

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

**GENERAL ASSEMBLY**

**OFFICIAL RECORDS: FORTIETH SESSION**

**SUPPLEMENT No. 18 (A/40/18)**



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New York, 1985

## **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.**

[19 September 1985]

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LETTER OF TRANSMITTAL

23 August 1985

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".

The Committee on the Elimination of Racial Discrimination held two regular sessions in 1985 and, at its 749th meeting held today, unanimously adopted its 1985 report in fulfilment of its obligations under the Convention; it is submitted to you herewith for transmission to the General Assembly at its fortieth session.

Accept, Sir, the assurances of my highest consideration.

(Signed) Luis VALENCIA RODRIGUEZ  
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

1. On 23 August 1985, the closing date of the thirty-second 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 its article 19.

2. By the closing date of the thirty-second session, 11 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. A list of States parties to the Convention and those which have made the declaration under article 14 is contained in annex I.

### B. Sessions

3. The Committee on the Elimination of Racial Discrimination held two regular sessions in 1985. The thirty-first session (699th-725th meetings) was held at United Nations Headquarters, New York, from 4 to 22 March 1985; and the thirty-second session (726th-749th meetings) was held at the United Nations Office at Geneva, from 5 to 23 August 1985.

### C. Membership of the Committee

4. At its thirty-second session, the Committee was informed that Mr. Oladapo Fafowora, by a letter dated 27 June 1985 addressed to the Secretary-General of the United Nations, had tendered his resignation from membership of the Committee, on account of his recall from New York in 1984.

5. Acting in accordance with article 8, paragraph 5 (b), of the Convention and rule 13 of its rules of procedure, the Committee, at its 726th meeting, held on 5 August 1985, approved by secret ballot the appointment by the Government of Nigeria of Mr. Hamzat Ahmadu to serve as member of the Committee for the remainder of Mr. Fafowora's term, which is due to expire on 19 January 1986.

6. With the exception of the changes mentioned above, the membership of the Committee remained the same as in 1984 (see annex II).

### D. Solemn declaration

7. Upon assuming his duties as a member of the Committee at its 748th meeting, held on 22 August 1985, Mr. Ahmadu made the solemn declaration provided for under rule 14 of the rules of procedure.

## E. Attendance

8. All members of the Committee, except Messrs. Apiou and Fafowora, attended the thirty-first session. Messrs. Pierola y Balta, Ghoneim and Sherifis attended part of that session. All members of the Committee, except Messrs. Apiou and Ghoneim, attended the thirty-second session. Messrs. Ahmadu and Lamptey attended part of that session.

9. At its 742nd and 746th meetings (thirty-second session), held on 15 and 20 August 1985, the Committee considered the question of the regularity of attendance of Committee members and the problems of attaining a quorum.

10. Members of the Committee pointed out that some members had encountered difficulties in participating faithfully in the regular sessions of the Committee, a problem which had an undesirable effect on the implementation of article 3 of the Convention regarding the equitable representation of the main forms of civilization and the principal legal systems on the Committee. In that connection, a member introduced orally a draft proposal recommending that States parties to the Convention, in nominating and electing a candidate, should take into account the availability of that candidate to attend the meetings of the Committee regularly. The draft proposal was withdrawn at the 746th meeting of the Committee. At that same meeting, the Committee decided that the matter should be discussed by the Committee at its next session.

## F. Officers of the Committee

11. The officers elected at the twenty-ninth session for a term of two years, in accordance with article 10, paragraph 2, of the Convention, continued to serve at the thirty-first and thirty-second sessions. The officers of the Committee are the following:

Chairman: Mr. Luis VALENCIA RODRIGUEZ

Vice-Chairmen: Mr. Matey KARASIMEONOV

Mr. George O. LAMPTEY

Mr. Michael E. SHERIFIS

Rapporteur: Mr. Karl Josef PARTSCH

## G. Agenda

### Thirty-first session

12. At its 699th meeting on 4 March 1985, the Committee adopted the items listed on the provisional agenda (CERD/C/124) submitted by the Secretary-General as the agenda of its thirty-first session, as follows:

1. Adoption of the agenda.

2. Action by the General Assembly at its thirty-ninth 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 the United Nations conventions on human rights. (General Assembly resolution 39/138).
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.

Thirty-second session

13. At its 726th meeting, on 5 August 1985, the Committee adopted the items listed on the provisional agenda (CERD/C/135) submitted by the Secretary-General as the agenda of its thirty-second session with an amendment, adding a new item entitled "Filling of a vacancy in the Committee in accordance with article 8, paragraph 5 (b), of the Convention and rule 13 of the rules of procedure" (CERD/C/137). The agenda of the thirty-second session, as amended, was as follows:

1. Adoption of the agenda.
2. Filling of a vacancy in the Committee in accordance with article 8, paragraph 5 (b), of the Convention and rule 13 of the rules of procedure. 1/
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. Reporting obligations of States parties to United Nations conventions on human rights (General Assembly resolution 39/138).
7. Second Decade to Combat Racism and Racial Discrimination.
8. Report of the Committee to the General Assembly at its fortieth session under article 9, paragraph 2, of the Convention.

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

14. 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 thirty-first and thirty-second sessions of the Committee.

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

16. The representative of UNESCO also made a statement, at the thirty-second session in the context of the Second Decade to Combat Racism and Racial Discrimination, about the activities carried out by her organization.

I. Participation of the Committee on the Elimination of Racial Discrimination at the International Day for the Elimination of Racial Discrimination

17. In accordance with the Committee's decision at its 712th meeting, the Chairman, Mr. Valencia Rodríguez, represented the Committee at the solemn meeting held at United Nations Headquarters, on 21 March 1985, in observance of the International Day for the Elimination of Racial Discrimination and made a statement on behalf of the Committee.

## II. ACTION BY THE GENERAL ASSEMBLY AT ITS THIRTY-NINTH SESSION

### A. Annual report submitted by the Committee on the Elimination of Racial Discrimination under article 9, paragraph 2, of the Convention

18. The Committee considered the sub-item at its 722nd and 723rd meetings (thirty-first session), held on 20 March 1985.

19. The Rapporteur of the Committee, Mr. Partsch, introduced the sub-item. He pointed out that the Third Committee of the General Assembly had discussed the report together with other related items. The Assembly had adopted resolution 39/21 on the Committee's report by an overwhelming majority, with only the United States casting a negative vote. A separate vote had been taken on operative paragraph 2, which described the policy of apartheid in South Africa and Namibia as "a crime against humanity" and the paragraph had been retained by 115 votes to 1, with 20 abstentions. A separate vote had also been taken on operative paragraph 12, inviting States parties to provide the Committee with information on the demographic composition of their population and on their relations with the racist régime of South Africa, and that paragraph had been retained by 116 votes to none, with 20 abstentions. The Western countries had made it clear in their explanations of vote that their objections applied only to information about their relations with South Africa and not to information about the demographic composition of their population. Algeria had stated, however, that that type of information was not covered by the Convention and that it was contrary to Islamic ethics.

20. Referring to the substance of General Assembly resolution 39/21, the Rapporteur indicated that the Assembly had, inter alia, endorsed the Committee's decision to publish the two studies on articles 4 and 7 of the Convention prepared by the Committee for the Second World Conference to Combat Racism and Racial Discrimination, without expressing the need to initiate further studies; requested the Secretary-General to explore the possibilities of holding one of the Committee's regular sessions in Africa; welcomed the efforts of the Committee aimed at the elimination of all forms of discrimination against persons belonging to national or ethnic minorities, indigenous populations, and against migrant workers and their families; and urged States to adopt effective legislative, socio-economic and other measures in order to ensure the prevention or elimination of discrimination based on race, colour, descent or national or ethnic origin.

21. The Committee welcomed the favourable evaluation made by the General Assembly of its work. The Assembly's endorsement of the Committee's recommendations in resolution 39/21 was most encouraging and showed that, despite a heavy, work-loaded agenda, the Assembly was giving great attention to the Committee's work. The resolution reflected the views of an overwhelming majority; it was a stimulus to and provided guidelines for the Committee in the continuation of its work.

22. The Committee reiterated the need for its annual report to be considered by the General Assembly under a separate item each year, provided that the work schedule of the Third Committee permitted it.

23. The Committee placed special emphasis on the necessity of increasing publicity of its work and of using to the maximum the information services of the United Nations. Exploring other approaches to give wider publicity to the work of the

Committee, members suggested that Governments could conduct local workshops and seminars at the level of universities and institutes. Committee members themselves could give public addresses in their own countries on appropriate occasions or participate in seminars to highlight the role of the Committee and other human rights bodies in the struggle against racial discrimination.

24. The Committee agreed to request the General Assembly to appeal to all States parties to implement fully article 4 of the Convention and also urge them to provide more information on any administrative and judicial cases involving racial discrimination in their countries, in addition to the information on their constitutions and other legislation.

25. In relation to the socio-economic measures to be adopted by States, it was pointed out that the Committee could devote more time in future to the examination of such measures taken by States parties during the consideration by the Committee of their periodic reports.

26. With regard to the Committee's invitation to the States parties to provide it with information on the demographic composition of their population, members suggested that it would be useful for the Committee to make the invitation more effective by providing further guidelines in order to elicit a greater and more substantive response from States parties.

27. The Committee noted the General Assembly's condemnation of the policy of apartheid in South Africa and Namibia as a crime against humanity in resolution 39/21. Members of the Committee were of the opinion that that represented an advance compared with previous resolutions concerning article 3 of the Convention. The Committee should also be encouraged by the recent consensus reached in Security Council resolution 560 (1985) with regard to the condemnation of South Africa for its apartheid policy. The Committee had a responsibility to help mould public opinion and should not be intimidated by statements which implied that it had gone beyond its mandate. It was suggested that the General Assembly should be requested to appeal to the international community to participate more effectively in the fight against apartheid and racial discrimination. In view of the importance of paragraphs 2 and 4 of the Assembly resolution for the future work of the Committee, one member suggested that a working group might be established during the Committee's thirty-second session in order to draw up proposals relating to apartheid, in line with article 3 of the Convention and resolution 39/21.

**B. Reporting obligations of States parties to United Nations conventions on human rights (General Assembly resolution 39/138)**

28. The Committee considered the sub-item at its 722nd and 723rd meetings (thirty-first session), on 20 March 1985 and at its 744th meeting (thirty-second session), on 19 August 1985.

29. For the consideration of the sub-item, which was introduced by the representative of the Secretary-General, the Committee had before it the following documents: (a) Note by the Secretary-General on the reporting obligations of States parties to the International Covenants of Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination (A/39/484); (b) Report of the Third Committee to the General Assembly on the Elimination of All Forms of Racial Discrimination (A/39/658); (c) report of the Third Committee to the

General Assembly on the International Covenants on Human Rights (A/39/707); (d) General Assembly resolution 39/138 of 14 December 1984; and (e) Commission on Human Rights resolutions 1985/26 of 11 March 1985 and 1985/45 of 14 March 1985.

30. Members of the Committee stated that the meeting of chairmen of the supervisory bodies, held at Geneva on 16 and 17 August 1984, had been a good initiative; it had provided a forum for an exchange of views on the reporting obligations of States parties and valuable recommendations had been made. They pointed out, however, that the recommendations were not binding, that such meetings should be convened on an informal basis and should not be institutionalized. It was suggested that future meetings should include the chairman of the Committee on the Elimination of Discrimination against Women.

31. With regard to the General Assembly resolution 39/138 requesting the Secretary-General to submit to it a report at its fortieth session which would include a consolidated text of the guidelines of the various human rights supervisory bodies, the Chairman of the Committee suggested that such a text could contain two separate sections: one would consist of single guidelines of general interest common to all the human rights monitoring bodies concerned, the other would cover specific guidelines relevant to the mandates of each body.

32. Members of the Committee pointed out that, if common sections in the various guidelines requested the same type of information from States parties under separate instruments, it would certainly be useful to incorporate them in a single document. That would enable States parties to save time when preparing their periodic reports. They were concerned, however at a number of insurmountable complexities which might arise. Each supervisory body had its own legal status. Each State was individually committed to the convention to which it was a party, the scope of each instrument being specific. In addition, the periodicity of reporting under each instrument varied and political and administrative changes were continuously taking place in the reporting States. Regarding the preparation of country profiles, as recommended by the meeting of the Chairmen, it was pointed out that a substantial amount of work would be involved in updating the information, and doubts were expressed as to whether such work would contribute to the monitoring system of the instruments concerned.

33. At its thirty-second session, the Committee had an opportunity to examine the draft report of the Secretary-General on "Reporting obligations of States parties to United Nations conventions on human rights", (A/4J/600) requested by the General Assembly in its resolution 39/138. Members made several suggestions on the draft report and the Committee took note of the document which was to be submitted to the fortieth session of the General Assembly.

III. 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

Reports received by the Committee:

34. From the establishment of the Committee on the Elimination of Racial Discrimination until the closing date of its thirty-second session (23 August 1985), a total of 722 reports under article 9, paragraph 1, of the Convention have been due from States parties as follows: 123 initial reports, 115 second period reports, 107 third periodic reports, 100 fourth periodic reports, 91 fifth periodic reports, 81 sixth periodic reports, 65 seventh periodic reports and 40 eighth periodic reports.

35. By the end of the thirty-second session, a total of 627 reports had been received by the Committee as follows: 117 initial reports, 104 second periodic reports, 97 third periodic reports, 89 fourth periodic reports, 80 fifth periodic reports, 64 sixth periodic reports, 50 seventh periodic reports and 26 eighth periodic reports.

36. In addition, 69 supplementary reports containing additional information have been received from the States parties, submitted either on the initiative of the States parties concerned or at the request of the Committee, made upon its examination of their respective initial or periodic reports under the Convention.

37. During the year under review between the closing dates of the Committee's thirtieth and thirty-second sessions), 30 reports were received by the Committee, consisting of 3 second periodic reports, 4 fifth periodic reports, 3 sixth periodic reports, 11 seventh periodic reports and 9 eighth periodic reports. Two supplementary reports were received during the year.

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

39. As the information in table 1 shows, only two of the 30 reports received during the year were submitted on time or before the deadlines provided for under article 9, paragraph 1, of the Convention. The rest were submitted after some delay, ranging from a few days to over four years. In the case of 23 of the reports received during the year, one to eight reminders had been sent to the States parties concerned before their reports were submitted.



Table 1Reports received during the year under review

State party	Type of report	Date on which the report was due	Date on which that report was submitted	Number of reminders sent
China	Second periodic report	28 January 1985	12 June 1985	1
Colombia	"	2 October 1984	24 September 1984	-
Sri Lanka	"	20 March 1985	12 July 1985	1
Australia	Fifth periodic report	30 October 1984	5 July 1985	1
Jamaica	"	5 July 1980	7 December 1984	8
Mali	"	15 August 1983	9 April 1985	3
Rwanda	"	16 May 1984	8 March 1985	1
Barbados	Sixth periodic report	10 December 1983	19 April 1985	2
Haiti	"	18 January 1984	16 November 1984	2
Jamaica	"	5 July 1982	7 December 1984	4
Algeria	Seventh periodic report	15 March 1985	28 May 1985	1
Central African Republic	"	14 April 1984	25 January 1985	1
Chile	"	20 November 1984	23 November 1984	-
Cuba	"	16 March 1985	25 June 1985	1
France	"	28 August 1984	25 October 1984	-
Jamaica	"	5 July 1984	7 December 1984	1
Malta	"	26 June 1984	17 June 1985	2
Morocco	"	17 January 1984	7 September 1984	1

Table 1 (continued)

State party	Type of report	Date on which the report was due	Date on which that report was submitted	Number of reminders sent
Peru	Seventh periodic report	30 October 1984	15 July 1985	1
Sweden	"	5 January 1985	10 April 1985	-
Tonga	"	17 March 1985	1 March 1985	-
Germany, Federal Republic of	Eighth periodic report	14 June 1984	1 October 1984	-
Ghana	"	5 January 1984	16 May 1985	3
Iceland	"	5 January 1984	31 October 1984	1
Mongolia	"	4 September 1984	26 December 1984	-
Nigeria <u>a/</u>	"	5 January 1984	19 March 1985	-
Panama	"	5 January 1984	20 February 1985	1
Poland	"	5 January 1984	28 November 1984	2
Spain <u>a/</u>	"	5 January 1984	4 July 1985	-
Tunisia	"	5 January 1984	30 April 1985	3
Venezuela	"	5 January 1984	31 January 1985	2
Yugoslavia	"	5 January 1984	25 January 1985	2

a/ Supplementary report containing additional information submitted on the initiative of the State party concerned.

#### Reports not yet received by the Committee

40. By the closing date of the thirty-second session of the Committee, 95 reports expected from 66 States parties before that date had not yet been received; they comprised 6 initial reports, 11 second periodic reports, 10 third periodic reports, 11 fourth periodic reports, 11 fifth periodic reports, 17 sixth periodic reports, 15 seventh periodic reports and 14 eighth 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-second session, 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	17
	Fifth report	5 January 1978	13
	Sixth report	5 January 1980	11
	Seventh report	5 January 1982	7
	Eighth report	5 January 1984	3
	Supplementary	31 March 1975	-
Swaziland	Fourth report	6 May 1976	18
	Fifth report	6 May 1978	14
	Sixth report	6 May 1980	10
	Seventh report	6 May 1982	6
	Eighth report	6 May 1984	2
Liberia	Initial report	5 December 1977	14
	Second report	5 December 1979	10
	Third report	5 December 1981	6
	Fourth report	5 December 1983	3
Guyana	Initial report	17 March 1978	14
	Second report	17 March 1980	10
	Third report	17 March 1982	6
	Fourth report	17 March 1984	3
Libyan Arab Jamahiriya	Sixth report	5 January 1980	11
	Seventh report	5 January 1982	7
	Eighth report	5 January 1984	3
	Supplementary	30 July 1979	-
Guinea	Second report	13 April 1980	10
	Third report	13 April 1982	6
	Fourth report	13 April 1984	2
Senegal	Fifth report	18 May 1981	7
	Sixth report	18 May 1983	4
	Seventh report	18 May 1985	-
Zaire	Third report	21 May 1981	8
	Fourth report	21 May 1983	4
	Fifth report	21 May 1985	-
Gambia	Second report	28 January 1982	7
	Third report	28 January 1984	3

Table 2 (continued)

State party	Type of report	Date on which the report was due	Number of reminders sent
Ivory Coast	Fifth report	4 February 1982	7
	Sixth report	4 February 1984	3
Nepal	Sixth report	1 March 1982	7
	Seventh report	1 March 1984	3
Bangladesh	Second report	11 July 1982	6
	Third report	11 July 1984	2
Burundi	Third report	26 November 1982	5
	Fourth report	26 November 1984	1
Lebanon	Sixth report	12 December 1982	5
	Seventh report	12 December 1984	1
Gabon	Second report	30 March 1983	4
	Third report	30 March 1985	-
Togo	Sixth report	1 October 1983	3
Romania	Seventh report	14 October 1983	3
Canada	Seventh report	12 November 1983	2
United Republic of Tanzania	Sixth report	26 November 1983	3
Uganda	Second report	21 December 1983	3
Brazil	Eighth report	5 January 1984	1
Costa Rica	Eighth report	5 January 1984	3
Egypt	Eighth report	5 January 1984	2
India	Eighth report	5 January 1984	3
Niger	Eighth report	5 January 1984	3
Philippines	Eighth report	5 January 1984	3
Uruguay	Eighth report	5 January 1984	2
Fiji	Sixth report	11 January 1984	2

Table 2 (continued)

State party	Type of report	Date on which the report was due	Number of reminders sent
Syrian Arab Republic	Eighth report	20 May 1984	2
Dominican Republic	Initial report	24 June 1984	2
Cameroon	Seventh report	24 July 1984	2
Bahamas	Fifth report	5 August 1984	2
Belgium	Fifth report	6 September 1984	1
Chad	Fourth report	16 September 1984	1
Somalia	Fifth report	27 September 1984	1
Cape Verde	Third report	2 November 1984	1
Trinidad and Tobago	Sixth report	3 November 1984	1
Lesotho	Seventh report	4 December 1984	1
Saint Vincent and the Grenadines	Second report	9 December 1984	1
Democratic Kampuchea	Initial report	28 December 1984	1
El Salvador	Third report	30 December 1984	1
Denmark	Seventh report	8 January 1985	-
Netherlands	Seventh report	9 January 1985	-
Italy	Fifth report	4 February 1985	1
Iraq	Eighth report	18 February 1985	1
Papua New Guinea	Second report	26 February 1985	1
Zambia	Seventh report	5 March 1985	1
Suriname	Initial report	15 March 1985	1
Solomon Islands	Second report	17 March 1985	1
Nicaragua	Fourth report	17 March 1985	-

Table 2 (continued)

State party	Type of report	Date on which the report was due	Number of reminders sent
Botswana	Sixth report	22 March 1985	1
Lao People's Democratic Republic	Sixth report	24 March 1985	-
Seychelles	Fourth report	6 April 1985	-
Maldives	Initial report	24 May 1985	-
Luxembourg	Fourth report	1 June 1985	-
Austria	Seventh report	8 June 1985	-
Mauritius	Seventh report	29 June 1985	-
Jordan	Sixth report	9 July 1985	-
Viet Nam	Second report	9 July 1985	-
Greece	Eighth report	19 July 1985	-
United Arab Emirates	Sixth report	21 July 1985	-
Ethiopia	Fifth report	25 July 1985	-
Mali	Sixth report	15 August 1985	-
Finland	Eighth report	16 August 1985	-
Burkina Faso	Sixth report	18 August 1985	-
Qatar	Fifth report	22 August 1985	-

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

41. At its thirty-first and thirty-second 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.

42. At its 725th meeting (thirty-first session), the Committee decided to request the Secretary-General, in accordance with rule 66, paragraph 1, of its rules of procedure (CERD/C/35/Rev.2), to continue sending appropriate reminders to States parties whose reports were due before the closing date of its thirty-first session,

but had not yet been received, requesting them to submit their reports by 30 June 1985. At the same meeting, the Committee decided not to send reminders to the Governments of Brazil, Denmark, the Netherlands and Nicaragua, taking into consideration the information furnished by those States parties in connection with the preparation and submission of their respective periodic reports.

43. At the same meeting, the Chairman informed the Committee that, in accordance with the decision taken by the officers of the Committee on 4 March 1985, he had met the representatives of Guyana, Liberia, Sierra Leone and Swaziland, whose periodic reports had been overdue for a period of from seven to nine years, and requested them to draw their Governments' attention to the Committee's concern that they were so far behind in submitting their reports even though over 12, and in some cases 16, reminders had been sent to them.

44. At its thirty-second session (726th, 740th and 742nd meetings), the Committee, taking into account the wish expressed by the Governments of Bulgaria, the Central African Republic, Panama and the Sudan, agreed to postpone consideration of their respective periodic reports until its thirty-third session. In respect of the fourth periodic report of the Sudan (CERD/C/114/Add.1), consideration of which was being postponed for the third time at the Government's request, the Committee decided to request the Government of the Sudan, through the Secretary-General, to submit its fifth periodic report, due on 20 April 1986, as early as possible, so that the Committee could examine the fourth and fifth periodic reports of the Sudan together at its next session. In respect of the eighth periodic report of Panama, the Committee decided that, since Panama was due to submit its ninth periodic report on 5 January 1986, the Government should be requested to submit a new report incorporating the eighth and ninth periodic reports in a single document; and that the Committee should consider that document at its thirty-third session.

45. At its 742nd meeting (thirty-second session), the Committee addressed again 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 (CERD/C/35/Rev.2), 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 nineteenth reminder to the Government of Swaziland, requesting it to submit its fourth, fifth, sixth, seventh and eighth periodic reports, in one document, by 31 December 1985;

(b) An eighteenth reminder to the Government of Sierra Leone, requesting it to submit, in one consolidated document, its fourth, fifth, sixth, seventh and eighth periodic reports together with its ninth periodic report, due on 5 January 1986, by that date, and to include therein the supplementary information requested by the Committee;

(c) A fifteenth reminder to the Government of Liberia, requesting it to submit its initial, second, third and fourth periodic reports together with its fifth periodic report, due on 5 December 1985, in one consolidated document, by that date;

(d) A fifteenth reminder to the Government of Guyana, requesting it to submit its initial, second, third and fourth periodic reports, together with its fifth periodic report, due on 17 March 1986, in one consolidated document, by that date;

(e) A twelfth reminder to the Government of the Libyan Arab Jamahiriya, requesting it to submit, in one consolidated document, its sixth, seventh and eighth periodic reports together with its ninth periodic report, due on 5 January 1986, by that date, and to include therein supplementary information requested by the Committee;

(f) An eleventh reminder to the Government of Guinea, requesting it to submit its second, third and fourth periodic reports, in one document, by 31 December 1985;

(g) A ninth reminder to the Government of Zaire, requesting it to submit its third, fourth and fifth periodic reports, in one document, by 31 December 1985;

(h) An eighth reminder to the Government of Senegal, requesting it to submit its fifth, sixth and seventh periodic reports, in one document, by 31 December 1985;

(i) An eighth reminder to the Government of the Gambia, requesting it to submit its second and third periodic reports, together with its fourth periodic report, due on 28 January 1986, in one consolidated document, by that date;

(j) An eighth reminder to the Government of the Ivory Coast, requesting it to submit its fifth and sixth periodic reports, together with its seventh periodic report, due on 4 February 1986, in one consolidated document, by that date;

(k) An eighth reminder to the Government of Nepal, requesting it to submit its sixth and seventh periodic reports, together with its eighth periodic report, due on 1 March 1986, in one consolidated document, by that date;

(l) A seventh reminder to the Government of Bangladesh, requesting it to submit its second and third periodic reports, in one document, by 31 December 1985;

(m) A sixth reminder to the Government of the Burundi, requesting it to submit its third and fourth periodic reports, in one document, by 31 December 1985;

(n) A sixth reminder to the Government of Lebanon, requesting it to submit its sixth and seventh periodic reports, in one document, by 31 December 1985;

(o) A fifth reminder to the Government of Gabon, requesting it to submit its second and third periodic reports, in one document, by 31 December 1985;

(p) A fourth reminder to the Government of Togo, requesting it to submit its sixth periodic report together with its seventh periodic report, due on 1 October 1985, in one consolidated document, by 31 December 1985;

(q) A fourth reminder to the Government of Romania, requesting it to submit its seventh periodic report together with its eighth periodic report, due on 14 October 1985, in one consolidated document, by 31 December 1985;

(r) A fourth reminder to the Government of the United Republic of Tanzania, requesting it to submit its sixth periodic report together with its seventh periodic report, due on 26 November 1985, in one consolidated document, by 31 December 1985;



- (s) A fourth reminder to the Government of Uganda, requesting it to submit its second periodic report together with its third periodic report, due on 21 December 1985, in one consolidated document, by 31 December 1985;
- (t) A fourth reminder to the Governments of Costa Rica, India and the Philippines, requesting them to submit their eighth periodic reports together with their ninth periodic reports, due on 5 January 1986, in one consolidated document, by that date;
- (u) A third reminder to the Governments of Egypt and Uruguay, requesting them to submit their eighth periodic reports together with their ninth periodic reports, due on 5 January 1986, in one consolidated document, by that date;
- (v) A third reminder to the Government of Fiji, requesting it to submit its sixth periodic report together with its seventh periodic report, due on 11 January 1986, in one consolidated document, by that date;
- (w) A third reminder to the Government of the Syrian Arab Republic, requesting it to submit its eighth periodic report by 31 December 1985;
- (x) A third reminder to the Government of the Dominican Republic, requesting it to submit its initial report by 31 December 1985;
- (y) A third reminder to the Government of Cameroon, requesting it to submit its seventh periodic report by 31 December 1985;
- (z) A third reminder to the Government of the Bahamas, requesting it to submit its fifth periodic report by 31 December 1985;
- (aa) A second reminder to the Governments of Democratic Kampuchea and Suriname, requesting them to submit their initial reports by 31 December 1985;
- (bb) A second reminder to the Governments of Papua New Guinea, Saint Vincent and the Grenadines and the Solomon Islands, requesting them to submit their second periodic reports by 31 December 1985;
- (cc) A second reminder to the Governments of Cape Verde and El Salvador, requesting them to submit their third periodic reports by 31 December 1985;
- (dd) A second reminder to the Government of Chad, requesting it to submit its fourth periodic report by 31 December 1985;
- (ee) A second reminder to the Governments of Belgium, Italy and Somalia, requesting them to submit their fifth periodic reports by 31 December 1985;
- (ff) A second reminder to the Governments of Botswana and Trinidad and Tobago, requesting them to submit their sixth periodic reports by 31 December 1985;
- (gg) A second reminder to the Governments of Lesotho and Zambia, requesting them to submit their seventh periodic reports by 31 December 1985;
- (hh) A second reminder to the Government of Brazil, requesting it to submit its eighth periodic report together with its ninth periodic report, due on 5 January 1986, in one consolidated document, by that date;

(ii) A second reminder to the Government of Iraq, requesting it to submit its eighth periodic report by 31 December 1985;

(jj) A first reminder to the Government of the Maldives, requesting it to submit its initial report by 31 December 1985;

(kk) A first reminder to the Government of the Viet Nam, requesting it to submit its second periodic report by 31 December 1985;

(ll) A first reminder to the Governments of Luxembourg, Nicaragua and Seychelles, requesting them to submit their fourth periodic reports by 31 December 1985;

(mm) A first reminder to the Governments of Ethiopia and Qatar, requesting them to submit their fifth periodic reports by 31 December 1985;

(nn) A first reminder to the Governments of Burkina Faso, Jordan, the Lao People's Democratic Republic, Mali and the United Arab Emirates, requesting them to submit their sixth periodic reports by 31 December 1985;

(oo) A first reminder to the Governments of Austria, Mauritius and the Netherlands, requesting them to submit their seventh periodic reports by 31 December 1985;

(pp) A first reminder to the Governments of Finland and Greece, requesting them to submit their eighth periodic reports by 31 December 1985.

46. The Committee decided not to send reminders to the Government of Canada, Denmark and Niger, in view of the communications sent by those States parties informing the Committee that their respective reports were being prepared and would be submitted shortly.

47. The Committee wishes to recall once again that rule 66 of its rules of procedure (CERD/C/35/Rev.2) provides that:

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

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

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 in the foregoing paragraphs.

48. 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

49. At its thirty-first and thirty-second sessions, the Committee examined 37 reports submitted by States parties under article 9 of the Convention. The Committee devoted 37 of the 51 meetings it held in 1985 to the discharge of its obligations under article 9 of the Convention.

50. In accordance with rule 64 of its rules of procedure (CERD/C/35/Rev.2), 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-first and thirty-second session, all of the States parties whose reports were considered by the Committee, except Tonga, sent representatives to participate in the examination of their respective reports. The Committee noted with satisfaction that several States had sent qualified experts to participate in the Committee's work and, in particular, to answer questions raised and observations made in connection with their reports.

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

#### Hungary

52. The eighth periodic report of Hungary (CERD/C/118/Add.2) was considered by the Committee at its 700th meeting, held on 5 March 1985 (CERD/C/SR.700).

53. The report was introduced by the representative of Hungary who reaffirmed his Government's commitment to the implementation of the Convention and to a continued and constructive dialogue with the Committee. He said that human rights in his country were guaranteed by economic and social legislation. Hungary participated actively in the struggle against racial discrimination at the international level and his Government stressed the need for an increase in the number of States parties to the convention.

54. The Committee expressed appreciation for the substantive report submitted by Hungary, which closely followed the Committee's general guidelines (CERD/C/70/Rev.1) and contained appropriate clarification of issues raised by the Committee during the consideration of Hungary's seventh periodic report. Several members, however, observed that there were still some gaps concerning the demographic data and expressed the hope that the Government would include in its next report a statistical breakdown of the ethnic populations living in Hungary. Clarification was requested as to whether the phrase "administrative law" in the

report referred to labour legislation and further information was requested regarding the administrative sanctions involved within that context.

55. With regard to article 2, paragraph 2, of the Convention, members of the Committee observed that very few Serbs and Slovenes seemed to have distinct identity for the purpose of a census. Information was requested concerning the reason for the downward trend in the number of Serbs and Slovenes from 1.5 per cent to 0.1 per cent of the population. Members asked whether the decrease in the size of minority nationalities was due to a process of assimilation and loss of their ethnic culture. It was pointed out that Hungary had dealt with the question of national minorities in an interesting and relevant way through the establishment of the federations of nationalities. Several members asked for clarification as to whether the federations of nationalities were independent or government-organized. Further information was requested regarding the actions of those federations to preserve the culture of the various nationalities. It was also asked why there was no corresponding federation to cover Serbo-Croatian and Slovenian minorities. Specific information was requested regarding the number of schools for minorities, the mass media programmes intended for them and the nationalities which received instruction in bilingual educational institutions. Members also wished to know how the Government viewed the possibility of cultural survival of the various ethnic groups in the long run.

56. Other questions raised by members within the scope of article 2, paragraph 2, of the Convention concerned measures taken by the Government to improve the socio-economic situation of the Gypsy population and to integrate them more fully. In that connection, one member pointed out that there appeared to be a discrepancy between the statement in paragraph 24 of the report to the effect that there was no need to adopt special and concrete measures with regard to article 2, paragraph 2, of the Convention, since the legal system in Hungary guaranteed nationals and non-nationals alike the full and equal enjoyment of human rights and fundamental freedoms, and the prevailing situation of Gypsies, particularly in some rural areas where they were marginalized from the dominant ethnic group. Additional information was requested about their rate of literacy, level of education, housing and employment, infant mortality and life expectancy.

57. In relation to article 3 of the Convention, the Committee took note of Hungary's excellent record of compliance with the principled policy of maintaining no diplomatic, economic or other relations with the racist régime of South Africa.

58. Referring to the implementation of article 4 of the Convention, the majority of members noted that some lacunae remained in the Hungarian legislation designed to implement that article. The concept of racial discrimination in article 61, paragraph 1, of the Constitution was not as broad as in article 1, paragraph 1, of the Convention. Furthermore, the provisions of the Penal Code, particularly articles 156 and 157, seemed to be too restrictive when compared to article 4 of the Convention. In that regard, Hungarian legislation did not seem to cover acts of violence which did not cause serious bodily or mental injury, within the meaning of article 4 (a) of the Convention. One member pointed out that the restrictive terms of articles 156 and 157 of the Hungarian Penal Code could be a determining factor in that no cases of racial discrimination were being brought before Hungarian courts. Another member, noting that intention to incite to hatred, which was a subjective element, was punishable by Hungarian law, requested additional information as to how an intention to incite to hatred was objectively determined. He also observed that, according to Hungarian law, only natural persons constituting an organization, and not the organization itself, could be held

responsible for crimes or offences, including acts of racial discrimination. Still another member remarked that the Committee should accept Hungary's own assessment that its legislation was, in its own way, consistent with article 4 of the Convention. Most members of the Committee, however, expressed the hope that the Government of Hungary would take into account the views of the Committee and try to bring its legislation into closer conformity with article 4 of the Convention.

59. In relation to article 5 of the Convention, further information was requested with respect to freedom of movement of the various nationalities and it was recalled that questions raised in that context during the consideration of Hungary's previous report remained unanswered. Members of the Committee also inquired about the right of Hungarian citizens to leave Hungary and to return to their country. In that connection, reference was made to the severe punishment given to Hungarians who stayed abroad beyond a period of one to three months and which had led many Hungarian citizens to apply for political asylum rather than return. Concerning the right of association, it was asked why the legislation applied solely to workers' organizations and clarification was also sought regarding article 212 of the Penal Code which seemed to imply that associations which had not applied for registration with the Government were considered illegal.

60. The Committee noted that the provisions of article 6 of the Convention were being implemented within the scope of articles 75, 76 and 84 of the Civil Code, as well as of the functions and powers of the Procurator-General, which enabled him to prosecute acts of racial discrimination under laws established under the Constitution and the Civil and Penal Codes. However, members of the Committee wished to know how a victim of racial discrimination, particularly if he was a Gypsy, could seek reparation and asked to be supplied with concrete examples of how Hungarian laws operated in that regard. One member asked whether there were any special measures to deal with possible abuse of power by civil servants.

61. Concerning article 7 of the Convention, members of the Committee congratulated the Government of Hungary for the action it had taken to implement the provisions of that article and to foster friendship and understanding among different ethnic groups and nations. Members wished to know, however, what measures were being taken to acquaint the general public with the purposes and principles of the Convention, as well as how information on the Convention and on the struggle against racial discrimination were taught in the universities.

62. Replying to questions raised by members of the Committee, the representative of Hungary said that "administrative law" in the Hungarian legal system did not cover labour law. Administrative law dealt with offences, including acts of racial discrimination, which were deemed to be less grave than those falling under the Penal Code. He pointed out that information on the demographic composition of Hungary had been provided by his Government in a previous report.

63. Regarding national minorities he assured the Committee that they were in no way disadvantaged compared to the Hungarian population as a whole. The decline in the numbers of persons who stated that their mother tongue was not Hungarian did not indicate that there was a problem of ethnic cultural survival in Hungary. No pressure was brought to bear on nationalities to choose the Hungarian language. Bilingual instruction at educational institutions was designed to encourage and preserve ethnic cultures, and significant results had been achieved at all levels. He said that the federations of nationalities were not government-organized but were supported by the State. Statistical data on those organizations would be supplied in the next report as well as detailed replies concerning nationalities.

64. With respect to questions concerning the Gypsy population, he indicated that the Hungarian Government viewed the improvement of the living conditions of Gypsies and their integration into society as a very important long-term objective to be achieved through persuasion and education. There was no segregation of the Gypsy population, and if in certain areas Gypsies chose to live apart, that reflected a wish to preserve their cultural identity in a traditional environment.

65. As to questions raised in connection with article 4 of the Convention, he informed the Committee that the Convention formed an integral part of his country's legal system in that it had been promulgated by Decree-Law No. 8 of 1969 of the Presidential Council and had been widely disseminated in the official gazette. In addition, the Convention had been recognized in the 1978 amendment to article 157 of the Penal Code, which referred to racial discrimination as "an act prohibited by international law". His Government was prepared to co-operate with the Committee on matters of interpretation.

66. In reply to questions posed with regard to the implementation of article 5 of the Convention, he stated that there were no problems of freedom of movement in Hungary. As to limitations on lengths of stay abroad imposed on Hungarian citizens, he said that every country had regulations concerning the validity of passports. Visas were issued for a period of 30 days, but any Hungarian citizen was entitled to request an extension from his local embassy.

