Concerning the procedure for punishing violations of human rights, he said that as a general rule the supervisory organs at all levels - judicial, administrative, social and trade-union - were authorized to settle disputes of that kind quickly and on the spot.

#### Holy See

675. The ninth periodic report of the Holy See (CERD/C/149/Add.6) was considered by the Committee at its 793rd meeting on 12 March 1987 (CERD/C/SR.793).

676. The report was introduced by the representative of the Holy See who drew attention to the meetings held by Pope John Paul II during his pontifical travels in five continents with minority and aboriginal groups, the Pope's visit to the synagogue in Rome and the strong opposition of the Roman Catholic Church to anti-Semitism, the Pope's address to the Special Committee against Apartheid, and the interdenominational prayers for peace at Assisi on 27 October 1986, which had demonstrated the fundamental unity of all mankind.

677. Members of the Committee expressed satisfaction with the report and welcomed the strong position adopted by the Pope against racial discrimination.

678. They referred to the role played by the Holy See in the struggle against apartheid and in support of the independence of Namibia and asked whether the Holy See maintained diplomatic relations with South Africa and whether it was true that the Vatican had made large investments in South Africa. It was pointed out that a peaceful struggle of the type promoted by the Holy See was preferable, but that the developing situation, involving indiscriminate killings by the authorities, justified the use of every possible means by the people of southern Africa. In that context, clarification was sought on the position of the Church with regard to the methods that had been forced upon some of the national liberation movements. Members of the Committee wished to know whether the Holy See helped and supported such movements in southern Africa. It was also asked whether Roman Catholics in South Africa and Namibia had freedom to express their religious views. Members stressed that the Holy See could exert greater pressure on South Africa to end apartheid than mere condemnation of the system.

679. Reference was made to the appalling poverty that existed in the world and the expenditure of billions of dollars on the nuclear arms race and it was asked what the Holy See was doing to promote the economic, social and cultural rights of the poor.

680. The hope was expressed that the Holy See would become more closely involved in the promotion of a dialogue between different ethnic groups in countries with special problems in the Near and Middle East. It was asked whether there was any contact between the Holy See and the liberation movements, some of which were religious, in the Near and Middle East, and whether the Vatican had extended any humanitarian aid to them.

681. Reference was made to the recruitment by the Catholic Church of girls from Christian families in Kerala, India, who had been lured into joining European convents, ostensibly for theological studies, but in reality to work as domestic servants performing chores, and it was asked what measures were contemplated to stop that practice.

682. Reference was made to certain individuals within the Roman Catholic Church and their links with extreme right-wing racist groups, and it was suggested that the Holy See might consider the possibility of reminding them of the teachings of the Gospel on the relations that should exist between men.

683. Reference was made to the liberation theology in Latin America and the case of two Catholic priests in Brazil and Peru, as well as to the fact that the Church, which championed the cause of the poor and the oppressed, could not avoid being politically active. In that context, information was requested about recent developments between the Vatican and the promoters of the liberation theology movement.

684. In reply to the questions and observations made by the members of the Committee, the representative of the Holy See said that the Catholic Church maintained relations with many faiths, especially Islam; it regularly exchanged messages with Islamic authorities in different countries, for example at Ramadan, and it maintained solidarity with believers in the Koran, as indicated, for example, by the Pope's visit to Casablanca. Questions such as the right of the Palestinians to freedom and self-determination were a constant theme in the Pope's periodic address to the diplomatic corps accredited to the Holy See. With regard to Jerusalem, the centre of the three major monotheistic religions, the position of

the Holy See had always been that Jerusalem must be a city open to all three religions and hence open to the whole world. In his many journeys to meet religious communities, the Pope had not failed to meet Islamic believers on the African continent.

685. The fundamentalists were only a minority and, if the Catholic Church adopted a stringent attitude towards them, it would have to do the same in respect of other extremists. The Catholic Church, which had seen times of tension and times when it had had to look more closely at its position, was today experiencing a time of regeneration and fraternity; it should not use force in the face of deep convictions on the part of believers and others.

686. He drew attention to an important report, published recently on the international debt situation, which stated unequivocally the obligations of both developed and developing countries. The Catholic Church did not merely send missionaries abroad; its work included measures to help with housing, schools and hospitals, which showed that it was always concerned with deeds as well as words.

687. The Catholic Church had always strongly advocated disarmament and had warned of the serious dangers of the rearmament that had started soon after the end of the Second World War.

688. On the question of South Africa, the representative assured the Committee that the Holy See had no relations with that country. There was a large Catholic community in South Africa and the Catholic Church was closely involved in ecumenical activities and in promoting the rights of oppressed groups, as well as dialogue between them.

689. He said that the Holy See believed in peaceful action. It did not exclude the possibility of using force, but regarded it only as a last resort when all other means had failed. It was clear from the report that the Holy See had been far more active recently and had taken firmer stands against apartheid than in other fields.

690. The issue of nuns from Kerala being sent to European convents to perform domestic chores had been exaggerated by the media. While there might have been an isolated case of a nun moving from one convent to another, a young Christian girl normally entered a convent to train, work and pray for her sisters, not to wash dishes. There was no question of any racial implications.

691. The representative of the Holy See said that, despite unfounded information published by certain organs, the Vatican had no investments in South Africa. He read out a statement by the President of the Banca di Roma per la Svizzera - which the Holy See did not own, but in which it had a majority share - that there had been no loans for religious works in South Africa. While in the course of its normal operations, it had from time to time subscribed, on behalf of certain clients connected with the Vatican, to South African debt bonds offered publicly. The Bank, as such, had no investments in South Africa. He wished to state categorically that the Holy See had no credit balance of any kind with South Africa or with any firms or bodies controlled by South Africa.

692. He emphasized that liberation theology should be seen in a specific context. The whole process of Catholic thought was community-oriented. Reference had been made to two Catholic priests: Father Bosch, of Brazil, was a faithful member of the Catholic Church but had erred in voicing to the whole world a reflection

showing individualism. The same was true of Father Gutiérrez of Peru. The Catholic Church also regarded liberation theology as one which could be based on doctrine or the Gospel, but which emphasized the human rights of the community.

#### United Kingdom of Great Britain and Northern Ireland

693. The ninth periodic report of the United Kingdom of Great Britain and Northern Ireland (CERD/C/149/Add.7) was considered by the Committee at its 793rd and 794th meetings on 12 and 13 March 1987 (CERD/C/SR.793-SR.794).

694. The report was introduced by the representative of the United Kingdom, who referred to the domestic structure for implementing Government policies for eliminating discrimination and combating racial disadvantage. She explained that racial disadvantage covered both direct and indirect discrimination. She informed the Committee that legislation under the Public Order Act, 1986, to extend the law on incitement to racial hatred had completed its passage through Parliament and would take effect on 1 April 1987. The new provisions strengthened protection against such behaviour by penalizing conduct intended to stir up hatred or likely to have that effect. The law had also been extended to cover broadcasting, and a new offence - possession of racially inflammatory material - had been created. A new Public Order Act (Northern Ireland) was due to be issued shortly to incorporate the new provisions of the Public Order Act, 1986, thus strengthening the law on incitement to racial hatred in Northern Ireland. She stressed that the problem of Northern Ireland was essentially one of religion and constitutional aspirations, rather than race relations. The number of ethnic minority police officers had continued to increase. In July 1986, the House of Commons Home Affairs Sub-Committee on Race Relations and Immigration had published the report on its inquiry into racial attacks. The recommendations for better police training in the handling of racial incidents were being pursued. She referred to a number of policy changes affecting refugees or asylum-seekers and immigration rules contained in the report. She also referred to the relevant part of the report dealing with dependent territories, which had been expanded in response to the Committee's interest.

695. Members of the Committee welcomed the United Kingdom's frank and detailed report. The very fact that problems were admitted was encouraging. The report had been compiled in accordance with the Committee's guidelines (CERD/C/70/Rev.1). After an exchange of views, which evinced a consensus in that direction, the Committee decided that part III of the United Kingdom report dealing with dependent territories would be considered during the Committee's discussion of article 15 of the Convention.

696. In relation to the implementation of article 2 in conjunction with article 5 of the Convention, members of the Committee observed that the statement that divisions in Northern Ireland were a product of religious and political aspirations did not explain the situation adequately. The report admitted that the Roman Catholic community was disadvantaged in socio-economic terms. It was observed that in 1983/84, the unemployment level for male Roman Catholics had been approximately double that for Protestants. It was asked whether that was due to discrimination by Protestant employers. The hope was expressed that legislative action would be taken to counter such discrimination. Racial discrimination could not be dissociated from discrimination in the economic, social and cultural fields. Members requested further information on the measures that were being taken to narrow the socio-economic disparities between Protestants and Catholics, as well as

statistical data on education and income levels of Roman Catholics and Protestants, and their relative representation in the civil service, the judiciary and the police.

697. Members of the Committee expressed deep concern about the racial incidents that had taken place in the United Kingdom. Clarification was sought regarding the authors and victims of the racial attacks mentioned in the report. It was pointed out that the action taken to improve race relations and to reduce poverty in the United Kingdom appeared to fall short of expectations in the light of independent and authoritative reports, which indicated an all-round deterioration in race relations, particularly in employment, housing and in the attitudes of the police to non-white ethnic minorities. The action taken by the authorities seemed to deal more with the consequences than with the causes of the situation. Social and economic policies were partly to blame for helping to create explosions such as the Birmingham riots. The reduction of the education budget was also a retrograde step. Members of the Committee wished to receive information on the housing situation in Birmingham, which appeared to be serious, the measures taken to protect the community of workers from Bangladesh and Pakistan in East Ham, where incidents appeared to have been racially motivated, since the area was a stronghold of the National Front, and the increasing assaults on the Jewish community, and they asked whether the culprits had been arrested.

698. Members were also worried about the situation of ethnic minority groups in general and people of Asian and West Indian origin in particular. According to research findings mentioned in the report, many in these groups believed that their situation had deteriorated during the past five years. Committee members observed that the proportion of members of ethnic minorities in the civil service was very low. They wished to receive more detailed information about their proportion in the civil service and to know whether there were or had been any ethnic minority ministers, diplomats or judges. It was suggested that the Government should inquire into the reasons for that situation. It was observed that unemployment among Pakistanis and Bangladeshis was higher than among other ethnic minority groups and it was suggested that special concrete measures be taken in order to eliminate such inequalities. It was also indicated that the Fair Employment Committee was seized of a large number of cases, but that its proceedings were extremely slow and that complainants usually abandoned their complaints. A question was also raised concerning the action that the Government was taking to promote the participation of disadvantaged ethnic groups in the decision-making process regarding measures affecting them; it was asked whether the Government was contemplating the possibility of giving the right to vote in local and national elections to persons who had been living in the country for a number of years, but who had not got British nationality.

699. It was observed that there was no central monitoring and that the central Government did not have any information on racial discrimination in local government employment. It was suggested that the Government should obtain that information and assess whether there were any cases of racial discrimination. Additional information was requested regarding the Local Authority Race Relations Information Exchange and it was asked whether persons belonging to disadvantaged or underrepresented groups were considered by the authorities to be victims of discrimination and whether there was an official definition of terms used in the report, such as "ethnic minority" and "race".

700. Members observed that the Government had decided to introduce visa requirements for citizens from five Asian and African countries, while South Africans were allowed to visit the United Kingdom freely. It was asked whether a recourse procedure was possible for individuals who had been refused a visa and, if so, where the complaint should be addressed. Information was requested on the number of South African citizens who also had British nationality and it was asked whether those persons could settle at any time in the United Kingdom.

701. Members welcomed the measures taken by the Government to improve the ethnic representativeness of the police. They pointed out, however, that the proportion of members of ethnic minorities was still insufficient and expressed the hope that their number would increase. It was observed, nevertheless, that the integration of members of ethnic minorities in the police force alone could not solve the problem of racial discrimination. It was more important to train teachers belonging to ethnic minorities. In that context, it was pointed out that, according to the report, many children from ethnic minority groups were achieving less than their potential and it was asked whether there were any schools providing teaching in the mother tongue of the various ethnic groups.

702. With regard to the implementation of article 3 of the Convention, members of the Committee observed that the report did not contain any information relating to that article and to the Government's policy on apartheid. The British people were known to be opposed to apartheid, but it was important to know what the Government was doing to bring about its elimination. Reference was made to the annual list of transnational corporations assisting the régime of South Africa issued by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and to the fact that only 6 of 1,200 British corporations trading with South Africa had stopped such trading. Members stated that it was regrettable that the United Kingdom had vetoed the latest resolution of the Security Council proposing mandatory sanctions against South Africa. It was observed that 8,000 children below the age of 18 had been detained in South Africa and that 4,000 of them were still in prison and it was asked what the attitude of the Government of the United Kingdom was to South Africa's violations of children's rights. Members wished to know the level of diplomatic relations with South Africa, the level of United Kingdom investment in South Africa, the volume of trade and air and sea links between the two countries, and whether there was any co-operation in military or nuclear matters. Members of the Committee pointed out that a State party could not, on the one hand, implement the Convention at the national level and, on the other, support apartheid beyond its frontiers.

703. Regarding the implementation of article 4 of the Convention, members of the Committee commended the proposals of the United Kingdom Government to reinforce and extend the legislation relating to incitement of racial hatred under the Public Order Act, 1986, which would bring it into closer conformity with the provisions of article 4. They expressed concern, however, about the application of article 4 (b) dealing with racist organizations. They pointed out that the proscription of political organizations dedicated to terrorism and the violent overthrow of the State, did not give full effect to the provisions of article 4 of the Convention, and that, in accordance with article 4 (b), all organizations which promoted or incited to racial discrimination should be declared illegal. Members expressed the hope that the Government would adopt legislative measures to give effect to the provisions of article 4 (b) of the Convention.