67. Turning to questions raised in connection with article 6 of the Convention, he explained that victims of racial discrimination had three separate channels of recourse: the courts, the Procurator's Office or the administrative authorities. He confirmed the interpretation given by a member of the Committee that it was a basic principle of Hungarian law that only natural persons could be held responsible for crimes or offences, including acts of racial discrimination. Further details about those aspects would be reflected in the next report of Hungary.

68. Finally he assured the Committee that the comments made during the consideration of Hungary's eighth periodic report would be taken into account when the next report was prepared.

#### German Democratic Republic

69. The sixth periodic report of the German Democratic Republic (CERD/C/116/Add.1) was considered by the Committee at its 700th and 701st meetings, on 5 March 1985 (CERD/C/SR.700 and SR.701).

70. The report was introduced by the representative of the German Democratic Republic who drew the attention of the Committee to the relevant paragraphs of the report clarifying the implementation of article 4 of the Convention and emphasized that the principle of equality of all citizens in his country was an inalienable right guaranteed by the Constitution. One example of the enjoyment of that right was the full and equal development of some 100,000 citizens of Sorb nationality, the only ethnic minority in the German Democratic Republic. He added that his Government viewed measures to eliminate all forms of racial discrimination as obligatory in its domestic and foreign policy. Finally, he pointed out that his Government was firmly committed to the objectives set forth in General Assembly resolution 39/114, and would commemorate the fortieth anniversary of victory in the Second World War as the triumph of humanity, freedom and human dignity.

71. The Committee expressed its appreciation of the seriousness with which the German Democratic Republic took its dialogue with the Committee and pointed out that the sixth periodic report supplemented the information already submitted in the five earlier reports and responded to observations made by members.
72. The Committee congratulated the Government on the measures taken regarding the participation of the Sorbs in political activities, which were fully consistent with the implementation of article 2 of the Convention. The Committee wished to be provided with additional information on efforts to improve the economic conditions of the Sorbs and any other special measures taken to assist them, in particular the activities of the Domowina. Further information was also requested concerning foreign workers as well as the status of Jews in the German Democratic Republic.
73. With reference to article 3 of the Convention, the Committee took note of the country's international activities which indicated that one of the basic objectives of the Government's international policy was the elimination of colonialism, racism and apartheid.
74. With regard to article 4 of the Convention, members of the Committee observed that article 6 of the Constitution and article 106 of the Penal Code did not cover all the provisions of article 4 of the Convention, because the domestic laws dealt only with malicious incitement against the State and did not mention the rights of the individual. Similarly, articles 140 and 220, paragraph 3, of the Penal Code, which provided penalties for insults uttered on national or racial grounds, did not reflect the full implementation of article 4 of the Convention. It was pointed out, however, that if those domestic laws were studied carefully and if account was taken of the fact that a basic component of the country's foreign policy was the struggle against racial discrimination, it became clear that there were legal provisions which prohibited the dissemination of information prejudicial to racial minorities and the incitement of hatred against such groups.
75. With respect to article 5 of the Convention, the Committee indicated that, in order to assess the Government's implementation of the provisions of that article, it would have been desirable for it to receive the information mentioned in the report as submitted to other human rights bodies. One member asked whether limitation clauses invoked by the German Democratic Republic had any bearing on policies concerning the implementation of the Convention. He also asked how Jews living in the German Democratic Republic could get married in a religious ceremony since there were no rabbis in that country. Another member requested further information on the status of foreign press correspondents.
76. In relation to article 6 of the Convention, the Committee took note of the relevant information contained in the report, which showed that all citizens were entitled to go to court for legal protection against discriminatory acts and could claim reparation for any resultant material damage. It would be useful if that information could be supplemented by the texts of the relevant legal provisions.
77. Regarding article 7 of the Convention, the Committee was of the opinion that the report could have provided fuller information concerning the promotion of understanding, tolerance and friendship among the various groups living in the German Democratic Republic and between such groups and groups in other countries.
78. Replying to questions posed by members of the Committee, the representative of the German Democratic Republic said that his country's next report would contain

answers to all the points raised during the discussion of the sixth periodic report; in the meantime he would try to provide such information as was available to him. With reference to article 2 of the Convention, he pointed out that Sorbs had their own national organization, the Domowina, which also played a major role in promoting their cultural heritage; that heritage was also preserved through the theatre and an institute of Sorb studies. There were no separate economic development activities for the Sorb region, which was closely integrated in the overall development of the whole country. The native language was preserved in Sorb schools. There were some 60 schools in the region, over 1,000 Sorb teachers and more than 200 teachers of the Sorb language. There was a training college for Sorb studies. The rights of the Sorbs in the courts, including their right to employ Sorb lawyers, were guaranteed. Jews enjoyed full and equal rights as citizens and participated fully in society. There were eight Jewish congregations in the German Democratic Republic and they constituted an association of Jewish congregations. Jews enjoyed full freedom of belief and worship, and the practice of their religion, including marriage rites, was unhindered. The State had provided comprehensive assistance to Jewish people and to the association of Jewish congregations, including substantial financial contributions for the construction and restoration of synagogues.

79. On the question of the rights of foreign workers, he said that the German Democratic Republic co-operated with a number of other States pursuant to special agreements on the exchange of labour. Thousands of foreign workers were employed in industry, particularly the chemical industry, in agriculture and in forestry. They usually stayed for four years. They did not form separate working squads, but were incorporated in the general work force. There was equal pay for equal work, and provision was made for education, leisure and protection of the health and working capacity of foreign workers.

80. In connection with the implementation of article 4 of the Convention, he said that article 6, paragraph 5, of the Constitution provided that militarism, revanchism and racial hatred were punishable crimes. Furthermore, article 140 of the Penal Code provided penalties for libel or defamation on grounds of race, while, under article 120, paragraph 3, utterances and the use of symbols of a Fascist, Nazi or militaristic character were punishable.

81. The detailed information requested on the implementation of article 5 of the Convention would be provided. All citizens were guaranteed economic security, and unemployment was an alien phenomenon. Citizens had the right to appropriate income; there was equal pay for women. Everyone had the right to receive medical care and participate in cultural life. The personal freedom of citizens, the inviolability of the human person and the right to inherit were fully protected by the Government. There was no demand for the right to strike by workers.

82. With regard to the status of foreign press correspondents, he said that, at the end of 1984, there had been 144 accredited foreign correspondents in the German Democratic Republic; another 4,600 had spent some time in the country during the year. All correspondents were provided with good working conditions. The rights and duties of correspondents were set forth in a decree on foreign media.

83. The education of the young against racial intolerance, in accordance with article 7 of the Convention, was pursued through an active policy, which included a major role for the media as well as specific education in schools and universities.



## Ecuador

84. The eighth periodic report of Ecuador (CERD/C/118/Add.4) was considered by the Committee at its 701st and 702nd meetings, on 5 and 6 March 1985 (CERD/C/SR.701 and SR.702).

85. The report was introduced by the representative of Ecuador who referred to the relevant articles of the Constitution and Penal Code which guaranteed the rights set forth in the Convention. He pointed out that the revision of the Constitution which had been taking place since submission of the report had further strengthened the remedy of habeas corpus. The Government was endeavouring to raise the level of literacy and to extend free education among the less privileged sectors of the population and had embarked upon a large-scale programme of economic reconstruction designed to eliminate poverty.

86. The Committee commended the Ecuadorian Government for its thorough report. It had followed the Committee's general guidelines (CERD/C/70/Rev.1) and provided a wealth of information answering the many questions which had been raised during the consideration of Ecuador's previous report. The current report was an excellent example of how to present the Government's efforts to implement the Convention. Ecuador was a party to all the human rights conventions containing reporting obligations, had made the declaration under article 14 of the Convention and had ratified the Optional Protocol to the Covenant on Civil and Political Rights. The current report was an encouraging sign of political will to remove the vestiges of discrimination and to rectify existing inequalities, especially in the area of education, which was a prerequisite for the elimination of discrimination. Detailed information could be provided in the next report concerning the long established institution of habeas corpus in Ecuadorian legislation. Clarifications were sought regarding the percentage of Indians in the population, since there seemed to be a discrepancy between the 50 per cent figure indicated in previous reports and the figure of 18.5 per cent given in the present report.

87. With regard to the implementation of article 2 in conjunction with article 5 of the Convention, the Committee wished to have more information on the kind of economic activities performed by the various ethnic groups, particularly: how the increase in gross national product was distributed in terms of ethnic groups; how the indigenous tribes leading a nomadic and primitive existence could effectively exercise their rights under such conditions despite the fact that everyone was equal under the law; whether, under the agricultural conditions prevailing in Ecuador, the land reform was viable and could support the needs of peasant families to whom individual plots of land of nine hectares had been allocated, (in that connection a breakdown of the population affected by the agrarian reform was requested in the next report) and what assistance was being given to indigenous communities to enable them to effect the transition from a subsistence economy to a cash economy. The Committee would also welcome further information concerning the special measures the Government might be taking to bridge the wide differences in income levels and to deal with unemployment. Additional data were requested on the improvements in health care in the various ethnic communities.

88. The Committee asked what measures were being planned to preserve the culture and way of life of the country's ethnic groups which would not jeopardize the country's modernization. Clarification was sought concerning the constitutional provision under which Quechua or the appropriate indigenous language could be used in addition to Spanish in schools situated in areas where the population was

predominantly indigenous and it was asked whether that was consistent with the statement in the report to the effect that the Constitution established the right of the indigenous population to be taught in their own language, particularly in cases where the indigenous population was not predominant. Members of the Committee requested information regarding the measures being taken to enable indigenous populations living in such areas as the Amazon to implement their right to use their own language and receive bilingual education. They also asked about intermarriage between different ethnic groups and whether it was subject to any restrictions; whether the target for the illiteracy rate of 5.9 per cent mentioned in the report had been achieved by August 1984; what percentage of Ecuador's budget was allocated to education; what percentage of secondary-school leavers belonged to each indigenous group; what percentage of the indigenous population did not speak Spanish; whether interpretation was automatically provided for such people whenever necessary, for example, when taking part in court proceedings, and whether it was free of charge.

89. Members of the Committee sought clarification regarding the provision of article 33 of the Constitution under which suffrage was compulsory for those who could read and write and optional for illiterates. In that connection, it was pointed out that, though the right not to vote was not denied, the differentiation between the duty to vote or the right to vote based on the voter's level of education was not easy to understand. Practical difficulties resulting from illiteracy could hardly justify making such a differentiation. In that context, it was asked what proportion of indigenous people had thus far been left out of the country's political life. The Committee would welcome further information on the degree of political representation of the indigenous groups and the kind of self-management systems followed in those communities to allow them to improve their situation without loss of cultural identity. Further information would also be welcomed on the social status of the "mestizos" and "mulattos".

90. In relation to article 4 of the Convention, members stated that it would be helpful for the Committee, and also as an example for other States parties, to have the exact reference to, and the text of, the relevant section of the Penal Code which incorporated the provisions of that article of the Convention. In that context it was pointed out that the fact that the Penal Code had not been applied did not imply that there were no cases of racial discrimination; clarifications were requested in that respect.

91. As far as article 7 of the Convention was concerned, members requested information on how the public at large was being informed about the provisions of the Convention and the ways in which they were applied.

92. In reply to questions raised and observations made by members of the Committee, the representative of Ecuador explained that the process of interbreeding was still going on in his country and that by some reckonings, 50 per cent of the population was indigenous, by others only 18 per cent. The next report would furnish fuller information on the various ethnic groups and cultures in Ecuador.

93. With regard to the question of land reform, the main problem was not the distribution of arable land, which was plentiful, but rather that of increasing its productivity. Although productivity was currently growing at the rate of only 2.5 per cent per annum, it was hoped that it would increase by 50 per cent in the next 10 years. He indicated that the total number of recipient peasant families

under the agrarian reform referred to in the report should not be interpreted as the total number of families owning land. Many other families had acquired land through inheritance or purchase. Some indigenous communities had passed from a subsistence economy to a cash economy and had even developed the advanced use of credit, maintaining accounts in foreign banks and exporting their products to other countries.

94. He informed the Committee that indigenous cultures were being preserved by the indigenous groups themselves and by other Ecuadorians proud of their historic heritage. A national organization - FODERUMA - had been founded to help indigenous cultures to flourish while at the same time modernizing the living conditions of the indigenous people. No single language unified the various indigenous groups. The original inhabitants had spoken many different tongues. In the twelfth century, Quechua had been imposed by the invading Incas as a lingua franca, and it had been adopted by the Christian missionaries, who had spread it to other tribes. However, the original languages had subsisted. Currently, only about 50 per cent of Indians spoke Spanish in addition to their own vernacular. Interracial marriages were not restricted, but indigenous customs favoured excessive inbreeding which was leading to the extinction of certain tribes like the Colorados and the Jibaros.

95. Education received 33 per cent of the national budget, which was higher than the 30 per cent minimum mandated by article 71 of the Constitution. Illiteracy had now been reduced to some 12 per cent of the population, with pockets of illiteracy mainly in rural areas.

96. With regard to the right to vote, all citizens over 18 could now vote even if they were illiterate. The new Constitution had given illiterate citizens the vote as an interim solution to provide them with some measure of compensation for their vulnerable position in society, until such time as illiteracy was eradicated. At the same time, the law established stringent rules making it difficult for any literate citizens who did not vote in one election to vote subsequently. As a result, a very high percentage had participated in the latest elections.

97. Finally, the representative of Ecuador said that, in its next report, his country would provide more detailed information on all the points raised and would also include the texts of the relevant sections of the Penal Code incorporating the provisions of article 4 of the Convention.

#### Union of Soviet Socialist Republics

98. The eighth periodic report of the Union of Soviet Socialist Republics (CERD/C/118/Add.6) was considered by the Committee at its 702nd and 703rd meetings, held on 6 March 1985 (CERD/C/SR.702 and SR.703).

99. The report was introduced by the representative of the Soviet Union who placed great emphasis on the commemoration of the fortieth anniversary of the victory over nazism and facism. He said that the foremost right of each person and each nation was the right to life. In that regard, the Soviet programme of peace set forth realistic and constructive ways to reduce the threat of war. He indicated that the economic, social, scientific and cultural development of all nationalities in the Soviet Union had continued during the period covered by the report. His Government had not only ensured the legal equality of all peoples and nationalities in the Soviet Union, but had also largely solved the problem of equalizing the economic

development of the constituent republics. His country firmly condemned South Africa's policy of terror and mass repression vis-à-vis the indigenous African population, its continued illegal occupation of Namibia and its acts of aggression against independent States.

100. The Committee congratulated the Soviet Union on its continuing constructive dialogue with the Committee and its realistic recognition of the problems posed by the large number of nationalities in the Soviet Union. The report, though brief, was comprehensive and in line with the Committee's general guidelines (CERD/C/70/Rev.1). It complemented previous reports and provided information on the qualitative and quantitative improvements developed by the Government for the benefit of its citizens. Members of the Committee pointed out, however, that the statement in the report claiming that the national problem had been solved "definitively and irreversibly" was not realistic. They appreciated that, following their request, additional information had been provided on certain issues. However, they noted that other information requested had not been provided and wished to know what difficulties had been encountered in supplying it.

101. Members of the Committee took note of the relevant parts of the report concerning the 1983 Decree of the Presidium of the Supreme Soviet aiming at strengthening the fraternal union of the peoples of the Soviet Union as well as of the 1983 Act on labour collectives which provided for the education of the members of such collectives in a spirit of socialist internationalism. They reiterated, however, their request concerning the status of the Covention under the new Constitution. In that connection, it was pointed out that an international treaty could be applied in the Soviet Union only if it was incorporated in Soviet law. Reference was made to article 29 of the Soviet Constitution, which stated that the Soviet Union's relations with other States were based, inter alia, on the fulfilment in good faith of obligations arising from the generally recognized principles and rules of international law, and the international treaties signed by the Soviet Union. It was asked whether the Soviet courts applied the Convention directly. Information was also requested on the official position of the Soviet Government regarding the applicability of international instruments in the internal sphere. It was observed that under article 72 of the Constitution, Union Republics, but not autonomous regions, could secede from the Soviet Union. Information was requested about the legal provisions for the act of secession; it was asked which bodies could introduce the relevant procedure, whether the initiative could be taken by the legislative body of the Union Republic and whether a referendum was required.

102. In respect of the implementation of article 2 of the Convention, members of the Committee were interested to know whether the higher population growth of the five main areas of Soviet central Asia had led to a greater migration from central Asia towards Russia or whether it had increased the participation by central Asians at the central level of Soviet administration and in industry; whether the economic and cultural development among small ethnic groups was the same as that achieved in the larger nations of the Soviet Union and whether the small nations were represented in the Supreme Soviet. The Committee would also welcome more information, particularly in the social, economic and cultural fields, regarding nationalities in the backward areas of the Soviet north and far north. In that connection, it was asked how the increasing exploitation of the natural resources of those areas was being used to benefit local nationalities; what percentage of the population in those areas was receiving university education; and to what extent ethnic minorities participated in public administration at all levels,

particularly in the Soviet north. Members of the Committee noted that there was freedom of choice of the language of instruction in the Soviet Union and asked how instruction in their mother tongue was provided for the 22 nationalities, which totalled only 158,000 and were scattered over a large area in Siberia and the Soviet far east. It was also asked whether the statement in the report referring to the plurinational socialist culture which had flourished in the Soviet Union included the small nations.

103. With reference to article 3 of the Convention, the Committee commended the decisive role played by the Soviet Union in destroying facism and nazism and the continued efforts it deployed at the international level in proposing and implementing measures to eradicate racial discrimination and apartheid. The Soviet Union, it was pointed out, consistently advocated the cessation of the illegal occupation of Namibia by the South African régime and the immediate granting of independence to Namibia. As a member of the Security Council, the Soviet Union had expressed its determination to apply sanctions against South Africa.

104. Regarding the implementation of article 4 of the Convention, members of the Committee observed that article 36 of the Soviet Constitution and article 11 of the Act on Criminal Liability did not fully satisfy the requirements of that article of the Convention. They also noted that the report provides no information on the implementation of article 4 (b) of the Convention which required States parties to prohibit organizations promoting or inciting racial discrimination. The Committee would welcome further information on the implementation of article 4 of the Convention.

105. Concerning article 5 of the Convention, members of the Committee noted that the 1983 Housing Code of the Russian Federation provided further guarantees of the right of citizens to housing without discrimination. They requested information as to how free choice of employment was protected and in which sectors self-employment was permitted; how labour disputes were resolved and to whom a worker could complain if he or she had been unjustly dismissed. Further information was requested concerning the role of workers of different ethnic origin in the Soviet Union, the status of industrial and field workers in agricultural co-operatives and the way in which the interests of the peasants were being safeguarded. Regarding th right of freedom of movement and residence and the right to leave and to return to one's own country, some members pointed out that there were reports indicating that Jews in the Soviet Union were refused the right to leave the country and that persons denied permission to leave the Soviet Union could not appeal to the courts, but only to administrative bodies. On the basis of information available to him, one member asked whether the number of permissions granted to Germans to leave the Soviet Union in 1984 was only 10 per cent of the number granted in 1976, and whether for Jews the figure was even lower. Clarifications were requested as to whether the administrative bodies were bound by any laws when they denied permission to leave the country or whether they could do so at their own discretion, which would be inconsistent with the provisions of article 5 of the Convention. Information was requested on the number of exit visas granted, as well as the reasons for refusing them. Members would also be interested to know whether the teaching of Hebrew was permitted to those who regarded it as their mother tongue or wished to use it for religious purposes. One member asked whether the term "spiritual", as used in the report, involved religion. The Committee reiterated its request for extracts from the relevant Soviet legislation with respect to the implementation of article 5 of the Convention.

106. As far as article 6 of the Convention was concerned, members of the Committee took note of the information given in the report concerning the provision of compensation for damage caused to citizens by unlawful acts of State or public officials, but pointed out that that provision could not be regarded as a penalty for acts of racial discrimination. They requested detailed information concerning the scope and application of the provisions regarding compensation for victims of racial discrimination in cases where the offence was committed by private persons, which came within the purview of article 88 of the Fundamental Principles of Civil Legislation. It was also asked whether the functions of the "procurator's office" were similar to those of an ombudsman.

107. Members of the Committee requested more information on the implementation of article 7.

108. Replying to questions raised and observations made by members of the Committee, the representative of the Soviet Union pointed out that the statement in the report that the national problem had been resolved "successfully, definitively and irreversibly" meant that the problem had been resolved in principle. With the development of society, new problems could arise. Those difficulties were, however, recognized and efforts were being made to overcome them.

109. Turning to the relationship between domestic and international law, he said that the Constitution contained principles for the conduct of foreign policy, including the principle of pacta sunt servanda and the principle of fulfilment in good faith of obligations arising from the generally recognized principles and rules of international law and from the international treaties signed by the USSR. It was therefore possible to speak of the primacy of international law in the USSR. The status of the autonomous regions was indeed different from that of the autonomous republics, and they had no right of secession. The arrangements for the submission of legislative initiatives were regulated by law, and such proposals could either be dealt with by referendum or discussed in the parliaments.

110. Referring to article 2 of the Convention, the representative stated that the Soviet Union comprised a mixture of cultures, with no division between major and minor. The exchange of experience between such cultures was a means of mutual enrichment. In that connection, and in response to a question raised by one member, he said that the word "spiritual", as used in the report, had a cultural and moral sense and did not involve religion. He said that the Soviet of Nationalities, one of the two Chambers of the Supreme Soviet, was comprised of a fixed number of deputies from each of the Union Republics, autonomous republics, autonomous regions and autonomous areas. In local Government, much depended on the capacity of individuals to represent the interest of their own nations and nationalities. Further information on the national composition of Siberia would be available only after a new census had been taken. In the north, boarding-schools had been opened to provide pupils with the opportunity of being taught in their native language. With regard to the effect of population growth on employment opportunities and population movements in central Asia, he said that large-scale engineering projects tended to attract workers from all over the country, thus resulting in a certain amount of migration. The Government endeavoured to provide employment opportunities locally so that, while central Asia was experiencing a very rapid growth in population, the creation of new jobs meant that workers were not forced to leave their region.

111. Regarding article 4 of the Convention, he indicated that article 74 of the Criminal Code, which provided for punishment of propaganda or agitation aimed at inciting racial hatred, met the requirements of article 4 of the Convention, particularly as only the members of organizations and not the organizations as such could be punished.

112. Referring to questions put in connection with article 5 of the Convention, he stated that all citizens were entitled to travel within the country, anywhere and at any time. He had no statistics readily available on Jewish migration. Each application for an exit visa was carefully considered. There could be various legal grounds for refusing exit visas, such as security. The decline in the number of visas issued was linked to the disillusionment experienced by many emigrants, who kept in regular contact with their friends in the Soviet Union and told them of the real situation abroad. As for the use of Yiddish, it was the language of instruction in areas where a large proportion of the population so desired. Similarly, as was the case with other religious ceremonies, Jewish rituals could be conducted in whatever language the rabbi felt was most appropriate. Concerning the role of trade unions in cases where workers wished to leave their place of employment, he said that, in principle, there were no obstacles to such changes of employment; once an application was made, the management could not keep the worker for more than one month. If the management wanted to dismiss a worker, it had to seek the approval of the appropriate trade union. If a worker considered that he had been dismissed illegally, he could appeal to the courts, which would consider the case and make a ruling. The situation of workers and trade unions was basically the same in co-operatives and rural areas. As there was no unemployment in the Soviet Union, but rather a great demand for workers, anyone who was dismissed or left his job was able to find work very quickly.

113. With regard to article 6 of the Convention, he said that the relevant Soviet legislation mentioned in the report could be invoked in order to seek redress for acts of racial discrimination. The Procurator-General of the USSR and the procurators subordinate to him were entrusted with supreme supervision over the strict and uniform observance of laws by all the ministries, State committees and departments, enterprises, establishments and organizations, executive and administrative organs of the local organizations, persons in office and citizens. The tasks of the office included the strengthening of socialist legality and law and order and protection of the social system of the USSR, the socio-economic, political and personal rights and freedom of citizens and the rights and lawful interests of State enterprises, establishments and organizations, collective farms, co-operatives and other public organizations.

114. In conclusion, he said that he would transmit to his Government the requests for additional information which he had not been able to meet.

#### Ukrainian Soviet Socialist Republic

115. The eighth periodic report of the Ukrainian Soviet Socialist Republic (CERD/C/118/Add.8) was considered by the Committee at its 704th and 705th meetings, on 7 March 1985 (CERD/C/SR.704 and SR.705).

116. The report was introduced by the representative of the Ukrainian SSR who referred to relevant parts of the report and stressed his country's strict observance of the principles of equal rights in all areas of political, economic and cultural life. With the implementation of social and economic development

programmes, the range of rights and freedoms of Ukrainian citizens was being further broadened and enhanced. At the international level, the Ukrainian SSR consistently opposed racial discrimination. As a result of the immense losses which it had suffered during the Second World War, his country was especially uncompromising in its opposition to racism and all inhuman ideologies and practices.

117. The Committee congratulated the Ukrainian Government for its useful report, which had followed the Committee's general guidelines (CERD/C/70/Rev.1) and provided answers to many of the questions raised by the Committee during its consideration of the seventh periodic report.

118. The Committee took note of the information in the report to the effect that practically all legal texts contained a special provision regarding the relationship between domestic and international law. Members requested clarification as to whether that meant that courts and administrative authorities could not apply the provisions of the Convention directly in cases involving laws which lacked such provision. They also asked whether there was a general legal provision stipulating that the Convention took precedence over domestic law.

119. With respect to article 2 of the Convention, the Committee commended the valuable demographic data furnished in the report, particularly relating to the smaller minorities. It was hoped, however, that some evaluation could be made of demographic trends affecting those minorities, together with an indication of areas of cultural interaction and social mobility. Members asked whether any of the minorities were declining in numbers and, if so, for what reasons; what specific efforts were being made by the Government to bring groups which, because of cultural legacies, tended to fall behind others into the mainstream of society; whether the nationalities with smaller populations were proportionally represented and whether the nationalities with very small populations such as the Tartars and Armenians, had the same right to be elected to the Supreme Soviet of the Ukrainian SSR as others. They requested information regarding the situation of the Crimean Tartars in other regions of the USSR, who were facing difficulties in returning to their homeland and why there were so few Tartars in the Ukrainian SSR. Members wished to know how the requests made by a number of Crimean Tartars to return to their former place of residence had been handled by the authorities. In that connection it was asked whether the court could automatically apply article 5 (d) (i) and (ii) of the Convention to Crimean Tartars requesting permission to return to their former place of residence. Members would welcome information regarding the instruction the different nationalities were offered in their mother tongue. They also asked whether the fact that entrance examinations to higher educational establishments were held in Ukrainian and Russian did not prejudice the chances of other nationalities in obtaining access to further education and thus to higher government and administrative posts.

120. Regarding article 3 of the Convention, members of the Committee noted with appreciation the important role played by the Ukrainian SSR in campaigning against apartheid and the Government's determination to spare no efforts to put an end to that policy. Members also referred to the great suffering inflicted on the country during the Second World War and the decisive contribution of the Ukrainian SSR to the defeat of nazism.

121. As far as article 4 of the Convention was concerned, it was pointed out that the national legislation did not fully cover the provisions of that article. According to the report, incitement to racial hatred by an individual belonging to



an organized group especially established for that purpose constituted an aggravating circumstance. Under article 4 (b), however, all States parties were obliged to prohibit such organizations and penalize participation in them. Clarification was requested about banishment as a form of punishment; it was asked what it involved and how it was enforced.

122. In relation to article 5 of the Convention, members of the Committee pointed out that the existence of the guarantees by the State of the right to work and the right to housing provided an insight into the way the Convention was being applied. They requested more detailed information concerning the practical effects of the unique system of all-Union citizenship, established under article 31 of the Constitution, in particular whether it provided for greater freedom of movement or better employment opportunities. They pointed out that the definition of religious propaganda in the report was untenable, that freedom to transmit religious values seemed to be restricted and sought clarification as to why such propaganda was allowed only in specially appointed places whereas atheistic propaganda was permitted everywhere. According to the Convention, religious propaganda should be placed on an equal footing with atheistic propaganda. Clarification was sought on the statement in the report that "most of the population of the Ukrainian SSR now consists of non-believers, many of whom oppose the spread in society of religious prejudices", and it was asked who in the Ukrainian SSR defined religious prejudice. Members of the Committee also wished to know whether believers could receive mail containing religious literature and whether that literature could be distributed to congregations in places of worship; how many mosques there were in the country and what the policy was towards Muslims; to what extent the social homogeneity of society had been achieved through the elimination of class differences, as stated in the report; whether the right to form social organizations also applied to ethnic organizations and what role such organizations played in the daily life of Ukrainian citizens; how many applications to leave the country had been received and how many granted during the last few years and whether there had been a disproportionate number of denials; whether there were schools and institutions where Yiddish and Hebrew were taught and whether the number had increased or decreased in recent years and how many refugees were living in the country. In that context, it was asked why the Government had not acceded to the 1951 Geneva Convention relating to the Status of Refugees.

123. Concerning article 6 of the Convention, the Committee wished to be provided with the texts of the relevant legislation, as well as specific examples, regarding the lodging of complaints against private persons who offended a citizen's honour and dignity, including his national feelings. Noting that violations of existing laws against racism or incitement to racism would be severely punished, members of the Committee asked whether any cases of racial discrimination had actually been brought before the courts. They also wished to know to what extent the average citizen was aware of the remedies available to him and whether he knew where to obtain such information, as well as whether the Government was contemplating the possibility of making the declaration provided for in article 14 of the Convention.

124. As to the implementation of article 7 of the Convention, it was pointed out that several regions of the Ukrainian SSR maintained friendly links with areas, regions and administrative districts of foreign countries. Information was requested regarding the efforts made to propagate the purposes and principles of the Convention.

125. Replying to questions raised and comments made by members of the Committee, the representative of the Ukrainian SSR stated that international law had priority under the Constitution in matters of racial discrimination. He indicated that 94 per cent of the population was ethnically Ukrainian or Russian; the remaining population included more than 100 nationalities and peoples dispersed through all the cities and regions of the country. Special schools had been established wherever the population was sufficient to warrant them and there were schools with instruction in Moldavian, Hungarian, Russian and Polish. University entrance examinations were not more difficult for minorities, because everyone studied Ukrainian and Russian and knew those two languages well enough to pass the examinations.

126. In relation to articles 2 and 5 of the Convention, he said that the national minorities had the same civil and political rights as Ukrainians and could participate in elections on a basis of full equality. Jews constituted 1.3 per cent of the country's population; 9 per cent of them declared that their native language was Yiddish, with 80 per cent claiming Russian and the rest Ukrainian. Jewish children were currently enrolled in Russian and Ukrainian schools, largely because of such factors as the population dispersal caused by the Second World War, which had resulted in greater contact between the Jews and the other nationalities. As for the right of the Crimean Tartars to return to their place of birth, he said that many had done so, but that there was a problem of work opportunities. Crimea was an important centre for health care and was very crowded. That made the question of admitting settlers very difficult. The right to leave the country was regulated by the appropriate legislative enactments which contained no elements of discrimination. Freedom of conscience was guaranteed in the Ukrainian SSR. The country had nine monasteries, 4,000 orthodox parishes and 7,000 clergymen. Religious propaganda operated within a system in which the Church was separated from the schools and the State. He said that foreigners had the same rights as citizens, except that they did not do military service and could not participate in elections or be elected. Relevant statistics on refugees could be provided to the Committee. He indicated that class distinctions did not exist because there was no exploitation. The distinction between manual and non-manual labour, peasants and workers was being eliminated through education.

127. In connection with observations made concerning article 4 of the Convention, he pointed out that a person could be banished from his place of permanent residence as determined by the competent body, but without regard to nationality.

#### Austria

128. The sixth periodic report of Austria (CERD/C/106/Add.12) was considered by the Committee at its 704th and 705th meetings, held on 7 March 1985 (CERD/C/SR.704 and SR.705).

129. The report was introduced by the representative of Austria who referred to the structure and the relevant parts of the report and emphasized the work carried out by the Mediation Service, whose function, similar to that of the ombudsman, was to promote conciliation. The mediators had broad powers of investigation, much like those of human rights commissions in other States, and the institution might prove useful in the implementation of the Convention. He mentioned the efforts made by his Government to integrate the children of migrant workers into the school system and referred to the provisions in the Penal Code to deal with cases of racial discrimination.

130. The Committee commended the Austrian Government for having answered questions which had been raised during the examination of the previous report, but pointed out that the report did not follow the Committee's general guidelines (CERD/C/70/Rev.1) and did not provide any updated information on the demographic composition of the country. Concern was expressed at the recent incident involving the Austrian Minister of Defence who had officially greeted a former member of the German SS in Vienna.

131. In relation to articles 2 and 5 of the Convention, members of the Committee acknowledged that the Austrian Government was making considerable efforts to improve the situation of migrant workers by granting them the right to social security and to join trade unions and by providing teaching in their mother tongue for the children of migrant Yugoslav and Turkish workers. Clarification was requested as to whether children of migrant workers belonging to other ethnic groups received similar facilities from the Government. Members wished to receive detailed information on the unemployment rate among migrant workers as compared with Austrian workers; the number of migrant workers that had returned to their own countries and how many had acquired Austrian citizenship; the extent to which the Government had encouraged the return of migrant workers to their country of origin; why exemption from the requirement of a work permit was only granted after eight years of residence; whether a work permit restricted the holder to a particular locality or job, which, according to one member, would be a form of racial discrimination; whether employers in Austria were required to meet certain conditions before they were permitted to hire aliens, as that would represent a form of guarantee for them; what the situation would be if a marriage between an alien and an Austrian national was dissolved after the alien had received his certificate of exemption and whether aliens might not be exploited by landlords under the present conditions which provided that a work permit would be issued only on presentation of a legally binding statement by a lessor of a dwelling. Noting that the State was not among the charitable organizations which provided free services to foreign workers, members of the Committee asked what the State was doing, at the federal and local levels, to protect the rights of such workers. It was noted that approximately 12 per cent of the children of Yugoslav workers were sent to schools for the retarded because of their inability to cope with the German language, and information was requested regarding any action the Government might be considering to assist such children so that they could enter regular schools. Further information was needed concerning the establishment of ethnic advisory councils for groups other than Hungarians. The Committee was also interested to know what the situation was regarding refugees and the education of their children.

132. With respect to article 3 of the Convention, members wished to receive additional information and to know whether Austria had economic, cultural, diplomatic and commercial relations with the Government of South Africa.

133. As far as article 4 of the Convention was concerned, members of the Committee asked whether there were organizations or groups of individuals in Austria that currently propounded pan-German theories. Referring to the declaration made by Austria, when it ratified the Convention, invoking the "due regard clause" in connection with articles 4 (a) to (c) and 5 (d) (viii) and (ix) of the Convention, concerning the rights to freedom of opinion and expression and to peaceful assembly and association, members pointed out that that clause could not be interpreted to mean that the right to form racist associations was safeguarded in the Convention. Clarification was requested as to whether Austrian legislation relating to infringements of article 4 (c) of the Convention applied to civilians as well as to officials.

134. Regarding article 6 of the Convention, the Committee commended the Austrian Government for establishing the Mediation Service, an institution which made effective and speedy redress possible. The Committee wished to receive further information on whether the Mediation Service was empowered to make recommendations which included the payment of monetary compensation in cases where grievances were found to be justified but could not be remedied; whether the mediators could contest orders before the Constitutional Court; whether they were compensated for their services in a manner that ensured their independence; whether migrant workers had recourse to the Mediation Service; whether there was a time-limit for the submission of appeals to the Mediation Service and whether they could be submitted before, or only after, other internal remedies had been exhausted. Regarding the functioning of the Mediation Service, the Committee requested information concerning the number of consultations held per annum with the mediators in all parts of the country by members of ethnic groups and the percentage of cases which related to racial discrimination. Also data on the nature of the complaints, their justification and outcome would be useful in order to assess the efficiency of the Service. In that connection, it was asked why only about one third of the cases submitted to the Mediation Service had proved to be well-founded and why there had been such a high percentage of rejection. Members also asked whether the increasing number of appeals brought to the Mediation Service was an indication that problems were increasing. Noting that two Länder had refused the competence of the Mediation Service, members asked for the reasons behind that refusal and inquired whether any minorities or foreign workers were living in those two Länder.

135. Replying to questions raised and observations made with respect to article 2 in conjunction with article 5 of the Convention, the representative of Austria said that the Government had provided specially trained teachers and developed a special curriculum for Turkish schoolchildren. In general, other foreign children were given intensive language courses, but more information in that regard would be provided in the next report. Aliens were all free to change jobs or their place of residence. However, an alien could be employed only if the employer had a permit for alien workers. The State provided financial aid to some private organizations that assisted migrant workers. It also provided migrant workers with information in foreign languages about their rights. The next report would provide practical examples of how the Mediation Service assisted migrant workers; together with information on the percentage of unemployed workers. Austria had received 6,314 refugees in 1982 and 5,868 in 1983; their children benefited from all the facilities provided for foreign children.

136. Regarding the Mediation Service, the representative of Austria indicated that there had been 81 consultation days in 1981 and 74 in 1982. The next report would provide more information on that matter. There were no restrictions regarding compensation. The Government would endeavour to provide figures in its next report regarding the number of appeals relating to migrant workers. There was no time-limit for appeals and it was not necessary to exhaust other ordinary remedies before appealing to the Mediation Service. The possibilities of appealing to a federal court were limited, and the intent therefore was to use the Mediation Service as a channel for appeals to a federal court. There were no cases of racial discrimination before the Mediation Service. The only case that might be considered relevant in that regard was one in which a Croatian group had appealed to the Service. A special department for ethnic groups had already been set up.

137. As for the implementation of article 4 of the Convention, he stated that unfortunately there were a few cases of nazism and neo-nazism, and those were

currently before Austrian courts. Such cases were covered by the Prohibition Act. He indicated that the same sanctions for offences were applied to officials and civilians alike.

138. In connection with the issue which had been raised concerning the greeting given by the Austrian Minister of Defence to a former war criminal, he informed the Committee that one of the conditions laid down by the Italian Government for his release and transfer to Austria had been that he should be received by a member of the Austrian Government. The Minister of Defence had taken charge of the matter in order to ensure compliance with those conditions; he had apologized for his error of judgement and had emphasized that he had not intended to welcome a war criminal. The Prime Minister of Austria and the parliament had accepted that apology.

139. Finally, the representative of Austria assured the Committee that, in its next report, his Government would endeavour to provide demographic data on the most recent census and to follow the Committee's guidelines.

#### Byelorussian Soviet Socialist Republic

140. The eighth periodic report of the Byelorussian Soviet Socialist Republic (CERD/C/118/Add.9) was considered by the Committee at its 705th and 706th meetings, held on 7 and 8 March 1985 (CERD/C/SR.705 and 706).

141. The report was introduced by the representative of the Byelorussian SSR who referred to the fortieth anniversary of the liberation of his country from the Fascist invaders in the Second World War and pointed out that the events marking that victory represented for the population a means of strengthening friendship and co-operation among peoples in the interests of international peace and respect for human rights. More than 80 nations and nationalities lived in his country. All citizens enjoyed equal rights and freedoms, regardless of their national origin. People of different national origins were integrated throughout the territory and there were a large number of mixed marriages. He informed the Committee that the Code on Administrative Offences had been adopted in 1984; article 228 of that Code provided that matters relating to administrative offences should be considered on the basis of equality before the law. He added that his country supported the complete and definitive elimination of the vestiges of colonialism and racism, and roundly condemned the inhuman policy and practice of apartheid.

142. Members of the Committee emphasized the role of the Byelorussian people in the victory over fascism and the fact that they had suffered severe casualties during the Second World War. They also expressed the hope that the next report would contain updated statistics on the growth of the various nationalities.

143. With regard to article 3 of the Convention, members of the Committee congratulated the Byelorussian Government for the steps it had taken against apartheid.

144. Regarding article 4 of the Convention, attention was drawn to the need for a meeting of minds between the Committee and the Byelorussian Government on the implementation of that article.

145. Concerning articles 5 and 6 of the Convention, the Committee took note of the new decree on the right of citizens to housing the decree on compensation for

damage to a citizen, resulting from unlawful actions by State or public organizations or by officials in the performance of their duties. Further information was requested concerning the educational system, particularly with regard to higher education. Members wished also to know whether there were any migrant workers in the Byelorussian SSR and to what extent measures had been taken by the Government to protect their rights.

146. As far as article 7 of the Convention was concerned, the Committee took note of the measures aimed at promoting understanding among nations.

147. Replying to questions raised by members of the Committee, the representative of the Byelorussian SSR promised to transmit the request of the Committee for updated demographic data to his Government. However, a census was taken only once every 10 years, which made it difficult to present exact and up-to-date information on the languages most widely used.

148. With regard to the questions concerning the implementation of article 4, he indicated that the legislation provided sufficient guarantees to prevent activities aimed at incitement to racial discord and hatred. Moreover, the participation of any individual who might have perpetrated such crimes in an organization which advocated racial or national exclusiveness, hostility or contempt was considered to be an aggravating circumstance.

149. Regarding the questions on education, he informed the Committee that primary and secondary education were compulsory and free of charge. At the secondary and higher levels there was ample provision for day, evening and correspondence courses and State scholarships. Since the various nationalities were dispersed throughout the country, it had been decided that instruction would take place either in Byelorussian or in Russian. People who were not native speakers of Byelorussian or Russian had the opportunity to enjoy their cultural traditions with no limitations whatsoever.

150. He said that workers from other Soviet republics - of which there were many, since such labour flows were encouraged in the Soviet Union - were not considered to be migrants and their rights, including the right to be elected to public office, were identical in every respect to those of local workers. There were some foreign workers under contract to foreign firms engaged in industrial construction in the Byelorussian SSR; article 35 of the Constitution guaranteed their rights and freedoms.

#### Mexico

151. The fifth periodic report of Mexico (CERD/C/115/Add.1 and Corr.1) was considered by the Committee at its 706th and 707th meetings, on 8 March 1985 (CERD/C/SR.706 and SR.707).

152. The report was introduced by the representative of Mexico who emphasized the multiracial and multicultural character of his country and drew the attention of the Committee to the programmes launched by the Government to overcome the economic, social and cultural disadvantages of Mexico's indigenous population. He indicated that the international human rights conventions to which Mexico was a party were part of the supreme law of the land, took precedence over any domestic legislation and could be invoked in national courts with binding force.

153. The Committee congratulated the Government of Mexico for its thorough and comprehensive report which contained a great deal of useful information and reflected a determined effort to eliminate racial discrimination. The report closely followed the Committee's general guidelines (CERD/C/70/Rev.1).

154. With reference to article 2 of the Convention, the Committee commended the Government for its efforts to improve the conditions of its indigenous communities and enable them to participate fully in decisions regarding their own development. Further information was requested concerning the ethnic groups which made up Mexico's mixed population and it was asked whether indigenous communities were found predominantly in urban or rural areas. An explanation was sought concerning the discrepancy between the figure of 8.5 per cent in the report and that of 27.9 per cent in a United Nations study regarding the proportion of the indigenous people in the global population. Members wished to be provided with a statistical breakdown of the indigenous population and figures which would indicate where they were concentrated as well as what proportion of administrative and high-level posts was occupied by the different ethnic groups. Members pointed out that, whereas the legal guarantees of equality before the law for all citizens conformed with the provisions of the Convention, in reality the indigenous people still faced conditions of inequality and marginalization. They inquired about the impact of urbanization and industrialization on the indigenous population as well as the impact of the payment of Mexico's external debt on the country's capacity to create better living conditions for the population in general and for marginal groups in particular. Additional information was requested on national policy reforms, particularly agrarian reform. It was asked what compensation was paid for land which had been expropriated, whether there was a ceiling on the acquisition of land and what percentage of the indigenous population have benefited from that policy. Members were interested in receiving further information about the National Council of Indigenous Peoples. It was also asked what new plans had been drawn up to protect and promote ethnic cultures, what percentage of government expenditure was allocated to education, health, housing and social services and to what extent that expenditure benefited the most vulnerable sectors of society. Further information was needed on the percentage of indigenous people in the different enrolment programmes of the Mexican education system and on the impact of that system on the literacy of the indigenous population. Members noted that handbooks on the subject of land reform had been published for indigenous farmers, and asked whether the literacy rate of the indigenous population enabled it to profit from such publications. Information was also requested on emigration trends from Mexico to the United States.

155. With respect to article 3 of the Convention, members of the Committee praised the Government for the way it was implementing that article and for its active role at the international level to eliminate racial discrimination and to combat apartheid.

156. In relation to article 4 of the Convention, the Committee did not agree with the statement by Mexico that there was no need for the Government to devise specific penalties for acts of racial discrimination since there was no problem of racial discrimination in the country. Members pointed out that, in developing countries which had suffered the most from colonialism, whole sectors of the population were most likely to remain on the fringes of development. In such cases, the distinction between social and economic discrimination and racial discrimination was frequently blurred. They took note of the view of the Mexican Government that the requirements of article 4 of the Convention were basically

covered by constitutional guarantees, the violation of which was a penal offence. They indicated, however, that in the spirit of the Convention, a more direct approach was needed in order to make it clear to the general public that certain acts were punishable by law. The Government was required under article 4 (a) of the Convention to provide specific penal sanctions.

157. Regarding article 5 of the Convention, members of the Committee wished to know on what basis the collective holdings (ejidos) were organized and they requested an explanation regarding the disparity between the figures in the report which showed, on the one hand, that such holdings constituted 47 per cent of the national territory and employed 65 per cent of the agricultural work force and, on the other, that 73 per cent of the capital invested in the agricultural sector was concentrated in private holdings. Clarification was also sought concerning the figures relating to employment among the population aged 12 years and over.

158. As far as article 6 was concerned and regarding the role of the Supreme Court of Justice in declaring a law unconstitutional, members of the Committee pointed out that the requirement that such a decision should be upheld in five consecutive judgments in order to be binding was exceptionally stringent, with the result that a considerable period of time would necessarily elapse before a law which was in fact unconstitutional could be erased from the statute book. Clarification was sought as to whether, in the absence of a claimant, proceedings in cases of racial discrimination would be initiated by the Public Prosecutor if he had knowledge of such acts.

159. In relation to article 7 of the Convention, members of the Committee commended the measures taken by the Government, particularly in primary schools, to inculcate appropriate attitudes towards equality of races.

160. In reply to questions raised and comments made by members of the Committee, the representative of Mexico stated that it was not possible to provide exhaustive data on all areas covered by the Convention in a single report. The present report depicted the principal problems of one segment of the population, which included, but was not limited to, the indigenous population. The Government intended to provide much more information in its next periodic report on the situation with regard to the gross national product, per capita income and income distribution.

161. In connection with questions relating to articles 2 and 5 of the Convention and demographic trends of the population, he informed the Committee that 80 per cent of the population was of mixed blood. Approximately 5 million indigenous inhabitants constituted 8 per cent of the population; half of the indigenous population spoke several dialects but not Spanish. Approximately 70 per cent of the population lived in urban areas at present. Turning to questions relating to agrarian reform, he said that land reform had spread over a period of 60 years; there were large holdings, small individual holdings and collective holdings. The collective holdings, which had been returned by the State to people who could trace their ancestry back 100 years, could be neither seized nor sold. The main current need was to provide capital for the proper cultivation of the communal lands created by agrarian reform. The National Council of Indigenous Peoples was a non-governmental organization established to defend the interests of indigenous groups in particular with respect to land. Additional information on that body would be provided in the next report. The representative of the reporting State emphasized that any discrimination that might exist in Mexico was not racial. Inequality was not based on race, but should be viewed from its historical perspective. The existence of economic and social inequalities did



nct necessarily mean discrimination. The federal Government intended to identify the major needs of the people and to ensure their full development, in particular by raising the living standards of the marginal groups. That meant involving the population in all areas of development and raising their cultural awareness without causing them to abandon their cultural past. It should be understood, however, that Mexico had to contend with a severe economic crisis. In addition, the country's population had risen from 19 million in 1940 to 67 million in 1980. Concerning the figures on the economically active population, he said that they referred only to the population over 12 years of age, but that did not mean that all were in the labour force because the figure included a large number of persons who were not gainfully occupied, such as students. Open unemployment was estimated at approximately 9 per cent, but that did not reflect the fact that about 30 per cent of the population was underemployed. The disparity between those two figures could be explained by the existence of a parallel economy. Information regarding the percentage of public expenditure devoted to public works would be provided in the next report. The development possibilities of the country were currently limited by the heavy burden of servicing the external debt. Notwithstanding the pressure exerted by international institutions, the Government had made every effort to meet basic food, education and health needs. The current Government had consulted representatives of the indigenous groups specifically on how to incorporate their needs in the National Development Plan. Special emphasis had been laid on the development of bilingual and bicultural systems to take account of the needs of ethnic groups with a view to integrating them into society.

162. Regarding the emigration of Mexican workers to the United States, he said that such migration was of a temporary nature; there were not enough jobs in Mexico and workers could not be prevented from leaving the country. That migration was not likely to disappear as long as the United States needed the cheap labour that Mexico had to offer.

163. With respect to article 3 of the Convention, he said that Mexico took great pride in its anti-apartheid policy. The practical measures that it had taken were fully in line with the relevant United Nations resolutions. For example Mexico prohibited all sales of oil products to South Africa.

164. In relation to article 4 of the Convention, the representative of Mexico stated that the Mexican Penal Code did not include specific provisions which would outlaw racial discrimination. Article 1 of the Constitution guaranteed equality for all. He reiterated that racial discrimination did not exist in Mexico; the only inequalities which existed were social and economic, and the Government was attempting to remedy them.

#### Lao People's Democratic Republic

165. The third, fourth and fifth periodic reports of the Lao People's Democratic Republic, submitted in one document (CERD/C/105/Add.4), were considered by the Committee at its 707th to 709th meetings, on 8 and 11 March 1985 (CERD/C/SR.707-709).

166. The document was introduced by the representative of the Lao People's Democratic Republic, who informed the Committee that the current régime had retained those laws which were compatible with the interests of a democratic, popular and multi-ethnic State. A number of new legal instruments had also been adopted and others were being prepared in response to the Government's deep concern for guaranteeing and strengthening the fundamental freedoms of all Lao citizens and

implementing scrupulously the provisions of the Convention. The current Government was making every effort to accelerate the material and cultural development of the many ethnic and national groups in the country, and in its foreign policy, it actively supported the efforts of the international community to combat racial segregation and apartheid.

167. The Committee appreciated the fact that dialogue had been re-established with the Lao Government after a lapse of several years. The report reflected the efforts being made to improve the standard of living of the population and to bring all ethnic groups to the same level of development. There was reason to hope for further constructive dialogue between the Committee and the Lao People's Democratic Republic.

168. The Committee welcomed the information that a new constitution was to be enacted in 1986 and expressed the hope that the period leading up to the establishment of the new constitution would be used by the Government to give comprehensive expression to the provisions of the Convention and to enact the necessary legislation to bring about the full implementation of articles 2 to 7 thereof. The next periodic report should be prepared in accordance with the Committee's general guidelines (CERD/C/70/Rev.1) and should reproduce any texts from the Constitution or other acts, laws or decrees relevant to the Convention.

169. With respect to article 2 of the Convention, the Committee observed that there were as yet no legislative, judicial or administrative measures giving specific effect to that article. Members of the Committee noted that the various resolutions and decisions of the Lao People's Revolutionary Party formed the basis for current laws and regulations with emphasis on political education. They wished to know whether that was a transitional phase or whether it reflected a permanent situation. The Committee stressed the importance of reviewing old laws in order to close any loopholes which might encourage racial discrimination. The historical legacy of prejudice referred to in the report required stricter compliance with the provisions of the Convention. It was pointed out that, though colonialism had exploited prejudices, discrimination might well endure beyond the colonial period. In order to assess the achievements of the present Government, it would be useful to know what relations had formerly existed between the different ethnic groups and what constituted the feudal remnant of the old Laos.

170. The Committee wished to be supplied with the demographic breakdown of the population by ethnic group and with information regarding their socio-economic development, as well as more detailed information on the distribution of the 68 ethnic groups in the three main regions of the country. The Committee commended the efforts being made by the Government to eradicate illiteracy. In that connection, members said that it would be useful to know what effects the literacy campaign had had and what the current rate of illiteracy by ethnic group was, as well as whether the measures taken to eradicate illiteracy in mountain areas were different from those taken in urban areas. Members of the Committee requested additional information on the percentage of the population which used the official language as their mother tongue, and asked what percentage of the population spoke the other two languages used. They wished to know what the Government's policy was on education, particularly at the primary level, and whether education was imparted in Lao or Lao Sung or in the respective mother tongues of the various ethnic groups. Further information was requested regarding the assistance being given to ethnic minorities in order to preserve their own cultures while at the same time being drawn into the national mainstream.

171. The Committee took note of the establishment of the new Nationalities Committee and of the Programme of Action of the Lao Front for National Reconstruction aimed at ensuring equality for all ethnic groups. Within that context, it was asked whether the re-education camps, which had been set up in an earlier revolutionary period, were still in existence. Further information was requested on the implementing agencies of the Nationalities Committee at the regional and district levels and how the programmes were being carried out in specific areas. Members of the Committee also asked about the role of the Front and popular organizations in creating conditions favouring the gradual elimination of the disparities between the economic and cultural levels of the various ethnic groups. The Committee would welcome information on socio-economic plans to mitigate such disparities.

172. Regarding article 3 of the Convention, members of the Committee commended the Government for its participation in the struggle against apartheid.

173. On article 4 of the Convention, the Committee stated that the Government should give serious consideration to passing specific laws embodying the provisions of that article.

174. With respect to article 5 of the Convention, members of the Committee wished to know how many citizens had left the country in the last four years and how the right of asylum of refugees who might have fled to the country was protected. They would welcome additional information with regard to the political and civil rights set forth in article 5 (c) and (d) (i) to (iii) of the Convention.

175. As far as article 6 was concerned, members wished to receive the texts mentioned in the report which, in the absence of a national constitution, guaranteed rights and freedoms, and asked whether the legal guarantees they afforded were enforceable in the courts upon the complaint of an aggrieved party. The Committee sought explanations regarding the system of people's judges introduced in the country: what their qualifications were and how their independence and that of professional judges was secured, to what extent non-professional judges influenced decisions in the courts and how judgements were delivered. Members asked whether customary law had been retained at the district level, especially where ethnic or tribal groups resided, and what the role of the professional judges was at that level. They also wished to know whether a victim of racial discrimination could seek redress and what the procedure was, whether the people's tribunals handled such situations and whether any measures had been taken to penalize such acts. Information was requested on any action being taken against official acts of racial discrimination that might have occurred.

176. Concerning article 7 of the Convention, the Committee indicated that, in the context of the cultural diversity prevailing in the country, the implementation of that article was of special importance and requested that information on all aspects of article 7 be provided in the next report.

177. In reply to questions raised and comments made by members of the Committee, the representative of the Lao People's Democratic Republic assured the Committee that his Government would take due account of the provisions of the Convention when drafting its national constitution. In compliance with the Committee's request, his Government would indicate in its next report how those provisions had been reflected in the constitution and other national legislation and would include the results of his country's first population census, which had just been conducted.

178. With respect to questions posed about the implementation of article 2 of the Convention, he said that the Party and the Government were doing their utmost to improve the standard of living of the whole population. Some groups, however, especially those living on the high plateaux, were reluctant to accept changes in their way of life. Foreign nationals, such as Chinese or Vietnamese, residing in the country enjoyed the same protection as the Lao ethnic groups, whose equality before the law was scrupulously respected. All ethnic groups had to learn Lao, but the Government encouraged pride in local cultures while seeking to integrate them in the national culture. The fact that the only official language, Lao, must be learned by all ethnic groups was a reflection of the country's sense of national identity and not a manifestation of linguistic discrimination. Illiteracy, which had been 65 per cent before the liberation of the country, had since been almost completely eliminated. The tasks of the Lao Front for National Reconstruction were defined by the Front for National Unity, which included all ethnic groups and had played an essential role in rebuilding the devastated country. The Government had ordered the closure of the rehabilitation camps in 1982. Collaborators with the previous régime had either fled the country or been welcomed as lost sheep returning to the fold and there had not been any policy of violence.

179. Turning to questions raised in connection with the provisions of article 5 of the Convention, the representative of the reporting State said that most of the Lao citizens who had emigrated, for various reasons, had acquired or were seeking to acquire the nationality of their new countries. Some 3,000 Lao people had already returned home after applying to the Lao Government through the United Nations High Commissioner for Refugees; others had returned on their own initiative.

180. As for the implementation of article 6 of the Convention, he said that the absence of specific laws in his country did not mean that the Lao people's rights were infringed. Racial discrimination was not tolerated. The Lao people had realized, in its 30-year-long struggle for freedom and independence, that it could not win unless there was mutual respect among all its ethnic groups. The people's judges did not deal exclusively with cases of racial discrimination but would hear such cases if ever they came before them; however, no cases of racial discrimination had been brought before the courts. Appropriate legislation was being prepared and would be enacted during the next year or so.

181. In conclusion, he assured the members of the Committee that the next periodic report would provide information on the points raised by them.

#### Holy See

182. The eighth periodic report of the Holy See (CERD/C/118/Add.11) was considered by the Committee at its 709th meeting, held on 11 March 1985 (CERD/C/SR.709).

183. The report was introduced by the representative of the Holy See who emphasized that the Catholic Church had from the outset vigorously defended the principle of equality. A number of encyclicals of recent Popes, the teachings of the Second Vatican Council and numerous addresses, messages and exhortations of the Popes were relevant in that connection. With regard to the Committee's request for more detailed information on measures taken by the Holy See with reference to articles 3, 5 and 7 of the Convention, he pointed out that the Holy See, while recognized as a subject of international law, possessed characteristics which were not comparable to those of States belonging to the international community. He emphasized that more than 2,500 dioceses and 100 episcopal conferences throughout the world contributed to the eradication of racial discrimination.

184. The Committee paid a special tribute to the Holy See for its efforts to mobilize world public opinion against racial discrimination. It was pointed out that, since its inception, the Committee had recognized the unique position of the Holy See and the fact that its reports must be viewed in terms of its special mission. Members of the Committee stressed the importance of the mission of the Holy See in the field of education and the formation of public opinion to eliminate all forms of racial discrimination throughout the world.

185. The Committee appreciated the role of the Holy See in the struggle against apartheid. It was pointed out that Pope Paul VI had denounced racism and stated that it was a disgrace that apartheid still existed. One member asked why there had not been a specific statement by Pope John Paul II condemning apartheid in South Africa. Another member asked whether there was any possibility of the Holy See becoming a party to the International Convention on the Suppression and Punishment of the Crime of Apartheid.

186. Members of the Committee asked whether any moral or religious sanctions existed to implement the provisions of article 4 of the Convention and whether there were specific pastoral guidelines for combatting racism. One member pointed out that persuasion was not the only power of the Holy See, the Church also had other sanctions, such as excommunication, that were more powerful than the sanctions of other States parties to the Convention. In a given situation where racial discrimination had become a serious threat, the Church should go beyond persuasion.

187. Information was requested concerning the curricula of Catholic schools and whether they provided for education in the field of human rights. It was also asked whether Catholic schools were racially segregated.

188. With respect to the liberation theology in Latin America, members of the Committee pointed out that it appeared to be causing some discomfort within the Church. Since it championed the cause of the poor and the oppressed, it could not avoid being politically active. However, the Holy See appeared more prepared to accept a political role for the Church in some countries than in others, and sought to restrict the political activities of some Church members. In that context, members of the Committee observed that a debate was under way in the Catholic Church on its social doctrine, its position vis-à-vis certain régimes in Latin America and its role in the struggle of the oppressed against the dominant establishment. It was also pointed out that the media had reported differences between the Holy See and some bishops in Latin America over the Church's attitude towards liberation movements. Members asked what the position of the Holy See was in that regard.

189. In reply to questions raised and observations made by members of the Committee, the representative of the Holy See informed the Committee that both Pope Paul VI and Pope John Paul II had condemned apartheid in strong terms, although there were no specific references to South Africa. Church doctrine clearly repudiated racism. The issuing of pastoral guidelines was the responsibility of each bishop. Instruction on human rights issues was provided in the pontifical universities and in many thousands of Catholic schools; he hoped that there was no trace of discrimination in Catholic schools anywhere, even in South Africa. Indeed, the South African bishops had lost financial support from the Government because they had prohibited racial discrimination in their schools.

190. In connection with the implementation of article 4 and the question whether the Catholic Church applied moral or religious sanctions, he said that, if a person acted against the Church's doctrine prohibiting racial discrimination, that would be a serious sin which must be confessed and would call for a serious admonition.

191. He informed the Committee that the question whether the Holy See could become a party to the International Convention on the Suppression and Punishment of the Crime of Apartheid would be referred to the Secretariat of State. He indicated that the Holy See was not against all aspects of liberation theology, but opposed only to those teachings that were based on false theological principles. He added that, on the issue of political activities, a clear distinction must be drawn between political activities by the laity and by priests. It was expressly forbidden for priests to engage in the activities of political parties.

#### Iran (Islamic Republic of)

192. The eighth periodic report of the Islamic Republic of Iran (CERD/C/118/Add.12) was considered by the Committee at its 709th and 710th meetings, on 11 and 12 March 1985 (CERD/C/SR.709 and SR.710).

193. The report was introduced by the representative of the Islamic Republic of Iran who said that his Government, in accordance with the Islamic faith, did not and could not tolerate racial discrimination of any kind. His country's commitment to the struggle against all manifestations of racism was based on its ideological principles rather than on the Constitution, which merely reiterated those principles. Thanks to those ideological principles, the discriminatory differences which existed before the Revolution had been eradicated. For example, the Government had launched a revolutionary housing programme and a campaign to eradicate illiteracy. The policy was that the most remote areas should be given first priority in every social field, followed by provincial cities and finally Teheran. Public service was not open to all. The issue of racial discrimination was not directly relevant to the Islamic Republic of Iran, which had no need to eliminate what had never existed.

194. The Committee thanked the Government for its continued co-operation, despite its reservations as to the usefulness of monitoring the implementation of its obligations under the Convention. The Committee took note of the objectives of social and economic development of the Islamic Republic of Iran as well as of the work of the Government to redress the injustices of the previous régime. It also took into consideration the recent revolutionary upheavals and the fact that the Islamic Republic of Iran was still at war with a neighbouring State. The report followed the Committee's general guidelines (CERD/C/70/Rev.1), but it did not help the Committee to establish whether the internal laws of the country were in conformity with its obligations under the Convention. The Islamic Republic of Iran, as a party to the Convention, was under an obligation to provide adequate information concerning the implementation of its provisions. The Committee trusted that further information would be provided in the next periodic report together with the relevant national legislation, so that it could evaluate existing legal guarantees of equality of all persons before the law.

195. With respect to article 2 of the Convention, the Committee asked that detailed information on the country's ethnic composition be provided in the next report as well as on the legal status of minority groups and how their rights were protected. Members of the Committee also wished to know how the Government dealt

with sectarian differences within Islam, such as the Sunni or the Shiite groups; what recognition was given to the separate status of the Baluchis, how the social and economic inequalities inherited from the past were being eradicated and whether representatives of the national minorities held prominent positions in the country's political and social life.

196. Members of the Committee congratulated the Iranian Government on its full compliance with article 3 of the Convention.

197. With reference to article 4 of the Convention, members of the Committee asked why it had been necessary to enact laws against racial discrimination with severe penalties if, as stated in the report, racial discrimination had never existed in the Islamic Republic of Iran. Clarification was sought regarding the respective legal penalties imposed on public officials and ordinary citizens in cases of discrimination.

198. As far as article 5 of the Convention was concerned, members of the Committee wished to have information regarding the provisions of principle 22 of the Constitution, on the basis of which the State was bound to protect the life, rights, abode and occupation of individuals against any encroachment, unless otherwise prescribed by law. In particular, they asked for the full text of that principle and wished to know how it could be judicially enforced. Information was requested regarding the proportion of public funds allocated to education, the number of foreign workers in the Islamic Republic of Iran and whether the legal guarantees under the Constitution and the Labour Law of 1958 applied in the same degree to both Iranian nationals and foreign workers. Members of the Committee requested an explanation regarding principle 14 of the Constitution, which alluded to respect for the human rights of individuals only if they did not conspire or act against Islam or the Islamic Republic of Iran, and asked what was meant by the reference "those who conspire and act against Islam". They also asked for the texts of the relevant Islamic judicial precedents which formed the basis for that principle.

199. In reply to questions posed and observations made by members of the Committee in relation to article 2 of the Convention, the representative of the Islamic Republic of Iran said that Iranians were not aware of or concerned with division on the basis of race. There were, however, language differences, especially in the north. The large number of people who spoke dialects of Persian, Turkish and other languages had their own culture and contributed to the overall heritage of the country. It was difficult to divide the population geographically according to ethnic groups. Religious minorities within Islam referred to various schools of law, whose different viewpoints were always accommodated within the system. There were five major schools of law, which were equally recognized. He felt that, in view of the ongoing war between Iraq and his country, it was not appropriate to comment on the situation of the Kurds. All groups, including religious minorities, were represented in the Government regardless of their numbers.

200. He informed the Committee that the budget for Baluchistan was more than 50 times that of the province of Teheran. An intensive effort was being made to reverse the process of urbanization and to try to allocate small industrial projects to the villages and rural areas. Many foreign workers had left after the Revolution and the Government was currently trying to carry out its projects using Iranian labour. The 2 million Afghans in the country were working mainly in agriculture. Because of the war, it was difficult to comment about the

with sectarian differences within Islam, such as the Sunni or the Shiite groups; what recognition was given to the separate status of the Baluchis, how the social and economic inequalities inherited from the past were being eradicated and whether representatives of the national minorities held prominent positions in the country's political and social life.

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198. As far as article 5 of the Convention was concerned, members of the Committee wished to have information regarding the provisions of principle 22 of the Constitution, on the basis of which the State was bound to protect the life, rights, abode and occupation of individuals against any encroachment, unless otherwise prescribed by law. In particular, they asked for the full text of that principle and wished to know how it could be judicially enforced. Information was requested regarding the proportion of public funds allocated to education, the number of foreign workers in the Islamic Republic of Iran and whether the legal guarantees under the Constitution and the Labour Law of 1958 applied in the same degree to both Iranian nationals and foreign workers. Members of the Committee requested an explanation regarding principle 14 of the Constitution, which alluded to respect for the human rights of individuals only if they did not conspire or act against Islam or the Islamic Republic of Iran, and asked what was meant by the reference "those who conspire and act against Islam". They also asked for the texts of the relevant Islamic judicial precedents which formed the basis for that principle.

199. In reply to questions posed and observations made by members of the Committee in relation to article 2 of the Convention, the representative of the Islamic Republic of Iran said that Iranians were not aware of or concerned with division on the basis of race. There were, however, language differences, especially in the north. The large number of people who spoke dialects of Persian, Turkish and other languages had their own culture and contributed to the overall heritage of the country. It was difficult to divide the population geographically according to ethnic groups. Religious minorities within Islam referred to various schools of law, whose different viewpoints were always accommodated within the system. There were five major schools of law, which were equally recognized. He felt that, in view of the ongoing war between Iraq and his country, it was not appropriate to comment on the situation of the Kurds. All groups, including religious minorities, were represented in the Government regardless of their numbers.

200. He informed the Committee that the budget for Baluchistan was more than 50 times that of the province of Teheran. An intensive effort was being made to reverse the process of urbanization and to try to allocate small industrial projects to the villages and rural areas. Many foreign workers had left after the Revolution and the Government was currently trying to carry out its projects using Iranian labour. The 2 million Afghans in the country were working mainly in agriculture. Because of the war, it was difficult to comment about the



unemployment rate, but it was not a serious issue. As to the provisions of principle 22 of the Constitution, he said that in some cases, property had been confiscated by law, because it had been illegally owned by the Government of the Shah. As for what was meant by conspiracy against the Islamic State, he said that it was a recognized fact that members of the Communist Party had so conspired. There had also been cases in which information had been passed to the Zionist State, not to speak of the five American-inspired attempted coups d'etat, all fortunately aborted.

### Israel

201. The third periodic report of Israel (CERD/C/113/Add.2) was considered by the Committee at its 710th and 711th meetings, on 12 March 1985 (CERD/C/SR.710 and SR.711).

202. The report was introduced by the representative of Israel who referred to relevant parts of the report and informed the Committee about two new laws submitted by the Government to the Knesset for adoption. The first was entitled "Penal Law Revision: Incitement to Racism". Whereas under the current law, the intent to incite to racism had to be proved, under the new law any racist statement in itself warranted prosecution. The second proposed law concerned eligibility to run for public office, and decreed that a slate of candidates was not eligible to run for election and could indeed be disqualified if it negated the establishment of the State of Israel and its democratic character or if it supported incitement to racism. He added that, as the State whose people had suffered the most from racism, Israel categorically condemned apartheid in all its forms.

203. The Committee expressed satisfaction at the presence of the representative of Israel, which proved that the Government was interested in co-operating with the Committee. It stressed, however, that it was difficult for the Committee to discuss how a State party was implementing the Convention when that very State continued to ignore the principles of international law and to defy the objectives contained in the preamble to the Convention. Israel's foreign policies, which were based on aggression and the occupation of Arab territories, disqualified the country from a proper dialogue with the Committee. It was suggested that the view, expressed by some members when the Committee considered Israel's previous report, that even a bad dialogue was preferable to rejection of the report, seemed not to be justified, since nothing had been done by Israel to fulfil its obligations under the Convention. Members pointed out that the Emergency Powers Law seemed to be used only against the Arab population and expressed the hope that the laws of Israel would be applied so that both in Israel and in the territories under its de facto jurisdiction the people could enjoy a racially tolerable society. The Committee expressed the hope that the next report would answer questions which had been raised during the consideration of Israel's second periodic report, that it would reflect constructive changes in Israel and provide information on measures to implement the provisions of each article of the Convention. It was asked whether any progress had been made on the bill of rights mentioned during the discussion of the second periodic report. It was also emphasized that the next report should follow the Committee's general guidelines (CERD/C/70/Rev.1).

204. With respect to article 3 of the Convention, members of the Committee observed that the representative of Israel had made a strong statement against apartheid and claimed that his Government condemned such policies. They pointed out, however, that it was one thing to make such statements and quite another to put them into practice. Israel was known to be an ally of South Africa and was co-operating with

it in many fields, including the nuclear field. Members considered that it was time for the Israeli Government to reconsider its policy of multifaceted co-operation with South Africa, and that was also the wish of the people of South Africa. The Committee hoped that the next report would indicate a change in that respect.

205. In relation to article 4 of the Convention, the Committee considered that the proposed legislation pending before the Knesset, mentioned by the Israeli representative, was a positive step and hoped that the two proposed laws would be approved soon. It was observed that one of the laws, if passed, would deal with cases such as that of Rabbi Meir Kahane, a member of the Knesset, who advocated racist ideas throughout the country. The Committee wished to know how it had been possible for a member of the Knesset to base his election on propaganda characterized by racial defamation. Members asked whether he had also enjoyed immunity during the election campaign and, if not, why Israeli law enforcement authorities had not taken action. The Committee hoped that the next report would indicate that progress had been achieved in connection with the draft legislative texts.

206. Regarding article 5 of the Convention, members of the Committee pointed out that Israeli policy deprived the Arabs, and the Palestinians in particular, of their elementary rights. They asked whether the Law of Return was being applied solely to Jews and, if so, whether that did not constitute discrimination against native-born Arabs who had fled in 1948 because of terror. Observing that Israel had reported on a previous occasion that only 5 per cent of the members of the Knesset were Arabs, because a large percentage of the Arab population was under the age of 18, members of the Committee said that it would be interested to know what the current situation was. With regard to economic rights, the Committee expressed concern about Israel's unchanged settlement policy. Members noted that the Government could decide not to hire people on grounds of State security and wished to know whether notices inviting applications for government jobs were also published in Arabic; they asked for a breakdown by ethnic origin of the total figure for government employees. Turning to social and cultural rights, members of the Committee asked how many European Jews and how many Arabs had been given access to new housing that had been constructed, what percentage of Arab children were attending school, what percentage of schools were exclusively for Arabs, what percentage of total government expenditure on education was set aside for Arab schools, how many Arabs were in the universities and what opportunities were available to Arabs for higher education in Israel. Doubts were expressed as to whether all legislative instruments were published in Arabic. Members furthermore wished to receive information about how the rights of Jewish immigrants speaking Yiddish were protected, particularly when they had to deal with the administration and the courts, and whether their children could study Yiddish at school.

207. As far as article 6 was concerned, members of the Committee noted that the Israeli ombudsman could play an important role, since, in addition to his task of investigating complaints, he was also the State Comptroller. They pointed out, however, that none of the complaints lodged in 1983 on grounds of racial discrimination had been regarded as justified by the ombudsman, despite the fact that a number of cases invoking racial problems had been submitted to the courts. The Committee would appreciate receiving information about the kind of complaints of racial discrimination which had been made to the ombudsman as well as more detailed information regarding the means of recourse available under article 6 of the Convention.

208. Replying to questions raised and observations made by members of the Committee, the representative of Israel expressed regret that some of the questions previously raised had not been fully answered in his country's report. He would recommend a careful study of the Committee's guidelines by his authorities. He pointed out, however, that some questions raised by members were irrelevant to the work of the Committee.

209. Israel did not agree with South Africa's policy, though it maintained diplomatic, trade and other relations with that country. Less than 0.5 per cent of South Africa's total trade was with Israel.

210. In connection with article 4 of the Convention and the phenomenon of Kahanism, he said that the Attorney-General had issued a statement to the effect that Kahanism had become a synonym for racism and represented a shameful phenomenon in sharp contradiction of the principles of Israel and the provisions of the Convention.

211. In connection with article 5 of the Convention, he pointed out that the issue of Palestinian refugees would be discussed during peace talks, when Israel would itself raise the issue of 800,000 Jewish refugees from Arab countries who had been fully integrated into the life of Israel. On the Law of Return, Israeli practice was in general similar to that of other countries with one exception: Israel had an obligation to accept any Jew who wished to immigrate. Regarding the Arab students in Israel, he informed the Committee that, while the Arab population in Israel had increased fourfold, the number of Arab students had increased 17-fold. Arabs constituted less than 20 per cent of the population, but nevertheless occupied positions in all fields, including the judiciary and the army. It was easy for young Arabs to enter universities at 18 because they were not required to do military service. There were six Arab members of the Knesset, but not all Arabs voted for Arab candidates. Yiddish was not an official language in Israel; in court cases where an individual did not speak one of the official languages, it was obligatory for the court to provide an interpreter. All principal and secondary legislation was published in Arabic. Notices regarding government jobs were widely distributed, but he would have to ascertain which languages were used in such notices.

212. With regard to questions relating to article 6 of the Convention, and the report of the Comptroller, the representative of Israel said that many complaints had been found justified, but none of those had been based upon racial discrimination. An effort would be made to provide more reference material in the next report.

#### Burkina Faso

213. The fourth and fifth periodic reports of Burkina Faso, submitted in one document (CERD/C/105/Add.5), were considered by the Committee at its 711th meeting, on 12 March 1985 (CERD/C/SR.711).

214. The document was introduced by the representative of Burkina Faso, who referred to the difficulties his country had in submitting its reports, due not only to problems of development but also to the serious political upheavals his country had suffered in 1982 and 1983 which had brought into being the National Revolutionary Council. More than 60 ethnic groups, 67.8 per cent of which were animist, 27.5 per cent Muslim and 3.7 per cent Catholic, lived together in the country. Racial discrimination was incompatible with the very nature of the

Revolution, and the constituent ethnic groups, despite their differences, formed a single nation. He also referred to relevant parts of the document and to new educational measures taken by the National Revolutionary Council.

215. The Committee welcomed the constructive dialogue with the Government and took note of the fact that the country was in a state of revolutionary change and reconstruction. The document submitted by Burkina Faso was Comprehensive and followed the Committee's general guidelines (CERD/C/70/Rev.1). The information on the ethnic diversity of the country and on measures to improve the welfare of the masses were particularly useful. Members of the Committee asked for further clarification as to whether the provisions of the Convention could be invoked before, and directly enforced by, the courts, other tribunals or administrative authorities, or whether they had to be implemented by enacting domestic legislation in order to be enforced by the authorities. In that context, they emphasized how important it was for the new Government to review all the laws of the country and to enact the necessary legislation in order to implement the mandatory provisions of the Convention. The members observed that reference had been made in a previous report to the country's 1974 proclamation, which abrogated its 1970 Constitution, and asked what other instruments safeguarded the rights of individuals. The Committee hoped that the next report would provide information regarding legislative and other measures to implement the Convention.