704. As to the implementation of article 6 of the Convention, members observed that the Commission for Racial Equality had no status before a court or tribunal in relation to any proceedings in which it was assisting an individual. They inquired about the type of assistance the Commission could provide and asked whether there was a system of legal aid for needy persons in the United Kingdom. It was asked whether criminal proceedings could be instituted against an employer who had committed an act of discrimination. It was also asked when the proposed amendments to the Race Relations Act, 1976, submitted by the Commission for Racial Equality to the Home Secretary in June 1985, would be implemented.

705. Concerning article 7, the hope was expressed that the next report would reflect the political will to raise the standard of human rights and that higher priority would be given to the implementation of article 7 of the Convention.

706. With regard to article 14 of the Convention, it was asked whether the Government was considering making the declaration under article 14 recognizing the competence of the Committee to deal with individual communications, which might facilitate co-operation between the ethnic minorities and the national authorities.

707. In reply to the questions raised and observations made by the members of the Committee, the representative of the United Kingdom said that the mingling of races that had characterized Northern Ireland for centuries currently made any racial distinctions between the religious majority and minority very blurred. The most recent figures on unemployment were disappointing and the persistent differences between the Roman Catholics and Protestants had led the Secretary of State for Northern Ireland to propose new measures and other institutional arrangements to eliminate discrimination on grounds of religious or political belief. At the same time, the independent Standing Commission on Human Rights was conducting a major review of the effectiveness of the law on discrimination based on religious belief, but at the present stage it was too soon to say what shape the ensuing legislation would take.

708. Regarding the lack of a central apparatus for monitoring the activities of local authorities in the field of race relations, she said that her Government did not have any official information on that subject, but it would be wrong to say that many central organizations were not watching what local authorities were doing. The annual report of the Commission for Racial Equality, a copy of which had been given to the Committee in an annex to the ninth periodic report, might be a helpful source of information on that subject.

709. With regard to education, the languages of the different racial communities were indeed used in primary schools where a substantial number of pupils did not speak English.

710. Although recruitment had been slower than expected, the representation of minorities in the police was improving. Relations between the police and the community were in fact much better than some members of the Committee had implied. As was stated in the report, the disturbances in 1985 had not been due strictly to racial factors.

711. There were two ethnic minority members of the House of Lords, but there were no members in the House of Commons. For the next elections, however, the main parties had chosen some ethnic minority candidates. In addition, there was one judge of Asian origin. The number of ethnic minority counsellors in local

authorities was growing quite noticeably and committees of all kinds - many functions in the United Kingdom were carried on by small committees of voluntary members - included an increasingly large number of members of ethnic minorities.

712. With regard to the situation of Bangladeshis in Great Britain, the House of Commons Home Affairs Sub-Committee on Racial Relations and Immigration had published a very full report on that question in January. The Government was now considering its response, which should be published shortly. It was the Bangladeshis and Pakistanis who were most often the victims of racial harassment. It should be noted, however, that such incidents had decreased in number and violence.

713. Concerning the visa régime recently established for nationals of five other countries, the representative explained that the visa was an administrative measure adopted for purely practical reasons. There was no question of discrimination against citizens of the countries concerned. The immigration rules that would apply had been considered non-discriminatory by the European Court of Human Rights.

714. There was no policy of racial segregation or apartheid in the United Kingdom or in any of its dependent territories. The necessary legislative action to outlaw such practices had been taken. The United Kingdom had repeatedly made clear its abhorrence of apartheid and its support for calls for fundamental reforms in South Africa. But it continued to interpret article 3 of the Convention as meaning that there was no requirement for States parties to report on their relations with South Africa. Article 3 concerned racial segregation in the territory of each State party. South Africa was not under the jurisdiction of the United Kingdom.

715. The concern of the members of the Committee regarding the implementation of article 4 of the Convention by the United Kingdom should be dispelled by the broadening of the provisions of article 5A of the Public Order Act, 1936.

716. Concerning discrimination in employment, the representative informed members that complaints were dealt with by industrial tribunals. The Legal Advice and Assistance Scheme under the Legal Aid Act was designed to help all those who believed they had been discriminated against in a matter within the jurisdiction of an industrial tribunal and whose financial resources were limited. There was also a Legal Aid Scheme. In addition, the Commission for Racial Equality had complete discretion to assist a complainant whose case raised an issue of principle. Cases of discrimination other than in employment were a matter for the relevant county courts or, in Scotland, for the sheriff courts, and complainants could also avail themselves of the Legal Advice and Assistance Scheme and the Legal Aid Scheme.

717. In cases of discrimination in employment, a tribunal could award an order requiring the employer to pay the complainant compensation up to a certain limit or recommend measures of reparation. If, without reasonable justification, the employer failed to comply with such an order, the tribunal could award compensation or increase any compensation it had already awarded. However, there was no fine, as such, for the offence of discrimination. There was a similar range of remedies available in the courts for handling cases of discrimination other than those concerning employment. All other questions that she could not answer would be brought to her Government's attention and would be covered in the next report.

## Costa Rica

718. The eighth and ninth periodic reports of Costa Rica (CERD/C/118/Add.31 and CERD/C/149/Add.15) were considered by the Committee at its 794th and 795th meetings on 13 March 1987 without the participation of a representative of the reporting State (CERD/C/SR.794-SR.795).

719. Members of the Committee expressed disappointment at the fact that neither the eighth nor the ninth periodic reports of Costa Rica added anything to what had been said in previous reports and that they did not answer the questions asked of the representative of Costa Rica during the consideration of its seventh periodic report. The next report of Costa Rica should follow the Committee's guidelines (CERD/C/70/Rev.1).

720. Members of the Committee requested updated information on the ethnic composition of the population, particularly the indigenous and the black populations of Costa Rica. It was pointed out that there were people in Costa Rica who were physically different from others and were less well treated; the Committee needed information about the extent to which such people suffered. If the Government could not provide statistics, an impressionistic picture of discrimination would be acceptable.

721. In general, members of the Committee wished to receive information on articles 2 to 7 of the Convention in order to assess the extent to which Costa Rica was implementing the Convention.

722. With regard to article 3, members of the Committee wished to know about the state of Costa Rica's relations with South Africa.

723. They said that Costa Rica should take more specific action to implement article 4 of the Convention.

724. Concerning article 5 of the Convention, information was requested regarding the percentage of the population that could take part in elections, recourse procedures available against censorship, the languages spoken by indigenous populations, their culture and levels of education, the language spoken by the black population and what was being done to preserve its cultural heritage and well-being, and the political refugees on the borders of Costa Rica. Reference was also made to the armed conflicts in Central America and it was asked how the increase in the Costa Rican budget to buy arms and the postponement of some of its economic and social programmes affected the indigenous population.

725. In relation to article 7, it was asked what Costa Rica was doing in schools to remove preconceived ideas about persons belonging to ethnic groups that were different from the majority.

## Hungary

726. The ninth periodic report of Hungary (CERD/C/149/Add.9) was considered by the Committee at its 795th meeting on 13 March 1987 (CERD/C/SR.795).

727. The report was introduced by the representative of Hungary, who referred to relevant parts thereof and stressed that enjoyment of the rights of national and ethnic minorities was of major importance in preserving international peace and

security and ensuring stability at the national level. His Government was in favour of strengthening contacts between national minorities and their country of origin and was convinced that an appropriate policy towards them was a basic requirement for the development of Hungarian society.

728. Members of the Committee commended the report submitted by Hungary. It contained interesting information and showed progress in the implementation of the Convention. The report had been prepared in accordance with the Committee's guidelines (CERD/C/70/Rev.1) and contained replies to a number of questions raised during consideration of the previous report.

729. Members sought clarification on the status of the Constitutional Council and particularly on the measures that appeared to be outside the jurisdiction of the Council. They wished to know whether the Council was a judicial or an administrative body, what the scope of its mandate was, and how it operated.

730. In relation to article 2, paragraph 1 of the Convention, it was noted that article 157 of the Penal Code, in defining an act prohibited by international law, did not specify acts of commission but rather established a general framework of pertinent facts. In that context, it was asked whether it would not be wiser for the reporting State to include within its body of law a stricter definition that would cover all cases that might arise.

731. With regard to article 2, paragraph 2, taken in conjunction with article 5 of the Convention, members of the Committee wished to receive a more accurate demographic breakdown of the country's population, since there seemed to be differences in the size of the national and ethnic minorities according to the various sources given in the report. Additional information was also requested concerning the size of each of the small groups of Bulgarians, Poles and Greeks living in Hungary. Members welcomed the statement that all minority nationalities were guaranteed the right to use their mother tongue, the right to be taught in it, and the right to pursue and develop their own culture. It was pointed out that educational planning with regard to the minorities was based on statistics provided by the federations of nationalities and not on those derived from the national census. Such a remarkable approach could serve as a useful model for other States parties, since members of minorities were often fearful or reluctant to indicate their ethnic origin when censuses were conducted.

732. Members of the Committee wished to know whether the Constitution contained any provisions regarding the political representation of minorities in parliament and the Government and, if not, whether any members of minority nationalities sat in parliament or served in the higher levels of the administration or the judiciary. It was asked how the rights of minorities were protected in the area of employment and whether any special procedure existed to deal with cases of discrimination relating to that area.

733. Members also requested additional information on the federations of nationalities, asking in particular how independent they were and what the term "independent" meant, how they were financed, what their terms of reference were, whether they were self-governing and whether the nationalities concerned had their own universities. Clarification was requested regarding the term "national idioms".

734. With regard to the Gypsy population, members welcomed the long-term measures the Government had devised to bring about general improvements in their life. It was noted, however, that the rate of employment among Gypsies was still lower than among the rest of the population and it was asked whether the Government had a timetable for bridging that gap and for improving assistance to those sections of the Gypsy community that still lived in the traditional way. It was also asked what methods had been used to obtain reliable data on the Gypsy population in the large cities, where there was a high degree of integration with the population.

735. In relation to article 3 of the Convention, members stressed the important contribution that Hungary was making to isolating the South African régime internationally. Additional information was requested on the support provided by Hungary to the national liberation movements, in particular the African National Congress of South Africa (ANC) and the South West Africa People's Organization (SWAPO).

736. Concerning the implementation of article 6, reference was made to the legal provisions on the crime of genocide and it was asked whether criminal cases were heard only by professional magistrates or whether there was provision for trials by jury.

737. With regard to the implementation of article 7, members of the Committee wished to receive additional information about the way in which the provisions of that article were being made known to the public at large, courses that might be given in schools and universities covering human rights issues, and training courses for specific target groups, such as law enforcement officials.

738. Replying to questions raised and comments made by members of the Committee, the representative of Hungary said that the Constitutional Council was a new organ created in June 1985. It had 15 members, 9 of whom were elected by the General Assembly, the others being eminent jurists. They served for five years and issued general guidelines and rulings regarding some elements of Hungarian legislation. In Hungary, the administration of justice was a law-enforcing activity. The courts had no power to create law. The directives and decisions of principle of the Supreme Court were binding on lower courts, but the Supreme Court had no power to interfere with the jurisdiction of local courts. The Constitutional Council was a body responsible to parliament and played a role in supervising statutes, directives and decisions of the Supreme Court and guidelines issued by the Council of Ministers. Its competence was similar to that of the permanent parliamentary committees. If it found a text to be unconstitutional, it could suspend the implementation of the text or request the issuing authority to revise it. The Council also advised Parliament on questions of constitutionality. Proceedings before it could be initiated by a whole range of bodies, from parliament to provincial councils. Parliament had the power to dismiss members of the Constitutional Council if they deviated from their duties.

739. The reason for the discrepancies in the figures for national minorities was that the 1980 census had not been nation-wide, some parts of the country having been left out. Moreover, some members of minority nationalities had been reluctant to declare their nationality in the census. The further 95,800 citizens that had been found to speak one of the national idioms were persons who had stated that they spoke the idiom concerned in addition to Hungarian. The federations of nationalities were organized on an independent basis by the national groups

themselves; however, they received material assistance from the Government, and some of their officials were paid by it.

740. National minorities had the same electoral rights as all citizens. He had no statistical data on the number of national minority members sitting in parliament, but the fact that the General Secretary of the Hungarian Socialist Workers' Party had himself been born in Fiume in 1912 indicated that no difficulties were being experienced. Specific national minorities were represented in parliament, of which the secretaries of the nationality councils were also members. Efforts were being made to strengthen contacts between national minorities and their countries of origin. A recent conference of representatives of Germans who had left Hungary after the Second World War and of the German minority in Hungary had concluded that a national minority policy could never be separated from general government policy. The denial of rights to a particular national minority or religious group usually meant that even the rights of the majority were not respected.

741. The Government had a programme of specific action to improve the lot of the Gypsies, although it was not reflected in the report. Much had already been done to assist them economically, but a greater effort must be made, especially with regard to education. There was a difference between the Gypsies living in rural areas and those living in Budapest. The rural Gypsies formed more closed communities and their standard of living was generally lower. Higher priority was being given to improving their situation. In Budapest, a Gypsy council was endeavouring to preserve the cultural heritage of the Gypsy community.

742. There was no specific employment problem among the national minorities, but there was a problem with regard to the Gypsies, whose level of employment was lower than that of the population as a whole. An effort was being made to change that situation by improving the education of Gypsies.

743. The text of the Convention on the Elimination of All Forms of Racial Discrimination was printed and distributed in Hungary, and was studied at universities and in secondary schools.

744. Finally, the representative of Hungary assured the Committee that the questions put by members would help his Government to identify areas where improvements could be made. They would be answered in the next periodic report and would be taken into account in the law-making process.

### India

745. The eighth and ninth periodic reports of India submitted in one document (CERD/C/149/Add.11) were considered by the Committee at its 796th and 797th meetings on 16 March 1987 (CERD/C/SR.796 and CERD/C/SR.797).

746. The report was introduced by the representative of India, who supplemented and updated the information it contained. He referred to the contribution of India, together with other Commonwealth countries, to the international struggle against apartheid as well as to its contribution to the Action for Resisting Invasion, Colonialism and Apartheid Fund. He informed the Committee that two Union Territories, Mizoram and Arunachal Pradesh, which were largely composed of tribal communities, had been granted the status of federal states. The Government had established an Indian Commission on Human Rights entirely composed of members participating in their private capacity, and a Central Social Welfare Board. He

further stated that, as of 30 November 1986, a total of 213,465 bonded labourers had been identified and that 172,352 had been rehabilitated. Finally, he informed the Committee that his Government had adopted a new national policy on education, one of the objectives of which was the generalization of primary education by 1990.

747. Members of the Committee congratulated the Government of India for the instructive and comprehensive report it had submitted and for the supplementary information that the representative of India had provided in introducing the report. They paid tribute to India's commitment to the elimination of racial discrimination at both the national and international levels. They also noted with satisfaction the results achieved in spite of the difficulties faced by India as a developing country. They welcomed the demographic information contained in the report.

748. Further information was requested on the amendments to the Constitution and clarification was sought regarding the legislative purpose of the introduction of the concept of race in article 15 of the Indian Constitution of 1949 and regarding the groups that required protection.

749. In relation to the implementation of article 2, paragraph 2, taken in conjunction with article 5 of the Convention, members were gratified to note the measures taken in support of the scheduled castes and tribes, in particular, the establishment of two states inhabited by scheduled tribes. The fact that those two states had been established in India was a sign of progress, which proved that the principle of federalism could also be applied to developing countries. Within that context, it was asked whether those two states were in the region of the Sino-Indian conflict. One member pointed out that there was a boundary dispute.

750. Members requested information about the social and educational policy measures adopted by the Government to improve the situation of the untouchables and to abolish untouchability. They wished to know whether former untouchables participated in public affairs at the federal and state levels and what part the members of that disadvantaged class played in the country's political, economic, social and cultural life. Further information was requested on the Commission set up in 1978 to deal with matters pertaining to the scheduled castes and tribes and it was pointed out that the Indian authorities might wish to provide members of the Committee with a copy of one of the Commission's reports or at least with a summary thereof. Further details on the implementation of the Protection of Civil Rights Act, 1955 were also requested. It was noted that the Constitution provided that the State could set aside jobs in the public services for the backward classes. The fact that that provision applied to the scheduled castes and tribes was highly appreciated, but it was felt that it should also apply to other groups. In that context, information was requested about the representation of the various communities in the public services.

751. Members of the Committee requested additional information on the action taken by the Government to improve conditions with regard to housing, nutrition and employment, particularly in respect of the 40 per cent of the population living in extreme poverty, and on the number of families that had managed to cross the poverty line by the end of each five-year plan. It was asked whether industrialization had led to further poverty and the emergence of privileged groups or whether it had benefited the various ethnic groups equally, without prejudice to their traditional culture, and inquiries were made concerning government efforts to provide certain disadvantaged ethnic groups that spoke different languages with

employment opportunities. Clarification was sought regarding the statement in the report that more than 300 million man-days of additional employment were being generated annually under the rural employment programmes.

752. Members noted with satisfaction the measures adopted by the Government with a view to abolishing debt bondage. They inquired about the functioning of the scheme, the method of identifying bonded labourers and the procedure for their release from bondage.

753. It was observed that the laws and customs governing marriage and succession in the various communities might be an obstacle to the promotion of civil and political rights and it was asked whether the dowry system had been eliminated in India.

754. Members congratulated the Indian Government on the spectacular progress achieved in the sphere of education. They asked for additional information about government measures to promote the use of a language likely to open up more job opportunities for the various ethnic groups and thereby generally improve their social situation. They asked whether the country's 15 main languages were used in schools and whether English was still the common language. They also requested information on the literacy rate and the standard of education in primary and secondary schools, if possible, by ethnic group.

755. Clarification was sought concerning the authority responsible for defining the national interest when preparing media programmes on news and current affairs.

756. It was asked whether the social system, in which divisions into different castes and groups still subsisted, was to some extent the result of religious belief.

757. Members also wished to know, in general, what India was doing to preserve and encourage the cultural identity of the various Indian states and, in particular, of the State of Sikkim, the population of which was mostly of Mongolian descent. It was asked whether the languages spoken in Sikkim were taught at school and whether its history and culture were covered by educational curricula.

758. With regard to article 3 of the Convention, members of the Committee commended the Indian Government for its opposition to apartheid and its endeavours to isolate South Africa and to provide material and moral support to the liberation movements and the front-line States. It was asked whether there were any diplomatic, consular, commercial or cultural relations between India and South Africa.

759. Concerning the implementation of article 4 of the Convention, it was noted that the Government had enacted appropriate legislation. It was asked whether the Indian Penal Code, which predated the Convention, had been amended following the entry into force of the latter so as to reflect more precisely the provisions of that article.

760. As far as the implementation of article 6 was concerned, members of the Committee were gratified to note the establishment of a Commission on Human Rights in India, a development that reflected the Government's sincerity and determination to overcome the problems posed by racial discrimination in the country. They also welcomed the new form of jurisdiction, described as epistolary, by which the Supreme Court had taken action on the basis of an ordinary postcard or telegram, or

even on its own initiative on the basis of press reports. Examples of judicial decisions of the Supreme Court were requested.

761. Members of the Committee pointed out that the judicial process was very slow and asked whether the Government was taking any action to improve its efficiency. They requested information about the penalties applicable in respect of discrimination, the relevant judicial precedents and the composition of the Supreme Court, and asked whether rulings on points of law and on the facts were handed down by the same section of the Court. They also asked about the operation of recourse procedures in the various states, since India was a federal country and the citizens were more frequently in touch with the local administration than with the central administration.

762. It was asked whether the democratization process which India was undergoing posed problems of separatism and even terrorism, and whether any cases involving such problems had been referred to the courts.

763. Members wished to know why the institution of Lok Ayukts, with powers similar to those of the ombudsman, was implemented in only a few states of India and which states those were. It was also asked whether there was an ombudsman at the federal level.

764. In reply to the questions asked and the comments made by the members of the Committee, the representative of India stated that the distinction established in article 15 of the Constitution had been specifically designed to provide protective discrimination in favour of the disadvantaged sections of Indian society and to remove educational, economic and social disparities resulting largely from colonial rule in India. The development and literacy of backward communities, scheduled tribes and castes had progressed at double or triple the rate of that for the rest of the population since 1947.

765. The Commissioner for scheduled castes and scheduled tribes was already investigating all matters relating to constitutional safeguards, reservation of jobs in public services, and so forth. The Commissioner reported to Parliament, where his conclusions and recommendations were the subject of intense debate. Other structures and institutions were also in place to safeguard the interests of the tribal populations, as indicated in the report.

766. Regarding the achievements of specific government programmes, he said that, between 1961 and 1981, the level of literacy had increased from 28 to 41 per cent for the population as a whole; for scheduled castes, it had increased from 10.27 to 21.38 per cent, and for scheduled tribes from 8.53 to 16.35 per cent. In the area of employment, whereas in 1965, scheduled castes had constituted 13.17 per cent of all persons employed in the public services and scheduled tribes, only 2.25 per cent, by 1983, their representation had increased to 16.24 and 4.56 per cent, respectively. In that same period, overall employment of scheduled castes had risen by 93 per cent, and that of scheduled tribes, by nearly 217 per cent. The number of members of scheduled castes in top civil service posts, for which entry was by competitive examination, had increased more than tenfold, and their representation in second-category posts had risen sevenfold. There had been a 14-fold and nearly ninefold increase, respectively, in the representation of scheduled tribes in those posts.

767. As to representation at the highest level, one Deputy Prime Minister belonged to a scheduled caste customarily known as the "untouchables". A former Minister of State for Foreign Affairs had also been a member of a scheduled caste. Members of scheduled tribes were represented in the current Cabinet, and one was the Minister of Labour. A number of ambassadors and other senior officials also belonged to those traditionally disadvantaged groups, which had come a long way as a result of government efforts to overcome the problem of the backward classes and remove the barriers to social mobility.

768. One member of the Committee had pointed out that there were other backward communities in India, in addition to the scheduled tribes and scheduled castes. That matter had been examined in detail by a national commission in 1980. Several state governments currently followed their own independent practice with regard to the reservation of posts. However, the Supreme Court of India, in a judgement dating back a quarter of a century, had stated that no reservation beyond the level of 50 per cent could be allowed. The High Court of Andhra Pradesh, moreover, had ruled unconstitutional a government order calling for a further reservation of posts for certain categories of the population other than scheduled tribes and scheduled castes. In other words, the debate on the subject of reservation continued unabated in India and he wished to assure the Committee that any new developments would be duly reflected in future reports submitted by his Government.

769. The two Union Territories that had recently been granted statehood were Mizoram and Arunachal Pradesh, both bordering on China. Mizoram had a population of 500,000 while the population of Arunachal Pradesh was 650,000. Tribal dialects prevailed in those States. In 1962, India and China had had a boundary exchange in that area following a border conflict.

770. Concerning the impact of some of the country's social programmes, a national sample survey had indicated that, in the year 1977/78, 48.3 per cent of the population, representing 306.8 million people, had been below the poverty line on the basis of per capita consumption. By 1984/85, that proportion had fallen to 36.9 per cent, representing 273 million people and, by 1989/90, it was projected that it would fall to 25.8 per cent or 210 million people. There had already, therefore, been a significant reduction in the number of people below the poverty line. The survey had concluded that, between 1977/78 and 1983/84, 36 million people had moved above the poverty line. Those results reflected the priority given by the Government to improving the living conditions of the underprivileged.

771. Interest had been expressed in the annual report on the implementation of the provisions of section 15A of the Protection of Civil Rights Act, 1955. He would endeavour to make a copy of that document available to the Committee when it considered the next periodic report submitted by his Government.

772. Under the Uniform Civil Code regarding marriage and inheritance, people from different religious communities could contract a civil marriage. The normal laws of inheritance prevailed in such cases.

773. He explained that the figure of 300 million referred to the number of eight-hour work-days of additional employment being generated annually under the rural employment programmes. In that regard, he mentioned the programmes for hill regions, drought-prone areas and deserts and the relatively new scheme, introduced in 1983, for guaranteeing employment to landless rural labour.

774. With reference to the set of norms laid down for news and current affairs programmes on radio and television, the representative said that the broad parameters of news policy for the broadcasting media were approved by Parliament.

775. With reference to Sikkim, he explained that that region had become a full state of the Indian Union in 1975. There were four principal languages but all, except Nepali, were dialects with no written literature and could never therefore be used as official languages. The social and economic development of all the frontier states had rightly received attention out of proportion to the population of the area. Since 1979, Sikkim had implemented 30 new irrigation schemes to bring water to 3,163 hectares of land; hydroelectric stations with a total installed capacity of 15 megawatts, to serve a population of 300,000, had also been constructed. In 1975, there had been no electrification in Sikkim but, by 1984, 154 villages out of a total of 405 had been electrified.

776. Education was the responsibility of both the central and the state governments. The central Government was directly responsible for the central universities and institutes of national importance and also autonomous agencies, such as the University Grants Commission and the National Institute of Educational Planning. School education was conducted in the various states in 15 recognized local languages. There was provision for special English language schools. Education was conducted in the local language in all public, i.e., government, schools at the primary and secondary level. The local languages were also used in state institutions of higher education, apart from institutions dealing with the frontier areas of science and technology. In 1951, soon after India had achieved independence, only 16.7 per cent of the population had been literate; the current literacy rate was 40 per cent. In May 1986, the Government had introduced a new educational policy and increased the budget for education by 130 per cent for the current financial year. Particular emphasis was being laid on elementary education and on adult literacy during the next decade. The social evil of the dowry system was gradually disappearing with the spread of education.

777. As for relations with South Africa, India had no relations with that country. The sacrifice that India had made in that connection was reflected in the fact that, before the embargo, 2 per cent of India's total external trade had been with South Africa.

778. Regarding article 4, the representative said that, since the submission of the seventh periodic report, there had been no new developments in India, as existing laws were deemed adequate to deal with any problem of implementation that might arise.

779. The Supreme Court of India consisted of a Chief Justice and not more than 17 other judges appointed by the President. The fundamental basis of the Indian Constitution and general practice was to have an independent and powerful judiciary. The independence of the courts and, in particular, the Supreme Court was ensured by a number of provisions, including a prohibition on the removal of a Supreme Court judge except by order of the President, following parliamentary approval of the proposed action by a two-thirds majority. No case of such removal had occurred since India had achieved independence.

780. An explanation of epistolary jurisdiction was contained in the report, as well as in former Chief Justice Bhagwati's address. The practice, as it had evolved, was that, where a person or class of persons had suffered a legal wrong and, by reason of poverty, disability or social or economic disadvantage, had no judicial redress, any member of the public, acting in good faith, could take the initiative of bringing an action seeking redress for the legal injury caused. Under that doctrine, social action groups could therefore take the initiative, if they found that there was no administrative response to the legal injury which had occurred. The process was intended to ensure the enforcement of social welfare legislation, such as the Minimum Wage Act, in order to improve the conditions of the underprivileged. The procedure was therefore of particular importance with reference to India's implementation of the Convention.

781. He mentioned a case which had been referred to the Supreme Court in 1983 and had originally been brought by the People's Union of Democratic Rights on behalf of workmen employed on construction projects who were allegedly not benefiting from the labour laws. Further cases involved a letter to the Chief Justice regarding distressing living conditions in a women's home in the State of Uttar Pradesh, the Limestone Quarries Case, where limestone quarrying in the hills was allegedly affecting the ecology and agriculture of the region, and a case involving bonded labour in stone quarries in the region of Hyderabad. In all those cases, the action taken had produced legal remedies which had corrected injustices. The procedure was therefore relevant to India's implementation of the Convention.