216. With respect to article 2 of the Convention, the Committee noted that the Government was restructuring ethnic relations on a new basis, which meant that new legislation would be needed. It indicated that further measures to prevent friction between ethnic groups were particularly necessary in a country whose great heterogeneity would inevitably cause problems that would not disappear as a result of the Revolution alone. The Committee also took note of the policy of the National Revolutionary Council to promote economic development of the various regions as part of its efforts to combat prejudices among ethnic groups.

217. In relation to article 3, members of the Committee welcomed the Government's stand on apartheid and asked for information on its policy regarding relations with South Africa.

218. Concerning article 4 of the Convention, the Committee took note of the statement in the report to the effect that the provisions of the Convention, particularly those relating to punishable offences, must be expressly incorporated in a text of municipal law. Members pointed out that the requirements of article 4 of the Convention were satisfied only partially and for a transitional period by Act No. 15 AL of 1959. In that connection, the Committee stressed that the provisions of article 4 of the Convention must be incorporated in the domestic legislation of Burkina Faso and members said that they would welcome evidence of progress on that matter in the next report.

219. Referring to article 5 of the Convention, members of the Committee commended the efforts being made by the reporting State. They requested further clarification on the right of citizens to participate in elections and asked how the people were represented in the Revolutionary Defence Committees. They also wished to know what role and power trade unions had in the country. Members pointed out that the fact that more than 20 per cent of the budget was allocated to education was an eloquent testimony to the Government's priorities. They asked what policies were being applied to reduce the disparity in school attendance between regions, mentioned in the report. They were interested to know what plans

the Government had for allowing the ethnic groups to preserve their own language, bearing in mind the need to integrate them in national development.

220. With regard to article 6 of the Convention, members of the Committee requested information on the procedures governing the revolutionary tribunals and their functions, particularly whether they replaced prosecutors and whether persons appearing before those tribunals had the right to counsel.

221. Regarding article 7 of the Convention, members of the Committee noted that young lawyers were being alerted to the importance of human rights. They would welcome more information on specific measures which were being taken in the areas of training and information on measures to promote tolerance and understanding among the country's ethnic groups and towards other nations.

222. Replying to questions raised and comments made by members of the Committee concerning the interpretation of international treaties in Burkina Faso, the representative of the reporting State said that he hoped the next report would demonstrate that progress had been made in that respect.

223. In relation to article 2 of the Convention and the question whether there was still any legislation that perpetuated racial discrimination, he said that his Government was working to ensure that the Convention was observed and to make even the inhabitants of remote areas aware of the related problems.

224. Turning to questions regarding the implementation of article 5 of the Convention, the representative of Burkina Faso said that since August 1983, the authorities had been making a determined effort to establish the well-being of the people as a main priority and associating them in national development. Efforts were being made to provide education in the various languages, in addition to the existing radio broadcasts in all languages. The use of the national languages would increase with time since they had recently all been given written form. The principal role of the Revolutionary Defence Committees, whose members were elected democratically, was to defend the new social system of justice and equality, which also meant defending the material interest of the workers.

225. Regarding questions dealing with article 6 of the Convention, he said that the revolutionary tribunals were special courts which had been established to deal with corruption among public officials. Persons brought before those courts were given an opportunity to prove that they had performed their functions unselfishly and to the best of their ability. Many of them had been acquitted; those found guilty could appeal to the President.

226. Responding to questions in relation to article 7 of the Convention, he said that the authorities had taken steps to promote understanding among the different ethnic groups and to demonstrate that they had the same rights and duties. The Government hoped that, given time, people's attitudes and habits would change. Radio was the principal means of informing people about the provisions of the Convention and much use was made of the radio service of the United Nations.

### Cyprus

227. The eighth periodic report of Cyprus (CERD/C/118/Add.13) was considered by the Committee at its 711th and 712th meetings, on 12 and 13 March 1985 (CERD/C/SR.711 and SR.712).

228. The report was introduced by the representative of Cyprus who indicated that his country remained committed to the elimination of racial discrimination. International conventions to which Cyprus was a party and which had been approved by a law passed by the House of Representatives took precedence over any other law and could be invoked before, and directly enforced by the courts. He emphasized that Cyprus was unable to exercise its full responsibility for the implementation of all its obligations under the Convention throughout its entire national territory because of the military occupation and the control by Turkey of some 40 per cent of the country. In addition, the occupying Power refused to allow approximately 200,000 Greek Cypriot refugees to return to their homes and lands under conditions of safety.

229. The Committee commended the Government of Cyprus for its excellent report, which was concise and at the same time comprehensive. The report followed the Committee's general guidelines (CERD/C/70/Rev.1) and could be considered a model one. It illustrated the earnest endeavours of Cyprus to promote the objectives of the Convention in a complex political situation engendered by the occupation of part of its territory by foreign military forces. In that connection, the Committee expressed concern that the situation in Cyprus had not improved during the period under review and that the State party was still unable to carry out its responsibilities throughout its territory as a result of foreign occupation. The Committee hoped that the sovereignty and territorial integrity of Cyprus could soon be restored so that it could report on the implementation of the Convention throughout its territory. Members asked whether the representative of Cyprus could inform the Committee about the chances of a solution to the Cypriot problem, particularly in view of the negotiations under the auspices of the Secretary-General.

230. Members of the Committee praised the Government of Cyprus for its valuable contribution to the struggle against apartheid and its support for the Namibian and Palestinian peoples.

231. With respect to article 4 of the Convention, the Committee indicated that, despite the enactment of Law No. 12/67, which provided for the enforcement of the Convention by Cypriot courts, and despite the superior force of international conventions with respect to internal legislation, there was a need for legislation stipulating the penalties for contravention of the provisions of article 4 of the Convention. The Committee also observed that the report stated that no offences under article 4 of the Convention had been committed and that there was no threat of their being committed in Cyprus. In that regard, the Committee stressed the importance of the preventive role of legislation and hoped that efforts could be made to fill the remaining gaps in Cypriot legislation, with a view to full implementation of that article.

232. In relation to article 5 of the Convention, members of the Committee wished to receive further information about the education of children of minority groups and, in particular, they asked what percentage of those children completed secondary school and what percentage went on to university.

233. With reference to article 6, members of the Committee pointed out that the statement in the report that no cases of racial discrimination had been brought before the courts might not reflect reality if the historical background of friction between the Greek Cypriot and Turkish Cypriot communities was taken into account. They wished to receive additional information regarding the implementation of that article of the Convention.

234. The Committee praised the Cypriot Government for its efforts in implementing article 7 of the Convention, particularly for the promotion of understanding, tolerance and friendship among nations and racial or ethnic groups.

235. Replying to questions raised and observations made by members of the Committee, the representative of Cyprus said that the next periodic report would provide replies to the Committee's questions. He would convey the Committee's remarks concerning article 4 to the appropriate authorities for careful consideration. The statement in his country's report that "so far no case of racial discrimination of any form has been brought before any Cypriot court" was still true. He drew attention to the fact that the relevant information concerning the implementation of article 6 of the Convention had been provided in a previous report.

236. Turning to the request for more information on the prospects for a negotiated solution to the problems facing Cyprus, he said that the high-level meeting held in New York, which had been aimed at finding a basis for a solution, had not achieved the anticipated results. It was his Government's hope that the Secretary-General's efforts would be successful and that he would soon be able to convene another meeting at which the two sides might reach an agreement. Finally, he expressed his gratitude for the Committee's support for the people of Cyprus in their current difficulties.

#### Pakistan

237. The eighth periodic report of Pakistan (CERD/C/118/Add.15) was considered by the Committee at its 712th and 713th meetings, held on 13 March 1985 (CERD/C/SR.712 and SR.713).

238. The report was introduced by the representative of Pakistan who said that the people of his country represented a relatively homogenous racial group consisting mostly of followers of Islam, which emphasized the principles of human brotherhood, equality and social justice, and advocated tolerance of different races and creeds. Racial discrimination was therefore unknown in Pakistan. He referred to relevant parts of the report and informed the Committee that in 1983 his Government had established the office of ombudsman to investigate and remedy injustices caused by maladministration - including cases which involved racial discrimination - on the part of federal agencies or their officials. For the period from August to December 1983, of 1,941 complaints registered, 334 had been redressed and 253 rejected; the remainder were under investigation. He indicated that elections had recently been held at the federal and provincial levels and martial law was to be terminated in stages within the following months, after which the 1973 Constitution, as amended, would again become fully effective. In the National Assembly, at the federal level, 206 of the 237 seats were allocated to various provinces in proportion to their respective population; 10 seats for minorities, 20 seats for women and one seat for the federal territory of Islamabad. Seats reserved for the minorities exceeded the number that could be justified by their share in the total population. Seats were similarly reserved for minorities in the provincial assemblies. The Government encouraged the use of the different languages spoken in Pakistan. The Declaration on Minorities reaffirmed the Government's commitment to safeguarding the rights of minorities and integrating them into society without loss of religious or cultural identity. Where necessary, minorities were given preferential treatment through the allocation of quotas.

239. The Committee thanked the representative of Pakistan for the additional information provided in his introductory statement, particularly with regard to the recent political developments in his country. The report provided substantive information and conformed to the Committee's general guidelines (CERD/C/70/Rev.1).

240. Members of the Committee requested clarification regarding the transition from martial law to civilian rules in Pakistan. They wished to know the extent to which the 1973 Constitution had remained in effect under martial law and how that situation might have affected the implementation of the Convention. They pointed out that amendments made to the 1973 Constitution having a bearing on Pakistan's implementation of the Convention should be included in the next periodic report. Further information was requested regarding the relationship between Islamic law and common law in Pakistan.

241. With reference to article 2 of the Convention, the Committee took note of the valuable information in the report on languages and tribal areas. It inquired about the criteria used in defining tribal membership particularly since people of the tribal areas were given representation in the national and provincial assemblies on the basis of the size of their population. The Committee stressed the importance of being provided with information on the ethnic origin of the population in order to be able to assess the situation of minorities. It congratulated the Government for its economic, social and educational policy on behalf of the tribal areas, but indicated that the next report should provide more information on the way in which that policy was being implemented and participation of tribesmen in the decision-making process was being encouraged. Members wished to know whether there were specific measures aimed at protecting the cultural identity of minorities living in a different province, and whether materials in the different languages were printed to ensure wide readership. They were interested in receiving information on development activities in Baluchistan and in the federally administered tribal areas.

242. Information was requested concerning the resettlement of some 200,000 to 300,000 Urdu-speaking Biharis who claimed to be Pakistanis and were still living in Bangladesh. Members also wished to know which issues were actually dealt with by the bodies concerned with problems of minorities and what criteria were used to determine whether a tribal area was to be administered federally or provincially. Members requested information concerning complaints of discrimination by adherents of a branch of Islam called Ahmadiyah who frequently sought refuge abroad.

243. Members of the Committee praised Pakistan's consistent record of opposition to the racist policies of South Africa and its active support for the people of southern Africa.

244. With reference to article 4 of the Convention, the Committee pointed out that there were still deficiencies in the implementation of the provisions of that article. The amendments made to two sections of the Penal Code of Pakistan did not fully meet the requirements of article 4 of the Convention. Section 153 A of the Penal Code limited the application of article 4 of the Convention to acts which disturbed public tranquillity or caused alarm. In that connection, members asked for additional information on how incitement to racial discrimination was punished.

245. With regard to article 5 of the Convention, members of the Committee wished to know whether trade unions existed in Pakistan and asked for detailed information



regarding the scope of their activities and the nature of their organization. They also requested further information about the reintroduction of press censorship in September 1984.

246. The Committee pointed out that the report of Pakistan did not contain information on articles 6 and 7 of the Convention. The gap had been filled to some extent by the representative of Pakistan in his introductory statement, especially with respect to the establishment of the office of ombudsman. However, questions that had arisen during the discussion of Pakistan's seventh periodic report had still not been answered. Information was requested on the efforts of the mass media to popularize the principles and objectives of the Convention. The Committee stressed the importance of receiving written information on the implementation of those two articles in the next periodic report.

247. In reply to questions raised by the members of the Committee regarding the transition from martial law to civilian representative government, the representative of Pakistan said that martial law would be lifted in phases and the 1973 Constitution could then become fully effective. On 2 March 1985, the President had announced amendments to the Constitution that would ensure a more equitable division of power between the President and the Prime Minister. The Prime Minister would then be responsible to the National Assembly. The powers of the federal and provincial legislatures would be enhanced to some extent.

248. Turning to observations made and questions posed regarding the implementation of article 2 of the Convention, he said that 3.2 billion rupees had been earmarked for economic development under the sixth five-year national development plan. In addition, between 2 and 3 billion rupees would be spent under the special programme for tribal areas covering a wide range of projects in various fields. Special attention was being given to public sector development in Baluchistan and a programme of 21 billion rupees had been proposed for the sixth plan period. The public sector investment programme was expected to bring about a visible change in living standards in the short run and sustained growth in the long run. With regard to the non-Bengalis in Bangladesh, he indicated that Pakistan's obligations under the 1973-1974 agreements with Bangladesh had been fully met. Pakistan had received the number of returnees agreed upon in addition to 28,000 hardship cases. Those who did not fall into any of the three agreed categories of returnees were citizens of Bangladesh and had been there for 35 years. He pointed out that minorities in Pakistan were religious, not ethnic. The Constitution guaranteed all rights to minorities, and, where necessary, they had been given special treatment. Pakistan did not rely solely on the prohibition of racial discrimination by the Islamic faith, but had taken legal, judicial and administrative steps to ban racial discrimination and to ensure equality of all citizens. It had also enacted legislation for the punishment of persons who practised such discrimination. All citizens of Pakistan had equal rights to participate in the country's decision-making process, as well as the right to protect their culture. The latest population census, taken in 1981, had not compiled data relating to ethnic groups. He was not aware of any case of racial or ethnic discrimination. The rights of the Ahmadiyah, a religious minority, were guaranteed by an act of Parliament enacted in 1974. There was no basis for the reported complaints of discrimination against the Ahmadis. In fact, as they had been declared a minority, the Ahmadis were entitled to special representation in the national and provincial assemblies against the reserved seats.

249. With regard to the implementation of the provisions of article 4 of the Convention, he said that the observations made by the Committee would be transmitted to his Government. Pakistan believed, however, that there was no need for additional legislation.

250. Regarding article 5 of the Convention, he indicated that censorship had been abolished in Pakistan. Trade unions in Pakistan functioned within the general guidelines of the International Labour Organisation.

251. As for the implementation of article 7 of the Convention, he had stated in his introduction that educational programmes in Pakistan stressed the concept of mutual understanding and universal brotherhood. In education, there was no distinction on the basis of caste, creed or religion. In addition, the media promoted the concept of equality of all citizens.

252. Finally, he assured the members of the Committee that their observations and questions would be conveyed to the relevant authorities, so long as they fell within the competence of the Committee.

### Madagascar

253. The eighth periodic report of Madagascar (CERD/C/118/Add.10) was considered by the Committee at its 713th and 714th meetings, on 13 and 14 March 1985 (CERD/C/SR.713 and SR.714).

254. The report was introduced by the representative of Madagascar, who referred to the long struggle of his country for emancipation. He said that differences of race and origin had been at the root of the social and economic exploitation by the foreign oppressors. Madagascar had become a party to the Convention in order to contribute to the establishment of a society in which equality of rights and duties would prevail both within the country and in its international relations.

255. The Committee thanked the Government of Madagascar for its comprehensive report, which complied with the Committee's general guidelines (CERD/C/70/Rev.1) and reflected Madagascar's readiness to co-operate with the Committee. It was aware that Madagascar was in the process of building a new socialist society and must be allowed sufficient time to reflect the provisions of the Convention in its national legislation. The Malagasy Constitution provided a solid basis for the implementation of the Convention and certain of its articles had been partially implemented through new legislation.

256. With respect to article 2 of the Convention, the Committee took note of the reference in the report to the Cultural Charter for Africa, under which it was obligatory for Madagascar to recognize the separate ethnic groups, and requested further information on that matter.

257. In relation to article 3 of the Convention, members of the Committee commended the Malagasy Government for its contribution to the struggle against the racist régime of South Africa and for its active support for the efforts of the people of South Africa to liberate themselves from the apartheid régime.

258. Regarding article 4 of the Convention, the Committee pointed out that the requirements of that article had not been adequately met and that the interpretation given in the report to article 4 of the Convention was too narrow.

The Committee drew the attention of the Malagasy Government to the previous remarks of the Committee to the effect that article 115 of the Penal Code fell short of the requirements of article 4 (a) and (b) of the Convention and that the final paragraph of article 115 contained a very broad exception to the principle being established. Members requested clarification on that exception and asked where and under what circumstances organizations which promoted and incited racial discrimination could be prohibited. It was also pointed out that the Malagasy Press Charter, and particularly its article 63, did not implement the requirements of article 4. The Committee would welcome information on any legislation contemplated to give full implementation to article 4 of the Convention.

259. Concerning article 5 of the Convention, members of the Committee wished to know which rights aliens would not enjoy in Madagascar. They asked what percentage of those elected belonged to minority groups, what percentage of public employees belonged to minority groups, what languages other than French and Malagasy were taught in elementary schools, what languages were used in the courts and whether interpretation was available if needed. They asked for clarification of the statement in the report that "no right or freedom may be invoked by a citizen who has not fulfilled his obligations to the community ...". They indicated that the Convention did not set conditions for the enjoyment of relevant rights and freedoms. Further information was requested concerning measures taken to provide poor citizens with legal assistance in order to defend their rights with the same chances as richer adversaries.

260. As far as article 6 of the Convention was concerned, members of the Committee asked whether the "release on bail" mentioned in the report was guaranteed for those without means, whether recourse to the Administrative Chamber of the Supreme Court and recourse to the Constitutional High Court were parallel procedures or whether one blocked the other and what the next step in administrative proceedings was once the Constitutional High Court had handed down its decision.

261. In connection with article 7 of the Convention, one member asked whether the statement in the report that "neither art nor culture develops outside politics" meant that all forms of art which did not serve political ends were prohibited in Madagascar.

262. Replying to comments made by members of the Committee with reference to the implementation of article 4 of the Convention, the representative of Madagascar said that article 63 of the Malagasy Press Charter should be interpreted in terms of the precept that anything not forbidden was permitted. Furthermore, the relevant provisions of the Malagasy Penal Code stipulated that no offence could be punished by a penalty that had not been listed in the legislation prior to the time the offence was committed. He read out article 64 (2) of the Malagasy Press Charter, which provided further examples of offences and penalties relating to racial discrimination. In addition, under Order No. 72-023 of 18 September 1972, no extenuating circumstances could be taken into account in cases involving offences under articles 63 and 64 of the Press Charter.

263. With regard to questions on the implementation of article 5, he drew the attention of the Committee to the relevant articles of the Malagasy Constitution which identified the obligations which citizens of Madagascar were expected to fulfil before they could enjoy fundamental rights, such as compulsory national service. Among the rights enjoyed by the poor were free legal assistance in the courts. He said that information on the rights of minorities could be provided in

his country's next report. The requirements referred to in the report with respect to foreigners included the possession of a visa when entering Madagascar, authorization to acquire property in the country and a work permit in order to be employed; that list, however, was not exhaustive. When foreigners were required to testify in courts, they were provided with the services of sworn interpreters.

264. In relation to questions raised regarding the implementation of article 6, he informed the Committee that the Constitutional High Court heard cases of unconstitutionality; recourse to that court blocked the procedure of any other tribunal until it handed down its verdict.

265. In connection with the question regarding Madagascar's cultural policy, he said that it was inspired by the principles of the Cultural Charter for Africa; it was in application of the provisions of that Charter that it was stated in the country's development plan for 1978-1980 that there was no neutral culture, nor art for art's sake. In Madagascar, artists were free to use their talents, to express their own ideas.

266. He informed the members of the Committee that all their observations would be transmitted to his Government.

### Greece

267. The seventh periodic report of Greece (CERD/C/107/Add.7) was considered by the Committee at its 714th and 715th meetings, on 14 March 1985 (CERD/C/SR.714 and SR.715).

268. The report was introduced by the representative of Greece, who informed the Committee that, during the period covered by the report, no cases of racial discrimination had been brought to the attention of the Greek authorities. The Greek Government remained determined to collaborate with the international community in opposing racism throughout the world. He then drew attention to relevant parts of the report.

269. The Committee complimented the Greek Government on its excellent report, which was not only clear but also well structured and provided a clear account of new legal developments concerning the implementation of the Convention. The periodicity of Greece's reports and the compliance with the Committee's general guidelines (CERD/C/70/Rev.1) were also indications of the Government's willingness to co-operate with the Committee.

270. With regard to article 2 of the Convention, the Committee pointed out that the demographic data requested had not been provided. It needed to be informed about any existing ethnic and national minorities. Members asked whether there were any groups of Albanians and Yugoslavs living in the country. They wished to know what the Government's policy was concerning persons of Greek origin living in Albania and whether there was any treaty safeguarding their status and giving them freedom to travel and be reunited with their families in Greece.

271. With regard to Muslims as an ethnic rather than a religious minority, the question whether the treaty of Lausanne applied to non-Turkish Muslims was reiterated. Clarifications were requested as to whether under article 85 of the Constitution ministers were held responsible for discriminatory acts or omissions committed by officials in their ministry. It was asked whether there were cases of

discrimination or incitement to hatred towards Turks, particularly at the lower administrative levels and how the Government dealt with such cases if they occurred. Members were interested to know what kind of linguistic and cultural education was available for any minorities which might exist. They asked whether interpretation was provided in Greek courts for persons who had no knowledge of Greek and had to appear before the court, particularly for persons belonging to ethnic or national minorities. The Committee stressed that the next periodic report should contain demographic data with regard to ethnic or national minorities and not only with regard to religion. Information on per capita incomes and the number of Greek workers who had emigrated in recent years would also enable the Committee to ascertain which parts of the population were lagging in the economic, social and cultural fields.

272. Where article 3 of the Convention was concerned, members of the Committee welcomed the Government's condemnation of apartheid. They noted that there was a large Greek community in South Africa and that the Government wished to proceed with caution. However, they wished to know the exact relations between Greece and South Africa, and requested information regarding the Government's latest position concerning Greece's policy towards South Africa.

273. In relation to article 4 of the Convention and freedom of association, the Committee observed that no association existed in law until its statutes had been approved by the President of the Court of First Instance in the locality of its headquarters. However, neither the Constitution nor Act No. 927/1979 expressly prohibited organizations which attempted to promote racial hatred and discrimination as required under article 4 of the Convention. It was quite conceivable, therefore, that the Court of First Instance might approve the statutes of associations which had such intentions. The Public Prosecutor's Office could take appropriate punitive measures, but only after unlawful acts had already been perpetrated. Moreover, the Public Prosecutor's Office was "empowered" but not "obliged" to do so. The Committee emphasized that provisions expressly prohibiting racist associations, in accordance with article 4 (b) of the Convention, should be enacted.

274. Members of the Committee asked whether an individual complaint was necessary in order to initiate a legal procedure, or whether the fact that an act of racial discrimination became known to the competent authorities would be sufficient for initiating such a procedure. Clarifications were sought as to whether the Prosecutor was obliged, when a personal complaint for a violation punishable by law was filed, to submit the case to the Correctional Court, or whether at his discretion he could dismiss the complaint on the grounds that it was too minor or misguided.

275. With reference to article 5 of the Convention, members of the Committee wished to know what was meant in the report by the statement that Greek nationality could be lost by acquisition of the nationality of another country "without the proper authorization". The Committee sought clarification about the distinction made between "known" and "secret" beliefs and what legal provisions applied to followers of those religions whose beliefs were described as "secret". Members of the Committee expressed a general interest in relations between the Churches and the State, mainly concerning public functions entrusted to Churches. With regard to the provisions regulating the right of association, members asked whether all private associations were under strict official control. The Committee would like to know whether associations of foreign workers in Greece had to have Greek

citizens on their board of directors and, in the case of an association comprised entirely of foreigners, whether the members of the board of directors would be appointed by the Government. It asked how the law affected minorities which met and formed associations for the preservation of their own culture. In relation to socio-economic rights, the Committee noted that the report described guarantees under a particular law for Egyptian seamen on Greek ships, and asked how the rights of other foreign seamen employed on ships flying the Greek flag were safeguarded.

276. As far as article 7 was concerned, the Committee noted with satisfaction the new curricula for higher educational institutions for the current academic year, which provided for a separate course on the international protection of human rights; it also noted that a considerable number of university theses had been prepared on the Convention and on apartheid. Members requested further information regarding the way in which education and training were used to increase awareness of the problems of minorities living in Greece and the role of the mass media in disseminating information on human rights instruments.

277. In reply to questions raised and comments made by members of the Committee in relation to article 2 of the Convention and demographic data, the representative of Greece stated that information had been provided in previous reports and there had been no important change since. The sole minority group in Greece was the Muslim community in western Thrace, and the Treaty of Lausanne was applicable to it. A large Greek minority which lived in Albania was recognized by the Albanian Government and was protected by guarantees under international conventions. The application of those instruments was discussed from time to time by the Greek and Albanian Governments. To supplement the information contained in the report, he said that all public officials bore responsibility for their actions in the discharge of their duties. Those who committed abuses could be brought before the courts.

278. As to questions raised in connection with the implementation of article 3 of the Convention, he said that relations between Greece and South Africa were minimal and were aimed solely at maintaining contact with the sizeable Greek community in South Africa. Greece had no commercial, cultural or sports ties with that régime.

279. In relation to the implementation of article 4, the representative of Greece assured the Committee that the preliminary check of associations by the judicial authorities was carried out solely to ascertain the legality of their objectives. In keeping with article 1, paragraph 2, of the Convention, the Civil Code imposed additional conditions on foreigners. The Public Prosecutor was required to institute proceedings against any association whose objectives or activities were contrary to the Convention. One applicable instrument was Act. No. 927. In the interest of public order, the authorities could demand the cessation of the offending activities, pending a final decision by the Public Prosecutor.

280. Answering questions raised in relation to article 5 of the Convention, he indicated that loss of Greek nationality was governed by proceedings before appropriate bodies and by the Convention on the Reduction of Statelessness. The phrase "known religions" was based on the belief that the State could not offer guarantees to any religion about which nothing was known owing to its secret nature. In general, ministers of religion were paid by the State. They were subject to State supervision only in administrative matters, not in spiritual matters. Since the introduction of civil marriage in Greece in 1982, ministers of religion were no longer the only people responsible for matters pertaining to marriages. With regard to seamen employed on ships flying the Greek flag, he

pointed out that collective labour conventions existed and that his Government was endeavouring to conclude bilateral agreements with other Governments concerned. Legal provisions provided that interpreters must be appointed if a party to court proceedings had no knowledge of Greek.

281. Lastly, the representative of Greece assured members that all their questions and comments would be conveyed to his Government for thorough consideration.

#### Iceland

282. The eighth periodic report of Iceland (CERD/C/118/Add.20) was considered by the Committee at its 715th meeting, on 14 March 1985 (CERD/C/SR.715).

283. The report was introduced by the representative of Iceland who reiterated his Government's support for the Convention and co-operation with the Committee.

284. The Committee pointed out that the report of Iceland, though brief, essentially complied with the Committee's general guidelines (CERD/C/70/Rev.1) and presented substantive information. Iceland was well known as a strong supporter of all efforts to eliminate racial discrimination throughout the world.

285. Members requested information about Iceland's implementation of article 3 of the Convention particularly with regard to apartheid. They asked whether the article of the Penal Code reproduced in the report was the only provision relating to article 4 of the Convention. In relation to article 6 of the Convention, they were surprised to learn that the post of ombudsman had been discontinued in the Ministry of Justice and requested further details regarding that matter.

286. In reply to the questions raised by members of the Committee, the representative of Iceland said that he would refer the questions about the implementation of articles 3 and 4 of the Convention to the relevant authorities. Regarding the questions about the suppression of the post of ombudsman in the Ministry of Justice, he informed the Committee that it had been felt that the size of the Icelandic Government did not justify a special post. The idea was still under consideration, and it would be for the Althing to take a decision.

#### United Kingdom of Great Britain and Northern Ireland

287. The eighth periodic report of the United Kingdom of Great Britain and Northern Ireland (CERD/C/118/Add.7) was considered by the Committee at its 716th and 717th meetings, held on 15 March 1985 (CERD/C/SR.716 and SR.717).

288. The report was introduced by the representative of the United Kingdom, who drew attention to relevant parts of the report and provided information on new developments which had taken place since it was compiled. The report contained Northern Ireland legislation applicable to forms of discrimination - particularly religious discrimination - which, unfortunately, existed there. In Great Britain, the Race Relations Act was the major piece of legislation on racial discrimination and the Commission for Racial Equality was continuing to fulfil its statutory duties with the Government's firm support. Several recent developments were relevant to the provisions of the Convention. As at 31 December 1984, there had been 680 ethnic minority police officers in England and Wales - almost double the number three years earlier - and ways of boosting ethnic minority recruitment continued to be sought. The offence of incitement to racial hatred had been

extended to include words broadcast in cable television programmes. The 1985 Police and Criminal Evidence Act, which amounted to a codification of police powers and of safeguards provided to prevent their abuse, met Lord Scarman's recommendation, following the disturbances in Brixton in 1981, that consultative arrangements between the police and the community should be placed on a statutory basis. That part of the Act had come into force at the beginning of 1985 and it was now the duty of police authorities to seek the views of the community on policing matters. The Act also contained a provision requiring racially discriminatory behaviour by police officers to be made a specific offence under the police disciplinary code. An experimental series of courses in racism-awareness training had been sponsored by the Government. Local authorities had also been encouraged by the Government to exercise their statutory responsibilities with regard to race relations. In conclusion, his Government recognized that, despite many developments in recent years, there was still much to be done to reduce racial disadvantage in the United Kingdom, but it was committed to taking action, in partnership with the ethnic minorities, to achieve that objective.

289. The Committee congratulated the Government on the high standard of its report, which continued the tradition followed by the United Kingdom of submitting frank and comprehensive reports in compliance with the Committee's general guidelines (CERD/C/70/Rev.1). The report showed a serious approach to the problem of racial discrimination and testified to the Government's determination to overcome racial problems in what had become a multiracial society.

290. On the question of Northern Ireland, the Committee took note of the reasons for not extending the Race Relations Act 1976 to that part of the territory. It pointed out, however, that, even if the problem that had led to violence was basically political and religious, it was complicated by problems of race relations. The scope of the relevant United Kingdom laws should therefore be extended to cover that part of the country. The Committee hoped that the British Government would give serious consideration to the Committee's position.

291. Members of the Committee asked whether all the people referred to in the report who had originated in the countries of the New Commonwealth and Pakistan had the status of foreigners or whether some were British citizens. In addition to the figures given in the report for persons of New Commonwealth and Pakistani origin, they were interested in receiving a breakdown of figures for the other ethnic groups of the population living in the United Kingdom, in particular how many were British citizens, British Dependent Territories citizens or British overseas citizens.

292. With reference to article 2 of the Convention, the Committee welcomed the Police and Criminal Evidence Act 1985 as a positive development and trusted that more information than in the past would be provided on disciplinary action taken against police officers in respect of acts of racial discrimination. Members requested information about the punishment that had been meted out to police officers for misconduct during the Brixton disorders in 1981. The Committee praised the programme for the recruitment and training of members of ethnic minorities as police officers and placed emphasis on the importance of increasing such recruitment. In that context, members of the Committee pointed out that minorities represented only 0.49 per cent of the police force, although they constituted 4 per cent of the population. It was asked whether the policies used in recruiting members of ethnic minorities for the police force also applied to the civil service.



293. Members of the Committee asked for detailed information on the income levels of the various groups in Northern Ireland and inquired whether Catholics had a lower income per capita than Protestants. They also wished to know the ratio of manual to professional workers among the various ethnic groups and proportions of college and university graduates by ethnic group. The Committee welcomed the efforts to monitor the social and economic position of ethnic minorities, since such monitoring was an important way of promoting equal opportunity, and hoped that future reports would describe the economic, social and cultural progress made by ethnic minorities. It was interested to know about the budgetary allocations to improve the education, housing and medical facilities of ethnic minorities. Members requested information on the participation of ethnic minorities in British representative institutions at both local and national levels and asked whether children of ethnic minorities had the opportunity to be educated in their own language. The Committee wished to know how the Government intended to solve the problem of public opinion in relation to racially discriminatory attitudes, especially in view of the high rate of unemployment. Members asked whether there were any poll findings about public attitudes to racial discrimination. The Committee considered that the Commission for Racial Equality had developed fruitful and original ideas aimed at solving racial discrimination problems. It asked, however, whether the Commission's methods and procedures were sufficiently effective, and whether all the recommendations of Lord Scarman's report had been fulfilled. Members wished to know whether the functions of the Commission for Racial Equality extended to education and whether it could make suggestions regarding curricula. The Committee was interested in receiving information on the findings of the Committee of Inquiry into the Education of Children from Ethnic Minority Groups which showed that ethnic minority children were not achieving their full educational potential.

294. In relation to article 3 of the Convention, members pointed out that no information had been provided in the report. They expressed concern, particularly in view of the many questions raised during consideration of the country's previous report. It was pointed out that while article 3 of the Convention referred to one particular form of racial discrimination as practised by a particular State in its territory, the preamble to the Convention underscored the necessity of speedily eliminating racial discrimination throughout the world. A State's foreign policy should normally be consistent with its domestic policy. Members requested information about the United Kingdom's relations with South Africa and asked whether the United Kingdom had any intention of altering its position, particularly in the light of Security Council resolution 560 (1985). The question why the United Kingdom had given aid to South Africa through the International Monetary Fund was reiterated.

295. In relation to article 4 of the Convention, the Committee welcomed the information that section 5 A of the Public Order Act 1936 was currently being reviewed. It would be interested to learn about the outcome of the review. The Committee also hoped that the Government would revise its position on freedom of speech and association in relation to article 4 of the Convention. The Committee did not agree with the British Government's view that legislation should only be enacted when a particular problem existed: that approach did not take sufficient account of the preventive role of legislation in the field. Moreover the provisions of article 4 of the Convention were mandatory. Members of the Committee asked whether section 5 A of the Public Order Act 1936 applied only to groups or to individuals as well. It was pointed out that under that section, legal proscription was confined to organizations avowedly dedicated to terrorism and the

violent overthrow of the State. In that connection, it was asked whether there were any legal provisions in the United Kingdom prohibiting organizations which sought to overthrow other States.

296. With reference to article 5 of the Convention, the Committee commended the Government for its adoption of the new British Nationality Act 1981, particularly the new provision allowing women as well as men to pass on citizenship to their children. Clarification was sought, however, on information indicating that passports of citizens born in Commonwealth Territories were being revoked. Concerning the revised immigration rules, the Committee wished to know more about the tests designed to prevent the use of marriage as a device to circumvent immigration control. It was asked whether the tests were given to all women regardless of their ethnic origin, or whether in practice they were applied only in certain cases. Members asked for clarification on cases of alleged abuse of basic human rights in that regard which had been brought before international courts. They were also interested to know how many illegal immigrants had been apprehended in past years. The Committee expressed the hope that more information would be provided in the next report on steps taken to overcome racial bias among immigration officials. Regarding refugees, members of the Committee asked to what extent the United Kingdom had been affected by the flow of refugees worldwide, whether refugees had been brought under any kind of quota system and whether there were any specific measures to help them.

297. In connection with article 6 of the Convention, members of the Committee were interested in receiving information concerning complaints which had been brought under the Parliamentary Commissioner Act (Northern Ireland) 1969 and the Commissioner for Complaints Act (Northern Ireland) 1969 and what redress had been made. They also wished to know whether immigrants who were subjected to discrimination had any specific means at their disposal for dealing with such discrimination.

298. Regarding Dependent Territories, the Committee pointed out that, though some positive developments had taken place in Bermuda during the period covered by the report, the information provided by the United Kingdom with regard to most other Territories was not satisfactory. The Committee would like to receive further details on the results of the study on racial attitudes carried out in Bermuda. It expressed the hope that the British Government would impress upon authorities in the Dependent Territories the need to comply more closely with the Convention.

299. It was asked whether any Argentine citizens were currently living in the Falkland Islands (Malvinas) and whether they had maintained all their rights and privileges. It was further asked whether the bodies of the 300 Argentine soldiers killed in the conflict with the United Kingdom had been released for repatriation and, if not, whether their families had been allowed to visit their graves.

300. Replying to the observations made by members of the Committee on the subject of Northern Ireland and the non-application of the Race Relations Act 1976 to that part of the territory, the representative of the United Kingdom said that he would transmit the Committee's continuing concern on the matter to his Government. He pointed out, however, that article 2, paragraph 1 (d), of the Convention required States parties to act by all appropriate means, "including legislation as required by circumstances".

301. Regarding the composition, status and citizenship of the 2.2 million members of ethnic minorities in the United Kingdom, he indicated that they were mainly from India, Pakistan, Bangladesh and the West Indies. British nationality was a matter of individual choice and did not affect rights, even voting rights, if the people concerned were legally settled in the United Kingdom. Figures on citizenship of those minorities would be included in the next report.

302. With regard to questions raised and comments made in connection with the implementation of article 2 of the Convention, he pointed out that, though the number of ethnic minority police officers had virtually doubled over a period of three years, there was no reason for complacency. Research into the behaviour of the London police had shown that racially discriminatory attitudes had not affected the behavior of the police except on rare occasions. Against that background, the Government had decided to introduce the specific offence of racially discriminatory behaviour. Emphasis was also being placed on training with a view to influencing the attitudes and behaviour of the police. Training had also been started for the staff of the Immigration Service, and a study was under way on how the Prisons Department could also carry out such training. Consultations between the police and the local communities which they served was now required by law. By mid-1988 a survey of the entire civil service would be carried out in order to find out the proportion of ethnic minority recruitment. The first results of a survey carried out in north-west England and the Avon district showed that 0.9 per cent of the persons surveyed (77 per cent of those questioned had replied) had identified themselves as belonging to an ethnic minority. The Government was determined to take steps to improve the percentage share of ethnic minorities in the civil service.

303. The Committee of Inquiry into the Education of Children from Ethnic Minority Groups had published its report on 14 March 1985, when the Secretary of State for Education had informed the House of Commons that the Government had accepted the Committee's findings. The Government was determined to improve the performance not only of ethnic minority children, but also of white children from the majority of the population. It proposed to remove obstacles to advancement, notably by promoting the teaching of English as a second language. Moreover, it wanted schools to preserve and transmit national values in a way which would ensure respect for the United Kingdom's ethnic diversity and promote tolerance and racial harmony.