782. The institution of Lok Ayukts, with powers similar to those of an ombudsman, had been created four or five years earlier and had been adopted in six states. The calibre of the Lok Ayukts might be judged from the fact that their number included a former judge of the Supreme Court and other eminent jurists. Redress for corruption and misconduct by public officials was currently a local and not a national responsibility. Consequently, the central government had not yet taken action to appoint a central Lok Ayukt; a bill currently before Parliament was, however, likely to be enacted for the creation of such an office in the central Government and all officials of that government would fall within his jurisdiction.

783. On the subject of terrorism, the representative of India stated that individual instances did occur and that the Government endeavoured to cope with them with political maturity by dealing with the terrorist groups, on the one hand, and by addressing the grievances of the communities concerned, on the other, each in the appropriate manner. The particular instance referred to, the blowing up of a train, had involved Tamil refugees. It could not be said that there was a generalized problem of terrorism in the State of Tamil Nadu, although some groups of refugees were disaffected as a result of having been uprooted from their homes. Despite economic and social constraint, the Government was doing its best to cope with the difficulties of the refugees, and those who wished to stay in India could do so with honour and dignity until the political situation in Sri Lanka improved.

#### Pakistan

784. The ninth periodic report of Pakistan (CERD/C/149/Add.12 and Corr.1) was considered by the Committee at its 796th and 797th meetings on 16 March 1987 (CERD/C/SR.796-SR.797).

785. The report was introduced by the representative of Pakistan, who referred to relevant parts thereof, particularly to the legal recourse procedure available to victims of injustice. He stressed that the 1985 elections had brought to power a representative Government which had lifted martial law and the state of emergency and had fully restored the powers of the courts. He said that the Government was giving high priority to the economic and social development of Baluchistan, to which increasingly substantial financial resources had been allocated in recent years. Pakistan considered apartheid a crime against humanity and the Government and people of Pakistan had always extended their full support to the people of southern Africa in its struggle for national liberation. His Government had imposed a complete ban on trade with South Africa and suspended all cultural, educational and sports exchanges.

786. Members of the Committee congratulated the Government of Pakistan on its report and welcomed the lifting of martial law, the full restoration of constitutional and fundamental rights and the fact that the judiciary had recovered its supremacy in Pakistan. Those were positive factors which would create favourable conditions for implementing the Convention. Members expressed satisfaction at the fruitful co-operation between the Government of Pakistan and the Committee, and at the fact that the report had been submitted in accordance with the Committee's guidelines (CERD/C/70/Rev.1) and provided answers to some of the questions raised during consideration of the previous report.

787. Members asked whether there had been a full review of the legislation introduced during the period of martial law, whether the Constitution had been revised in the light of the Convention, and whether new legislation had been enacted to cover the measures that had been taken as a result of the lifting of martial law and the full restoration of fundamental rights.

788. In relation to the implementation of article 2, paragraph 2 of the Convention, taken in conjunction with article 5, members of the Committee commended Pakistan on its policies concerning the tribal areas, which were designed to bring about real equality, and the measures taken to protect the cultural identity of minorities. They also congratulated the Government on the increased development funds made available for Baluchistan.

789. Members expressed regret that the Government was unable to supply data on the ethnic composition of the population. Without such information, the Committee was unable to assess the situation of minorities and evaluate the impact and effectiveness of the measures described in the report. Paragraph 12 of the report indicated that minority populations constituted 3.32 per cent of the total population, but went on to indicate that data on ethnic origin were not collected in the country's decennial census or otherwise. The report also indicated, in paragraph 13, that there were no linguistic minorities in Pakistan, but that Urdu was the national language, Punjabi, Sindhi, Pashto, Baluchi and other languages being spoken in different parts of the country. Furthermore, the eighth periodic report gave the percentage of people who spoke eight different languages. It was also pointed out that, in paragraph 23, the report indicated that, under the Constitution, citizens having a distinct language, script or culture had the right to preserve and promote them and that the Government was committed to protecting the cultural identity of minorities. Members wished to know whether the criteria for defining minorities were religious or cultural, and whether language was not a compound of those criteria. They also asked what categories had been included in the census figures.

790. Members requested more information on the economic and social situation of minorities, as well as on measures taken to encourage their participation in economic, social and cultural activities, their literacy rates and their health situation. They wished to know how the rights of minorities were protected under Islamic law, how minorities were accorded representation in Parliament, whether religious groups were regarded as part of the whole Islamic group, nation or people or whether particular groups were recognized and had any standing, whether the legal language used in the courts differed according to area and whether the Government provided interpretation if the court language differed from the local language. It was asked whether herdsmen belonging to the tribal areas who travelled around the country had their own administrative system and, if so, how it related to the Government administration. Information was requested on the literacy rates among children in the tribal areas and how schools for those children were organized. Clarification was sought regarding the rights of minorities, as stated in the report, and about the meaning of "evacuee trust property" in connection with the functions of the Ministry of Minorities Affairs. It was also asked how the provision of the Constitution on the right to preserve and promote language, script or culture was being translated into action and whether that was an ongoing process, and whether Baluchistan contained minorities or tribal areas.

791. Members observed that the report provided no information on the situation of Afghan refugees. They inquired about the Government's position with regard to refugees who might eventually decide to remain in Pakistan and how the Pakistani population felt about the possibility of a settlement of the Afghan question. It was asked whether the minority population of 2,803,587 included Afghan refugees and whether it included the tribal areas. Members also asked what effect the existence of a significant number of Afghan refugees had on relations between ethnic and national groups.

792. Members of the Committee wished to know whether, under Islamic law in Pakistan, a non-Muslim enjoyed equality with Muslims and whether religion was taught in schools. Clarification was sought on the statement in the report that the law provided trade-union leaders with immunity from punishment under the law of conspiracy, for the furtherance of genuine trade-union activities.

793. In relation to article 3 of the Convention, members of the Committee commended Pakistan's firm and consistent opposition to apartheid. They observed with interest that the Government had imposed a total prohibition on trade with South Africa. It was asked how strict the prohibition was and whether it was supervised and if any relations existed between Pakistan and South Africa in other fields.

794. With regard to the implementation of articles 4 and 6 of the Convention, members of the Committee pointed out that no response had been forthcoming regarding the criticisms expressed by the Committee during the consideration of the previous report concerning shortcomings in the application of article 4 of the Convention. In particular, section 153A of the Pakistan Penal Code, which was mentioned in the annex to the report, showed that certain aspects of article 4 (b) of the Convention had still not been incorporated in the domestic law of Pakistan. They wished to know whether the provisions of the Pakistan Penal Code concerning discrimination were frequently applied and asked to be provided with a few significant court decisions. Additional information was requested regarding the way in which freedom of the press was guaranteed in Pakistan, and how the statutes enacted in 1973 were applied by the courts. It was asked whether penalties of

Islamic law, such as flogging and other extreme measures, were actually imposed in Pakistan. Members also wished to know whether an individual citizen could appeal directly to the courts, whether penal, civil or administrative, to seek redress.

795. In relation to article 7, members asked whether the television and film industry co-operated with the Pakistan authorities in promoting tolerance and friendship among ethnic groups and nations, whether members of the police force were given special training in human rights, whether they generally respected human rights, and whether pupils and students received civic education.

796. In reply to the questions raised and the observations made by members of the Committee, the representative of Pakistan stated that minorities denoted religious minorities; approximately 96.7 per cent of the population adhered to Islam, the remaining 3.3 per cent consisting of Christians, Hindus, Parsees, Buddhists, Sikhs and others. Minorities were represented in the national and provincial assemblies in proportion to their numbers. In the National Assembly, 10 seats had been reserved for them out of a total of 217, while in the four provincial assemblies the number of seats reserved for the minorities were: Baluchistan - 3 out of 43, North-West Frontier Province - 3 out of 83, Punjab - 8 out of 248, and Sind - 9 out of 109. Seats were also reserved for the religious minorities in the local elective bodies, in proportion to their numbers.

797. Demographic data according to ethnic origin were not collected in the decennial census or by any other means. Ethnic origin was a purely subjective criterion. However, information on the different languages usually spoken in households, was collected, and approximately 48 per cent of the people spoke Punjabi, the most common language, 13 per cent Pashto, 12 per cent Sindhi, 10 per cent Siraiki, 8 per cent Urdu, 3 per cent Baluchi, 2 per cent Hindko and 1 per cent Brohi; the other languages were spoken by less than 3 per cent of the population. There was no simple linguistic majority, as the most common languages were spoken by less than half the population.

798. Not all people of the tribal areas were herdsmen, although there were herdsmen among them. Most lived a settled life. They had a long tradition of political autonomy, which the Government fully respected, the main feature being an assembly of elders who decided all questions in a democratic way. Regarding court proceedings, full provision was made for the use of regional languages and interpretation facilities were available. Urdu, the national language, was also used.

799. Afghan refugees had been entering the country in large numbers since the foreign military intervention in Afghanistan in 1979 and there were now over 3 million registered refugees, as well as several hundred thousand not yet registered. The influx was continuing at an average rate of about 8,000 per month. Most of them lived in the 318 refugee villages in the North-West Frontier Province, Baluchistan and Punjab. In some districts they outnumbered or equalled the local population. Refugees were entitled to virtually all the rights enjoyed by Pakistanis - except the right to vote and to hold office and other political rights available only to citizens - and were not subject to any form of discrimination.

800. The question about the position of Afghan refugees choosing to remain in Pakistan was purely hypothetical, since they had taken refuge temporarily; they had not chosen to adopt Pakistan as their home and the Government was committed to

facilitating their return to Afghanistan as soon as it could be arranged in conditions of safety and honour. Pakistan had always supported a political settlement of the Afghan problem and had been participating in indirect talks under the auspices of the personal representative of the Secretary-General of the United Nations. Some progress had been made in the latest round of talks in Geneva and it was hoped that further progress would be made when the talks resumed.

801. Islamic law formed part of the ordinary law of the land and the non-Muslim minorities enjoyed all the rights of other citizens. One such minority was the Ahmaddiya community. In addition to all the political rights of citizens, such as the right to vote and to hold political office, minorities also enjoyed a number of special privileges, such as reservation of seats in elective bodies.

802. Pakistan did not maintain, and never had maintained diplomatic, trade or other relations with South Africa. It fully supported the struggle of the people of South Africa for national liberation.

803. Regarding Pakistan's obligations under article 4 of the Convention, amendments had been made to the Penal Code and the Code of Criminal Procedure in 1973 to bring them into conformity with the provisions of the Convention. The amendments included provisions penalizing incitement to disharmony or feelings of enmity, hatred or ill will between different communities and acts prejudicial to the maintenance of harmony between different communities and which disturbed public tranquillity. The word "disharmony" was considered broad enough to cover every conceivable act of racial incitement and no further legislation had been thought necessary.

804. The lifting of martial law and of the state of emergency had fully restored the powers of the courts to enforce the fundamental rights of citizens. The courts were now fully competent to issue orders to the executive authorities to enforce those rights.

805. Finally, the representative of Pakistan stated that those questions which had not been answered would be taken into account at the time of submission of Pakistan's tenth periodic report.

#### Cameroon

806. The seventh periodic report of Cameroon (CERD/C/117/Add.9) was considered by the Committee at its 797th to 799th meetings on 16 and 17 March 1987 (CERD/C/SR.797-SR.799).

807. The report was introduced by the representative of Cameroon, who highlighted and enlarged upon relevant parts thereof. He referred specifically to the measures taken by Cameroon in the struggle against apartheid and informed the Committee that in May 1986, his country had hosted the United Nations seminar on international assistance and support to peoples and movements struggling against colonialism, racism, racial discrimination and apartheid under the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination. A new electoral law would be promulgated to regulate the municipal elections of 1987 and the legislative elections of 1988, with a view to allowing candidates to stand for election without having to go through party channels and even in a completely independent capacity. In the field of education, the Government was in the process of drafting a bill. It had also decided to establish English-language centres in

the eight French-speaking provinces, with a view to achieving a balance between the teaching of English and French.

808. Members of the Committee congratulated the representative of Cameroon on the good report submitted by his Government and on the comprehensive introductory statement which had supplemented the information provided therein. The report conformed to the Committee's guidelines (CERD/C/70/Rev.1). Members were also gratified by the dialogue that the Cameroonian Government had established with the Committee.

809. Members of the Committee commended Cameroon for the efforts it was making to enable the population to transcend the tribal structure and adjust gradually to the national dimension, as well as for the Government's constructive approach, which regarded differences not as a source of conflict but as a source of enrichment and social and cultural development.

810. However, they wished to receive additional information showing how, in practice, the cultures of the various ethnic groups, including their languages and religions, were being preserved in the framework of the Government's policy of promoting national culture as a factor of national integration. Furthermore, in order better to evaluate the progress achieved, especially in the economic, social and cultural fields, the Committee needed detailed information on the composition of the population by ethnic group. It was asked, in particular, how many Bantu and Pygmies lived in Cameroon and what the trends were in their demographic growth.

811. In relation to article 3 of the Convention, members of the Committee commended Cameroon for its active participation in the struggle against apartheid and its efforts to isolate the South African régime, as well as for its support to the liberation movements of the oppressed peoples of South Africa and Namibia. They also welcomed the fact that a United Nations seminar within the context of the Second Decade to Combat Racism and Racial Discrimination had taken place in Cameroon.

812. With regard to the implementation of article 4 of the Convention, members observed that the Penal Code of Cameroon did not cover all possible forms of racial discrimination. Members of the Committee suggested that, in order to give full effect to all the provisions contained in that article of the Convention, the Government should consider the possibility of adopting measures to supplement its penal legislation so as to declare punishable, for example, all forms of assistance to racist activities, including financial assistance, and to prohibit racist organizations. Members of the Committee noted that the Penal Code contained an article on slavery and asked whether such practices still occurred in Cameroon.

813. Concerning the application of article 5 of the Convention, taken in conjunction with article 2, members of the Committee observed that, under article 5 of the Constitution, the President of Cameroon enjoyed extensive discretionary powers which could affect the application of the Convention. They inquired as to whether an authoritarian political system might not be justified by those powers and by the State philosophy, according to which freedom and security were guaranteed provided that they did not interfere with respect for others and the "superior interest of the State". They wished to know about the relationship between the executive, legislative and judicial powers, as well as the real powers exercised by the President and their limits. They also asked whether the Constitution provided for the sharing of parliamentary seats and ministerial posts

between English-speaking and French-speaking Cameroonians, whether there was any provision to the effect that a President of the Republic belonging to one of those groups must be succeeded by a President belonging to the other group, whether the Constitution provided for the designation of a political figure to replace the President in the event of his inability to discharge his duties or whether it was for the President to nominate his own replacement.

814. Members of the Committee noted with satisfaction the liberalism demonstrated by the Government in releasing many political prisoners and opposition activists and in adopting reforms with a view to democratizing the electoral system, as described by the representative of Cameroon. They asked whether the opposition party, the Union of Cameroonian Peoples, was still banned and, if so, how that ban could be reconciled with the public freedoms and democratic principles guaranteed by the Constitution, and whether all the persons suspected of involvement in the attempted coup d'état of April 1984 had been brought to trial.

815. Members were interested to know how article 5 of the Convention was applied in practice and asked whether the Government had statistics showing the percentage of the various ethnic groups participating in public life, in the army, the police, the judiciary and the administration, as well as the percentage of those continuing their studies and having access to a university. If the Government did not have such statistics, it was asked how it could properly fulfil its obligations to guarantee the rights in article 5 of the Convention without discrimination. Members said that they would like such data if they were available and asked whether the Government was using them as a basis for a policy designed to promote equal opportunities regarding the rights set out in article 5 of the Convention, particularly in employment and education.

816. Further information was requested regarding relations between the English-speaking and French-speaking communities and it was asked whether the unrest that had broken out in the English-speaking areas in 1986 had been caused by language differences alone, or whether it had been compounded by ethnic problems. Members wished to know what measures were being taken by the Government to promote bilingualism, what percentage of the population spoke English and what percentage spoke French, whether primary education was provided in both English and French, how a unitary State with two official languages functioned in practice, which languages were used by people who spoke neither English nor French, whether the people of Cameroon had a common mother tongue and how Cameroon could succeed in achieving a 70 per cent literacy rate without providing education in the local languages.

817. It was asked whether the efforts made by the Government to settle the 50,000 Pygmies from Cameroon's south-eastern forests had influenced their economic situation and what policies were being pursued by the Government to improve living conditions and agricultural production in the village communities established in that connection. It was also asked what the Government was doing in terms of education and vocational training in order to integrate the Pygmies and what language was used for their education.

818. Additional information was requested on the 60,000 foreigners living in Cameroon and it was inquired as to whether there were any political or other refugees in the country and, if so, how many there were and where they came from.

819. Clarification was sought as to whether the right to leave and to return to one's country was guaranteed in Cameroon.

820. It was noted that the Constitution guaranteed the right of every child to education and that private and religious educational establishments received grants from the State, and it was asked why the 1976 law governing those matters was going to be changed. Information was requested on literacy and school attendance rates.

821. In relation to the implementation of article 6 of the Convention, members of the Committee requested further information on and clarification of the recourse procedures available in Cameroon for racial discrimination violations and the types of complaints that victims could lodge in the courts, and asked whether there was an institution responsible for defending the rights of the individual against Government authorities, such as the ombudsman. Concern was expressed in connection with the recent judicial reform in Cameroon and it was asked how much credence should be given to reports indicating that the independence of the bar was restricted because it was subject to the authority of the Ministry of Justice, which was responsible, inter alia, for awarding degrees to law students and for granting authorization for the establishment of partnerships between lawyers.

822. Members of the Committee observed that the rights and freedoms guaranteed by the Constitution were protected by the Penal Code, which proclaimed the equality of everyone before the law. They inquired as to whether there had been any cases of arrest or detention that had infringed those rights, and whether proceedings had ever been instituted against the Government for failure to respect human rights in general or the rights of ethnic groups in particular.

823. Concerning article 7 of the Convention, members noted that measures had been adopted to encourage understanding and tolerance among individuals and among ethnic and racial groups. They asked whether human rights were taught in the schools and at the university.

824. In reply to the questions raised and observations made by the members of the Committee, the representative of Cameroon said that the report did not contain any information on the distribution of the population, because only estimates had been available at the time of its preparation; a new census was under way. He confirmed that all political prisoners had been released. The Union of Cameroonian Peoples had actually outlawed itself by electing to carry on its activities outside Cameroon. It had not been officially banned and there was nothing to prevent its members from returning to Cameroon to participate in elections; under the electoral law, candidates were required to conduct their campaign inside the country. In fact, some of its members, formally active in Ghana, had decided to return to Cameroon, where they had been given an enthusiastic welcome. None the less, the parties that had been established inside the country had agreed to merge into a single party called the Cameroonian People's Democratic Assembly.

825. English and French were the official languages of the Administration and the vehicles of communication among the upper levels of society and all official texts were published in both languages. In addition to French and English, some 200 "national" languages were spoken by as many ethnic groups. In western Cameroon, the language of instruction in schools was English, and in eastern Cameroon it was French. The English-speaking group accounted for slightly more than a quarter of the population. However, all schoolchildren were required to study both

languages. In the various regions, the "national" languages were used by all. For trading purposes a mixed language known as "pidgin" was employed.

826. Cameroon was a secular State, but the Government subsidized private schools when they were in financial difficulties. Many parents could not afford to pay the fees charged, and teachers had gone on strike. In such cases the Government intervened. In 1986, a very large sum had been paid out in subsidies to private schools and the law was going to be amended to reflect that situation.

827. The Constitution contained no provisions for the ethnic distribution of posts. Political logic required that account be taken of all sectors of society. The Constitution did not state that the President of the Republic must be of any specific origin. The President of the Republic nominated one of his ministers when he himself was unable to perform his duties. If the post of President of the Republic fell vacant, his powers were exercised by the President of the National Assembly until a new President of the Republic was elected. The Acting President of the Republic could not amend the Constitution, alter the composition of the Government or call a referendum.

828. The figure of 60,000 in the report referred only to duly registered foreigners holding residence permits; it did not include the Nigerian nationals living in the western and northern frontier areas.

829. In 1978, Cameroon had signed a host country agreement with the United Nations High Commissioner for Refugees (UNHCR) and another agreement concerning the maintenance and repatriation of refugees. However, there was no special legislation covering refugees as such. The Government provided material and administrative assistance to the local UNHCR representative; in addition, it issued refugee cards, equivalent to residence permits, to refugees whose application for that status was deemed acceptable.

830. He said that the Committee's comments with regard to the application of article 4 of the Convention would be conveyed to the Government so that it could remedy the shortcomings in the Penal Code in that respect. The purpose of article 293 of the Penal Code, which referred to slavery, was purely preventive.

831. In reply to a question raised in connection with the independence of the magistrature, the representative stressed that the distribution of powers provided for in the Cameroonian Constitution was the same as in all democratic countries, namely the executive, the legislature and the judiciary, headed by the Minister of Justice who acted as a co-ordinator in the judicial sphere. The magistrates were independent but, for administrative purposes, came under the Ministry of Justice. As in other countries, the magistrature comprised prosecutors and judges; to a certain extent, the prosecutors operated under the Ministry of Justice, since their task was to protect society and to press for the enforcement of the law; the judges, on the other hand, were completely independent. It was true, however, that there had recently been some problems with the Bar Association, which had sought to intervene in a particular case. It had been informed that it would be authorized to do so on completion of the investigation and referral of the case to the courts.

832. There was no ombudsman in Cameroon as yet. The legal system was a hybrid, combining elements of English and French law. However, there was a judge for referrals who had power to decide which court was to consider cases requiring immediate settlement.

833. He informed the Committee that human rights were taught in the framework of the curricula of primary and secondary schools, in the form of civic education. The postgraduate establishments, especially the faculties of law and literature, organized lectures to commemorate Human Rights Day and cultural events focusing on various themes, including human rights and the prevention of racial discrimination.

### Ethiopia

834. The fifth periodic report of Ethiopia (CERD/C/129/Add.1) was considered by the Committee at its 801st meeting on 18 March 1987 (CERD/C/SR.801).

835. The report was introduced by the representative of Ethiopia, who informed the Committee of developments relating to the drafting of a constitution that had taken place in his country since the report had been submitted. A constitutional drafting commission consisting of members representing party and State organs, mass organizations, professional associations, religious bodies and nationalities, together with well-known personalities, had produced proposals relating to articles of the draft constitution. The draft constitution had been published in 15 local languages and three foreign languages for popular discussion and comment. The revised draft constitution had been adopted by referendum with the approval of 81 per cent of the population.

836. Members of the Committee welcomed the report of Ethiopia since it provided an opportunity for maintaining the dialogue between the Committee and the State party. They pointed out, however, that the report did not conform to the Committee's guidelines (CERD/C/70/Rev.1) and lacked information on the implementation of substantive articles of the Convention, in particular, articles 4 and 6.

837. Members of the Committee welcomed the information provided by the representative of Ethiopia on the development of the Ethiopian Constitution. They asked for further details of the effects of the new Constitution on the restructuring of Ethiopian society and stressed the need to be provided with the text of the relevant parts of the new Constitution in order to assess the extent to which the Convention was being implemented. It was also asked whether arrangements for regional autonomy, mentioned in the previous report, had been reflected in the new Constitution and what the relationship between regional autonomy and self-determination was.

838. Members expressed the hope that the next periodic report of Ethiopia would include information on the ethnic composition of the population. Further information was requested regarding the Institute for the Study of Ethiopian Nationalities. Members also wished to receive information on the situation of refugees in Ethiopia and about the agreements with neighbouring countries for dealing with the refugee problem.

839. In relation to article 3 of the Convention, members of the Committee congratulated Ethiopia on its active policy against apartheid and requested further information on the solidarity fund to assist victims of apartheid.

840. Regarding article 4 of the Convention, members expressed the hope that the Government would enact specific legislation to give effect to that article.

841. Concerning article 5 of the Convention, members requested information on the policies, programmes and composition of the Workers' Party of Ethiopia, the levels of education in the country and the measures taken by the Government to resettle villagers.

842. Replying to questions put by members of the Committee, the representative of Ethiopia said that a census had been taken with the assistance of the United Nations and it was hoped that all the required information would be available by the time the next periodic report was prepared. The arrangements for regional autonomy were dealt with in articles 60 to 62 of the Constitution. An agreement on the refugee problem had been reached with Djibouti and had been mentioned in the previous periodic report. Since then, an arrangement for the repatriation of refugees had been made with Somalia, through UNHCR.

843. In the ten-year plan, special emphasis was placed on rural development through the provision and extension of electricity supplies, health services, roads, postal services and other facilities. A three-year medium-term plan was being implemented to make the country self-sufficient in food. Since the revolution, the emphasis in education had been on practical aspects, with science-oriented curricula designed to provide manpower for development.

844. All the other questions that he had been unable to answer would be referred to his Government.

C. Draft proposal concerning rule 67 of the rules of procedure

845. At its 802nd meeting (thirty-fourth session), held on 19 March 1987, the Committee considered a draft proposal, submitted by Mr. Banton, to be added as a new paragraph 4 to rule 67 of the Committee's rules of procedure. The proposal dealt with the reports of States parties. After an exchange of views, the Committee agreed to postpone discussion of the draft proposal to a future session.

## V. CONSIDERATION OF COMMUNICATIONS UNDER ARTICLE 14 OF THE CONVENTION

846. Under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, individuals or groups of individuals who claim that any of their rights enumerated in the Convention have been violated by a State party and who have exhausted all available domestic remedies may submit written communications to the Committee on the Elimination of Racial Discrimination for consideration. Twelve of the 124 States have ratified or acceded to the Convention have declared that they recognize the competence of the Committee to receive and consider communications under article 14 of the Convention.\* These States are Costa Rica, Denmark, Ecuador, France, Iceland, Italy, the Netherlands, Norway, Peru, Senegal, Sweden and Uruguay. No communication can be received by the Committee if it concerns a State party to the Convention which has not recognized the competence of the Committee to receive and consider communications.

847. Consideration of communications under article 14 of the Convention takes place in closed meetings (rule 88 of the Committee's rules of procedure). All documents pertaining to the work of the Committee under article 14 (submissions from the parties and other working documents of the Committee) are confidential.

848. In carrying out its work under article 14 of the Convention, the Committee may be assisted by a working group of not more than five of its members, which submits recommendations to the committee regarding the fulfilment of the conditions of admissibility of communications (rule 87) or on the action to be taken in respect of communications which have been declared admissible (rule 95, para. 1).

849. The Committee commenced its work under article 14 of the Convention at its thirteenth session in 1984. It continued its work under article 14 at its thirty-third session in 1986 and its thirty-fourth session in 1987. At its thirty-fourth session, the Committee adopted a decision declaring a communication admissible under article 14 of the Convention. The decision established time-limits for the State party's submission on the merits and for any comments that the author of the communication might wish to make thereon. The time-limit for the author's comments had not expired when the Committee held its shortened thirty-fifth session. Consideration of the communication in question was therefore deferred to the Committee's next session.