304. Regarding the number of ethnic minority individuals represented in the country's main institutions, the representative of the United Kingdom said that, though no comprehensive data was available, the number of local government councillors from ethnic minorities was increasing rapidly; all major political parties had put up candidates from ethnic minorities for election to the House of Commons although none had been elected.

305. Information on the social and economic conditions of ethnic minorities would be included in the next report. He indicated that in 1979, £39 million had been spent on the salaries of local authority employees whose task was to meet the special needs of ethnic minority groups; in 1985-1986 that amount was expected to increase to £85 million. The Commission for Racial Equality had carried out a review of the Race Relations Act and would submit formal proposals to the Home Secretary within the next few months for amendments to that Act.

306. With reference to article 3 of the Convention, he said that the reason for not including material on the implementation of that article had been that policies of racial discrimination or apartheid did not exist in the United Kingdom or in any of its Dependent Territories. His Government's interpretation of article 3 remained unchanged.

307. As to the questions and observations made regarding the implementation of article 4, he indicated that incitement to hatred against an individual belonging to a racial group as well as hatred against the racial group itself would be an offence in so far as it would constitute a breach of peace, although not under section 5 A of the Public Order Act 1936. He was of the opinion that incitement to hatred against groups outside the United Kingdom would fall under section 5 A in so far as the act took place within the jurisdiction of the courts of the United Kingdom.

308. As to immigration rules, the tests applied with regard to a husband or fiancée were merely intended to satisfy the requirement that the primary purpose of marriage was not immigration to the United Kingdom. They were applied in an interview at the point of entry and presented no obstacle to a genuine marriage.

309. He said that from time to time there had been special programmes for the reception of particular groups of refugees, most recently for some 1,800 Vietnamese refugees and earlier for a smaller number from Latin America. Such special programmes involved stays at reception centres, intensive training in the English language, the teaching of skills in some cases, and assistance in finding housing. Those groups continued to receive assistance from the Government through special assistance to refugee organizations.

310. All aspects of the United Kingdom's policy towards the Dependent Territories were regularly reported to the Special Committee of 24, in accordance with the United Kingdom's position as an administering Power under Article 73 e of the Charter. All Dependent Territories in the Caribbean had been visited by the United Nations visiting missions, which had submitted lengthy reports. In none of those reports had there been any evidence of the existence of racial discrimination.

311. The question of the activities of foreign economic and other interests had been discussed in detail in the Special Committee of 24. That was the proper forum for those matters. Private investment had contributed to the development of the Dependent Territories. For example, thanks in large measure to private investment, the economy of Bermuda was currently close to the \$1 billion level; the Territory had a sound economic infrastructure, and valuable training had been provided to the local population. The issue of racial discrimination had not arisen.

312. Information relating to the Falkland Islands (Malvinas) had been received too late for inclusion in the report. Legislation regarding racial discrimination in the Falkland Islands (Malvinas) did not exist but all persons in the Islands were equal under the law. The new draft Constitution, which would be promulgated later in 1985, contained a section relating to the protection of human rights. The policy of the United Kingdom on the issue of the Argentine war continued to be that it was ready to facilitate the repatriation of the remains of the war dead or visits by bona fide next-of-kin under the auspices of the International Committee of the Red Cross. A message to that effect had been conveyed to the Government of Argentina in August 1983, and the United Kingdom was still awaiting a reply. The offer had been repeated by Mr. John Cheke, an elected member of the Falkland Islands Committee, on 30 October 1984. In reply to a further point raised, he said

that he had no information regarding foreign nationals in the Falkland Islands (Malvinas). The question of the Falkland Islands (Malvinas) was, however, essentially unrelated to the work of the Committee on the Elimination of Racial Discrimination.

#### Czechoslovakia

313. The eighth periodic report of Czechoslovakia (CERD/C/118/Add.18) was considered by the Committee at its 717th meeting, on 15 March 1985 (CERD/C/SR.717).

314. The report was introduced by the representative of the reporting State, who indicated that the population of Czechoslovakia was 15,395,000, of whom 63.8 per cent were Czech, 31 per cent Slovak, 0.3 per cent Ukrainian, 0.4 per cent Polish, 3.8 per cent Hungarian and 0.4 per cent German. His country's policy with respect to racial discrimination was based on article 20 of its Constitution. In connection with the fortieth anniversary of the victory over nazism, he said that Czechoslovakia was greatly concerned over the resurgence of racism, in particular apartheid. Recent developments showed that South Africa was actively seeking to perpetuate that inhuman policy. His country had no relations with South Africa, abided by all the United Nations decisions relating to apartheid and supported the national liberation movements and the victims of apartheid.

315. The Committee welcomed the informative nature of the Czechoslovak report which conformed to the Committee's general guidelines (CERD/C/70/Rev.1) and answered questions raised during the consideration of Czechoslovakia's seventh periodic report. The Committee also welcomed the additional information presented by the representative of the reporting State. In connection with the demographic data, the Committee pointed out that such information should be included in future reports.

316. With regard to article 2 of the Convention, the Committee welcomed the abundance of information concerning the situation of Gypsies and the progress made in improving employment and education for the Gypsy minority. With regard to employment, members of the Committee noted that 71 per cent of Gypsies of working age were employed. They observed, however, that during the period 1975-1979 the number of Gypsies receiving a secondary education had declined from 1.9 to 1.4 per cent of the total Gypsy population. They also noted that during consideration of the seventh periodic report of Czechoslovakia, the Gypsy population had been estimated at 303,000 whereas the figure given in the present report was 300,000. They asked for an explanation of that decrease. They were interested in receiving the most recent figures showing the school enrolment of Gypsies, as well as the number of children of the various national minorities using their language at school. Members wished to receive additional information regarding the housing policy towards Gypsies. They noted that the report contained no information on the number of apartments allocated to Gypsies. In that connection, they reiterated the question already raised during discussion of the previous report as to why an association of Gypsies had been banned and whether Public Law 74, which imposed a severe penalty on individuals refusing to accept flats assigned to them, was still in force. The Committee was also interested to know how the cultural identity of the Gypsies was being preserved, what aspects of their culture were protected and whether any special legislation had been enacted for that purpose. Members asked how the Gypsies were represented in local, regional and national committees and commissions as well as in management and decision-making bodies at the grass-roots level. They inquired how the economic

development of the country had affected life expectancy and the infant mortality rate among the Gypsy population.

317. Members of the Committee asked for further information regarding the rights of other minorities. In relation to the German minority, clarification was requested regarding the figure of 2,000 schoolchildren out of a population of 60,000 citizens of German origin. Members also wished to know what the current situation was concerning foreign workers.

318. Where article 3 of the Convention was concerned, members of the Committee took note of the uncompromising opposition of Czechoslovakia to apartheid and expressed the hope that the valuable information provided by the representative of Czechoslovakia concerning the implementation of that article would be included in future reports, given the importance the Committee attached to the implementation of article 3 of the Convention.

319. In connection with article 4 of the Convention, members of the Committee requested that the full text of the relevant provisions of law implementing that article be included in the next report. They urged the Government to give due consideration to the fact that the dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, insult and injury directed against an individual and discrimination by public authorities were not declared offences punishable by law, as required by article 4 of the Convention. The information provided in the report relating to sections 260 and 98 of the Czechoslovak Penal Code was not adequate, since it indicated what action should be taken to punish the offence of subversion of the Republic, but did not specify how insults or injuries against individuals or incitement to racial discrimination should be dealt with.

320. Regarding article 5 of the Convention, information was requested, particularly in relation to the right to freedom of movement and residence, the right to leave and return to one's country and the right to freedom of thought, conscience and religion. In that connection it was asked whether new churches could be opened in Czechoslovakia.

321. The Committee observed that, as had been the case with previous reports, no information was provided with regard to the implementation of article 6 of the Convention. The Committee stressed the importance of receiving such information and pointed out that article 6 contained essential provisions for the protection of victims of racial discrimination.

322. The Committee congratulated the Government of Czechoslovakia on its efforts to inculcate the importance of co-operation among States and of the promotion of friendly relations among different peoples in its educational process, pursuant to article 7 of the Convention. Members wished to receive further information on the use of the mass media to combat racial discrimination and disseminate information on human rights.

323. Replying to the questions raised during the consideration of the report, the representative of Czechoslovakia said that all the remarks, comments and questions of members of the Committee would be transmitted to the relevant authorities. Where necessary, replies would be included in the next periodic report.

324. With regard to minorities, Act No. 144 of 1968 provided for full equal rights of all nationalities under Czechoslovak law. Their right to develop their cultural identities was fully guaranteed by State authorities. In the 1980/81 school year, there had been 392,188 students in official secondary schools. That figure included 245,031 Czechs, 130,508 Slovaks, 1,116 Ukrainians, 13,637 Hungarians, 931 Poles and 614 Germans. In the grammar schools, there had been 145,249 students, including 90,319 Czechs, 48,290 Slovaks, 625 Ukrainians, 616 Poles, 5,174 Hungarians and 138 Germans. In institutions of higher learning, there had been 147,862 students, including 89,470 Czechs, 53,867 Slovaks, 3,109 Hungarians, 688 Ukrainians, 516 Poles and 95 Germans. With regard to the participation of minorities in the Federal Assembly and the National Committees, there had been no substantial change. The next report would provide the necessary information.

325. The process of integration in all spheres of life continued, especially in the fields of education, culture and housing. In 1948 only 7 per cent of Czechoslovak industry had been located in backward areas; as a result of the building of socialist Czechoslovakia, 30 per cent of national industry was currently located in those areas.

326. There were 32,764 foreign workers in 1982 and 39,538 in 1983. The last figure included workers mainly from Viet Nam, Poland and Cuba and a small number from Mongolia, Bulgaria, Hungary and Cyprus.

327. With respect to the Gypsies he remarked that their participation in the Czech and Slovak Councils as well as in the Federal Assembly was increasing. Information on the apparent decline in the Gypsy population, their life expectancy and infant mortality rates would be provided in the next report. Their cultural traditions were in no way weakened by integration measures and every effort was being made by the National Committee to preserve them.

328. In relation to the implementation of article 3 of the Convention, he emphasized the need to combine the ideals of the struggle against racial discrimination with those of the struggle to achieve peace, stop the arms race and avoid nuclear catastrophe. Apartheid endangered international peace and security.

329. With regard to Czechoslovak legislation for the implementation of article 4 of the Convention, he said that section 98 of the Czechoslovak Penal Code fully met the requirements for the banning of any organization promoting racist ideology. In addition, there was a 1951 law prohibiting non-governmental organizations from promoting ideas of racial superiority or racial segregation.

330. As stated in the fourth and fifth periodic reports, sections 140, 196, 198, 221, 260 and 261 of the Penal Code fully covered all the provisions of article 4. He would strongly recommend to the relevant authorities that the next report should provide the full text of the relevant parts of the Penal Code.

331. In connection with the implementation of article 6 of the Convention, he wished to draw attention to the seventh periodic report, which included the measures taken in penal justice and in the protection of civil rights. In addition, Act. No. 150 of 1958 enabled all citizens to appeal to any State organ. The relevant authorities were obliged to reply to such appeals and to take measures to redress any wrongs.

332. Information against racial discrimination was disseminated by the mass media throughout the school system and in all cultural institutions.

### Morocco

333. The seventh periodic report of Morocco (CERD/C/117/Add.1) was considered by the Committee at its 718th meeting, on 18 March 1985 (CERD/C/SR.718).

334. The report was introduced by the representative of Morocco, who drew attention to relevant parts of the document and informed the Committee of the recent visit of the King of Morocco to the Saharan provinces and the special session of the parliament held in those provinces. He expressed his Government's determination to join in the struggle to eliminate racial discrimination and especially apartheid.

335. The Committee commended the Moroccan Government for an excellent report, which provided much information not previously available and described a number of enlightened policies.

336. Members of the Committee asked whether, since its independence, Morocco had undertaken a review of national and local legislation in accordance with article 2, paragraph 1 (c), of the Convention.

337. With reference to article 2, paragraph 2, of the Convention, the Committee requested that demographic data on ethnic minorities be provided in the next report. The Committee wished to have more details on the social and economic situation of the various ethnic groups in Morocco, particularly nomads and Jews, and the measures taken to protect their rights. Within that context, members asked whether there was a land distribution programme in the country, and whether any incentives had been given to the nomads to lead a sedentary life, a change which could improve their socio-economic condition. Members were interested to know whether nomads had the right to be listed in electoral rolls, or whether only persons domiciled in a community had that right, and whether there was a special electoral roll for nomads. They also wished to receive information on measures taken by the Government to improve schooling for ethnic minorities, particularly the nomads.

338. The Committee would appreciate receiving information on specific anti-apartheid activities and on whether Morocco maintained any diplomatic military, economic or trade relations with South Africa.

339. In relation to article 4 of the Convention, the Committee pointed out that no country, regardless of its system, was immune from racial discrimination. Under the Convention, it was mandatory to enact legislation even in situations where no actual racial discrimination existed. The Committee emphasized that the provisions of the Moroccan Criminal Code as applicable to article 4 were too narrow in scope. Article 201 of the Moroccan Criminal Code did not cover the specific acts referred to in article 4 (a) of the Convention. Similarly, the Dahir governing the right of association was inadequate for the purposes of article 4 (b), since declaration of nullity of any association established to further an objective which was illegal begged the question of which law made it illegal. Moreover, quite apart from its nullity, what article 4 (b) required was its prohibition and penalization. The Committee asked the Moroccan Government to give renewed consideration to the Committee's position on the legislative implementation of article 4.



340. In connection with article 6 of the Convention, the Committee was interested to know what recourse procedures were available under the Moroccan legal system and whether the Supreme Court could also rule on appeals against decisions by administrative departments on the grounds that they had not observed the letter of the law. Members requested an explanation regarding the statement that the Supreme Court had the power to take over a case on grounds of reasonable suspicion or public interest. Noting that judges were elected for a period of three years, members pointed out that that seemed to be too short in the context of the principle of judicial independence.

341. In relation to article 7 of the Convention, the Committee noted that efforts to foster cultural relations between African and Arab societies were exemplary. Members asked whether any action had been taken to promote understanding between Morocco and the third world countries in Asia and Latin America.

342. In reply to questions raised during consideration of the report, the representative of Morocco said that his Government would give due consideration to the views expressed by members of the Committee and answer the questions raised by them in its next report.

343. With regard to article 2, paragraph 1, of the Convention, he indicated that, while many texts enacted during the protectorate remained unchanged, others had been supplemented or modified by Moroccan legislative bodies since independence or were currently being revised.

344. In connection with minority groups, he said that the 1983 census indicated that there were roughly 20.5 million people in Morocco; unfortunately, that figure had not been broken down by ethnic group. Even if certain groups within the population, such as Jews and Saharans, had particular characteristics, relations among all groups were so close and the symbiosis among them so perfect that all parts of Moroccan society identified with the whole. The Government's efforts to provide housing, health facilities and schools in the Saharan provinces had enabled the nomads to adopt a sedentary existence which in turn allowed them to exercise their rights to elect representatives to the Moroccan parliament. With regard to the recovery of farm land, he informed the Committee that the Government had allocated land to local farmers, encouraged them to form co-operatives to ensure the economic viability of their production and had made credit available for the purchase of equipment. Concerning the Saharan provinces, he stated that the Government's plan was to develop their infrastructure to help the inhabitants reach the same level of development as the inhabitants of the northern provinces. In September 1984 nation-wide parliamentary elections had been held in Morocco, including the Saharan provinces. All eligible voters had had an opportunity to participate.

345. Morocco's position with regard to the international community's struggle against racial discrimination and apartheid was unwavering. His country maintained no relations of any kind with South Africa. Morocco had always supported the struggle of the Namibian people and had provided assistance to authentic national liberation movements.

346. Referring to article 4 of the Convention, he said that acts of racial discrimination did not exist in Morocco. In accordance with the precepts of Islam and Moroccan tradition, racial discrimination was considered an abhorrent practice. Consequently, there was no need to enact special legislation to punish such acts in his country. General references in Moroccan legislation to "public

order" and "morality" were so flexible that they could adequately be applied to any acts with discriminatory intent that might occur. The notion of public order in Moroccan law could be viewed in terms of the principle of jus cogens in international law; the violation of any law intended to uphold it was punishable, even if the particular violation was not specified in Moroccan legislation. He would draw his Government's attention to the emphasis the Committee placed on the need to pay special attention to the implementation of article 4 of the Convention.

347. Regarding article 6 of the Convention, the representative of Morocco drew attention to two forms of recourse, namely an out-of-court appeal to the person responsible for the decision or, if that procedure proved unsatisfactory, an appeal to a higher administrative authority. In addition, he explained that, if the Supreme Court believed the judge in a particular case to be guilty of partiality, it could reassign the case to another court of the same instance or of a different instance.

348. Since independence, Morocco had made an effort to establish co-operation with a diverse range of countries. The fact that most of those countries were in Europe, Africa and the Arab world was largely due to historical and geographical factors. However, Morocco maintained important relations with Asian and Latin American countries as well.

#### Afghanistan

349. The initial report of Afghanistan (CERD/C/111/Add.3) was considered by the Committee at its 718th and 719th meetings, on 18 March 1985 (CERD/C/SR.718 and SR.719).

350. The report was introduced by the representative of Afghanistan, who informed the Committee of the basic objectives of his Government in the political, economic and social spheres. He pointed out that over 350 new laws had been promulgated since 1978 to give effect to those objectives.

351. Some members of the Committee pointed out that Afghanistan's initial report as such was welcomed, since it opened a dialogue between the reporting State and the Committee. They regretted, however, that the report failed to comply with the Committee's general guidelines (CERD/C/70/Rev.1), did not deal with the articles of the Convention sequentially and lacked information regarding most of the articles of the Convention. Other members pointed out that the reality in Afghanistan was in glaring contrast to the idyllic picture depicted in the report. Seven years after the April 1978 Revolution, people were still fighting against it and 4 million Afghan refugees had fled to neighbouring countries. They stressed that the reporting State had the right to draw the Committee's attention to any factors and difficulties which it felt were impeding the implementation of the Convention, whether as a result of internal or external forces, or as a result of the intervention of other States. Members expressed the hope that the next report would follow the Committee's guidelines and provide more detailed information.

352. Members noted that a series of measures had been adopted or were about to be adopted to implement the provisions of the Convention. It was pointed out that the establishment of a new legal system in a new State was a long process, and that the adoption of over 350 legal instruments showed how far that process had gone in Afghanistan despite the obvious difficulties. A number of those instruments reflected the ideas and principles of the Convention. The Fundamental Principles

had served as the basis of the Government's approach to the implementation of the Convention. However, the reference to an interim constitution indicated that Afghanistan had not yet returned to normal conditions and was in an interim stage of radical change. The concept of racial discrimination as defined in the Convention might be taken into account when the final constitution was drafted. Members stated that until the full text of the Fundamental Principles was available to the Committee, it would be impossible to say whether the rights set forth in the Convention were in fact guaranteed. They were also interested in receiving the texts of the decrees designed to nullify the discriminatory provisions contained in pre-revolutionary public service law, as well as further information on over 350 legal instruments relevant to the Convention adopted since the Revolution.

353. The Committee requested that information on the ethnic and linguistic composition of the population be provided in Afghanistan's second periodic report.

354. In relation to article 2 of the Convention, the statement in paragraph 10 of the report that racial discrimination no longer existed in Afghanistan was welcomed. It was, however, asked how such discrimination, which had existed before the Revolution, had been eradicated, since it was not possible to eliminate discrimination by fiat alone. It was noted that the National Fatherland Front ensured full and equal participation of Afghan nationals in State affairs, and further information was requested on who could become a member of the Front, whether it was affiliated with other organizations and how it functioned.

355. With regard to article 3 of the Convention, members of the Committee commended the Afghan Government on its inclusion of a clause in the Fundamental Principles which supported the struggle against racial discrimination and apartheid. More detailed information, however, was needed with regard to Afghanistan's implementation of article 3.

356. In connection with article 4 of the Convention, members of the Committee asked how the problem of racial discrimination, which had existed before the Revolution, had been dealt with. They indicated that the provisions of that article were not adequately met since they required certain behaviour to be legislatively penalized.

357. Regarding article 5 of the Convention, members of the Committee noted that all Afghan nationals were equal before the law and asked for clarification as to whether non-nationals residing in Afghanistan were also considered to be equal before the law. They requested further information concerning article 7 of the Fundamental Principles which guaranteed equality among all Afghan nationals in different aspects of life. They wished to know how land reform had benefited the poorer groups and how the gap between agricultural and nomadic populations had been bridged. They pointed out that the reforms needed to be spelt out in so far as they related to the various ethnic groups so that the Committee could assess how, in actual practice, the full and equal enjoyment of human rights was guaranteed to all social groups. In that context, members requested data on income levels, trade-union activities, employment and public health for the various ethnic groups of Afghanistan. Members also wished to know more about steps taken to ensure that the children of the nomadic population had access to education and literacy programmes. The Committee also needed information relating to the implementation of the right to freedom of opinion and expression and the right to freedom of peaceful assembly and association.

358. Several members of the Committee sought clarification regarding the human rights situation in Afghanistan since the Revolution of 1978 and the foreign intervention of December 1979. They expressed their profound concern over the statement in the report on the situation of human rights in Afghanistan, prepared by the Special Rapporteur of the Commission on Human Rights (E/CN.4/1985/21), that massive violations of human rights, including torture, bombing and crop destruction, were taking place in the context of the continuing armed conflict in Afghanistan. They regretted that the Afghan authorities had not permitted the Special Rapporteur to visit the country. The view was also expressed that in accordance with international law, a State had a right to assist a neighbouring State in countering aggression in its territory.

359. Members noted that there were more than 4 million refugees from Afghanistan in Pakistan and the Islamic Republic of Iran and asked whether conditions were being created for those refugees to return home in honour and safety. They expressed the hope that the Government would do its utmost to implement article 5 of the Convention and to humanize the armed conflict while efforts to find a political solution continued.

360. As far as article 6 of the Convention was concerned, the Committee was interested in receiving information about the Civil Code, recourse procedures and reparation for acts of racial discrimination, as well as when the organization of the courts would be implemented. Members noted that the right of persons to defend themselves in court in their mother tongue was guaranteed by the law and asked what provisions were made for providing interpretation.

361. The Committee requested that the next report of Afghanistan should contain detailed information on article 7 of the Convention.

362. Replying to the members of the Committee, the representative of Afghanistan assured them that all the questions raised and concerns expressed would be faithfully transmitted to his Government and that his country would endeavour to follow the Committee's guidelines in its next periodic report and would provide detailed information on measures to implement articles 2, 4, 5, 6 and 7 of the Convention. There were difficulties in implementing the Convention due to a wide variety of factors relating, for example, to tradition and illiteracy, but there were also outside obstacles as a result of the activities of counter-revolutionaries supported from abroad, who were trying to sabotage the reforms being carried out. Some of the questions asked during the consideration of Afghanistan's report, such as the one regarding the continuing conflict in Afghanistan, were in no way relevant to the work of the Committee.

363. There were certain problems in establishing the breakdown of the population by ethnic group, since no proper census had been taken. That, however, was one of the major tasks facing the Government under its national development plans, and every effort would be made to provide the statistics in the next report.

364. Regarding the question about the functions and composition of the National Fatherland Front, he read out the names of the founding members and an excerpt from the statute of the National Fatherland Front, which emphasized the determination of the Front to consolidate the unity of the country in a manner ensuring the equality of rights of all nationalities, without discrimination. He indicated that many of the 350 laws passed since the April Revolution related to racial discrimination.

365. In connection with his country's position vis-à-vis South Africa, he said that his Government strongly condemned the abhorrent apartheid régime and participated in the world-wide struggle against it. Afghanistan maintained no relations whatsoever with the racist authorities of South Africa.

366. As to Afghanistan's obligations under article 4 of the Convention, he informed the Committee that his Government had begun an intensive campaign to educate all the people about the dangers of discrimination, which was categorically prohibited by the decree of May 1978. Subsequent laws would provide detailed provisions in that regard. There was no organization established in Afghanistan on the basis of ethnicity or race. While it was true that discrimination continued to some extent at the local level, the Government was endeavouring to put an end to all acts of discrimination committed by individuals or government officials.

367. He informed the Committee that detailed information on the rights enumerated in article 5 of the Convention was contained in the report submitted by his Government with regard to the implementation of the International Covenant on Civil and Political Rights (CCPR/C/31/Add.1). Future reports to the Committee would provide more details on the matter. Everyone in Afghanistan was guaranteed the right to vote and to stand for election. The absence of a reference to foreigners could be attributed to the fact that there were not very many of them in his country. Foreign tourists and businessmen were protected by a special provision attached to passport and visa regulations. The authorities might consider promulgating legislation governing such persons once their numbers increased. In relation to the adoption of the Labour Law, he said that the texts of proposed legislation were drawn up by experts after they had studied the laws of Afghanistan and other countries with similar social systems. The texts were then published in the papers and comments were submitted to the National Revolutionary Council, which produced the final draft in the light of the comments received. The Law of the Organization and Authorities of the Courts had been in existence since 4 April 1981. Several problems had been encountered in the process of land reform because of deep-rooted tribal customs. However, the Government was convinced that unless it implemented democratic land reform, it would not achieve the establishment of a just society. Such reform would not be achieved by force, but rather through education programmes and by making the people part of the process. It was true that the nomads of Afghanistan were the largest such population in the world, totalling some 2.2 million. There were tremendous difficulties in carrying out democratic reforms to assist them. The authorities had created mobile schools where instruction was provided by the nomads themselves. Health facilities had also been provided for them through mobile clinics. The Government was aware of the difficulties of nomadic life and encouraged the nomads to acquire land and settle down. However, age-old traditions made it hard for some of them to accept change. Regarding the cultural rights of ethnic groups, he said that there were radio and television programmes aimed at ensuring the preservation of all cultures. The measures taken in that regard would be extended to all minorities and all languages. However, illiteracy made that a difficult undertaking.

368. Members of the Committee had indicated that there were more than 4 million Afghan refugees in Pakistan and the Islamic Republic of Iran, and had commented on their right to return to their own country. That inflated figure could be attributed to various factors: it was difficult to distinguish between Afghan refugees and Pashto tribes living in Pakistan, refugee camp leaders fraudulently inflated the number of refugees in order to receive additional aid, refugees were registered more than once, members of the local population were registered as

refugees and large numbers of Afghan nomads who travelled seasonally to Pakistan had been forced to register as refugees. On 18 June 1981, the Afghan Government had issued a declaration of amnesty, which had been accepted by the National Fatherland Front and other organizations, as well as by the Government of Pakistan. The declaration granted full amnesty to all Afghan nationals living abroad. Even before then, in January and May 1980, the Afghan Government had offered amnesty to refugees in Pakistan and had called on other countries to facilitate their return. Refugees who did not wish to return would be covered by bilateral arrangements.

369. In relation to the implementation of article 6 of the Convention, the representative of Afghanistan pointed out that no legislation had yet been adopted regarding reparation for damages caused by violations of the rights set forth in the Convention. There were bodies to which violations of the Convention could be reported, the main such body being the National Fatherland Front. The courts could also receive complaints of violations of the Convention. Every facility was made available to the defendant including the use of translators and interpreters, to follow the proceedings of the court.

370. Several members had raised a number of points which were unrelated to the work of the Committee; they had referred to the report on the situation of human rights in Afghanistan (E/CN.4/1985/21), a document which was not officially before the Committee for consideration. Since the Afghan Government had strong doubts about the credibility of the Special Rapporteur who had prepared that document, he did not intend to respond to the comments regarding it. Nor did he wish to enter into a polemical discussion concerning the reference to the "foreign intervention of December 1979". He had hoped that discussions of Afghanistan's reports would be void of politically-charged questions that hampered the smooth functioning of the Committee.

### Nigeria

371. The eighth periodic report of Nigeria (CERD/C/118/Add.14) was considered by the Committee at its 720th meeting, on 19 March 1985 (CERD/C/SR.720). The report was introduced by the representative of Nigeria, who presented additional information, subsequently issued in an addendum to the report (CERD/C/118/Add.26).

372. Members of the Committee commended the Nigerian Government for its report. They pointed out that the addendum presented by the representative of Nigeria testified to the seriousness with which the Government had approached the dialogue with the Committee. The addendum conformed to the Committee's general guidelines (CERD/C/70/Rev.1) and furnished up-to-date information with regard to the new Government. It was encouraging to learn that the essential provisions of the Constitution and the national legislation had been kept intact, so that the Convention continued to be implemented.

373. The Committee pointed out that though Nigeria was the most populous country in Africa, with a long history and great religious and cultural diversity, no information had been provided on demographic trends. The next report should contain full information on the ethnic composition of the population.

374. In relation to article 2 of the Convention, members of the Committee asked whether the new Government had reviewed the country's policies and legislation for any possible conflicts with the Convention, as required by article 2, paragraph 1 (c). They wished to know how the Nigerian Government interpreted

article 23, paragraph 2, of the Convention, which could sometimes warrant granting special privileges temporarily under the law, to disadvantaged groups in order to ensure their adequate development. In that connection, information was requested concerning the differences in the living standards of the various ethnic groups, particularly with regard to health services and housing. Members of the Committee welcomed the Government's liberal policy towards religious sects, which would contribute to better relations among ethnic groups, because of the interrelationship between the latter and the religious groups. Regarding the allocation of funds to the states, members wished to know more about the government's revenue-raising operations and to what extent states were required to raise their own resources. They were also interested in knowing how the new Government would respond to any request for the creation of a new state emanating from specific groups or regions which wanted greater participation in their own affairs.

375. Members of the Committee praised Nigeria for its exemplary opposition to apartheid and its vanguard role in the struggle against that policy. They wished to continue to receive information on action being taken by Nigeria in its implementation of article 3 of the Convention.

376. The Committee indicated that the implementation of article 4 of the Convention had been discussed in connection with previous reports. On those occasions the Committee had pointed out that, for full compliance with article 4, explicit sanctions were required to reinforce relevant sanctions of the Nigerian Criminal Code. The Committee reiterated its opinion that the relevant provisions of the Criminal Code of Nigeria did not fully meet the requirements of article 4 of the Convention. The definition of seditious intention given in the report referred only to hostility between classes. Members of the Committee asked whether any provision of the Nigerian Criminal Code applied specifically to racial or ethnic hostility. Furthermore, they observed that the Criminal Code did not seem to prohibit organizations which promoted and incited racial discrimination, as was required under article 4 (b) of the Convention.

377. In relation to article 5 of the Convention, the Committee noted that, notwithstanding the military take-over, the report indicated that human rights had been safeguarded. The Committee inquired whether the rights provided for under article 5 of the Convention had been modified by Constitution (Suspension and Modification) Decree No. 1 of 1984. Members sought clarification of current policy on the right to form political parties. They wished to know whether trade unions were associated with political parties and whether section 37 of the 1979 Constitution permitted trade unions to form a political party. The Committee asked whether measures had been passed to establish legal equality in situations where there were incongruities in economic and social patterns. Members were interested to know what incentives the Government had provided to encourage equal access to education, particularly in view of the fact that free primary and secondary education had been abolished. The Committee needed a fuller picture of educational and cultural measures being undertaken for Nigeria's own development. Members expressed the hope that the next report would give a detailed account of the measures the Government was taking to apply its oil wealth to ensure the economic, social and cultural rights of its citizens under article 5 (e) of the Convention. Members also asked whether there was any specific protection under the law for immigrants and foreign workers. Further information was requested on cases (d) and (e) referred to in the addendum to the report in connection with article 5 of the Convention.

378. Regarding article 6 of the Convention, members were interested to know what effective protection and remedies were available in Nigeria in order to obtain the speedy redress of violations of human rights and fundamental freedoms. They sought clarification as to whether the cases referred to in the addendum had arisen as a result of racial discrimination or of arbitrary decisions taken by the authorities. The next report should contain further information on recourse procedure, up-to-date information on court judgements and concrete illustrations of cases involving racial discrimination.

379. Where article 7 of the Convention was concerned, members of the Committee commended the Government for its implementation of that article. They requested further information on what was being done to disseminate the principles and objectives of the Convention and other human rights instruments, and on whether they were studied in university courses.

380. In reply to the questions raised and observations made by members of the Committee, the representative of Nigeria said that he would briefly answer a few of the questions raised by the Committee; the remaining questions would be referred to his Government for consideration and would be adequately discussed in Nigeria's next report.

381. He explained that states in Nigeria were entitled to raise their own revenue to supplement the funds allocated to them by the federal Government; the federal Government in fact encouraged them to do so.

382. He emphasized that Nigeria, which was in the forefront of the fight against apartheid and racial discrimination, maintained no diplomatic or military relations with South Africa. He also drew attention to the Import Prohibition Order of 1983, which stipulated that any enterprise intending to enter into a contract with Nigeria must submit a declaration stating that it had no business connections with South Africa.

383. The Committee's recommendations regarding Nigeria's implementation of article 4 of the Convention had been referred to his Government. Having considered the matter and having reviewed section 50 (2) of the Criminal Code, which defined seditious intention as "an intention ... to promote feelings of ill will and hostility between different classes of the population of Nigeria", the Government had concluded that the word "classes" also meant races in that context, so that the section in question fulfilled Nigeria's obligations under article 4. However, since the Committee maintained that it still had not been provided with any legislation that specifically met the requirements of that article, he would once again refer the question to his Government. The Government's position on the matter would be stated precisely in the next report.

384. Turning to questions raised in connection with the implementation of article 5 of the Convention, he stated that trade unions in Nigeria were not related to political parties. The right to form trade unions, which derived from section 37 of the 1979 Constitution, had remained unaffected by the suspension of political activities under Constitution (Suspension and Modification) Decree No. 1 of 1984. In the somewhat similar case of Archbishop Anthony Okogie and others vs. Attorney-General of Lagos State and others, cited in the section of the addendum relating to article 5 of the Convention, the Court of Appeal had held that section 18 of the Constitution, which had not been affected by the Constitution (Suspension and Modification) Decree No. 1 of 1984, had not been intended to abrogate the enjoyment of the freedom of expression conferred on the Archbishop



under section 36 of the Constitution. As defined in section 36, freedom of expression also meant the freedom to hold opinions and to receive and impart ideas and information without interference. He informed the Committee that universal, free primary education had not been abolished. It had been maintained as a means of promoting the Government's educational objectives embodied in section 18 of the 1979 Constitution.

385. Regarding procedures available to ensure the enjoyment of fundamental human rights in relation to the implementation of article 6 of the Convention, he pointed out that section 42, paragraphs 1 to 4, of the Nigerian Constitution provided for adequate and impartial treatment at law of allegations of infringement of fundamental rights, and that that provision had been discussed fully in Nigeria's seventh periodic report.

386. With regard to the implementation of article 7 of the Convention, the representative of Nigeria informed the Committee that the various international human rights instruments, including those relating to apartheid, were included in the university curriculum in Nigeria, generally in the context of human rights courses offered by the international law departments. Nigeria's next periodic report would present the complete curricula of those departments.

### Portugal

387. The initial report of Portugal (CERD/C/101/Add.8) was considered by the Committee at its 727th, 728th and 730th meetings, on 6 and 7 August 1985 (CERD/C/SR.727, SR.728 and SR.730).

388. The report was introduced by the representative of Portugal who reaffirmed his country's desire to comply with its obligations under the Convention and said that international law, while subject to the Constitution, took precedence over internal law. He drew the Committee's attention to the new dimensions of the Constitution of 1976, revised in 1982, concerning freedom of association, freedom of expression and information, the right to form and join trade unions and equality between spouses, which were directly applicable and were binding on both public and private bodies. Various supervisory mechanisms were available for the protection of citizens' rights. The ultimate authority in matters of constitutionality was the Constitutional Court, which exercised direct control over court decisions. He also stated that recourse to the Constitutional Court was binding on the Office of the Attorney-General in cases where court decisions conflicted with international conventions. The Office of the Attorney-General, and the Provedor de Justicia, or ombudsman, appointed by the Assembly of the Republic, were also responsible for the defence of citizens' legal rights. Finally, he said that parliamentary commissions of inquiry might also be set up to investigate governmental or administrative matters.

389. The Committee congratulated the Portuguese Government for its comprehensive initial report and the additional information presented by the representative of the reporting State. It noted with satisfaction that the report had been compiled strictly according to the Committee's general guidelines (CERD/C/70/Rev.1) and welcomed the information provided in the report on Portuguese legal doctrine regarding the incorporation of international norms into the internal legal system in Portugal. It pointed out, however, that it would be useful for an understanding of the situation if information on the ethnic composition of the population could be included in future reports.

390. With reference to article 2 of the Convention, members of the Committee requested detailed additional information regarding the integration of minorities, in order to have a clearer picture of the current situation in Portugal concerning racial discrimination. Members also requested information on the living standards and educational level of the different ethnic groups including immigrant workers and their families. With regard to the right of asylum mentioned in the report, some members asked whether Portugal was a party to the Convention relating to the Status of Refugees and whether that Convention had been incorporated into Portuguese legislation.

391. The Committee requested additional information on any special measures taken to integrate Gypsies into society as well as in education to combat the high degree of illiteracy among the Gypsy population.

392. Clarification was also requested as to whether the report of Portugal covered the territories of the Azores and Macao and whether the law on autonomous regions contained any specific provisions relevant to the implementation of the Convention.

393. Members of the Committee were concerned about the role currently played by right-wing ultras among the former Portuguese white settlers in Angola and Mozambique who had returned to Portugal after the independence of those two former colonies. They wished to know what the status of those Portuguese settlers was and whether there were any agreements to repatriate them or settle the question of their citizenship. Members also asked whether the Portuguese Government had taken any action to restrain those right-wing elements in Portugal who were known to have influenced the refugees in South Africa and to have provided support to the dissident Mozambique National Resistance Movement to overthrow the legitimate FRELIMO Government, since such support was an extension of racial discrimination. Members also asked how the Portuguese Government had dealt with former Salazar secret police (PIDE) agents, as well as their informers, and members of Salazar's Portuguese Legion and militia and what measures the democratic Government had introduced in order to reform those groups and deter them from practising racial discrimination and from posing a political threat to society.

394. In relation to article 3 of the Convention, members expressed reservations concerning the statement in the report regarding the Portuguese Government's reasons for maintaining diplomatic and economic relations with South Africa. They asked whether the Government of Portugal had changed its policy towards the Government of South Africa since the submission of the report, in the light of the present situation in South Africa as well as the recent decisions adopted by the United Nations to put an end to the apartheid régime and any kind of support or aid that might give encouragement to it.