850. Under article 14, paragraph 8 of the Convention, the Committee shall include in its annual report a summary of the communications considered by it and of the explanations and statements of the States parties concerned, together with the Committee's own suggestions and recommendations thereon. The Committee's work under article 14 of the Convention has not yet reached that reporting stage.

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\* The competence of the Committee to exercise the functions provided for in article 14, paragraph 9, of the Convention became effective on 3 December 1982.

VI. 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

851. The Committee considered this item at its 775th meeting (thirty-third session) on 20 March 1986, at its 802nd meeting (thirty-fourth session) on 19 March 1987 and at its 811th and 812th meetings (thirty-fifth session) on 6 August 1987.

852. The action taken by the Trusteeship Council at its fifty-second session in 1985, 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 1984 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 Assembly at its fortieth session. 4/ 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 1985, are contained in paragraph 619 of its report to the General Assembly.

853. By its resolution 40/28 of 29 November 1985, the General Assembly, inter alia, took note of the report of the Committee on the work of its thirty-first and thirty-second sessions and the part of the report relating to Trust and Non-Self-Governing Territories and other Territories to which General Assembly resolution 1514 (XV) applied, drew the attention of the relevant United Nations bodies to the Committee's opinions and recommendations relating to those Territories, called upon those bodies to ensure that the Committee was supplied with all relevant information on the Territories and urged all administering Powers to co-operate with those bodies by providing all the necessary information in order to enable the Committee to discharge fully its responsibilities under article 15 of the Convention, and considered that the Committee should not take into consideration information on Territories to which General Assembly resolution 1514 (XV) applied, unless such information was communicated by the competent United Nations bodies in conformity with article 15 of the Convention. The Assembly also strongly condemned the policy of apartheid in South Africa and Namibia as a crime against humanity and urged all Member States to adopt effective political, economic and other measures in conformity with the relative resolutions of the General Assembly, the Security Council and other United Nations bodies, in order to support the legitimate struggle of the oppressed peoples of South Africa and Namibia for their national liberation and human dignity and to secure the elimination of the racist apartheid system, commended the Committee for its continuous endeavours towards the elimination of all forms of discrimination based on race, colour, descent or national or ethnic origin, in particular the elimination of apartheid in South Africa and Namibia, and welcomed the decision on apartheid adopted by the Committee at its thirty-second session. 5/

854. At its thirty-third and thirty-fourth sessions, the Committee was informed by the Secretary-General of the action taken by the Special Committee in 1985 in connection with article 15 of the Convention. At its 1302nd meeting, held on 11 August 1986, the Special Committee, having regard to the information requested of it under article 15 of the Convention and in General Assembly resolution 40/28,

decided to request the administering Powers concerned to include the required information in their annual reports to the Secretary-General transmitted under Article 73 e of the Charter. 6/ The Secretary-General was subsequently informed that no petitions falling under the terms of article 15 of the Convention had been received by the Special Committee during 1986.

855. At its thirty-fifth session, the Committee was informed by the Secretary-General of the action taken by the Trusteeship Council at its fifty-fourth (1987) session in connection with article 15 of the Convention. The Trusteeship Council, at its 1636th meeting, held on 21 May 1987, considered the item on the agenda of its fifty-fourth 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 statement made on the subject by one of its members (T/PV.1636). No further action concerning the opinions and recommendations of the Committee referred to above was taken by the Trusteeship Council.

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

857. At its thirty-third and thirty-fourth sessions, 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 on their opinions and recommendations, for consideration by the Committee at its thirty-fifth session. The working groups which met during the thirty-fifth session of the Committee consisted of the following members:

(a) Atlantic Ocean and Caribbean Territories, including Gibraltar

Mr. Banton, Mr. Čičanovic, Mr. Shahi and Mr. Yutzis with Mr. Starushenko as Convener;

(b) Pacific and Indian Ocean Territories

Mr. Aboul-Nasr, Mr. Karasimeonov and Mr. Song, with Mr. Sherifis as Convener;

(c) African Territories

Mr. Ahmadu, Mr. Echir, Mr. Braunschweig, Mr. Lamptey and Mr. Oberg, with Mr. de Pierola y Balta as Convener.

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

858. In accordance with established practice, the Committee agreed, at its thirty-fifth 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, 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, the Committee was submitting a list of those documents (see annex IV below); and

(b) that the "expressions of opinion and recommendations" which the Committee was required to submit to various United Nations bodies relating to the petitions and reports that it had received from them, in accordance with article 15, paragraph 2 (a) and (b), of the Convention, were prepared not in separate texts, but in a single integrated text, which would be submitted to the General Assembly in accordance with article 15, paragraph 3, of the Convention of the Convention and to the United Nations bodies concerned.

859. The reports of the three working groups mentioned above were considered by the Committee at its 811th and 812th meetings, held on 6 August 1987, and were adopted paragraph by paragraph, with some amendments.

860. The opinions and recommendations of the Committee, based on its consideration of copies of reports and other information submitted to it in 1986-1987 under article 15 of the Convention, as adopted by the Committee at its 812th meeting, 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,\* and 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 article 15, paragraph 2, 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

"The Committee in general finds it very difficult to fulfil its functions under article 15 of the Convention fully and properly, because in most cases the documents furnished by the competent bodies of the United Nations under that article do not contain the relevant information. The Committee, therefore, once more requests those bodies to furnish it with the material expressly referred to in that article of the Convention, that is to say, petitions as well as reports concerning the legislative, judicial, administrative or other measures directly related to the principles and objectives of the Convention applied by the administering Powers within the Territories mentioned in article 15, paragraph 2 (b), of the Convention. In addition, the work in this field has been considerably impeded by the cancellation of the 1986 summer session and the curtailment of the 1987 summer session.

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\* See annex IV.

A. Atlantic and Caribbean Territories, including Gibraltar

"The Committee has examined the information submitted in the reports of the Special Committee as well as the information included in the ninth periodic report of the United Kingdom of Great Britain and Northern Ireland with short factual accounts of the current situation in dependent territories.

"In regard to the observations on the obligation of the administering Power to ensure against racial discrimination in its dependent territories, the Committee would like to make the following comments:

"British Virgin Islands

The Committee notes that "localization" of the public service through training has been successful at the senior level. Special efforts need to be made to carry the process forward at the junior levels.

"Cayman Islands

The Committee would urge vigorous implementation of the policy of replacing expatriates with nationals as they become more suitably qualified.

"Falkland Islands (Malvinas)

The Committee reiterates its concern over the lack of progress in the negotiations between the United Kingdom of Great Britain and Northern Ireland and Argentina to find a peaceful, just and definitive solution to the sovereignty dispute relating to the Falkland Islands (Malvinas) as soon as possible.

"Montserrat

The foregoing observation in regard to the situation in the Cayman Islands is equally applicable to that in Montserrat pertaining to public service, tourism and tertiary services.

"United States Virgin Islands

The economy of the United States Virgin Islands remains heavily dependent upon tourism and related activities, which in 1985 accounted for over half the territory's gross national product. The Committee would welcome more information on the extent to which the people of the Islands need the protection of the Convention and, in particular, on the implications for racial relations of this dependence upon tourism.

B. Pacific and Indian Ocean Territories

The Committee finds it impossible, in particular with reference to the Pacific and Indian Ocean Territories, to fulfil its functions under article 15 of the Convention because the documents furnished by the competent bodies of the United Nations under that article do not contain the relevant information.

## C. African Territories

### "Namibia

The Committee notes with satisfaction the organization by the United Nations Council for Namibia of an International Conference for the Immediate Independence of Namibia, and welcomes the Declaration of the International Conference for the Immediate Independence of Namibia and the Programme of Action on Namibia adopted by the Conference. It condemns apartheid and the policy of fragmentation or "bantustanization" by which the racist Pretoria régime has segregated schools, hospitals and other amenities and enforced gross discrimination against the masses in Namibia in education, health, employment and all other aspects of their daily life. It views with concern the continued unequal allocation of resources and the poor style and content of the curriculum available to the black people of Namibia, which is obviously designed to retard their social development and ensure that they remain second-class citizens compared with the whites. It considers inhuman the gross inequalities existing in the health facilities available to the black majority and condemns the even greater restrictions on health delivery to the blacks resulting from martial law, and the curfew, which curtail the ability of health workers to provide treatment and make black patients stay away from hospitals for fear of harassment by the police or the army. It calls for the repeal of the repressive laws which have had the effect of disrupting black social life and bringing untold suffering upon the black population, and for a halt in the terrorization of the general population which has been part of the racist régime's response to the legitimate struggle of the South West Africa People's Organization for the freedom of Namibia. It condemns the slavery-like conditions under which the vast majority of Namibia's black workers are forced to live and the web of restrictions and controls which binds them to their employers and prevents them from moving freely around the country. It notes with alarm the growing numbers of Namibians who have had to flee their native land to become refugees in neighbouring countries because of the state of war and repression brought about by the illegal South African occupation, expresses appreciation for the help which organs of the United Nations and the neighbouring countries, particularly Angola and Zambia, are providing to improve the situation of the Namibian refugees, and condemns the inhuman attacks by the South African forces of occupation on the refugee camps in Angola. It again strongly deplores the continuing plunder of Namibia's natural resources by South Africa and other foreign economic interests, resulting in a serious decline in all sectors of its economy and having a direct consequence on the already appalling living conditions of black Namibians. Finally, the Committee reiterates its call for a speedy end to South Africa's illegal occupation of Namibia, which is the sole cause of the pervasive discrimination which is the lot of the black majority.

### "Western Sahara

The Committee, recalling its request to be kept informed of developments regarding the proposed December 1983 referendum in Western Sahara, takes note of the mediation activities of the Secretary-General of the United Nations and the Chairman of the Organization of African Unity in the exercise of good offices and within the framework of General Assembly resolution 40/50 of 2 December 1985. It also notes with satisfaction the views of the Luanda Conference of Foreign Ministers of Non-Aligned Countries and the New Delhi

Ministerial Meeting of the Co-ordinating Bureau of Non-Aligned Countries, which reiterated that the solution to the question of Western Sahara lay in the implementation of resolution AHG/Res. 104 (XIX) of the Organization of African Unity and General Assembly resolutions 39/40 and 40/50, which established ways and means to achieve a just and definitive solution of the conflict in Western Sahara. Viewing with concern the current situation in the territory, the Committee expresses the hope that the proposed referendum will be expedited, and reiterates its request to be kept informed of developments."

## VII. SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION

861. The Committee considered this item at its thirty-third (774th meeting), thirty-fourth (796th and 800th to 802nd meetings) and thirty-fifth sessions (809th meeting).

862. For the consideration of this item, the Committee had before it all the relevant documents transmitted by the Secretary-General relating to the activities undertaken in accordance with the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination.

863. At the thirty-third session of the Committee, the item was introduced by Mr. Lamptey, Chairman of the open-ended working group, established at the thirty-second session to deal with the possibility of organizing a seminar in conjunction with one of the Committee's future sessions as part of the Committee's contribution to the Second Decade. The working group consisted of the following five members: Mr. Lamptey, Mr. Oberg, Mr. Shahi, Mr. Starushenko and Mr. Yutzis. Speaking on behalf of the working group, Mr. Lamptey submitted a number of recommendations to the Committee regarding the date, venue, duration, objectives and topics of the seminar, as well as participation therein. The Committee agreed on a number of those recommendations and decided that the Secretariat would present a paper setting out the financial implications of the seminar at its thirty-fourth session so as to enable the Committee to take a decision on the matter. However, the thirty-fourth session of the Committee, scheduled to be held from 4 to 22 August 1986 at Geneva, was postponed to March 1987 due to lack of financial resources (see sect. II).

864. At the thirty-fourth session of the Committee, the item was introduced by the Assistant Secretary-General for Human Rights who informed the Committee about the planned activities for 1990-1993, the remaining years of the Decade, proposed by the Secretary-General to the Economic and Social Council. He invited the members of the Committee to consider those proposals and to communicate their views to the Secretary-General. At the Committee's request, the Director of the Information Service, Geneva, informed it of the activities undertaken by the Department of Public Information in implementation of the Programme of Action for the Second Decade.

865. At its 802nd meeting, on 19 March 1987, the Committee adopted the text of a draft proposal, with some amendments. The text as adopted appears in section VIII.A, decision 1 (XXXIV).

866. At its thirty-fifth session, the Chairman of the Committee, Mr. Cremona, introduced the item and read out a letter addressed to him by the Under-Secretary-General for Human Rights drawing the Committee's attention, in particular, to Economic and Social Council resolution 1987/2, in which the Council invited the Secretary-General to solicit observations, views and proposals of the United Nations bodies specialized agencies concerned on the preparation of the draft plan of activities for 1990-1993 and to communicate them to the General Assembly at its forty-second session. The Committee took note of the relevant documents transmitted by the Secretary-General pertaining to the activities undertaken in accordance with the Programme of Action for the Second Decade.