395. With respect to article 4 of the Convention, members of the Committee congratulated the Portuguese Government for going far beyond many other Western European countries in implementing the provisions of that article, especially in prohibiting organizations which upheld Fascist ideology. Nevertheless, they request additional information in the next report on how the various provisions were in fact implemented. In that context, it would be useful for the Committee to receive information on relevant cases that had been brought before the courts. Members also wished to receive further details on measures taken to review governmental, national and local policies and to amend, rescind or nullify any laws or regulations that might have the effect of creating or perpetuating racial discrimination wherever it existed.

396. Regarding article 5 of the Convention, the Committee commended the Portuguese Government for positive action taken to implement the provisions of that article. However, it requested more detailed information concerning measures taken to ensure equality and freedom of association, of the press, of trade unions and of expression. Members were also interested in receiving information on the unemployment rate by ethnic group as well as the Government's economic policies, particularly with regard to anti-poverty programmes.

397. Concerning article 6 of the Convention, the Committee wished to know how many cases involving alleged racial discrimination had been brought before the courts and whether Portugal contemplated making the declaration under article 14 of the Convention recognizing the competence of the Committee to receive and consider communications from individuals claiming to be victims of a violation of any of the rights set forth in the Convention.

398. The Committee commended the Government for the information provided on the implementation of article 7 of the Convention. The Committee would welcome additional details on any programmes to increase public awareness of the principles and aims of the Convention and the Charter of the United Nations.

399. Replying to the questions raised by members of the Committee, the representative of Portugal said that, though reliable statistics on the ethnic composition of Portugal's population were difficult to obtain, it would be useful to gather information on the composition and legal status of existing ethnic groups. He noted that the exodus of some 1 million persons from former Portuguese colonies to the country during 1974-1975 had contributed to the economic difficulties Portugal was currently facing. However, all those persons had been fully reintegrated into society and enjoyed the status of Portuguese citizens. Under the legislation on asylum and refugee status it was stipulated that asylum should also be extended to spouses and infants of the applicant and might be extended to other members of the family under certain conditions. He informed the Committee that his Government had ratified the Convention and Protocol relating to the Status of Refugees and the European Agreements on the Abolition of Visas for Refugees (1959) and on the Transfer of Responsibility for Refugees (1980) of the Council of Europe, as well as other international instruments. In addition, he said that there were some 84,000 foreigners residing in Portugal, of whom approximately 40 per cent were Africans.

400. Concerning the status of the Autonomous Regions of Madeira and the Azores, he said that they enjoyed independent political and administrative status, had their own organs of government and wide powers to deal with matters of regional interest. Macao was under Portuguese administration and also had its own governmental bodies and legislative assembly constituted almost entirely of elected officers. Macao was currently considered to be Chinese territory under Portuguese administration and diplomatic contacts were under way with the People's Republic of China pending definition of Macao's final status.

401. Replying to a question raised on how members of the police and militia under the former dictatorial régime had been dealt with, the representative stated that, for all those who had been members of the political police, criminal proceedings had been undertaken in accordance with the crime of which they had been accused. Many of them had been judged and sentenced, particularly in cases where there had been proof of torture and inhuman treatment. In addition legislation had been introduced to prevent those persons from having access to posts in which they could once again manifest their feelings of contempt for fundamental human rights.

402. With respect to questions posed about the implementation of article 3 of the Convention, the representative stated that Portugal strongly condemned the policy of apartheid, and had made statements to that effect in the General Assembly and other United Nations bodies; it nevertheless maintained diplomatic, consular and economic relations with the Republic of South Africa, where some 700,000 Portuguese nationals lived. It believed that a dialogue with that country could be one of the preferable means of securing the abolition of the apartheid régime as well as preventing an extended conflict which could escalate to unmanageable proportions. He also stated that the recent recall to Lisbon of the Portuguese representative in Pretoria should be seen as a positive development in line with measures taken by other members of the European Economic Community, which Portugal was shortly to join.

403. In connection with the implementation of article 4 of the Convention, the representative said that the new Portuguese Penal Code of 1983 contained a new chapter on crimes against humanity, which included racial discrimination. Portugal was keeping a close watch on the activities of groups on its territory, which were trying to damage the lawful governments of former colonies, in particular, through the services of mercenaries.

404. Turning to questions raised in connection with the provisions of article 6 of the Convention, he said that under the International Covenant on Civil and Political Rights and the European Convention, and in accordance with article 15 of the Portuguese Constitution, all persons on Portuguese territory and under its jurisdiction could have recourse to international recourse procedures. The legal provisions for foreigners to have recourse to international bodies in the event of violation of fundamental rights was no different from that of Portuguese citizens. Portugal was considering making the declaration provided for under article 14 of the Convention. Acceptance of international control to safeguard the individual was not an unprecedented step in Portugal, which had already recognized the competence of the Human Rights Committee and bodies in Strasbourg, as had been mentioned in the report.

405. Regarding article 7 of the Convention, he indicated that the subject of human rights was included in social studies, history and philosophy courses, at preparatory and secondary level, and grants were awarded yearly to enable teachers to study at the Institute of Human Rights in Strasbourg. Training courses were also organized for lawyers and administrators at the College of Magistrates, the College of Criminal Investigation, or the Law Society. In such courses the texts of the principal instruments of international law currently in force in Portugal, including the Convention, were made available on a systematic basis.

406. In conclusion, the representative assured the members of the Committee that all comments and observations would be transmitted to the Government of Portugal so that they could be taken into account in the preparation of its next periodic report.

#### Tonga

407. The seventh periodic report of Tonga (CERD/C/131/Add.1) was considered by the Committee at its 728th meeting, held on 6 August 1985 (CERD/C/SR.728), without the participation of a representative of the reporting State.

406. The Committee welcomed the report, which had been submitted on time, as an indication of Tonga's willingness to maintain a dialogue with the Committee. However, it regretted that the report was extremely brief and stressed that the State party had assumed specific obligations under the Convention including that of submitting reports, in accordance with article 9, paragraph 1, of the Convention. The Committee's general guidelines (CERD/C/70/Rev.1) should be taken into account.

409. The Committee observed that, while it was true that Tonga, as a small country with limited human and economic resources, faced certain difficulties in complying with its reporting obligations, other small countries with similar limitations had submitted satisfactory reports and the Government of Tonga itself, in its previous periodic reports, had made efforts to provide comprehensive information.

410. In that connection, the Committee pointed out that the report under consideration was totally silent on the questions raised by the Committee during the examination of Tonga's sixth periodic report, especially with reference to the Racial Discrimination Act which the Government of Tonga had announced it would enact to implement article 4 of the Convention.

411. The Committee, therefore, expressed the view that the Government of Tonga should be requested to provide in its eighth periodic report full information on measures taken to give effect to the provisions of the Convention. The Government could submit a supplementary report in the interim period before its eighth periodic report, which was due on 17 March 1987. It should also indicate whether it encountered difficulties in the preparation of its reports and whether it required any assistance from the Committee in that regard.

#### Somalia

412. The second, third and fourth periodic reports of Somalia submitted in one document (CERD/C/88/Add.6) were considered by the Committee at its 728th meeting, held on 6 August 1985 (CERD/C/SR.728).

413. The report was introduced by the representative of Somalia who stated that the rights and freedoms which the Convention was designed to protect were enshrined in the Somali Constitution of 1979, and that her Government had made efforts to improve the quality of life of the whole community, giving particular emphasis to education, health and the social sector. Finally, efforts were being made to publicize more widely the texts of international instruments concerning the protection of human rights in order to minimize the possibility of violations of those rights.

414. The Committee welcomed the resumption of dialogue with Somalia, but pointed out that the report did not follow the Committee's general guidelines (CERD/C/70/Rev.1) and did not adequately cover legislative, judicial and administrative measures taken to eliminate racial discrimination. In that connection, members requested more information on Somalia's traditions and customs for a better appreciation of the efforts being made by the Government to tackle what the Somali President had described as the problem of tribalism and self-interest. The Committee also expressed the hope that the next report would contain more detailed information on the implementation of articles 2 to 7 of the Convention.

415. With regard to article 2, the Committee would welcome more details on the composition of the various ethnic groups and cultures in the country, the level of education within those groups and other socio-economic data. Information was also requested on how the problem of refugees, who were estimated to comprise as much as 40 per cent of the total population, was being tackled, both at the political level and at the bilateral and multilateral levels; it was also asked what specific measures had been taken by the Government to ensure that the principle of a universal right to education was applied in the case of the nomadic peoples.

416. In relation to article 3 of the Convention, one member asked whether Somalia maintained diplomatic and commercial relations with the racist régime of South Africa.

417. Further information was requested on the implementation of article 4 in the criminal law of the country.

418. Referring to the implementation of article 5 of the Convention, members asked how the right to life, the right of detainees not to be tortured and to be brought to trial within a certain period, the right of association and the right to freedom of movement were safeguarded. They also wished to know to what extent civil and political rights were being protected and promoted.

419. As far as article 6 of the Convention was concerned, members requested further details on how traditional Somali law was being applied; for example it was asked whether the Government could arrest an offender if his family was not willing to pay compensation in material form.

420. In reply to questions raised and observations made by members of the Committee, the representative of Somalia explained that the absence of any reference to the demographic situation was perhaps an oversight in the sense that the people of Somalia had all the characteristics of a single nation - the same language, ancestral origin and religion. No distinctions were therefore made in that respect. None the less an effort would be made to include that aspect in future reports.

421. Replying to other questions and comments, she said that, whereas previously public life had been based on tribalism, a successful campaign had been launched to overcome the negative experience to which that had given rise. Thus, blood compensation according to traditional Somali law was no longer practised. The award of material compensation between families instead of restricting the liberty of an offender depended on the type of crime. The Penal Code in certain cases did not allow for compensation.

422. Efforts were being made to ensure that the new generation of nomadic people had the full advantages of education. Special emphasis was being placed on rural development.

423. Refugees created a real problem in Somalia which remained to be solved, though economic assistance was available from the international community. According to article 24 of the Somali Constitution, every citizen was free to participate in an assembly and Somalians were in fact free to associate in their daily lives. Concerning personal freedom, safeguards did exist in cases of detention and consequently, if investigations did not produce results within a specified and

limited time, the detainee had to be released. Concerning appointments to positions, such as judge of the Supreme Court, she said that it was a question of career and competence; decisions on such appointments were taken by the Council of Ministers and Ministers themselves were appointed by Parliament.

424. She also stated that Somalia had been consistently opposed to apartheid and was a member of the Special Committee against Apartheid. As a matter of principle Somalia did not have, nor did it envisage having, any relations with the South African régime.

425. She assured the Committee that she would transmit the comments made by members - including the reference to preparation of reports according to the Committee's guidelines - to the Government which would take them into account in the next report.

#### Germany, Federal Republic of

426. The eighth periodic report of the Federal Republic of Germany (CERD/C/118/Add.19) was considered by the Committee at its 729th and 730th meetings, held on 7 August 1985 (CERD/C/SR.729 and SR.730).

427. The report was introduced by the representative of the Federal Republic of Germany who outlined the contents of her Government's report and provided additional information with regard to the implementation in her country of article 7 of the Convention. She referred to educational programmes and to her Government's policy to protect young people against doctrines and practices inciting to racial strife. She provided detailed information on the wide range of activities of the Federal Office for Political Education which played a particularly vital role in the domain of education and information and which included among its special concerns the problem of extremist views and modes of conduct. The representative also referred to special measures taken by her Government to interest young foreigners in society in order to foster understanding, tolerance and friendship among all peoples living in the Federal Republic of Germany, such as radio and television programmes for citizens of foreign origin and financial support for language courses for foreigners. In those fields, private organizations, groups, clubs, members of political parties, trade unions and welfare associations also played an important role. In addition, the representative stated that her Government was fully aware of the special significance of the suppression of national socialist activities in connection with the implementation of the Convention. In that connection, she referred to a study by the Federal Ministry of Justice on completed criminal proceedings against right-wing extremists, which contained an analysis of 903 final and binding judgements in cases featuring extreme right-wing activity and which informed the public as to the behaviour, motives and sociological background of extreme right-wing offenders.

428. The Committee commended the Government of the Federal Republic of Germany for its frank and comprehensive report which showed its determination to cope with racial discrimination and prevent the establishment of racist-inspired currents of thought. It welcomed, in particular, the information on specific judicial cases involving racial hatred and the additional information provided by the representative of the reporting State with regard to the implementation of article 7 of the Convention.

429. Members of the Committee wished to receive more information on the demographic composition of the Federal Republic of Germany and, in particular, on ethnic groups living in the country. They also asked whether the Jewish population was increasing or decreasing and whether the figures for the number of foreign nationals residing in the country included persons who had sought asylum. An objection was raised with regard to the inclusion in the report of information concerning Berlin (West).

430. In connection with article 1 of the Convention, it was noted that article 3, paragraph 3, of the Basic Law of the Federal Republic of Germany prohibiting discrimination on grounds of race, or ethnic origin was not applicable directly to individuals, but only to governmental actions. However, since the Convention formed part of the legislative structure of the Federal Republic of Germany, it was asked whether it in fact created direct obligations where private individuals were concerned. It was also asked whether migrant workers were merely considered a source of labour or whether they were regarded as permanent inhabitants who would in due course become German citizens and be integrated into German society.

431. Referring to article 2, paragraph 2, of the Convention, members of the Committee wished to know how adequate protection for Gypsies was ensured in practice, what changes and improvements had come about in their political and economic situation, what progress had been made with regard to their education, training or housing facilities, to what extent their own specific cultural traditions had affected their enjoyment of equal rights, especially in education, and what consideration had been given by the German authorities to reparation claims by Gypsies who had been victims of Nazi crimes.

432. With reference to article 3 of the Convention, members of the Committee wished to receive clarification on the position of the Government of the Federal Republic of Germany with regard to apartheid. They asked, in particular, what measures the Government intended to take in order to join the international struggle to eliminate the apartheid régime in South Africa, whether it maintained diplomatic, commercial or other relations with that régime and whether there had been any developments since the recent announcement that the Federal Republic of Germany was one of the 12 Western European States which had recently recalled their envoys from South Africa for consultation, as a joint measure against apartheid. The Committee disagreed with the interpretation of article 3 of the Convention given by the Government of the Federal Republic of Germany according to which it did not recognize any legal obligation to report on relations with States which practised racial segregation since, in its view, that obligation went beyond the wording of article 3 of the Convention.

433. Turning to article 4 of the Convention, members of the Committee wondered whether racist ideologies and, in particular, Nazi ideology had been totally eradicated from the Federal Republic of Germany. They noted from the report that, despite the efforts made by the federal and state governments in that regard, Nazi and racist ideologies and organizations continued to exist and much remained to be done. With particular reference to the judicial cases involving racist propaganda which had been annexed to the report, some members expressed the opinion that the sentences imposed in those specific cases seemed to be very lenient. In that connection, it was asked whether the study of completed criminal proceedings against right-wing extremists during the period 1978-1982 published by the Federal Ministry of Justice could be made available to the Committee. Members also asked



whether the Convention had any influence when the circumstances of criminal cases involving racial discrimination were assessed, whether section 131 of the Penal Code of the Federal Republic of Germany, which made it an obligation to punish racist propaganda, covered South African racist propaganda in the mass media, what the findings of the security services were with regard to activities motivated by neo-Nazi or racist ideologies, what other measures, in addition to legal measures, had been taken to eliminate the very concept of racial superiority, what effect political instruction in secondary and higher education or other measures adopted to outlaw neo-Nazi organizations had, what the size and strength of those organizations was and how far they influenced the younger generation. The hope was expressed that the Federal Republic of Germany would continue to take action against neo-Nazi organizations and all those racist organizations preaching violence and the violent overthrow of Governments.

434. In connection with article 5 of the Convention, members of the Committee focused their attention on the situation of migrant workers in the Federal Republic of Germany and, in particular, on their enjoyment of the rights set forth in subparagraphs (e) and (f) of article 5. They noted that the report constantly referred to "foreign workers" and that the term "immigrant" was avoided and they asked whether the Federal Republic of Germany refused to be considered a country of immigration, whether any limit was imposed on long-standing foreign residents for the submission of applications for citizenship of the Federal Republic of Germany and what percentage of foreign workers had actually acquired that citizenship, how many foreigners were naturalized annually and whether those of third or fourth generation did not wish to be naturalized, and what the rate of unemployment among foreign workers compared with German workers was. Members of the Committee also asked what results had been achieved by the policy of offering incentives to the Turkish workers to return home, whether there were any discriminatory practices in regard to re-employment, and, in particular, whether there were any cases of priority given to workers from the European Economic Community and whether there were any official local or federal recommendations or regulations to that effect, whether the Works Constitution Act prohibiting discrimination at places of work also covered those seeking jobs, how it was upheld before the courts, whether foreign workers were provided with legal advice and why aliens convicted of criminal offences were required to pay interpreters' fees. Furthermore, clarification was requested about the "restrictions and limitations" on the issue of residence and work permits as well as on the "extensive measures of promotion and assistance" for the benefit of foreign workers and their families. It was also asked what measures had been taken to give instruction in their mother tongue to "foreign" children. In addition, more information was requested on the policy adopted by the Government of the Federal Republic of Germany towards persons seeking asylum, on the ruling of the Constitutional Court with regard to appeal proceedings concerning asylum, on the number of recognized political refugees residing in the Federal Republic of Germany and their country of origin.

435. In respect of article 6 of the Convention, members of the Committee wished to know more about cases of reparation for damage suffered as a result of racial discrimination and their frequency, whether ethnic groups were principally concerned, to what law a foreign worker should refer for the protection of his rights in the event of discrimination by local authorities and how foreign workers could protect their rights if they were expelled from the Federal Republic of Germany before completing court proceedings.

436. Regarding article 7 of the Convention, it was noted that education was a regional rather than a federal matter and it was asked whether the federal Government could take action to bring to the attention of the Länder the importance of the provisions of article 7, what concrete measures were being taken to educate administrative authorities at the lower level with regard to those provisions, whether the Federal Office for Political Education had planned publications to combat prejudice against foreign workers and what action had been taken to prevent the growth of neo-Nazi groups.

437. Replying to questions raised and observations made by members of the Committee, the representative of the Federal Republic of Germany provided figures concerning the number of foreign workers residing in her country and details concerning their nationality. She stated that there were no figures available for people of Jewish origin, since the distinction as to a person's race which had been made under the national socialist régime was not made in the Federal Republic of Germany. She also stated that it was a well-established procedure that the interests of Berlin (West) were reported by the Federal Republic of Germany and that procedure was in line with the quadripartite agreement on Berlin. The Minister for Foreign Affairs of the Federal Republic of Germany had so informed the Secretary-General of the United Nations in a letter dated 13 June 1973 (A/9071-S/10950).

438. Referring to article 2 of the Convention, the representative stated that the Sinti and the Romany Gypsies, like other communities that had suffered persecution, had always been entitled to compensation without distinction regarding their ethnic origin under the Federal Compensation Act of 1965, provided that they fulfilled the requirements of that Act.

439. Concerning article 3 of the Convention the representative stated that, while her Government did not recognize any obligation to report on its policies towards South Africa under the Convention, it advocated respect for and the effective implementation of human rights throughout the world, it rejected racism wherever it occurred, especially with respect to South Africa, and had voiced its condemnation of apartheid in international forums as well as in bilateral contacts with the South African Government. Her Government's policy vis-à-vis South Africa was based on principles such as the right to self-determination, the application of human rights, renunciation of force as well as non-interference and respect for the sovereignty and territorial integrity of States. The representative went on to make reference to measures taken by her Government to help victims of apartheid and to other measures, such as an arms embargo against South Africa or development assistance to the independent African States of southern Africa which contributed to stability and to the establishment of majority rule in that region. She also referred to recent action taken by member States of the European Community, including her country, with regard to the deterioration of the situation in South Africa.

440. In connection with article 4 of the Convention, the representative referred to the sentences reported by her Government and stated that the federal Government held the view that the appropriateness of the sentence could not be assessed by comparing it with similar sentences given in other States, but must be judged on the basis of the system of penalties in the Federal Republic of Germany; what was important, therefore, was how other punishable acts in comparable cases of unlawfulness were dealt with under German penal law which took into account the

principles of rehabilitation and education. She also informed the Committee that a recent amendment of criminal law, the Twenty-first Penal Law Amendment Act of 15 June 1985, provided for the possibility of public accusations in certain cases in which the atrocities perpetrated by the Nazi régime in concentration camps were publicly denied or minimized, even when the relatives of the victims did not institute proceedings. In the Federal Republic of Germany, 34 organizations, whose activities were closely watched, came under the category of neo-Nazi organizations with a total of 1,150 members which constituted only a tiny proportion of the country's population of some 60 million.

441. In connection with articles 1 and 5 of the Convention, the representative referred to foreign workers having residence and work permits in her country and stated that, in the view of her Government, article 1, paragraph 2, of the Convention did not prevent the States parties from treating aliens differently from their own nationals in respect of immigration or residence, the issue of work permits, or political activity. Such regulations did not constitute discrimination on racial or ethnic grounds but were based on general political grounds, particularly in view of the employment situation. Her Government did not consider that there was discrimination between workers coming from the European Economic Community and other foreign workers since there was a specific basis for granting equality to the former as far as the labour market and residence were concerned which was reciprocal in all countries concerned. The representative also stated that foreign employees had the same status as German nationals under labour and social legislation, the same unemployment and social welfare benefits as unemployed Germans and a legal claim to social assistance for themselves and their families. The high unemployment rate resulting from the economic situation had affected both German and foreign workers. Social housing programmes, under which rents were limited, were available to foreigners in addition to the housing which companies provided for employees. Many foreign workers, however, came to the Federal Republic of Germany without the intention of staying permanently. Concerning refugees, the representative referred to article 16, paragraph 2, and article 19, paragraph 4, of the Basic Law of the Federal Republic of Germany which gave all foreigners who had been persecuted on political grounds the right to asylum which they could assert in the courts. She stated that the number of foreigners seeking protection in the Federal Republic from political persecution had increased in recent years; there were currently 553,000 asylum seekers. In 1985, some 31.1 per cent of applications received by the Federal Office for the recognition of foreign refugees had been confirmed. In case of a negative decision, the applicant had recourse to the courts. In general, the recognition quota differed according to the country of origin and the political conditions prevailing there.

442. In connection with article 7 of the Convention, the representative stated that Ministers from all the Länder met regularly to issue guidelines with a view to ensuring that education in their respective regions was comparable; that arrangement applied also to political education to foster respect for human rights and fundamental freedoms.

443. In conclusion, the representative assured the Committee that her Government would reply to questions which had remained unanswered, in its next periodic report.

## Colombia

444. The second periodic report of Colombia (CERD/C/112/Add.1) was considered by the Committee at its 731st and 732nd meetings, on 8 August 1985 (CERD/C/SR.731 and SR.732).
445. The report was introduced by the representative of Colombia who referred to the history of his country and to his Government's policy regarding the indigenous population and other minorities, as well as to measures taken to strengthen national unity among all sectors of the population. He stated, in particular, that Colombian legislation prohibited slavery and discrimination, and there were no tangible barriers to rising in society for blacks or persons of indigenous origin. He also stated that the overall trend was to stop treating the indigenous peoples as minors and to grant them some kind of self-government in an attempt to adjust to international standards of conduct.
446. The Committee expressed appreciation for the substantive report submitted by Columbia, which closely followed the Committee's general guidelines (CERD/C/70/Rev.1) and contained comprehensive information about the indigenous population and the efforts being made to improve its situation. Some members, however, pointed out that the report contained a discrepancy between paragraph 1, in which it was stated that "in Colombia there is no racial discrimination", and paragraph 178, in which it was stated that "racial discrimination exists in every nation of the world with varying degrees of intensity and in a great diversity of forms". Clarification was sought on that point.
447. With regard to the implementation of article 2 in conjunction with article 5 of the Convention, much of the discussion revolved around the Government's policy for the indigenous population and the legislation and practical measures designed to ensure the protection and promotion of the rights of Indians and other minorities. The Committee welcomed the proposed reorganization of the national programme for the development of the indigenous population (PRODEIN). It wished to receive more information on the socio-economic and political activities of the indigenous population and other ethnic groups and asked whether they took part in political organizations, government and opposition parties, whether there were any voluntary bodies formed by the ethnic communities themselves and, if so, what role they played, and whether there were advisory councils in which they participated. Referring in particular to the activities and programmes of the Colombian Agrarian Reform Institute (INCORA), clarification was requested as to how the Institute dealt with evictions of indigenous inhabitants from their lands, whether they were given legal assistance in order to enable them to defend their territorial rights, how many deeds of land ownership had in fact been handed over to the indigenous population on either an individual or a collective basis, how many such indigenous groups were able successfully to make the transition from a subsistence economy to a productive economy, and whether any plans for establishing co-operatives had been put into effect.
448. Referring to the right to freedom of movement in the context of the indigenous population, clarification was requested on the formalities that had to be complied with if a private person wished to visit a reservation or if an indigenous person wished to leave the reservation.
449. More information was also requested on the extent to which the freedom of worship of indigenous populations was respected; it was asked whether the

prevailing culture permitted them to adhere to a religion which was consistent with their own cultural background.

450. With reference to the information provided in the report on education and literacy programmes, members wished to know whether the Colombian Government carried out any special programmes for the indigenous population, to what extent the various groups of society took part in the ongoing educational process, to what extent primary education was influenced by economic constraints, and what measures the Government had introduced to ensure balance in the private education sector and to prevent alienation of the indigenous populations.

451. Additional information was requested regarding the settler population which migrated to the forest land traditionally occupied by the Indians, and on how disputes between settlers and Indians were resolved. Moreover, members raised the question of the rain forests in Latin America, which were heavily exploited, and wished to know whether that was true of the rain forests of Colombia, and whether the indigenous groups living in those forests were affected. It was also noted that there had been an influx of settlers and multinational companies involved in mineral exploitation in the areas occupied by the indigenous population. In that connection, information was sought regarding any laws that might have been enacted to prevent their exploitation and protect their rights.

452. The Committee commended the Colombian Government on its position with regard to article 3 of the Convention and on the fact that it had never had or contemplated establishing diplomatic relations with South Africa. However, in view of South Africa's offensive to overcome its isolation by the international community, it was asked whether there were any trade or sporting contacts with that country, even at the non-official level, and if so, what measures the Government had taken to prevent such contacts.

453. Referring to the implementation of article 4 of the Convention, the Committee pointed out that further measures were necessary to implement in particular the provisions of paragraphs (a), (b) and (c) of that article; that the Decree relating to the sound broadcasting service, referred to in the report, was a first step; and that the report did not provide any specific information on the implementation of that fundamental article of the Convention.

454. In relation to article 6 of the Convention, members noted that, according to the report, a person whose rights had been violated could apply to the judicial authorities to seek redress. It was pointed out that, in the case of an individual wishing to complain of an act of racial discrimination, a judge would find himself in a very difficult position, since he would be unable to apply any specific provision as a penalty for such an act. Members asked what legal norms would be applied in such a case, those of the Convention, or those of the Colombian Civil Code.

455. Concerning article 7 of the Convention, the Committee congratulated the Colombian Government on the comprehensive information provided and noted with interest the role of UNESCO clubs and UNESCO associated schools referred to in the report. Additional information was requested, in particular, on training programmes for teachers, lawyers and government officials emphasizing the need for mutual respect in dealing with indigenous communities.

456. In reply to questions raised and comments made by members of the Committee, the representative of Colombia stated that he interpreted the affirmation in the report that racial discrimination did not exist in Colombia as applying to racial discrimination sanctioned by legal instruments. Colombia did not pretend to be a model; it had made mistakes with regard to the indigenous populations and was trying to advance towards equity and historical reparation. The approximately half a million members of the indigenous population of Colombia came from some 77 ethnic groups and a large number of them were found in the Andean zones - those groups which were settled in the highlands having most effectively resisted the Spanish conquest. Under the most recent Government, a different approach had been adopted advocating a type of participation, which took into account the different elements, historical conditions, characteristics and aspirations in the country. Nevertheless, it was a tremendous problem to change the real situation and bring it into line with the ideals of conventions, constitutions and laws. It was the misfortune of the indigenous population to exist in an age of scorn for aboriginal things. He also said that the indigenous population had a right to leave their reservations, although that right was somewhat theoretical, and that access to reservations existed for foreigners. A major objective was to arrive at a sort of indigenous self-management with increasing community participation.

457. He went on to say that current policy was to make the reservations reserves in order to give the indigenous population title to ancestral lands. In that area there was close collaboration with INCORA. However, there were enormous difficulties, particularly in relations with other settlers on the land, who had a more individualist attitude to property and were more destructive of nature. Ecological interests had to be taken into account, particularly when establishing national parks where the indigenous population had a right to settle.

458. With regard to the problem of the marginalization of indigenous populations, he stated that immense efforts were needed in order to incorporate them into national life while respecting their individuality, and provide them with access to equitable conditions. The current Government was endeavouring to establish mechanisms for the participation of the indigenous populations; such practical mechanisms were the key to ensuring that the laws and the Convention did not remain dead letters.

459. As far as education was concerned, the representative said that primary education was obligatory, but not secondary and university education. However, recent figures for illiteracy showed that 13.8 per cent of the population in urban areas, 36.5 per cent in rural areas and 28.5 per cent overall were illiterate. In spite of an adult literacy plan, much remained to be done and constitutional provision had been made for a minimum of 10 per cent of the national budget to be devoted to education.

460. Turning to relations between the Church and the State, he explained that the Church had played an important and controversial role in Colombia's history; it represented an element of protection for minorities and had struggled to protect minority rights and the rights of the indigenous population.

461. With regard to freedom of movement, the representative said that there were no internal laws in Colombia requiring work permits for different sections of the country. The restrictions mentioned in the report were not political and referred exclusively to matters of traffic control in the case of physical dangers.

462. As for the implementation of article 3 of the Convention, he stated that Colombia had no relations of any type with South Africa. As a general principle, Colombia was in favour of peaceful settlement of disputes and neither encouraged nor condemned violent solutions in any part of the world.

463. Referring to questions put in connection with article 4 of the Convention he indicated that in Colombia it was unusual for organizations inspired by ideas of racial superiority to exist, and if a request were received for the establishment of an organization based on such ideas, permission would be refused under the general rules prohibiting such organizations. He did not believe that the enactment of laws restricting the broadcasting of information would be well received in Colombia. The general system of Colombian law provided for the punishment of theories justifying crime and incitement to crime - and, in his view, that was probably sufficient - though no precise regulations implementing article 4 existed.

#### France

464. The seventh periodic report of France (CERD/C/117.Add.2) was considered by the Committee at its 732nd and 733rd meetings, on 8 and 9 August 1985 (CERD/C/SR.732 and SR.733).

465. In introducing the report, the representative of France pointed out that, as of 31 December 1982, 4.5 million foreigners lived in France; 1.5 million from the Maghreb (north Africa) and 1.25 million from the Iberian peninsula. Such a high number of foreigners could lead to displays of racism, which had occurred in rare cases, but his Government took vigorous measures to counter that threat and supported all actions and campaigns against racism. His Government had also intensified its struggle against apartheid and its trade with South Africa had fallen sharply. It had recently decided to impose economic sanctions against South Africa and, on 26 July 1985, the Security Council had adopted a resolution sponsored by France in that connection. Furthermore, France had dispatched aid to the families of political prisoners in South Africa and medical assistance to Soweto; it had financed a hospital and increased study grants for black South African students. The representative also stated that there was no difference of treatment based on the family situation, origin, political or religious opinions between French citizens among themselves or between French citizens and immigrant workers and their families and that special organizations had been set up to help schoolchildren in difficulty, most of whom were children of immigrant workers. However, equal treatment of French and foreign workers did not mean that his Government was pursuing a policy of assimilation. On the contrary, its policy was one of protection of the various cultural identities and the promotion of intercultural exchanges.

466. The Committee expressed satisfaction with the frank and informative report which reflected the sincerity with which the Government of France faced its responsibilities under the Convention and its desire to continue its fruitful dialogue with the Committee. The Committee commended the French Government in particular, for the stand it had taken, at both the national and the international level, against the policy of apartheid in South Africa, and for the concrete measures it had adopted to implement article 3 of the Convention.

467. The Committee also commended the French Government for having made the declaration provided for in article 14, paragraph 1, of the Convention and for its

continued vigilance in the field of racial discrimination. Members wished to receive further information regarding the social causes behind certain racist attitudes and anti-semitic feelings which continued to be manifested by some people in France. They also wished to receive information on the number of people of North African and Iberian extraction residing in France, on the demographic composition of the French Overseas Departments and Territories and on the legislative, judicial and administrative measures required under article 15 of the Convention. In that respect, it was asked which Overseas Departments and Territories were being prepared for independence. Furthermore, it was noted that neither the judicial authorities nor the administrative authorities had yet expressed an opinion on the direct application in domestic law of the various articles of the Convention, and it was asked whether that was also true of other conventions and human rights instruments and whether the primacy of international law over national law provided for by article 55 of the French Constitution was genuinely effective.

468. Referring to article 2, paragraph 2, of the Convention, members of the Committee wished to receive clarification on recent events in the French Overseas Territories as well as further information on the various initiatives which had been taken to protect and promote the human rights and the economic, financial and cultural interests of the population in the Overseas Departments, and the French citizens from Overseas Departments living in the metropolitan territory. Questions were asked, in particular, about the standard of living of the inhabitants of Overseas Departments and Territories, their educational facilities and achievements, their standards of health and medical care and how they compared with metropolitan France. Regarding New Caledonia and French Polynesia, it was asked what precautions the French authorities had taken, and were taking to protect the populations of those territories from the risks of nuclear fall-out and contamination. Information was also requested on economic and cultural policies and autonomy measures concerning various regions of France where important ethnic groups existed. It was asked, in particular, what steps were being taken to promote understanding, tolerance and friendship among different ethnic groups and among French people themselves.

469. With regard to article 3 of the Convention, members asked whether the French Government could indicate the exact volume of its foreign trade with South Africa and whether the prohibition on direct investment by French companies also applied to a French subsidiary company that engaged in, or was likely to engage in, investment in South Africa. Members of the Committee also wished to receive more information on French initiatives to condemn and isolate the racist régime of South Africa which had been taken within the European Community and the United Nations. They asked, in particular, what the French Government's policy was towards bantustans in South Africa and with regard to an internationally acceptable settlement of the independence of Namibia on the basis of Security Council resolution 435 (1978).

470. With reference to article 4 of the Convention, members of the Committee noted that the French Government was concerned at the emergence of certain xenophobic trends, especially vis-à-vis immigrant workers, as a result of the economic crisis affecting France and they wished to know what countermeasures the Government had taken, in particular against extreme right-wing movements, and whether it could instigate legal proceedings in that respect. They also asked whether there had been any cases and court decisions against employers who had recruited illicit foreign workers, in application of the law banning such practices.



471. Referring to article 5 in conjunction with article 1 of the Convention, members of the Committee wished to receive additional information on the position of foreign workers in France and on how their status with regard to employment was affected by the economic crisis of the country. They asked, in particular, how de facto equality between French and foreign workers was secured, whether France granted preferential treatment to workers from other member States of the European Community, who granted work permits and on what conditions, whether national origin and age were among the factors taken into account when granting or refusing work permits, on what grounds certain restrictions of rights and freedoms referred to by the French Labour Code would be justified, what authority made the relevant decision and how the labour regulations protected those seeking work. Members of the Committee also wished to know what the policy of the French Government was regarding North African citizens working in France, particularly the Algerians whose residence permits had expired, what its position was on the repatriation policy, what arrangements had been made to secure the full integration of foreign workers into society and what the position of their children was, whether second and third generation immigrants acquired French citizenship, how the children of immigrant workers could accede to higher education, what the level of unemployment was among young people of immigrant descent born in France and what policies had been adopted regarding them. It was noted that the newly-established National Council for Regional Languages included representatives of immigrant groups and it was asked whether those immigrants were French citizens or aliens, whether there was a change in the French policy towards regional languages which had hitherto encouraged linguistic assimilation, what the aims of the National Council for Regional Languages were and what the French Government was doing to improve the educational situation of children from linguistic minorities in France. Information was also requested on French policy with regard to political asylum, the status of refugees and their rehabilitation and on the countries of origin of refugees residing in France.

472. In connection with article 6 of the Convention, reference was made to a judgement contained in annex II to the report and it was asked whether the reason for the court's order awarding damages to an anti-racist association was that that association had instituted the proceedings, or whether that order had been made independently; how many cases had been instituted by such associations and whether provision had been made for any remedies other than recourse to the courts when acts of racial discrimination occurred in employment.

473. With reference to article 7 of the Convention, it was asked whether the French authorities had taken measures to combat racial discrimination through the mass media and whether the children of immigrants were taught about their national culture in addition to French culture and civilization.

474. Replying to questions and comments made by members of the Committee, the representative of France stated that the economic crisis was probably a constituent element of certain racist attitudes in his country. He also referred to the problem of immediate implementation of international instruments in domestic law and explained that the Convention raised a slight problem because it had been drafted in a way that raised doubts as to whether it was self-executing or not. Nevertheless, the fact that French courts had never been called upon to decide whether the Convention was self-executing or not showed that it was totally in conformity with French legislation.

475. With regard to article 2, paragraph 2, of the Convention, the representative provided population figures concerning French Overseas Departments and Territories. He said that the status of their inhabitants was that of full French citizens enjoying equality before the law in regard to both their rights and duties. The only exception to the rule of identical status concerned the Amerindian population of French Guiana and had been introduced to protect that population. He would ensure that the relevant information was transmitted to the Committee. In some cases, the inhabitants of certain Overseas Territories had the possibility of observing customary rules governing civil life. Further information on the progress of New Caledonia towards independence would be given in the next report.

476. Concerning article 3 of the Convention, the representative recalled the statement made by the French Minister for Foreign Affairs at UNESCO on 25 April 1983, in which he had stressed France's fundamental commitment to ending the illegal occupation of Namibia and bringing that country to independence on a democratic basis.

477. With reference to article 4 of the Convention, the representative stated that, when an offence was committed, the necessary action was taken even when certain groups indulged in masked propaganda and that court decisions had been handed down to punish employers using workers without work permits.