VIII. DECISIONS ADOPTED BY THE COMMITTEE DURING  
THE PERIOD 1986-1987

A. Thirty-fourth session

1 (XXXIV). Second Decade to Combat Racism and Racial Discrimination

The Committee on the Elimination of Racial Discrimination,

Conscious of its responsibilities under the International Convention on the Elimination of All Forms of Racial Discrimination for promoting the implementation of the provisions of the Convention globally,

Mindful that the International Convention on the Elimination of All Forms of Racial Discrimination was adopted as part of a continuing programme of activities by the United Nations to combat racism and racial discrimination which has been heightened by the proclamation of the first and second decades to combat racism and racial discrimination,

Recalling its past efforts and those of other bodies within the United Nations system to contribute to the success of the first and second decades to combat racism and racial discrimination,

Expressing its determination to do everything possible within its sphere of activities to advance the realization of the goals of the Second Decade to Combat Racism and Racial Discrimination,

Emphasizing that the International Convention on the Elimination of All Forms of Racial Discrimination provides the basic normative framework for activities under the Second Decade to Combat Racism and Racial Discrimination,

Expressing its appreciation to the Secretary-General for inviting it to indicate its views and suggestions on the draft plan of activities for the period 1990-1993,

1. Decides to draw the attention of the Secretary-General, the General Assembly and the Economic and Social Council to the need to consider the International Convention on the Elimination of All Forms of Racial Discrimination as a permanent normative and institutional framework for activities to combat racism and racial discrimination;

2. Invites the Secretary-General, the General Assembly and the Economic and Social Council to devote priority attention to ways and means of securing the universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination;

3. Welcomes the idea that, among the activities to be carried out during the period 1990-1993, a global survey be conducted to establish the extent to which the International Convention on the Elimination of All Forms of Racial Discrimination has been translated into national or local languages and disseminated, with a view to devising further measures for making the Convention better known, understood and appreciated;

4. Particularly encourages the idea that, during the period 1990-1993, a series of regional workshops be organized in each of the main regions of the world, to discuss experience in the functioning of national institutions combating racism and discrimination based on race, colour, descent or national or ethnic origin, as well as in the adoption of legislation;

5. Expresses the hope that it will be closely associated in the conduct of the regional workshops referred to in the preceding paragraph;

6. Notes with interest the idea that a special meeting of States parties be convened during the period 1990-1993 to assess experience gained in the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination;

7. Decides to explore the possibility of organizing, as soon as possible, a seminar which would include in its agenda an item on the experience gained since 1970 in the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination;

8. Further decides that, as part of its annual consideration of efforts to implement the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination, it will pay particular attention to its own contribution to the implementation of that Programme, as well as to the way activities under that Programme can contribute to the universal realization of the objectives of the International Convention on the Elimination of All Forms of Racial Discrimination.

802nd meeting  
19 March 1987

2 (XXXIV). Obligation of States parties to pay their assessed contributions under the International Convention on the Elimination of All Forms of Racial Discrimination and future of the Convention

The Committee on the Elimination of Racial Discrimination,

Recalling with utmost regret that its summer session of 1986 was cancelled,

Further recalling that as a result of that cancellation the Committee was unable to submit its annual report to the General Assembly, as required under article 9, paragraph 2, of the Convention, and to deal with the important matter of communications from individuals under article 14 of the Convention,

1. Authorizes its Chairman to attend and address the meeting of States parties on behalf of the Committee;

2. Wishes to make the following recommendations to the meeting of States parties:

(a) That the meeting of States parties consider the setting up of a group of three or five representatives of the States parties at the highest level who would call upon the permanent representatives of the States parties in arrears in an

attempt to help the Secretary-General to collect outstanding assessed contributions immediately or within the shortest possible time;

(b) That the meeting appeal to all States parties that have not yet done so to pay their 1987 assessed contributions by the end of June 1987.

804th meeting  
20 March 1987

B. Thirty-fifth session

1 (XXXV). Obligation of States parties to pay their assessed contributions under the International Convention on the Elimination of All Forms of Racial Discrimination

The Committee on the Elimination of Racial Discrimination,

Deeply concerned that the failure of a number of States parties to comply with their financial obligations under the Convention has led to the cancellation of its August 1986 session and the curtailment by two weeks of its August 1987 session,

Noting that that situation prevented the Committee from submitting its annual report to the General Assembly at its forty-first session as required by the Convention and led to further delay in discharging its substantive obligations under the Convention,

Mindful of the pre-eminence of the International Convention on the Elimination of All Forms of Racial Discrimination within the United Nations system for combating world-wide manifestations of racism and racial discrimination and of the universal acceptance of the principles and objectives of the Convention,

Mindful also of the importance of the contribution which it is called upon by the General Assembly and other human rights organs to make towards the protection and promotion of human rights and fundamental freedoms,

Convinced that the 17 years of its effective work and experience in the struggle against racism and racial discrimination should not be jeopardized in any way,

Alarmed by the continuing manifestations of racism and racial discrimination in many parts of the world,

Gravely concerned that, in spite of all the urgent appeals made by the General Assembly, the meetings of States parties, the Secretary-General and the Committee itself for payment of assessed contributions under the Convention, the situation impeding the proper functioning of the Committee continues to deteriorate,

Aware of the experimental character of the dual source of financing in the Convention which has given rise to unanticipated difficulties,

Convinced that the General Assembly would not allow the most widely accepted instrument and mechanism against racism and racial discrimination to be impaired as a result of the insignificant amount required for financing the expenses of members of the Committee to attend its two annual sessions,

Recommends to the General Assembly that, pending a fully satisfactory solution to the present difficulties, it consider authorizing the Secretary-General to continue advancing the expenses of the members of the Committee, as was done in the past, to enable the Committee to continue its important work.

811th meeting  
6 August 1987

#### Notes

1/ See Official Records of the International Convention on the Elimination of All Forms of Racial Discrimination, tenth meeting of States parties, decisions (CERD/SP/26).

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

3/ United Nations publication, Sales No. E.85.XIV.2.

4/ See Official Records of the General Assembly, Fortieth Session, Supplement No. 18 (A/40/18), chap. V.

5/ Ibid., para. VII, sect. B, decision 1 (XXXII).

6/ See Official Records of the General Assembly, Forty-first Session, Supplement No. 23 (A/41/23), part 1, paras. 131-133.

## ANNEX I

A. States parties to the International Convention on the Elimination of All Forms of Racial Discrimination as at 7 August 1987

<u>State</u>	<u>Date of receipt of the instrument of ratification or accession</u>	<u>Entry into force</u>
Afghanistan	6 July 1983 <u>a/</u>	5 August 1983
Algeria	14 February 1972	15 March 1972
Argentina	2 October 1968	4 January 1968
Australia	30 September 1975	30 October 1975
Austria	9 May 1972	8 June 1972
Bahamas	5 August 1975 <u>b/</u>	5 August 1975 <u>b/</u>
Bangladesh	11 June 1979 <u>a/</u>	11 July 1979
Barbados	8 November 1972 <u>a/</u>	8 December 1972
Belgium	7 August 1975	6 September 1975
Bolivia	22 September 1970	22 October 1970
Botswana	20 February 1974 <u>a/</u>	22 March 1974
Brazil	27 March 1968	4 January 1969
Bulgaria	8 August 1966	4 January 1969
Burkina Faso	18 July 1974 <u>a/</u>	17 August 1974
Burundi	27 October 1977	26 November 1977
Byelorussian Soviet Socialist Republic	8 April 1969	8 May 1969
Cameroon	24 June 1971	24 July 1971
Canada	14 October 1970	15 November 1970
Cape Verde	3 October 1979 <u>a/</u>	2 November 1979
Central African Republic	16 March 1971	15 April 1971
Chad	17 August 1977 <u>a/</u>	16 September 1977
Chile	20 October 1971	19 November 1971
China	29 December 1981 <u>a/</u>	28 January 1982
Colombia	2 September 1981	2 October 1981
Costa Rica <u>c/</u>	16 January 1967	4 January 1969
Côte d'Ivoire	4 January 1973 <u>a/</u>	3 February 1973
Cuba	15 February 1972	16 March 1972
Cyprus	21 April 1967	4 January 1969
Czechoslovakia	29 December 1966	4 January 1969
Democratic Kampuchea	28 November 1983	28 December 1983
Democratic Yemen	18 October 1972 <u>a/</u>	17 November 1972
Denmark	9 December 1971	8 January 1972
Dominican Republic	25 May 1983 <u>a/</u>	24 June 1983
Ecuador <u>c/</u>	22 September 1966 <u>a/</u>	4 January 1969
Egypt	1 May 1967	4 January 1969

<u>State</u>	<u>Date of receipt of the instrument of ratification or accession</u>	<u>Entry into force</u>
El Salvador	30 November 1979 <u>a/</u>	30 December 1979
Ethiopia	23 June 1976 <u>a/</u>	23 July 1976
Fiji	11 January 1973 <u>b/</u>	11 January 1973 <u>b/</u>
Finland	14 July 1970	13 August 1970
France <u>c/</u>	28 July 1971 <u>a/</u>	27 August 1971
Gabon	29 February 1980	30 March 1980
Gambia	29 December 1978 <u>a/</u>	28 January 1979
German Democratic Republic	27 March 1973 <u>a/</u>	26 April 1973
Germany, Federal Republic of	16 May 1969	15 June 1969
Ghana	8 September 1966	4 January 1969
Greece	18 June 1970	18 July 1970
Guatemala	18 January 1983	17 February 1983
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	1 May 1967	4 January 1969
Iceland <u>c/</u>	13 March 1967	4 January 1969
India	3 December 1968	4 January 1969
Iran (Islamic Republic of)	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
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
Lao 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
Maldives	24 April 1984 <u>a/</u>	24 May 1984
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

<u>State</u>	<u>Date of receipt of the instrument of ratification or accession</u>	<u>Entry into force</u>
Mozambique	18 April 1983 <u>a/</u>	18 May 1983
Namibia	11 November 1982 <u>a/</u>	11 December 1982
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
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
Papua New Guinea	27 January 1982 <u>a/</u>	26 February 1982
Peru <u>c/</u>	29 September 1971	29 October 1971
Philippines	15 September 1967	4 January 1969
Poland	5 December 1968	4 January 1969
Portugal	24 August 1982 <u>a/</u>	23 September 1982
Qatar	22 July 1976 <u>a/</u>	21 August 1976
Republic of Korea	5 December 1978 <u>a/</u>	4 January 1979
Romania	15 September 1970 <u>a/</u>	15 October 1970
Rwanda	16 April 1975 <u>a/</u>	16 May 1975
Saint Vincent and the Grenadines	9 November 1981 <u>a/</u>	9 December 1981
Senegal <u>c/</u>	19 April 1972	19 May 1972
Seychelles	7 March 1978 <u>a/</u>	6 April 1978
Sierra Leone	2 August 1967	4 January 1969
Solomon Islands	17 March 1982 <u>b/</u>	17 March 1982 <u>b/</u>
Somalia	26 August 1975	25 September 1975
Spain	13 September 1968 <u>a/</u>	4 January 1969
Sri Lanka	18 February 1982 <u>a/</u>	20 March 1982
Sudan	21 March 1977 <u>a/</u>	20 April 1977
Suriname	15 March 1984 <u>b/</u>	15 March 1984 <u>b/</u>
Swaziland	7 April 1969 <u>a/</u>	7 May 1969
Sweden <u>c/</u>	6 December 1971	5 January 1972
Syrian Arab Republic	21 April 1969 <u>a/</u>	21 May 1969
Togo	1 September 1972 <u>a/</u>	1 October 1972
Tonga	16 February 1972 <u>a/</u>	17 March 1972
Trinidad and Tobago	4 October 1973	3 November 1973
Tunisia	13 January 1967	4 January 1969
Uganda	21 November 1980 <u>a/</u>	21 December 1980
Ukrainian Soviet Socialist Republic	7 March 1969	6 April 1969
Union of Soviet Socialist Republics	4 February 1969	6 March 1969

<u>State</u>	<u>Date of receipt of the instrument of ratification or accession</u>	<u>Entry into force</u>
United Arab Emirates	20 June 1974 <u>a/</u>	20 July 1974
United Kingdom of Great Britain and Northern Ireland	7 March 1969	6 April 1969
United Republic of Tanzania	27 October 1972 <u>a/</u>	26 November 1972
Uruguay <u>c/</u>	30 August 1968	4 January 1969
Venezuela	10 October 1957	4 January 1969
Viet Nam	9 June 1982 <u>a/</u>	9 July 1982
Yugoslavia	2 October 1967	4 January 1969
Zaire	21 April 1976 <u>a/</u>	21 May 1976
Zambia	4 February 1972	5 March 1972

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a/ Accession.

b/ Date of receipt of notification of succession.

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

B. States parties which have made the declaration under article 14, paragraph 1, of the Convention

<u>State party</u>	<u>Date of deposit of the declaration</u>	<u>Effective date</u>
Costa Rica	8 January 1974	8 January 1974
Denmark	11 October 1985	11 October 1985
Ecuador	18 March 1977	18 March 1977
France	16 August 1982	16 August 1982
Iceland	10 August 1981	10 August 1981
Italy	5 May 1978	5 May 1978
Netherlands	10 December 1971 <u>a/</u>	9 January 1972
Norway	23 January 1976	23 January 1976
Peru	27 November 1984	27 November 1984
Senegal	3 December 1982	3 December 1982
Sweden	6 December 1971 <u>a/</u>	5 January 1972
Uruguay	11 September 1972	11 September 1972

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a/ Upon ratification of the Convention.

## ANNEX II

### Agenda of the thirty-third, thirty-fourth and thirty-fifth sessions

#### A. Thirty-third session

1. Opening of the session by the representative of the Secretary-General.
2. Solemn declaration by the newly-elected members of the Committee under rule 14 of the rules of procedure.
3. Election of officers.
4. Adoption of the agenda.
5. Action by the General Assembly at its fortieth session:
  - (a) On the annual report submitted by the Committee on the Elimination of Racial Discrimination under article 9, paragraph 2, of the Convention;
  - (b) On the reporting obligations of States parties to United Nations conventions on human rights (General Assembly resolution 40/116);
6. Consideration of reports, comments and information submitted by States parties under article 9 of the Convention.
7. Consideration of communications under article 14 of the Convention.
8. 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.
9. Second Decade to Combat Racism and Racial Discrimination.
10. Future meetings and organizational and related matters.