478. In connection with article 5 of the Convention, the representative stated that in his country the current unemployment figure was 2.5 million, approximately 8 per cent of the active population, but the percentage was slightly higher among the immigrant population. Migrant workers received unemployment benefit in the same way as other workers and special efforts were made to assist them. Repatriation grants were available to migrant workers who wished to return home. Approximately 35,000 persons left France annually of their own free will. If the necessary conditions for renewal were not met, residence permits could be annulled, but the family situation and humanitarian reasons were taken into account when considering a case. Migrant workers from the Maghreb had a higher percentage of clandestine immigration. A person who had resided in France for 15 years was entitled to a residence permit. There was virtually total equality in the situation of foreign workers and the laws governing contracts contained no special provisions concerning one country or another. If any difference existed, it derived rather from the nature of the documents issued by the French authorities, and was essentially a difference in terminology. The representative also referred to some provisions of the Code of French Nationality and stated that there were approximately 50,000 naturalizations annually in France. In addition, he stated that France strictly applied the Geneva Convention relating to the Status of Refugees, who were given assistance that could last up to two years. It had recently been decided to give more attention to regional languages.

479. In connection with article 6 of the Convention, the representative explained that according to French law victims of discrimination, whether individuals or associations, could bring an action before a criminal court and demand damages. He also stated that the Labour Inspectorate was an important factor in applying labour legislation. French and alien workers alike could write to the Inspectorate, which had the power to compel the employer to take the necessary steps and could take legal action if the employer failed to do so.

480. With reference to article 7 of the Convention, the representative stated that French newspapers played a capital role in the struggle against racism. Furthermore, national languages of immigrant children were taught in secondary schools. There were two exceptions on which measures were currently being taken, namely the teaching of the languages spoken by Yugoslav and Turkish residents.

481. The representative stated that further information concerning, in particular, New Caledonia would be provided in his Government's next periodic report.

### Mongolia

482. The eighth periodic report of Mongolia (CERD/C/118/Add.22) was considered by the Committee at its 733rd and 734th meetings, on 9 August 1985 (CERD/C/SR.733 and SR.734).

483. The report was introduced by the representative of Mongolia, who said that it contained new information and replies to the questions raised during consideration of the previous report. He reaffirmed his Government's commitment to the implementation of the Convention. Mongolia continued its support for the struggle against colonialism, neo-colonialism and apartheid and consistently opposed racial discrimination.

484. The Committee commended the Mongolian Government for its thorough report which had followed the Committee's general guidelines (CERD/C/70/Rev.1) and provided a wealth of information answering many of the questions raised during the consideration of Mongolia's previous report. However, the Committee requested further information on the changes that had taken place in the population, in particular data on the various ethnic groups and minorities. It also asked whether the Convention formed part of Mongolia's domestic law, and whether it could be directly invoked in the courts.

485. With regard to article 2, paragraph 2, in conjunction with article 5 of the Convention, the Committee noted that there were as many as 25 ethnic groups in the country, many of which had their own culture and language requiring special protection and promotion under the Convention. Members wished to know whether proper provisions were made for the representation of all those minorities in parliament, the executive and the judiciary; whether the economic development of the different nationalities in Mongolia was equal and what measures were being taken under the Public Education Act of 1982 to ensure education for the national minorities and the nomadic population in the pastoral areas. Additional information was also requested regarding the extent to which the culture of those minorities was being encouraged; and it was asked whether the different ethnic groups were aware of the literature and folklore of the other groups' cultures.

486. The Committee wished to receive information concerning the percentage of workers by nationality in the labour force, and asked under what agreements they were recruited to work in industry and in agriculture, and whether they had equal rights and opportunities. In that context, more details were requested on the number of persons of Chinese origin and their status, and whether they had resided long enough to acquire Mongolian citizenship, whether their conditions of work were governed by any agreement with the People's Republic of China, and under what conditions their contracts might be terminated.

487. With reference to article 3 of the Convention, the Committee noted that Mongolia's well-known and positive stand against apartheid was appreciated, in particular, the fact that it had no relations whatsoever with the racist régime of South Africa.

488. As far as article 4 of the Convention was concerned, members of the Committee pointed out that Mongolian legislation did not fully cover the provisions of paragraphs (b) and (c) of that article. Moreover, in articles 48 to 50 of the Criminal Code of Mongolia the terminology used was not the same as in article 4 of the Convention. In that connection it was asked whether the organizations referred to in paragraph (b) of article 4, in particular, were covered by article 58 of the Constitution and whether the activities referred to in articles 48 and 49 of the Criminal Code would fall within the scope of article 4. Clarification was sought on that point.

489. In relation to article 5 of the Convention, members of the Committee noted with satisfaction that there were extensive provisions in the Mongolian Constitution and other legislation for safeguarding the social and economic rights of citizens. However, members were interested to know how the limitation in article 87 of the Constitution was interpreted and how the right to freedom of movement, freedom of association, inheritance and access to public places was applied in the country, as well as on what grounds a local militia authority had refused permission to citizens to visit relatives abroad or to travel abroad for medical treatment. They also wished to know if any special programmes had been initiated, in particular, to provide health care and educational facilities for pastoral groups.

490. Regarding the right to freedom of thought, conscience and religion the Committee pointed out that anti-religious propaganda was provided for under article 86 of the Mongolian Constitution, but that no mention was made of religious propaganda. In that connection, it was asked how that freedom was reconciled with articles 53 and 93 of the Constitution and whether persons who professed a religion were allowed access to political office; whether prejudice was encouraged in the attitude of people towards other countries where religion was important; and whether the Government would treat Buddhists as second-class citizens.

491. In connection with article 6 of the Convention, members of the Committee were interested in receiving information concerning cases of racial discrimination in order to ascertain what provisions had been applied by the courts and what remedies had been assured. Furthermore, members wanted to know the procedure to be followed if acts of racial discrimination were committed by private persons and not by public authorities, and how damages would be assessed in such cases. Clarification was also requested on whether any expeditive channel of recourse procedures existed in Mongolia, such as habeas corpus or amparo (enforcement of constitutional rights), for people who considered that their fundamental rights had not been respected.

492. Several members were interested in receiving the syllabuses of educational establishments concerning the struggle against racism.

493. Replying to questions raised and comments made by members of the Committee, the representative of Mongolia stated that there were various minorities in his country, of which the Kazakhs were the largest, accounting for 5.3 per cent of the total population. They had been one of the least developed of the ethnic groups in the country before the establishment of the Mongolian People's Republic, but had

made tremendous progress in recent years. Over 90 per cent of the population spoke Mongolian, which included a number of dialects, while the Kazakhs spoke their own language. Apart from the Kazakhs, minorities were scattered throughout the People's Republic.

494. Concerning work opportunities for ethnic minorities, he confirmed that each citizen had the right to work and to vocational training; no restrictions were placed upon members of ethnic groups, who were to be found in all sectors of the economy. Foreigners resident in the country also had the same access as citizens to work, rights and benefits. They could work in any sector of the economy under the same terms and conditions as Mongolian workers, could undertake full-time studies and were free to send their children to the school of their choice.

495. In connection with article 5 of the Convention, he stated that all Mongolian citizens had the right to freedom of movement and residence within the country and the right to travel abroad either to work or for personal reasons. Travel abroad required a passport and an exit visa. Each application was considered and a decision taken in strict conformity with the laws and regulations in force. Foreigners were also free to travel about in the country and to live where they chose. They could acquire Mongolian citizenship by applying to the competent local authority. The same applied in the case of renunciation of Mongolian citizenship.

496. He said that the Mongolian Civil Code recognized the right to private ownership of property and consequently the right of inheritance. Article 72 of the Civil Code stipulated that all goods capable of satisfying the material and cultural needs of a person were susceptible of private ownership.

497. Replying to a question, he stated that freedom of thought, conscience and religion was guaranteed by law in particular by articles 86 and 87 of the Constitution. In addition, there was a law separating State and religion. One of the basic measures protecting religious freedom was the constitutional principle of equality of all citizens (art. 76). The freedom of religion included the right not to follow any religion at all. There was a Buddhist monastery in the People's Republic of Mongolia and the religious services were open to all believers.

498. Referring to the right to freedom of opinion and expression and the right to freedom of peaceful assembly and association, the representative explained that those rights were enshrined in the Constitution. All Mongolian citizens could freely express their opinions and exchange views in open discussions about political, economic, cultural, social and other issues. They were also free to hold demonstrations. Workers and their organizations had the right to use public buildings for their meetings and could also hold street demonstrations to make their views known. In addition, they had access to the press and television and had a say in the drafting of laws and in the conduct of referendums.

499. In reply to questions about the level of education, he said that there were currently 597 schools in Mongolia: in 126 of them the period of schooling lasted 10 years while in the others it lasted eight years. There were some 20,000 students in technical institutes and more than 19,000 students in higher educational establishments. The spread of education was reflected in the fact that for every 10,000 inhabitants, 2,723 were undergoing some form of education. Secondary and higher educational institutions provided students with knowledge of what was being done in the fight against racial discrimination and special attention was given to instilling in young people in particular and all citizens in general a spirit of internationalism and friendship among all peoples.

500. In conclusion, the representative assured the Committee that all comments and observations would be taken into account in the preparation of Mongolia's next periodic report.

#### Chile

501. The seventh periodic report of Chile (CERD/C/117/Add.3) was considered by the Committee at its 735th meeting, on 12 August 1985 (CERD/C/SR.735).

502. The report was introduced by the representative of Chile who said that the population of his country was a homogenous one and that any upsurge of racist attitudes was inconceivable. Moreover, the principles of non-discrimination and equality among citizens had been incorporated in the Chilean Constitution and legislation and the Convention itself had acquired the force of law in Chile. The representative then outlined the substance of his Government's report with regard to measures to give effect, in particular, to articles 2, 3 and 7 of the Convention in Chile. He also stated that the measures provided for in article 4 of the Convention were implicitly incorporated in the Constitution and other domestic legislation. Article 18 of Act No. 16.643, for instance made it an offence to produce publications or communications representing an incitement to hatred, hostility or prejudice against persons or groups on grounds of race or religion. He added that the suspension of certain rights as a result of exceptional situations in Chile had never entailed discrimination under the meaning of the Convention. Furthermore, Chilean courts were under an obligation to hear and judge, on an independent basis, any appeals and requests brought before them, such as those concerning acts of discrimination, which constituted an infringement of Chilean law.

503. The Committee, while welcoming the report as an indication of Chile's willingness to maintain its dialogue with the Committee, regretted that the report had not been prepared in conformity with the Committee's general guidelines (CERD/C/70/Rev.1) and that it appeared to be unrealistic in substance with regard to the actual situation of human rights in Chile. Furthermore, the Committee felt that the Chilean Government was still not sufficiently co-operative in the implementation of the Convention, since it did not provide information on concrete measures, which were necessary to enforce its provisions, and it persisted in its view that no specific legislation was needed to that effect as there were laws in Chile that duly guaranteed the rights set forth in the Convention.

504. The Committee stressed that it was particularly important that Chile should give details concerning legislation and other measures for the implementation of each article of the Convention, especially articles 4, 5 and 6, since in its report, the Chilean Government merely referred to provisions of the Chilean Constitution without clarifying whether those provisions were actually in force, which constitutional rights had been suspended as a result of the state of emergency in the country and when all constitutional rights could be fully implemented.

505. Members of the Committee were of the view that the Convention itself could not be seen in isolation from other United Nations human rights instruments and, before dealing with racial discrimination, the Committee had to be sure that all fundamental human rights were respected in the reporting State; they observed that they could not dissociate themselves from world public opinion and from the decisions and resolutions adopted by the United Nations and other international

organizations expressing concern about the persistent violations of human rights in Chile. In that connection, they referred to Commission on Human Rights resolutions 1983/38, 1984/63 and 1985/47 which constituted a severe indictment of the Chilean régime and expressed the Commission's concern, in particular, at violations of human rights among the indigenous population living in Chile.

506. The Committee expressed the hope that, in its next periodic report, the Government of Chile would provide factual information on concrete measures to guarantee without discrimination all the rights set forth in the Convention, in order to establish a constructive dialogue with the Committee and to permit a detailed evaluation of the human rights situation and the implementation of the Convention in Chile.

507. With particular reference to article 2, paragraph 2, of the Convention, members of the Committee wished to receive detailed information on specific programmes adopted to ensure the adequate economic, social and cultural development and protection of the Mapuches and other indigenous peoples living in Chile. It was observed, in that connection, that measures concerning Mapuches which had been adopted and reported by the Government of Chile seemed to contain discriminatory elements vis-à-vis other Chilean citizens. Clarification was also requested with regard to the total number of Mapuches living in Chile. In addition, members of the Committee asked whether practices deriving from the debt bond and slavery system still survived in Chile and, if so, what specific measures the Government had taken to eradicate them and protect the indigenous population, whether literacy programmes for the Mapuches and other indigenous populations existed, whether they were organized in their own languages, whether they took into account the development of indigenous cultures, and what percentage of Mapuches went on to higher education. They also asked what measures had been taken to increase the economic independence of the indigenous populations, how questions of land tenure were resolved among the Mapuches, whether they had representatives in Parliament, whether they could work in the civil service and in the administration of their reservation and what percentage of them were teachers.

508. With regard to article 3 of the Convention, members of the Committee wished to know the precise extent of diplomatic and trade relations between Chile and South Africa, whether the Chilean Government had taken any steps to counter the South African diplomatic initiatives aimed at increasing ties with Latin American countries and what contribution it had made to international efforts aimed at dismantling South Africa's illegal rule in Namibia.

509. With reference to article 4 of the Convention, it was asked, in particular, what penalties were imposed on persons found guilty of racial discrimination against the indigenous population.

510. In connection with article 5 of the Convention, specific information was requested on the number of Chileans who had been deprived of their citizenship and the situation concerning the amnesty referred to in the sixth periodic report of Chile.

511. Regarding article 6 of the Convention, information was requested on effective recourse procedures available to victims of human rights violations and it was asked whether those victims had effective protection such as the right of habeas corpus or amparo.

512. With reference to article 7 of the Convention, it was asked what efforts were being made in Chile, through the media and the educational system, to promote public awareness of indigenous cultures and of the Convention and what educational and other measures were taken to counteract the emergence of extreme right-wing groups with racist attitudes.

513. In replying to comments made and questions raised by members of the Committee, the representative of Chile stated that his Government intended to co-operate with the Committee and to give effect to the Convention. However, it could not agree with comments that it considered to be based on ideological positions and on subjective criteria. He recalled that on several occasions in the past his Government had expressed its disagreement with United Nations procedures for reporting on the situation of human rights in Chile and with what it considered to be the imposition of double standards.

514. With reference to article 2, paragraph 2, of the Convention, he stated that the current Mapuche population was approximately 200,000. However, it was extremely difficult to specify the exact number, because many people had at least some Mapuche blood and the Mapuche population lived not only in Chile but also in neighbouring Argentina. With regard to the Mapuche system of land tenure in Chile, he explained that, currently, while there was communal title of ownership for the reserve as a whole, land was held individually within the reserve. The situation had resulted in some anomalies, which it had been necessary to regulate in order to promote the overall economic and social development of the Mapuche people. The Mapuche people had retained its territory in the nineteenth century and had continued to live there ever since, but it was not confined to it. There had been much racial intermingling; however the Mapuche inhabiting the reserve had retained their racial purity.

515. As far as relations with South Africa were concerned, he stated that Chile took the view that it could not interfere in the internal affairs of other States and therefore restricted its action to measures at the international level.

516. Regarding article 4 of the Convention, the representative stated that racist organizations would be prohibited under the Chilean Constitution and persons belonging to them would commit a punishable offence in both criminal and civil law.

517. In conclusion, the representative of Chile stated that the comments made by members of the Committee and questions which had remained unanswered would be transmitted to his Government and replies would be given in its next periodic report.

#### Poland

518. The eighth periodic report of Poland (CERD/C/118/Add.21) was considered by the Committee at its 736th meeting, held on 12 August 1985 (CERD/C/SR.736).

519. The report was introduced by the representative of Poland who stated that his country considered racial discrimination foreign to its social and political system and that equal rights for all citizens were guaranteed by the Constitution and other relevant acts. He added that the principle of non-discrimination was guaranteed by the provisions of the Penal Code, under which dissemination of ideas based on national, ethnic and racial discrimination, including the use of print or other media, was subject to penalty. The ethnic and linguistic groups in Polish



territory had every possibility of cultivating their languages, religions, customs and cultures; they were allowed by law to set up their own social and cultural societies and to pursue their own cultural interests. Finally, he pointed out that Poland did not support or maintain relations with Governments or régimes practising racial discrimination, and that his Government supported all existing national liberation movements recognized by the United Nations.

520. The Committee commended the Polish Government for its report which closely followed the Committee's general guidelines (CERD/C/7u/Rev.1) and supplied appropriate information on questions raised during consideration of Poland's seventh periodic report. Some members sought clarification of the statement in the report that the Convention was an integral part of the Polish legal system which made specific legislation unnecessary. They also expressed the hope that the next report would contain demographic data on ethnic minorities.

521. With reference to article 2, paragraph 2, of the Convention, the Committee welcomed the reiteration in the report that the various ethnic groups in Poland enjoyed equality of rights and freedoms, in particular, that they were able to express themselves culturally and enjoyed the right to be educated in their own languages. Some members, however, requested more detailed information on the current situation of all minorities, other than the Byelorussians and the Ukrainians, as well as on the steps taken to preserve the cultural identity and the language of Gypsies and on the status of Jews and migrant workers. It was also asked whether there was still an ethnic association of the German-speaking minority, mentioned in previous reports. With reference to the education of minorities, some members wished to receive information on the percentage of minority teachers and asked whether special schools existed to train them and to train minority youth for other professions. Information was also requested on the participation of various minorities in the political, social and economic life of the country.

522. Where article 3 of the Convention was concerned, members of the Committee noted that Poland had an impressive record against apartheid, maintained no relations with the racist régime of South Africa and had fully supported all United Nations resolutions against apartheid.

523. With regard to article 4 of the Convention, members of the Committee observed that the article was implemented in the legal system of Poland by virtue of the Constitution and the Penal Code, which covered dissemination and acts of racial discrimination not only by individuals but also by organizations.

524. Regarding article 5 of the Convention, members noted that, with regard to the right to leave the country, the report stated that every Polish citizen was entitled to receive a passport according to the Law of Passports of 17 June 1959 "with subsequent amendments"; clarification was requested concerning those amendments. It was also asked how the provisions of Polish law on the right to leave the country worked in practice, what restrictions were placed on travel abroad and return home, and under what conditions travel abroad was permitted. Referring to the conditions mentioned in the report, under which a Polish citizen might be deprived of his citizenship, it was asked who determined whether loyalty to the Polish People's Republic had been respected and on what basis and whether there were specific criteria for defining when and how such loyalty had not been respected in cases other than those that were obviously detrimental to the vital interests of the State. Additional information was also sought on whether Polish

residents living abroad actually wished to be deprived of their Polish citizenship. Clarification was asked for regarding the restrictions in force on the exercise of the right to freedom of association and how the law governing the organization and dissolution of associations worked in practice, with particular reference to article 278 of the Penal Code in conjunction with its article 18.

525. With reference to article 6 of the Convention, members of the Committee requested additional information on the remedies available and the procedure for obtaining redress and compensation, as well as on whether a right of redress existed against state authorities for arbitrary acts or harm caused to an individual citizen; what recourse procedure was open to such a person and whether there had been any specific instance of its use. Attention was drawn to the remarkable provisions concerning the participation of a victim in a case where a prosecutor was conducting a preliminary inquiry and the competence of a victim to lodge a complaint should the prosecutor decide to discontinue his inquiry.

526. In relation to article 7 of the Convention, members of the Committee commended the measures taken by the Government to promote human rights issues in the field of education. Further information was requested concerning the role of the mass media in the dissemination of ideas relevant to the struggle against racial discrimination, as well as on such activities in the framework of the celebration of the fortieth anniversary of the United Nations.

527. Replying to the questions raised during the consideration of the report, the representative of Poland said that in his country, the idea of equality of all peoples was widely covered in school curricula at all levels. Education was open to all groups of the population without any restriction or racial discrimination. Furthermore, measures aimed at mobilizing national public opinion against the evils of racism, racial discrimination and apartheid were initiated and carried out both by the Polish Government and by non-governmental organizations. Poland received victims of racial discrimination for medical treatment and rehabilitation. Each year it granted scholarships for higher education to victims of such discrimination.

528. In reply to the question concerning the German minority in Poland, he said that there was no such minority, since all Polish citizens who considered themselves to be of German origin had left Poland of their own choice in accordance with the provisions of the Final Act of the Conference on Security and Co-operation in Europe. The remaining 70,000 members of ethnic groups, other than the Russians and Ukrainians, included Lithuanians, Czechs, Slovaks, Jews and Greeks.

529. Concerning the question on deprivation of citizenship, he stated that such action could not be taken with regard to a citizen residing in Poland and no Polish citizen living abroad had been deprived of citizenship since 1949 except at his own request.

530. In conclusion, he assured the Committee that all questions raised during the consideration of the eighth periodic report of Poland would be taken into account when the next periodic report was prepared.

### Haiti

531. The sixth periodic report of Haiti (CERD/C/116/Add.2) was considered by the Committee at its 736th and 737th meetings, on 12 and 13 August 1985 (CERD/C/SR.736 and SR.737).

532. The report was introduced by the representative of the State party who emphasized that his Government attached particular value to its dialogue with the Committee and made every effort to give effect to the provisions of the Convention. The representative also outlined the main issues dealt with in his Government's report and pointed out that his Government realized that the difficult economic situation, both national and international, was hampering its efforts to raise the living standards of the underprivileged masses and to enable every Haitian to take an active part in the country's social and economic life. He explained that the problem of illegal emigration was also linked to the question of the level of development and measures taken by the Government to attack the root of that problem should be seen in the context of overall development policy. The aim of that policy was to provide food security, medical care and work for all. A programme designed to boost the agricultural sector had been launched in 1983 and was already producing favourable effects. A vast amount of the country's resources were being devoted to educational reforms, and the recent constitutional reforms and the adoption of the law on political parties were designed to encourage more active participation of citizens in political life.

533. Members of the Committee commended the Government of Haiti for its regularity in submitting reports and in maintaining its dialogue with the Committee. They particularly welcomed the information on legislative measures aimed at safeguarding human rights in Haiti and the Government's compliance with article 3 of the Convention. However, members of the Committee regretted that information on the demographic composition of Haiti had not been provided by the Government on the grounds that the results of the census were not yet available. They stated that data on the ethnic and linguistic composition of the country were essential to enable the Committee to assess the situation of the various minority groups and, in addition to a detailed breakdown of the demographic composition of the population, they requested more information on the poorest and most vulnerable sectors of Haitian society.

534. With reference to article 4 of the Convention, it was noted that the provisions of article 48 of the Haitian Constitution referred only to discrimination on the part of public officials or the authorities and included no specific provision to cover acts of discrimination perpetrated by private citizens. Furthermore that article did not relate to the conditions and qualifications required for the performance of public functions and it was observed that those provisions appeared to be unsatisfactory in terms of implementation of the Convention. It was also observed that it was disquieting that the prosecution of senior officials for racial discrimination and other offences was subject to Government consent. In addition, members of the Committee emphasized the need for States parties to enact specific legislation to implement article 4 of the Convention as a protective measure, even when, as stated by the Government of Haiti, organizations which practised or encouraged racial discrimination did not exist in their territory.

535. Turning to article 5 of the Convention, members of the Committee wished to know whether there was full freedom to form political parties in Haiti, what the requirements were for enjoying the right to vote, whether illiterates were able to vote, and if so by what method, what the relationship was between the presidency for life and the legislative, judicial and executive powers, whether the public could have any say in regard to the system of life presidency via the electoral system, upon what basis people were elected to other governmental posts, what the structure of the legislature was and at what intervals elections were held.

Clarification was requested on the definition of "native-born Haitian" referred to in article 11 of the Constitution. In addition, members of the Committee wished to know who owned the newspapers, whether there was freedom in Haiti to express opinions in the press, on radio and television that ran counter to the accepted Government view, and whether the provisions of the Haitian Press Law of 1979, requiring all journalists to register and acquire a permit before practising their profession, was still in force and, if so, on what grounds permits were refused. Furthermore, members of the Committee asked whether trade unions could be established freely in Haiti, whether they were independent or government-sponsored organizations, whether the right to strike was allowed and whether any strikes had in fact taken place in Haiti over the past year. Concrete information was also requested on efforts to restructure agriculture, on legal aid and on the literacy campaign and, in particular, on the number of schools in rural and urban areas respectively and on measures taken to ensure the proper nutrition of children attending school.

536. With regard to article 7 of the Convention, it was asked what measures had been undertaken in the information field with a view to increasing public awareness of the evils of racial discrimination.

537. Replying to questions raised by members of the Committee, the representative of Haiti stated that the Haitian people exercised their political rights through democratic elections and referendums. In that connection, he informed the Committee that a constitutional amendment and a law on political parties had been voted in June 1985. The amendment provided for the appointment of a prime minister chosen by the head of State from among the members of the party having the largest number of deputies in the legislative chamber. The law on political parties allowed for an unlimited number of parties, which were authorized to publicize their programmes once they had been legally established. The only restriction on the parties was that they did not have the right to use emblems based on race. He also stated that there were a number of trade unions in Haiti and that they functioned freely. Legal aid was available for criminal cases and was administered by the regional bars. In the field of literacy, an agreement had been reached with the Catholic Church in March 1985 to promote progress in that sector and priority zones for education had been set up.

#### Yugoslavia

538. The eighth periodic report of Yugoslavia (CERD/C/118/Add.23) was considered by the Committee at its 737th and 738th meetings, on 13 August 1985 (CERD/C/SR.737 and SR.738).

539. The report was introduced by the representative of Yugoslavia who stated that there had been no substantive amendments to Yugoslav legislation related to the implementation of the Convention. The report mainly contained replies to the questions and comments raised by Committee members during the consideration of Yugoslavia's previous report.

540. The Committee commended the Yugoslav Government for its report, which, while not strictly following the Committee's guidelines (CERD/C/70/Rev.1), was of special interest, for it provided information on the Yugoslav system and experience in establishing the basis for national identity in a multinational State, and on the self-management system, which was looked upon by other countries as a possible model. The report gave a scholarly account of the complex relations between the

Federal Republic, the Republics and the Autonomous Provinces with their different nations, nationalities, ethnic and religious groups. However, members requested further clarifications, in particular, regarding the competence of the Federal Chamber and the Chambers of the Republics and Provinces, as well as the most important issues regulated by them; it was asked whether the Supreme Courts of the Autonomous Provinces were courts of final instance or whether an appeal lay to a higher court and whether international agreements were internally implemented by federal legislation. An explanation was also requested on the functions of the Provincial Social Attorney of Self-Management, on the mode of participation of the Autonomous Provinces in the Presidency of the Federal Republic and the Federal Executive Council, and whether the balance between all components of the federal State was respected, or whether there was some predominance of the Republics over the Autonomous Provinces. In addition, members asked whether the Constitution of 1974 provided the basis for the constitution of new Republics and Autonomous Provinces and whether the latter could eventually become Republics.

541. Members of the Committee observed that the report indicated that the existence of the Autonomous Provinces was not a creation of the "central organs". In that context and taking into consideration the information given in the report indicating that the status of Kosovo depended on the will and decision of the people, it was asked whether there had been any formal test of public opinion to ascertain whether a majority of the population would object to the Autonomous Province of Kosovo becoming a Republic and whether such a change would be detrimental to Serbia and the Federal Republic itself. It was also asked why the population of Kosovo and Vojvodina had opted to become Provinces and not Republics, even though their combined population was seven times as great as that of Montenegro, the smallest of the Republics. Confirmation was requested of the earlier statement that the incidents in Kosovo had been the result of the activities of organized groups which intended to change the constitutional system, attack the integrity of Yugoslavia and incite national hatred, rather than a demand for greater autonomy on an equal basis. Information was requested on how the whole system, with its many races, nations and cultures, operated smoothly in actual practice, as well as more details on self-management and on some specific cases in which conflicts between different ethnic groups had been resolved by mutual agreement in self-management communities.

542. Regarding the implementation of articles 2 and 5 of the Convention, members of the Committee were interested to know what the Government's priorities were regarding the socio-economic difficulties experienced by the more vulnerable parts of the country, particularly the Autonomous Provinces. Regarding emigrants, members wished to receive information on any bilateral agreements that existed between Yugoslavia and the host countries, and asked whether there was any machinery for the protection of Yugoslav nationals abroad. With reference to the Muslim ethnic group, it was asked whether or not the members of that group spoke the same language, and whether groups were classified on the basis of language or other socio-economic and cultural characteristics. In addition, clarification was requested on the way the State distributed its financial support to religious communities, whether religious schools were allowed in the country, and to what extent freedom of religion and the right to express one's religious ideas were allowed outside the confines of the officially recognized Churches. More information was also requested concerning the differences in educational progress between the various parts of the country and on multilingual education.

543. Turning to the policy on Gypsies, members noted that Yugoslavia was a model for the solution of the nationalities problem, including the Gypsies. Additional information was requested on their current situation.

544. In connection with the implementation of article 3 of the Convention, the Committee appreciated the fact that Yugoslavia was making an effective contribution to the campaign to eradicate all forms of racial discrimination, especially apartheid, at the international level.

545. In relation to article 4 of the Convention, the Committee noted that there were special criminal laws in some of the Republics and Autonomous Provinces. It was asked whether separate laws were needed for an act such as racial discrimination to become an offence in that particular Republic or Autonomous Province or whether federal legislation was sufficient.

546. Referring to a question raised under article 6 during consideration of the previous report of Yugoslavia concerning available remedies in the event of non-respect of the Convention under that article, members expressed some doubts about applying article 6 if it was not known which legal authority was competent to deal with it. In that connection, it was emphasized that the Convention was not entirely self-executing, and that internal legislation was necessary to make access to remedies available. Information was also sought on how grievances were dealt with in the context of the socialist self-management system and what recourse procedures were available at the federal or state level.

547. Replying to questions raised by members of the Committee, the representative of Yugoslavia stated that, in accordance with article 286 of the Yugoslav Constitution, the Chamber of Republics and Provinces was entitled, in agreement with the assemblies of those Republics and Provinces, to decide on the adoption of Yugoslavia's social and economic plan; to pass federal statutes regulating the monetary system, the issue of currency and foreign exchange; to regulate economic relations with other countries; to establish and control the use of foreign reserves; and to deal with tariff and non-tariff protection and price control of products and services. It was also authorized to give credit for accelerated development in certain economically backward Republics and Provinces; to determine the total volume of expenditure of the federal budget each year; and to decide on the establishment of funds and the contracting of obligations by the Federation. It was competent to decide on all international treaties governing matters that were dealt with at the republican and provincial level and to enact the necessary legislation in order to implement them. Some categories of international treaties needed the consent of the respective authorities of the Republics or Provinces. Finally, it was competent to determine sources of finance and to decide on the contracting of credit and other obligations for the needs of national defence and State security, and to formulate enforcement policy for federal statutes and other regulations and enactments. The Constitution provided that in cases where a bill, draft regulation or draft enactment, or any issue concerning the general interest of the Republics and Autonomous Provinces, was on the agenda of the Federal Chamber, it would be possible, if a majority of delegates from one Republic or Autonomous Province so requested, to have resort to a special procedure whereby such a bill or draft enactment could be adopted. The aim of the Yugoslav Constitution, including its provisions on the structure of the Chambers of the Assembly was to guarantee equality among nations and nationalities and among members of the Federation.

548. He informed the Committee that the provincial court was in fact the court of final instance, and was completely independent of the republican court. Under the Constitution, there were certain serious offences subject to federal criminal law for which the federal court would be the court of final instance, but in general, the republican court would have nothing to do with cases dealt with by the provincial court. In reply to a further point raised, he said that the presidency was composed of eight members, each representing a Republic or Province, all of whom had entirely equal rights. Presidents and Vice-Presidents were elected each year in rotation. Thus all Provinces were assured full participation in the federal Government.

549. Concerning the question whether it would be detrimental to Serbia and Yugoslavia in general should a new Republic be created, he confirmed that the effects would indeed be negative should the ideas promoted by certain groups be carried out. Their aims were the dissolution of Yugoslavia and the establishment of ethnically pure States on the basis of what were clearly nationalist and racist ideas. Yugoslav legislation prohibited incitement or activities aimed at forcing such fundamental changes. The creation of new Republics or Provinces was governed by the Constitution, which required that the Republics or Provinces should give their consent to any change in their frontiers or status, a guarantee which had been introduced in the 1974 Constitution.

550. Turning to questions on priorities established in response to the economic crisis, the representative drew attention to the special fund for the development of underdeveloped Republics and Provinces, including those of Bosnia and Herzegovina, Macedonia, Montenegro and Kosovo. Some 50 per cent of the fund was attributed to Kosovo. Economic development had to be further accelerated in all those regions and a number of measures were being taken in that direction. In order to overcome problems of external debt, for example, measures of solidarity were being put into practice whereby all regions were bound to use foreign currency assets wherever possible to assist regions which had particular difficulty in repaying their external debt.

551. Turning to the question about Yugoslav immigrant workers abroad, he drew attention to the series of bilateral agreements between Yugoslavia and Western European countries where such workers were employed, which granted special rights to such workers in areas such as social insurance, employment, culture, promotion of their language and education. Special agreements and regular contacts were also maintained between Yugoslav trade unions and trade unions in those countries in the interest of providing support to Yugoslav workers abroad. In addition, many contacts had been established with social organizations assisting workers in the countries involved. As a consequence of the economic crisis in Western Europe, many Yugoslav workers were returning to their own country and that trend was adversely affecting the already difficult employment situation in Yugoslavia. Attempts were being made, with minor success, to ensure that such workers were recognized by the countries where they had been employed as having contributed to national development and having paid contributions to social security and other funds and that such aspects be taken into consideration when workers decided to return to Yugoslavia.

552. Concerning the Muslims in Yugoslavia, he said that they were considered primarily as a nationality or ethnic group rather than a religious group in the sense that the Muslims identified as a national group lived mostly in Bosnia and Herzegovina and part of Serbia, whereas persons practising Islam in Yugoslavia might be Serbs or Albanians.

553. Concerning religious activities, the representative stated that the situation depended on the individual activity of each religious community or Church. Such activities were permitted by law and the only prohibition concerned the misuse of Churches or other religious premises for political reasons. Any official financial support provided to Churches and religious communities was granted by the authorities of the Republic or Province concerned and, to his knowledge, there was no inequality or discrimination in distribution. No federal support was provided.

554. In reply to questions posed with regard to the policy towards Gypsies, he stated that special attention had been paid to the problem in almost all the Republics and Provinces, and in particular where education, health, employment and housing were concerned. There had been some progress in the introduction of the Romany language; it was now on the curriculum of certain primary schools, and was also used by a number of broadcasting stations.

555. With respect to questions raised in connection with the provisions of article 6 of the Convention, the representative said that under the Constitution, not only judicial and administrative procedures, but also more informal solutions were provided for. Earlier reports had given full details of the machinery at the judicial and administrative level, and he therefore gave some examples of solutions at the grass-roots level. There were many other such instances, which showed that it was not always necessary to invoke formal procedures in redressing grievances of that nature.

556. The representative of Yugoslavia assured the Committee that his Government would provide more information in its next periodic report.

#### Venezuela

557. The eighth periodic report of Venezuela (CERD/C/118/Add.24) was considered by the Committee at its 738th to 740th meetings, on 13 and 14 August 1985 (CERD/C/SR.738 to SR.740).

558. The report was introduced by the representative of Venezuela who referred to the long tradition of tolerance and understanding among racial groups which existed in his country and to measures that his Government had taken to contribute to the international struggle against apartheid. He stated that his Government maintained no diplomatic, consular, cultural, military or sporting relations with South Africa, nor would it establish them as long as the apartheid régime existed in that country.

559. The Committee commended the Government of Venezuela on its excellent report prepared in accordance with the Committee's general guidelines (CERD/C/70/Rev.1) and on its efforts to comply with its obligations under the provisions of the Convention. Members of the Committee noted that the Convention had been incorporated into Venezuelan law through the Act of 28 July 1967 and they wished to receive the text of that Act.

560. Members of the Committee referred to the statement in the report to the effect that the Government of Venezuela could not provide information concerning the demographic composition of the country since the population of Venezuela was not classified according to ethnic, racial or religious origin. They observed that, as the report showed, there were in Venezuela, as in many other countries, basic differences between socio-economic groups which often coincided with ethnic groups;



detailed information on the demographic composition of the population was therefore necessary to enable the Committee to assess the success of the measures introduced by the Venezuelan Government to protect economically marginal sectors of society, disadvantaged social groups and, in particular, indigenous communities.

561. In that connection, members of the Committee referred to article 2, paragraph 2, of the Convention, and requested detailed information on the status of indigenous people in Venezuela, their situation and their numbers in relation to the total population of the country. They asked, in particular, what special and concrete measures had been taken to ensure the adequate development and protection of indigenous communities living in the forest zones; how many indigenous people lived in the forest zones; what their tribal groupings were; whether the special régime for the protection of indigenous communities, referred to in article 77 of the Venezuelan Constitution, had come into effect yet and whether it applied only to those in the border areas or to the indigenous population as a whole; whether the Agrarian Reform Act and Decree No. 283 governing the system of intercultural education had been promulgated in fulfilment of the provisions of article 77 of the Constitution; and what policy the Venezuelan Government had adopted to achieve gradual incorporation of the indigenous peoples into the life of the nation. Furthermore, members of the Committee wished to know to what extent the aims of the Office of Indigenous Affairs had been achieved so far; which indigenous groups participated in intercultural bilingual education and the names of the 19 groups which did not yet participate in that experiment; which indigenous peoples had reached primary, secondary and advanced school levels; how many beneficiaries were to be included in the educational system under the census of 350 indigenous communities, what basic criteria had been adopted in making the census, how educational material in each language had been prepared, and whether Spanish was the initial language of instruction. Some figures on the average literacy rate of various indigenous groups were also requested. It was also asked how public and private bodies responsible for indigenous affairs were being co-ordinated; what the working relationship was between government decision-making and development agencies and the various missions seeking to promote indigenous rights; what funds were at the disposal of the government agencies working for the social and economic development of the indigenous population; whether indigenous people participated in public affairs; whether they were moving from a subsistence level to one of economic production; whether they had formed co-operatives; whether they were producing handicrafts; whether they possessed ownership titles to land placed at their disposal by the Government and, if so, how many titles were granted and what effects industrialization projects and the exploration of natural resources had had in the areas traditionally occupied by the indigenous population; as well as to what extent social and economic differentiation was related to Venezuela's external debt.