#### B. Thirty-fourth session

1. Adoption of the agenda.
2. Solemn declaration by the newly-elected members of the Committee under rule 14 of the rules of procedure.
3. Obligation of States parties to pay their assessed contributions under the International Convention on the Elimination of All Forms of Racial Discrimination.
4. Action by the General Assembly at its forty-first session:
  - (a) On the note by the Secretary-General regarding the report of the Committee on the Elimination of Racial Discrimination;

- (b) On the reporting obligations of States parties to the United Nations conventions on human rights.
5. Consideration of reports, comments and information submitted by States parties under article 9 of the Convention.
6. Consideration of communications under article 14 of the Convention.
7. 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.
8. Second Decade to Combat Racism and Racial Discrimination.
9. Future meetings of the Committee.
10. Organizational and related matters.

#### C. Thirty-fifth session

1. Adoption of the agenda.
2. Obligation of States parties to pay their assessed contributions under the International Convention on the Elimination of All Forms of Racial Discrimination (decision 2 (XXXIV)).
3. Consideration of reports, comments and information submitted by States parties under article 9 of the Convention.
4. Consideration of communications under article 14 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. Second Decade to Combat Racism and Racial Discrimination.
7. Report of the Committee to the General Assembly at its forty-second session under article 9, paragraph 2, of the Convention.

## ANNEX III

Assessments outstanding as at 31 July 1987

(in US dollars)

Afghanistan	1 162	Mali	7 606
Argentina	1 112	Mexico	1 380
Bangladesh	1 181	Morocco	546
Bolivia	9 823	Mozambique	2 858
Botswana	506	Niger	5 328
Burkina Faso	6 370	Panama	1 185
Burundi	6 655	Papua New Guinea	506
Cameroon	606	Qatar	536
Cape Verde	4 918	Romania	6 432
Central African Republic	7 326	Saint Vincent and the Grenadines	4 393
Chad	6 655	Seychelles	506
Colombia	417	Sierra Leone	6 415
Costa Rica	2 442	Solomon Islands	2 595
Democratic Yemen	1 162	Somalia	4 784
Dominican Republic	1 208	Sudan	1 266
Ecuador	644	Suriname	1 354
El Salvador	4 918	Swaziland	522
Gabon	5 036	Togo	4 548
Gambia	5 587	Trinidad and Tobago	536
Guatemala	2 070	Tunisia	526
Guinea	5 328	Uganda	506
Haiti	506	United Republic of Tanzania	6 273
Iran (Islamic Republic of)	1 899	Uruguay	75
Jordan	506	Venezuela	1 093
Lao People's Democratic Republic	506	Zaire	<u>4 802</u>
Lebanon	2 578	Total	<u>159 319</u>
Liberia	4 895		
Libyan Arab Jamahiriya	5 000		
Madagascar	1 226		
Maldives	506		

ANNEX IV

Documents received by the Committee at its thirty-third, thirty-fourth and thirty-fifth 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

Report of the Trusteeship Council to the Security Council  
on the Trust Territory of the Pacific Islands

(S/18238)

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

The Special Committee informed the Secretary-General that it had not received any petitions in 1986 and 1987 under the terms of article 15 of the Convention. The following is a list of the working papers submitted by the Special Committee:

African Territories

Namibia A/AC.131/240-243  
Western Sahara A/AC.109/832, A/AC.109/873 and Corr.1

Atlantic Ocean and Caribbean Territories, including Gibraltar

Anguilla A/AC.109/849 and 850, A/AC.109/894  
and Add.1, A/AC.109/897  
Bermuda A/AC.109/853-855, A/AC.109/895,  
A/AC.109/900 and 902  
British Virgin Islands A/AC.109/856, A/AC.109/878,  
A/AC.109/898 and Add.1  
Cayman Islands A/AC.109/851 and 852, A/AC.109/911  
and 912  
Falkland Islands (Malvinas) A/AC.109/835 and Corr.1, A/AC.109/878

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a/ See chap. VI of the report.

Gibraltar	A/AC.109/834, A/AC.109/874 and Corr.1 and 2
Montserrat	A/AC.109/857, A/AC.109/858 and Corr.1, A/AC.109/899, A/AC.109/901
St. Helena	A/AC.109/866, A/AC.109/913
Turks and Caicos Islands	A/AC.109/859-860, A/AC.109/893, A/AC.109/914
United States Virgin Islands	A/AC.109/861-863, A/AC.109/907-909
<u>Pacific and Indian Ocean Territories</u>	
American Samoa	A/AC.109/867, A/AC.109/906
East Timor	A/AC.109/836, A/AC.109/871
Guam	A/AC.109/816/Rev.1, A/AC.109/864 and 865, A/AC.109/904 and 905
New Caledonia	A/AC.109/892 and Add.1
Pitcairn	A/AC.109/848, A/AC.109/891
Tokelau	A/AC.109/890
Trust Territory of the Pacific Islands	A/AC.109/827 and Corr.1, A/AC.109/868, A/AC.109/910

ANNEX V

List of documents issued for the thirty-third, thirty-fourth  
and thirty-fifth sessions of the Committee

A. Thirty-third session

CERD/C/35/Rev.3	Rules of procedure
CERD/C/60/Rev.1	Reservations, declarations and statements of interpretation made by States parties to the International Convention on the Elimination of All Forms of Racial Discrimination
CERD/C/75/Add.15	Fifth periodic report of Senegal
CERD/C/106/Add.14	Sixth periodic report of Senegal
CERD/C/107/Add.8	Seventh periodic report of Canada
CERD/C/111/Add.4	Initial report of Democratic Kampuchea
CERD/C/116/Add.3	Sixth periodic report of Trinidad and Tobago
CERD/C/118/Add.17/Rev.1	Eighth periodic report of Bulgaria
CERD/C/118/Add.30	Eighth periodic report of the Philippines
CERD/C/118/Add.31	Eighth periodic report of Costa Rica
CERD/C/118/Add.32	Eighth periodic report of the Syrian Arab Republic
CERD/C/128/Add.1	Fourth periodic report of Nicaragua
CERD/C/129/Add.1	Fifth periodic report of Ethiopia
CERD/C/130/Add.1	Sixth periodic report of the United Arab Emirates
CERD/C/130/Add.2	Sixth periodic report of Mali
CERD/C/131/Add.2/Rev.1	Seventh periodic report of Sweden
CERD/C/131/Add.4/Corr.1	Seventh periodic report of Cuba
CERD/C/131/Add.5	Seventh periodic report of Senegal
CERD/C/131/Add.6	Seventh periodic report of Denmark
CERD/C/131/Add.7	Seventh periodic report of the Netherlands
CERD/C/132/Add.1	Eighth periodic report of Finland
CERD/C/132/Add.2	Eighth periodic report of Iraq

- CERD/C/140 Provisional agenda and annotations of the thirty-third session of the Committee; note by the Secretary-General
- CERD/C/141 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/142 Second periodic reports of States parties due in 1986; note by the Secretary-General
- CERD/C/143 Third periodic reports of States parties due in 1986; note by the Secretary-General
- CERD/C/144 Fourth periodic reports of States parties due in 1986; note by the Secretary-General
- CERD/C/145 Fifth periodic reports of States parties due in 1986; note by the Secretary-General
- CERD/C/146 Sixth periodic reports of States parties due in 1986; note by the Secretary-General
- CERD/C/147 Seventh periodic reports of States parties due in 1986; note by the Secretary-General
- CERD/C/148 Eighth periodic reports of States parties due in 1986; note by the Secretary-General
- CERD/C/149 Ninth periodic reports of States parties due in 1986; note by the Secretary-General
- CERD/C/149/Add.1 Ninth periodic report of Argentina
- CERD/C/149/Add.2 Ninth periodic report of Czechoslovakia
- CERD/C/SR.750-SR.776 Summary records of the thirty-third session of the Committee

B. Thirty-fourth session

- CERD/C/90/Add.13 Sixth periodic report of Nepal
- CERD/C/106/Add.15 Sixth periodic report of the United Republic of Tanzania
- CERD/C/107/Add.9 Seventh periodic report of Romania
- CERD/C/114/Add.1/Rev.1 Fourth periodic report of the Sudan

CERD/C/114/Add.2	Fourth periodic report of Chad
CERD/C/117/Add.8	Seventh periodic report of Nepal
CERD/C/117/Add.9	Seventh periodic report of Cameroon
CERD/C/118/Add.33	Eighth periodic report of Brazil
CERD/C/118/Add.34	Eighth periodic report of India
CERD/C/118/Add.35	Eighth periodic report of Egypt
CERD/C/125/Add.1	Initial report of Maldives
CERD/C/126/Add.3	Second periodic report of Portugal
CERD/C/128/Add.2	Fourth periodic report of Luxembourg
CERD/C/128/Add.3	Fourth periodic report of Seychelles
CERD/C/129/Add.2	Fifth periodic report of Italy
CERD/C/130/Add.3	Sixth periodic report of Jordan
CERD/C/131/Add.8	Seventh periodic report of Mauritius
CERD/C/131/Add.9	Seventh periodic report of New Zealand
CERD/C/131/Add.10	Seventh periodic report of the Netherlands
CERD/C/131/Add.11	Seventh periodic report of the United Republic of Tanzania
CERD/C/131/Add.12	Seventh periodic report of Austria
CERD/C/132/Add.3	Eighth periodic report of Canada
CERD/C/132/Add.4	Eighth periodic report of Romania
CERD/C/132/Add.5	Eighth periodic report of Norway
CERD/C/143/Add.1	Third periodic report of Colombia
CERD/C/144/Add.1	Fourth periodic report of the Republic of Korea
CERD/C/144/Add.2	Fourth periodic report of Israel
CERD/C/146/Add.1	Sixth periodic report of Rwanda
CERD/C/146/Add.2	Sixth periodic report of Mexico
CERD/C/147/Add.1	Seventh periodic report of the German Democratic Republic

CERD/C/148/Add.1	Eighth periodic report of Nepal
CERD/C/148/Add.2	Eighth periodic report of Morocco
CERD/C/149/Add.3	Ninth periodic report of Brazil
CERD/C/149/Add.4	Ninth periodic report of Panama
CERD/C/149/Add.5	Ninth periodic report of the Byelorussian Soviet Socialist Republic
CERD/C/149/Add.6	Ninth periodic report of the Holy See
CERD/C/149/Add.7	Ninth periodic report of the United Kingdom of Great Britain and Northern Ireland
CERD/C/149/Add.8	Ninth periodic report of the Union of Soviet Socialist Republics
CERD/C/149/Add.9	Ninth periodic report of Hungary
CERD/C/149/Add.10	Ninth periodic report of the Ukrainian Soviet Socialist Republic
CERD/C/149/Add.11	Ninth periodic report of India
CERD/C/149/Add.12 and Rev.1	Ninth periodic report of Pakistan
CERD/C/149/Add.13	Ninth periodic report of Ghana
CERD/C/149/Add.14	Ninth periodic report of Spain
CERD/C/149/Add.15	Ninth periodic report of Costa Rica
CERD/C/149/Add.16	Ninth periodic report of Kuwait
CERD/C/149/Add.17	Ninth periodic report of Iceland
CERD/C/149/Add.18	Ninth periodic report of Venezuela
CERD/C/149/Add.19	Ninth periodic report of Madagascar
CERD/C/149/Add.20	Ninth periodic report of Poland
CERD/C/149/Add.21	Ninth periodic report of the Federal Republic of Germany
CERD/C/149/Add.22	Ninth periodic report of Egypt
CERD/C/149/Add.23	Ninth periodic report of Mongolia

CERD/C/150 Provisional agenda and annotations of the thirty-fifth session of the Committee on the Elimination of Racial Discrimination: note by the Secretary-General

CERD/C/151 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/152 Second periodic reports of States parties due in 1987: note by the Secretary-General

CERD/C/153 Third periodic reports of States parties due in 1987: note by the Secretary-General

CERD/C/154 Fourth periodic reports of States parties due in 1987: note by the Secretary-General

CERD/C/155 Fifth periodic reports of States parties due in 1987: note by the Secretary-General

CERD/C/156 Sixth periodic reports of States parties due in 1987: note by the Secretary-General

CERD/C/156/Add.1 Sixth periodic report of Italy

CERD/C/157 Seventh periodic reports of States parties due in 1987: note by the Secretary-General

CERD/C/158 Eighth periodic reports of States parties due in 1987: note by the Secretary-General

CERD/C/158/Add.1 Eighth periodic report of Austria

CERD/C/158/Add.2 Eighth periodic report of Algeria

CERD/C/159 Ninth periodic reports of States parties due in 1987: note by the Secretary-General

CERD/C/160 Submission of reports by States parties in accordance with article 9 of the Convention: note by the Secretary-General

CERD/C/SR.777-SR.804 Summary records of the thirty-fourth session of the Committee

C. Thirty-fifth session

CERD/C/148/Add.3	Eighth periodic report of France
CERD/C/148/Add.4	Eighth periodic report of Chile
CERD/C/149/Add.24	Ninth periodic report of Cyprus
CERD/C/152/Add.1	Second periodic report of Maldives
CERD/C/155/Add.1	Fifth periodic report of Seychelles
CERD/C/155/Add.2	Fifth periodic report of Luxembourg
CERD/C/158/Add.3	Eighth periodic report of Senegal
CERD/C/158/Add.4	Eighth periodic report of Cuba
CERD/C/158/Add.5	Eighth periodic report of Tonga
CERD/C/161	Decision adopted by the Committee on the Elimination of Racial Discrimination at its thirty-fourth session: Second Decade to Combat Racism and Racial Discrimination
CERD/C/162	Provisional agenda and annotations of the thirty-fifth session of the Committee on the Elimination of Racial Discrimination: note by the Secretary-General
CERD/C/163	Submission of reports by States parties in accordance with article 9 of the Convention: note by the Secretary-General
CERD/C/164	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.805-SR.814	Summary records of the thirty-fifth session of the Committee

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