562. With regard to article 3 of the Convention, further information was requested on the practical application of the policy of Venezuela towards South Africa, in particular, with respect to trade with that country.

563. Regarding article 4 of the Convention, members of the Committee wished to be informed about the text of the new Criminal Code currently under consideration in Venezuela, which would give effect to the provisions in that article. It was observed, in that connection, that the judicial body competent to make decisions with regard to violations of the Convention should be specifically designated under national legislation.

564. With reference to article 5 of the Convention, information was requested on the provision establishing that persons accused of offences against res publica might be tried in absentia, with the guarantees and in the manner prescribed by law and with legal aid made available to persons seeking protection by the State. Clarification was also requested on article 65 of the Constitution which, inter alia, provided that religious faith should be subject to the overall inspection of the National Executive in conformity with the law. In addition, further information was requested on the situation of immigrants in Venezuela, whether there were any restrictions in terms of property, ownership or social security coverage for them. It was asked what legal status was enjoyed by indigenous people who had entered Venezuela from neighbouring countries in recent years, whether they were being assimilated into Venezuelan society or whether they were expected to return to their countries of origin. Moreover it was asked whether it was sufficient for candidates for public office from the indigenous populations to read and write in their own language or whether they were required to have such qualifications in Spanish, whether limitations of freedom of movement applied to reservations of the indigenous population and, if so, whether they were intended to protect those groups from specific dangers such as alcohol-trafficking; how the unemployment insurance scheme and labour colonies were structured and whether the various detention and internment institutions were used only for persons found guilty of offences under the Penal Code or whether individuals could be sent to labour colonies by an administrative order. Further information was also requested on certain aspects of Venezuela's development plans such as housing, education, the eradication of illiteracy and social security coverage for the whole of the population, including the indigenous population.

565. In connection with article 6 of the Convention, it was asked what recourse was available under existing Venezuelan legislation to redress damages caused by offences covered by article 4 of the Convention, whether legal aid was available and whether the body established in Venezuela to ensure the exact observance of the Constitution had intervened on any occasion with regard to actions that were contrary to the provisions of the Convention, whether any cases of racial discrimination had in fact occurred on Venezuelan territory, or whether the situation was that no such cases had been taken to court. In the light of Venezuela's compliance with the Convention and other international human rights instruments, members of the Committee suggested that, within the sovereign rights of that State party, its Government might give consideration to making the optional declaration provided for by article 14 of the Convention.

566. The Committee requested information on the measures taken by Venezuela to implement article 7 of the Convention.

567. Replying to questions raised and observations made by members of the Committee, the representative of Venezuela stated that no census had ever been carried out in his country on the basis of race since some 80 per cent of the population was descended from mixed marriages and there were less than 40,000 indigenous inhabitants. However, a census had been taken of the indigenous population in the forest zones on the right bank of the river Orinoco. Some 30,000 people were living there and there was a separate indigenous ethnic group numbering only about 5,000 on the Guahira peninsula. The latter group was somewhat more socially developed, and the majority of them were bilingual, whereas the former group spoke only indigenous languages.

568. Referring to article 2, paragraph 2, of the Convention, the representative explained that indigenous inhabitants lived largely on a subsistence economy, practising fishing, rudimentary agriculture and handicrafts. They did in fact have title to the ownership of their land, since the Agrarian Reform Act of 1960 had established the principle that the land should belong to those who cultivated it. In the forest zones, which were very remote and where there was little economic activity, there were very few cases of any indigenous inhabitants who did not enjoy the right of land ownership. The representative also stated that virtually all the population of Venezuela spoke Spanish and only a handful spoke only their indigenous language. The Agrarian Reform Act and the intercultural bilingual education system had both been established in accordance with article 77 of the Constitution. It had been decided to initiate that system on an experimental basis with only a certain number of ethnic groups, with a view to extending it eventually to cover all groups. The gradual incorporation of indigenous communities in the life of the nation did not imply assimilation, but rather was intended to ensure that the indigenous population enjoyed the rights provided for them under Venezuelan law. That process of incorporation involved the Ministries of Education, Health and Justice, and was applied through various institutions concerned with regional development. He said that social and economic differentiation was to a large extent related to the external debt problem, which was inherent in the North-South dialogue.

569. Concerning the tapping of natural resources in indigenous areas, the representative stated that two main areas were affected, both of them on the shores of the river Orinoco but neither situated in places where indigenous groups were living. The same was true for hydro-electric production at the Guri dam. There was no other major industrial site which could be detrimental to Indians.

570. With reference to article 3 of the Convention, the representative explained that there was an embargo on the export of Venezuelan oil to South Africa implemented through a system of export licences which were granted only for deliveries to certain ports.

571. In connection with article 5 of the Convention, the representative stated that legal aid was available to the indigenous inhabitants of Venezuela, that the prerequisite of being able to read and write in order to participate in elections referred to the Spanish language, since 99 per cent of the population spoke Spanish, that every citizen had the right to freedom of movement in all areas of Venezuela and that the main intent of the second sentence of article 65 of the Constitution was to convey that, while freedom to practice religion was assured, Venezuela was fundamentally a secular State. He added that Venezuela's immigration policy was very liberal in that there were no special regulations governing the entry to Venezuela of Indians or members of other ethnic groups, and that an immigrant, once admitted, was entitled to enjoy the same rights as native born citizens.

572. Regarding article 6 of the Convention, the representative referred to information provided in the report and stated that the Department of Public Prosecution had a considerable number of legal experts at its disposal who ex officio protected the everyday rights of the ordinary man. Advisers were elected and the Department of Public Prosecution had an autonomous budget.

573. With reference to article 7 of the Convention, the representative stated that there was a three-year primary-school programme in Venezuela which provided teaching in civics and morals and was aimed at promoting tolerance.

574. He added that he would transmit to his Government the Committee's suggestion that Venezuela should consider making the optional declaration provided for under article 14 of the Convention.

### Spain

575. The eighth periodic report of Spain (CERD/C/118/Add.5 and Add.29) was considered by the Committee at its 740th and 741st meetings, held on 14 and 15 August 1985 (CERD/C/SR.740 and SR.741).

576. The report was introduced by the representative of Spain who drew the Committee's attention to the new legislation adopted in his country on the rights and liberties of foreigners, the right of asylum and the situation of refugees. The new draft Penal Code included provisions which classified as offences certain acts relating to racial discrimination. He also stated that the Spanish Government had decided to dissolve the Inter-Ministerial Commission to study questions relating to Gypsies and that a new non-administrative organ would be created to deal with the Gypsy community. Finally, he said that Spain had recalled its ambassador from Pretoria to Madrid in the light of the recent tragic events in South Africa, and that the Ambassador had not returned to his post.

577. The Committee congratulated the Spanish Government on its interesting report, which followed the Committee's general guidelines (CERD/C/70/Rev.1) and contained comprehensive information on the legislative measures taken and planned in favour of human rights and fundamental freedoms. Members took note of the information in the report to the effect that the provisions of the Convention were a source of interpretation by the Spanish judiciary when dealing with matters of racial discrimination and equal rights.

578. With regard to the implementation of article 2 in conjunction with article 5 of the Convention, the Committee pointed out that extensive information was given on the steps taken to protect the Gypsy community. However, members asked for clarification on the exact proportion of Gypsies residing in Spain, whether the Gypsies who were Spanish by nationality were regarded as culturally separate or as totally assimilated and whether any attempt was being made to induce them to settle down voluntarily through the provision of basic amenities. It was noted that there had been some discrimination with regard to the Romany language, which had not been accepted as an official one in the education system, whereas other regional languages were being encouraged; and it was asked what was being done to preserve the rich folkloric heritage of the Gypsies, now that Romany might become a dead language. Further details were also requested on the work of centres for free social and legal assistance for Gypsies and the problems they had resolved; on the special panel for issues affecting the Gypsy community, mentioned in the report; on public health and sanitary assistance programmes; as well as on the number of Gypsy children attending school and the number of housing units allocated to them. It was also asked whether there was any representation of Gypsy bodies on any of the working groups set up under Royal Decree 250/79 mentioned in the report. Referring to Royal Decree 1174/83 of 27 April 1983 on Compensatory Education, members requested information on its most important provisions. It was noted that the reference in the report to the Catalan language as a "vernacular idiom" seemed inappropriate and somewhat derogatory in view of the extremely rich literary and spoken tradition of the language in Catalonia. Information was also requested on how the reform of the self-governing regional communities actually worked in

practice, to what extent it had reduced interethnic friction, and why conflicts such as that in the Basque country remained unresolved, despite such progressive measures.

579. Members congratulated the Spanish Government on the information given on the situation of aliens, on the protection accorded to foreigners seeking asylum, and on Spain's policy towards refugees. In that regard the Committee asked for additional details about the countries of origin of its refugees and on how the various refugee groups residing in Spain were helped to preserve their cultural identity. It was asked what organizations had been formed for that purpose, how they were constituted and whether the refugees participated in them.

580. In relation to article 3 of the Convention, the Committee noted that Spain had accepted the fact that apartheid was an inhuman and unacceptable system. Members pointed out that diplomatic and all other relations with South Africa had not been broken off, even if Spain had recalled its Ambassador for consultations as a result of the crisis of violence against black people in South Africa. Members expressed their hope that the Spanish Ambassador would remain in Spain for consultations until apartheid had been ended. Members of the Committee asked what Spain's reaction had been to Security Council resolution 569 (1985) of 26 July 1985 and what its position was regarding trade, military and other relations with South Africa, including the sale of computers and heavy equipment.

581. Regarding the implementation of article 4 of the Convention, members of the Committee observed that the new paragraph (4) of article 173 of the Spanish Penal Code was positive and brought the law closer to implementing that article of the Convention. In that connection, members asked whether copies of article 4 of the Convention could be circulated among lawyers in case some of them were not already fully aware of the text of that article. The hope was expressed that racial organizations would also be explicitly banned in Spanish law.

582. In connection with article 6 of the Convention, the Committee sought information on sanctions against those who practised discrimination and on the remedies for compensation available to victims of such discrimination. Members also pointed out that the Government of Spain might wish to consider making the declaration provided for in article 14 of the Convention so that individuals or groups of individuals within its jurisdiction could submit communications concerning cases of racial discrimination to the Committee.

583. As to the implementation of article 7 of the Convention, information was requested on the participation of the mass media in the fight against racial discrimination, on specific symposia or workshops held to make people aware of the Charter of the United Nations, the Universal Declaration of Human Rights and the Convention, and which international instruments were being popularized. Some members expressed the hope that the measures taken by the Spanish Government to improve the lot of the Romany people would include action falling within the scope of article 7, namely an educational and information campaign, especially among key categories of the majority population such as the police and the Guardia Civil.

584. Replying to questions raised and comments made by members of the Committee, the representative of Spain stated that there was no question of Gypsies being considered responsible for provoking social conflict. However, it was a fact that the Gypsy way of life and the importance Gypsies attached to being completely free to move around the country and move from job to job was incompatible with the life-style in any modern developed industrialized State. The Spanish Government's

plans to integrate Gypsies into society were in no way intended to destroy or suppress their traditional life-style, but to accommodate it within Spanish society in such a way as to ensure that Gypsies and other members of Spanish society lived amicably together in an atmosphere of mutual respect. As a result, Gypsies played an active role at all levels in the commercial, industrial, academic, artistic, cultural and political life of the country. However, the Gypsy community was undoubtedly one of the economically disadvantaged groups and the Spanish Government had made special efforts in the field of education, training, housing and social benefits in order to overcome that situation. He also emphasized that although their ethnic origins were different, the Gypsies had never been regarded as a foreign ethnic group that had settled in Spain. Regarding the questions raised concerning the Romany language, the representative said that the Spanish Gypsy community's language was caló or calé which differed greatly from Romany and other Gypsy languages. Calé was a living language widely used by Gypsies in their communications with one another. However, the difficulties of introducing calé as a teaching language were virtually insurmountable. Spanish Gypsies were moving towards a more settled way of life although many of them still led a nomadic existence. Consequently, what was most important was to ensure that Gypsy children who spoke calé in their family circles were given the necessary pre-school training to enable them to fit into the educational system. Royal Decree 1174/1983 on Compensatory Education contained specific provisions to enable economically disadvantaged groups in Spain, which often included Gypsies, to enjoy the benefits of the State educational system.

585. With regard to "vernacular idioms" he said that the term vernacular was not in any way intended to be derogatory. Moreover, the Spanish Constitution simply referred to the different languages in Spain. Some of the inhabitants of the Autonomous Community of the Basque country did not speak Euskera. However Catalan was used everywhere and for all purposes in Catalonia despite the fact that most Catalans were bilingual. Furthermore, he said that the Spanish Government's decision to institutionalize a State made up of different autonomous communities with a high degree of decentralization, which virtually constituted a federal State, was not in any way based on ethnic differences. The institutionalization of autonomous communities within the Spanish State was based on cultural and historical considerations. In that connection he did not agree that the institutionalization of the Basque country as a self-governing community constituted a recognition of the existence of a Basque ethnic group. The Basque country's distinctiveness was based on historical and political factors that had nothing to do with race.

586. As for the implementation of article 3 of the Convention, he stated that the Spanish Government had always shown great respect, not only for mandatory resolutions, but also for others adopted by the General Assembly, and that Spain was not a nuclear Power and therefore not an exporter of nuclear know-how or any sensitive equipment. His Government gave no financial assistance for exports to the Republic of South Africa and entertained no sporting links with that country.

587. In connection with the implementation of article 4 of the Convention, the representative clarified the provisions of articles 527, 534 and 535 of the new draft of the Penal Code of Spain and said that certain small groups held racist attitudes, but such attitudes were nowhere reflected in the policies or laws of the country. However, Spain recognized the importance of preventive measures, hence the inclusion of those provisions in the preliminary proposals for the new Penal Code.

588. Finally, the representative of Spain assured the Committee that, in its next report, his Government would provide detailed information in reply to all questions raised by Committee members.

### Jamaica

589. The fifth, sixth and seventh periodic reports of Jamaica submitted in one document (CERD/C/117/Add.4) were considered by the Committee at its 741st and 742nd meetings, on 15 August 1985 (CERD/C/SR.741 and SR.742).

590. The report was introduced by the representative of Jamaica who said that the Jamaican Cabinet had recently decided to enact specific legislation to implement article 4 of the Convention in accordance with the request made by the Committee at the time of its consideration of the fourth periodic report of Jamaica. Once that legislation was enacted, Jamaica would withdraw the reservation it had made in 1971 upon its ratification of the Convention.

591. Members of the Committee commended the Government of Jamaica on its very positive report and, in particular, on its remarkable stand against apartheid as well as on its decision to enact the legislation required under article 4 of the Convention. They expressed the hope that detailed information on that legislation would be included in Jamaica's next periodic report.

592. Members of the Committee referred to the information provided on the percentage distribution of the Jamaican population by racial origin between 1960 and 1970. In that connection, they asked why there had been a large increase in the black population, while the mixed population and the population classified under the heading "other races" had suffered a considerable decrease, and whether that trend had continued during the last 15 years.

593. They also requested a further breakdown of the Negro/black group, more information on people of East Indian and Amerindian origin and some historical background on the kind of immigration at the time of Jamaica's independence as well as trends during the post-independence period. Members of the Committee emphasized the importance of updated demographic information in order to assess the situation of the various ethnic groups of Jamaica, in respect of their enjoyment without discrimination of the rights set forth in the Convention.

594. With particular reference to article 2, paragraph 2, of the Convention, more information was requested about social strata and the conditions of the various racial groups of Jamaica, especially those which could be considered the most vulnerable or disadvantaged, and the measures being taken in that respect.

595. With reference to article 5 of the Convention, members of the Committee wished to know whether hearings before the courts always took place in English or whether people could use their own languages and the court would provide interpreters, what electoral system prevailed in Jamaica, whether the different racial groups and ethnic minorities were represented in Parliament and in the Government, what the status of political parties was and whether limitations on their establishment could be authorized, what the percentage of illiteracy was and whether illiterates had the right to vote, what the qualifications for obtaining Jamaican nationality were and whether any restrictions in practice were applied to the right to marriage.

596. In addition, members of the Committee asked what was being done to overcome the problem of illiteracy and improve standards of living and housing and what measures had been taken in the field of social security. They stated that it would be useful to have a breakdown of the level of education and standard of literacy for each group, as well as a breakdown of the racial distribution of participation in economic life and professions in Jamaica, in order to establish whether in practice any one group was more disadvantaged than others. It was also asked whether multinational companies had economic activities in Jamaica and whether legislation existed to protect local people against exploitation and discrimination.

597. With regard to article 6 of the Convention, information was requested on the reasons why there had not been a single case of racial discrimination in the history of independent Jamaica and on whether there had been cases which had been brought before the ombudsman. Clarification was also requested on the possibility for a person whose rights had been violated to appeal over the Supreme Court to the Court of Appeal. Several members also asked whether there was a chance that the declaration under article 14 might be made.

598. In connection with article 7 of the Convention, more information was requested on the curriculum for social studies as well as clarification as to how the Government differentiated the ethnic groups under that curriculum. It was also asked how Jamaica commemorated the International Day for the Elimination of Racial Discrimination and whether that occasion was used to explain the contents and substance of the Convention.

599. In replying to questions raised by members of the Committee, the representative of Jamaica referred to the demographic composition of his country and stated that the results of the most recent census had not yet been obtained; however the experts of the Jamaican Department of Demographic Statistics would provide further information to be included in his Government's next periodic report. Regarding, in particular, East Indians, the representative explained that they had never been a large population in Jamaica and that their numbers had never notably changed. He provided some data concerning the percentage of East Indians compared to the total population of Jamaica from 1881 to 1960 and stated that, from a statistical point of view, East Indians and Afro-East Indians were combined in a single category. He explained that Amerindians had not been a factor in the population of Jamaica since the early eighteenth century. Jamaica had been thinly populated by Amerindians during the first period of colonization, but they had died off very quickly as a result of European diseases, to which they had no immunity, and forced labour. Furthermore, the representative stated that it was impossible to break down the classification of black/Negro blood into further categories, since in Jamaica there was no identification with any sub-category of the black or Negro race. Although most people of African descent came from West Africa, there was no identification with any ethnic group but rather with Africa as a whole.

600. With regard to article 4 of the Convention, the representative assured the Committee that it would be kept informed of progress made with regard to Jamaica's commitment to enact legislation to implement the provisions of that article.

601. With reference to article 5 of the Convention, the representative explained that Jamaica had an electoral system based on single constituency representation rather than on proportional representation. The House of Representatives was elected on a constituency system. However, the Jamaican Senate corresponded more to proportional representation in so far as the winning party in the lower house



appointed 13 members of the Senate while the opposition leader appointed eight. It was not easy to determine the racial classification of each member of Parliament, but there was no racial problem in being elected to it.

602. With reference to article 6 of the Convention, the representative explained that in Jamaica, the Supreme Court was a general court, the court of first instance on constitutional matters, and that the Court of Appeal was the highest court.

C. General Recommendation VII relating to the implementation of article 4 of the Convention

603. At its 742nd meeting (thirty-second session), held on 15 August 1985, the Committee requested its Bureau to prepare a draft general recommendation relating to the implementation of article 4 of the Convention inviting States parties to apply that article of the Convention fully.

604. At its 746th meeting, held on 20 August 1985, the Committee adopted the draft general recommendation submitted by the Bureau, with minor changes.

605. The text, as adopted, appears in chapter VII, section B, decision 2 (XXXII).

IV. CONSIDERATION OF COMMUNICATIONS UNDER ARTICLE 14  
OF THE CONVENTION

606. 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. Eleven of the 124 States which have acceded to or ratified the Convention have declared that they recognize the competence of the Committee to receive and consider communications under article 14 of the Convention. 3/ These States are Costa Rica, 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.

607. 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.

608. 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, para. 1) or on the action to be taken in respect of communications which have been declared admissible (rule 95, para. 1).

609. The Committee commenced its work under article 14 of the Convention at its thirtieth session. At its thirty-second session the Committee established a working group (under rule 87, para. 1) to meet during the Committee's thirty-third session and to submit recommendations to the Committee at that session. It is envisaged that the Committee will include in its annual report a summary of the communications considered by it and of the explanations and statement of the States parties concerned, together with the Committee's own suggestions and recommendations thereon (art. 14, para. 8, of the Convention). The Committee's work under article 14 of the Convention has not reached this reporting stage.

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

610. The Committee considered this item at its 723rd meeting (thirty-first session), on 20 March 1985, and at its 745th and 746th meetings (thirty-second session), on 20 August 1985.

611. The action taken by the Trusteeship Council at its fifty-first session, in 1984, 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 1983 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 thirty-ninth 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 1984, are contained in paragraph 583 of its report to the General Assembly.

612. In resolution 39/21 of 23 November 1984, the General Assembly, inter alia, took note with appreciation of the report of the Committee on its twenty-ninth and thirtieth sessions, strongly condemned the policy of apartheid in South Africa and Namibia as a crime against humanity, took note with appreciation of the report submitted to the Committee by the United Nations Council for Namibia as the legal Administering Authority for Namibia until independence, commended the Committee for its continuous endeavours towards the elimination of apartheid in South Africa and Namibia and of all forms of discrimination based on race, colour, descent or national or ethnic origin, wherever it existed, called upon the United Nations bodies concerned to ensure that the Committee was supplied with all relevant information on all the Territories to which General Assembly resolution 1514 (XV) applied and urged the 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.

613. At its thirty-first session, the Committee was informed by the Secretary-General of the action taken by the Special Committee in 1984 in connection with article 15 of the Convention. At its 126th meeting, held on 20 August 1984, the Special Committee, having regard to the information requested of it under article 15 of the Convention and in General Assembly resolution 38/21 of 22 November 1983, 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. 5/ 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 1984.

614. At its thirty-second session, the Committee was informed by the Secretary-General of the action taken by the Trusteeship Council at its fifty-second (1985) session in connection with article 15 of the Convention. The Trusteeship Council, at its 1595th meeting, held on 28 May 1985, considered the item on the agenda of its fifty-second session entitled "Co-operation with the Committee on the Elimination of Racial Discrimination" together with the item

concerning the "Decade for Action to Combat Racism and Racial Discrimination". The Council decided to take note of the statements made on the subject by its members (T/PV.1595). No further action concerning the opinions and recommendations of the Committee referred to above was taken by the Trusteeship Council.

615. 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-first and thirty-second sessions the documents listed in annex III below.

616. At its thirty-first session, the Committee approved the appointment of the members of its three working groups to examine the documentation submitted to it under article 15 of the Convention and to report to the Committee on their findings, as well as their opinions and recommendations, for consideration by the Committee at its thirty-second session. The working groups which met during the thirty-second session of the Committee consisted of the following members:

(a) Atlantic Ocean and Caribbean Territories, including Gibraltar

Mr. Cicanovic, Mr. Sherifis, Mr. Starushenko and Mr. Yutzis, with Mr. Shahi as Convener.

(b) Pacific and Indian Ocean Territories

Mr. Cremona, Mr. Roucounas and Mr. Song, with Mr. Karasimeonov as Convener.

(c) African Territories

Mr. de Pierola y Balta and Mrs. Sadiq Ali, with Mr. Oberg as Convener.

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

617. In accordance with established practice, the Committee agreed, at its thirty-second session, that the final text of its opinions and recommendations under article 15 of the Convention should be prefaced by the following observations: (a) that the Committee was submitting, in lieu of a "summary of the petitions and reports it has received from United Nations bodies" as required by article 15, paragraph 3, of the Convention, a list of those documents (see annex III 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 and to the United Nations bodies concerned.

618. The reports of the three working groups mentioned above were considered by the Committee at its 745th and 746th meetings, held on 20 August 1985, and were adopted paragraph by paragraph, with some amendments.

619. The opinions and recommendations of the Committee, based on its consideration of copies of reports and other information submitted to it in 1985 under article 15 of the Convention, as adopted by the Committee at its 746th 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, 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

At the outset, the Committee wishes to state with regret that it has not been provided with information relevant to its task in the reports received from the administering Powers, through the relevant United Nations bodies concerning a number of Trust and Non-Self-Governing Territories in the various regions.

A. Atlantic Ocean and Caribbean Territories,  
including Gibraltar 6/

The documents transmitted to the Committee, while containing information pertaining to political, economic and other activities, are devoid of the texts of legislative enactments, judicial decisions and administrative orders needed by the Committee to enable it to fulfil its responsibilities towards the peoples of dependent Territories under article 15 of the Convention. The request, pursuant to General Assembly resolution 38/21 of 22 November 1983, by the Special Committee to 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, has not met with a positive response.

The Committee is constrained to observe from the material placed before it that the existence of colonial regimes in the Atlantic Ocean and Caribbean Islands militates against the full extension of the benefits of the Convention to the peoples of these dependent Territories. Furthermore, the policy of the colonial régimes designed to attract foreign private investment could conceivably carry the danger of control and exploitation of the natural resources of these Territories to the detriment of their indigenous populations.

The military installations maintained in some of these islands and the military activities, including missile-testing, pursued on or near them may well be a source of danger to the life and economic activities of the inhabitants.

#### 1. Anguilla

The Committee regrets that the administering Power has not responded to its previous request to be provided with the text of the human rights provisions of the new Constitution of 1982.

#### 2. Bermuda

The Committee took note of the establishment of the Human Rights Commission in 1982 under the Human Rights Act 1981 and wishes to request information on the activities of the Commission.

#### 3. Falkland Islands (Malvinas)

The Committee is concerned over the lack of progress towards a peaceful solution of the dispute in accordance with General Assembly resolution 37/9 and expresses the hope that the resolution will be implemented.

#### 4. St. Helena

The Committee reiterates its regret that St. Helena continues to trade with South Africa and strongly urges that an end be put to its commercial relations with the apartheid régime.

### B. Pacific and Indian Ocean Territories 7/

The Committee finds it impossible 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. The Committee, therefore, once more requests these 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.

### C. African Territories 8/

#### Namibia

The Committee considered the seriously worsening situation in Namibia and reiterates its decision that, in the interim period until Namibia attains full independence, it will continue to take into account the information concerning Namibia furnished by other United Nations bodies under article 15 of the Convention.

Pending the attainment by Namibia of its full independence, the Committee reiterates its request to the United Nations to use every possible means to prevent the South African régime from pursuing its policy of apartheid in Namibia.

The Committee strongly condemns the racist régime of South Africa for its continuous defiance of decisions and resolutions of the United Nations, particularly Security Council resolution 439 (1978) of 13 November 1978, in its attempts to obtain an "internal solution" negotiated with the so-called Multi-Party Conference with the object of creating an "internal government" in Namibia. This is a ploy designed to perpetuate the illegal occupation of the territory in direct contravention of the above-mentioned Security Council resolution. It ignores completely the claims of the vast majority of the population, represented by the South West Africa People's Organization (SWAPO), which is demanding the total abolition of apartheid and the exercise of its inalienable right to self-determination leading to genuine majority rule.

The Committee strongly deplores the continuing ruthless political repression of the people of Namibia and the illegal action by the Pretoria régime to designate a "security zone" in the entire northern border region, as well as the imposition of compulsory military conscription to serve in the occupying colonial army, which is in direct conflict with Security Council resolution 435 (1978) of 29 September 1978 and intended to force Namibians to kill each other.

The Committee rejects the introduction of extraneous issues, such as "linkage", "parallelism" and "reciprocity", and reiterates that Security Council resolution 435 (1978) remains the only basis for an internationally acceptable settlement of the question of Namibia's independence as a whole.

The Committee 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.

## VI. SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION

620. The Committee considered this item at its 724th and 725th meetings (thirty-first session), held on 21 and 22 March 1985, and at its 740th, 744th and 745th meetings (thirty-second session), held on 14, 19 and 20 August 1985.

621. For the consideration of the item, the Committee had before it the following documents: (a) draft plan of activities for the period 1985-1989 in accordance with General Assembly resolution 38/14: report of the Secretary-General (A/39/167-E/1984/33 and Add.1-2); (b) report of the Secretary-General prepared in accordance with paragraph 18 (f) of the Programme for the First Decade and with paragraph 7 of General Assembly resolution 38/14 (E/1984/56 and Add.1-2); and (c) General Assembly resolution 39/16 of 23 November 1984.

622. At the thirty-first session of the Committee, the item was introduced by the Committee Secretary, who drew attention to paragraphs 5 and 8 (a) of General Assembly resolution 39/16 and recalled some of the proposals put forward by members of the Committee at the two previous sessions, which might be implemented during the Decade. He informed members that the two studies on articles 4 and 7 of the Convention prepared by the Committee for the Second World Conference to Combat Racism and Racial Discrimination would be published shortly within available resources. He also drew attention to paragraph 15 of General Assembly resolution 39/21 which requested the Secretary-General to explore the possibility of holding one of the regular sessions of the Committee in Africa within the context of the Second Decade to Combat Racism and Racial Discrimination and to inform the General Assembly and the Committee of his findings.

623. Members were of the opinion that the Committee should ensure the greatest possible dissemination of information on its work during the Second Decade, including perhaps, the production of a film on its work which could be useful for that purpose. In that connection, they supported the idea of organizing a seminar to which the mass media would be invited. In view of financial considerations, however, it was proposed that half of a regular session of the Committee might be converted to a seminar having as its theme "Implementation of the International Convention on the Elimination of All Forms of Racial Discrimination", while the second half would be used to consider reports from States parties, and consideration of all other agenda items would be postponed until the following session of the Committee.

624. The Committee agreed to recommend to the General Assembly that it should appeal to all States which had not yet done so to ratify or accede to the Convention in order to make it univesal. The Committee also placed great emphasis on the importance of holding a session in an African country, with a view to enhancing public awareness in that region of its activities.

625. The Committee examined the possibility of conducting further studies on the implementation of other articles of the Convention, particularly articles 6 and 5 (e) in conjunction with articles 1 and 2, paragraph 2, which would complement those already completed on articles 4 and 7. As there appeared to be no consensus on the appropriate subject of such studies and the modalities of their preparation, the Committee decided to postpone discussion of the matter to the following session, when there would also be an occasion to discuss the question of the compilation of a consolidated volume of national laws implementing the Convention.



626. At its 724th meeting, held on 21 March 1985, the Committee set up a working group to prepare a draft decision to commemorate the fortieth anniversary of the defeat of nazism and fascism. The working group consisted of the following five members: Mr. de Pierola y Balta, Mr. Karasimeonov, Mr. Roucounas, Mr. Shahi and Mr. Starushenko.

627. At its 725th meeting, held on 22 March 1985, the Committee adopted the text proposed by the working group, with minor changes. The text as adopted appears in chapter VII, section A, decision 1 (XXXI).

628. At its 745th meeting, held on 20 August 1985, the Chairman of the Committee, Mr. Valencia Rodríguez, made a general statement on the type of action that the Committee might undertake in order to contribute actively to the Second Decade to Combat Racism and Racial Discrimination. His statement was unanimously endorsed by the Committee (for the text, see annex IV of the report).

629. At its 740th meeting, held on 14 August 1985, the Committee set up a working group to prepare a draft resolution on the question of apartheid under article 3 of the Convention. The working group consisted of the following members: Mr. de Pierola y Balta, Mr. Karasimeonov, Mr. Lamptey, Mr. Partsch and Mrs. Sadiq Ali.

630. At its 745th meeting, held on 21 August 1985, the Committee adopted the text proposed by the working group, with some amendments. The text as adopted appears in chapter VII, section B, decision 1 (XXXII).

631. At its 742nd meeting, held on 15 August 1985, the Committee decided to establish an open-ended working group to deal with the possibility of organizing a seminar in conjunction with a future session of the Committee and to examine the advisability of preparing studies on specific articles of the Convention. The working group consisted of the following five members: Mr. Lamptey, Mr. Oberg, Mr. Shahi, Mr. Starushenko and Mr. Yutzis. On behalf of the working group, Mr. Lamptey gave an interim report of the work carried out by the group during the session. According to the report, the seminar should be held in conjunction with the 1987 spring session and five days during that session should be allocated to it. The working group would examine at the next session of the Committee the questions of the subjects to be discussed at the seminar and participation therein. The Chairman invited all members of the Committee to make specific proposals on matters that could be dealt with by the seminar.

VII. DECISIONS ADOPTED BY THE COMMITTEE AT ITS  
THIRTY-FIRST AND THIRTY-SECOND SESSIONS

A. Thirty-first session

1 (XXXI). Fortieth anniversary of the victory over nazism  
and fascism in the Second World War

The Committee on the Elimination of Racial Discrimination,

Recalling that the year 1985 marks the fortieth anniversary of the victory over nazism and fascism in the Second World War, ideologies and policies based essentially on racism and racial discrimination,

Bearing in mind that that the struggle cost the lives of millions of human beings and caused untold suffering to mankind,

Aware that racism, racial discrimination and vestiges of those ideologies still persist in some parts of the world,

Convinced that all necessary measures should be taken to extirpate those policies and ideologies, as a positive contribution to the goals and objectives of the Second Decade to Combat Racism and Racial Discrimination,

Recalling that the General Assembly in its resolution 39/114 of 14 December 1984 considered that the fortieth anniversary of the victory over nazism and fascism in the Second World War in 1985 should serve to mobilize efforts of the world community in its struggle against Nazi, Fascist and neo-Fascist and all other totalitarian ideologies and practices based on racial intolerance, hatred and terror,

1. Appreciates highly the victory of the anti-Fascist coalition which saved the world from nazism and fascism and gave a decisive blow to such racist ideologies;
2. Pays tribute to the memory of all those who fought against nazism and fascism and to the millions of human beings who perished in the Second World War as victims of nazism and fascism;
3. Condemns racism, racial discrimination and apartheid, as well as all vestiges of nazism and fascism that persist in the world, in whatever form they may exist;
4. Reminds the States parties concerned of their obligations under the Convention to adopt appropriate legislative, judicial, administrative or other measures with a view to putting an end, during the Second Decade, to racism, racial discrimination and apartheid and to the vestiges of manifestations of such ideologies.

725th meeting  
22 March 1985

B. Thirty-second session

1 (XXXII). Question of apartheid under article 3 of the Convention

The Committee on the Elimination of Racial Discrimination,

Bearing in mind that under article 3 of the International Convention on the Elimination of All Forms of Racial Discrimination the States parties condemn in particular racial segregation and apartheid,

Recalling its General Recommendation III of 18 August 1972, by which it expressed the view that measures adopted at the national level to give effect to the provisions of the Convention are interrelated with measures taken at the international level to encourage respect everywhere for the principles of the Convention,

Recalling also its decision 2 (XI) of 7 April 1975 declaring that all policies, practices or relations which have the effect of supporting, sustaining or encouraging racist régimes are irreconcilable with the commitment to the cause of the elimination of racial discrimination which is inherent in the ratification of, or accession to, the International Convention on the Elimination of All Forms of Racial Discrimination, and inconsistent with the specific commitment of States parties to condemn racial segregation and apartheid, in accordance with article 3 of the Convention, and their resolve to build an international community free from all forms of racial segregation and racial discrimination, expressed in the preamble to the Convention,

Gravely concerned over the tragic situation that has developed in South Africa in consequence of the apartheid system and which is now resulting in great loss of lives and massive human suffering,

Expressing its support for the struggle of the people of South Africa for a democratic society in which human rights and fundamental freedoms are enjoyed by all on the basis of equality without any form of discrimination,

Noting with satisfaction Security Council resolution 569 (1985) of 26 July 1985 by which the Council condemned the apartheid system and all policies and practices deriving therefrom, including the mass arrests and detentions carried out by the Pretoria régime, the murders which have been committed, and the state of emergency declared in parts of the country; called upon the South African Government to lift the state of emergency immediately, to set free immediately and unconditionally all political prisoners and detainees, first of all Mr. Nelson Mandela, and urged the States Members of the United Nations to adopt a series of measures against the Republic of South Africa aimed at eliminating the system of apartheid and effecting a lasting change in South Africa,

1. Strongly condemns the racist régime of South Africa for the heinous crimes being perpetrated against the black people under the apartheid system;

2. Appeals to States parties to the Convention to implement the aforementioned resolution of the Security Council which is consistent with the aims and principles of the Convention in general and with the condemnation of racial discrimination and apartheid under article 3 in particular.

745th meeting  
20 August 1985

2 (XXXII). General Recommendation VII relating to the implementation of article 4 of the Convention

The Committee on the Elimination of Racial Discrimination,

Having considered periodic reports of States parties for a period of 16 years, and in over 100 cases sixth, seventh and eighth periodic reports of States parties,

Recalling and reaffirming its General Recommendation I of 24 February 1972 and its decision 3 (VII) of 4 May 1973,

Noting with satisfaction that in a number of reports States parties have provided information on specific cases dealing with the implementation of article 4 of the Convention with regard to acts of racial discrimination,

Noting, however, that in a number of States parties the necessary legislation to implement article 4 of the Convention has not been enacted, and that many States parties have not yet fulfilled all the requirements of article 4 (a) and (b) of the Convention,

Further recalling that, in accordance with the first paragraph of article 4, States parties "undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination", with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of the Convention,

Bearing in mind the preventive aspects of article 4 to deter racism and racial discrimination as well as activities aimed at their promotion or incitement,

1. Recommends that those States parties whose legislation does not satisfy the provisions of article 4 (a) and (b) of the Convention take the necessary steps with a view to satisfying the mandatory requirements of that article;

2. Requests that those States parties which have not yet done so inform the Committee more fully in their periodic reports of the manner and extent to which the provisions of article 4 (a) and (b) are effectively implemented and quote the relevant parts of the texts in their reports;

3. Further requests those States parties which have not yet done so to endeavour to provide in their periodic reports more information concerning decisions taken by the competent national tribunals and other State institutions regarding acts of racial discrimination and in particular those offences dealt with in article 4 (a) and (b).

746th meeting  
20 August 1985

Notes

1/ For action taken by the Committee under this item, see paras. 4 and 5 above.

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

3/ The competence of the Committee to exercise the functions provided for in article 14 of the Convention became effective on 3 December 1982 (art. 14, para. 9, of the Convention).

4/ See Official Records of the General Assembly, Thirty-ninth Session, Supplement No. 18 (A/39/18), paras. 577-578.

5/ See Official Records of the General Assembly, Thirty-ninth Session, Supplement No. 23 (A/39/23), Part I, sect. K, paras. 88-90.

6/ With regard to these Territories, the documents mentioned in annex III to the report and marked \*/ were submitted to the Committee.

7/ With regard to these Territories, the documents mentioned in annex III to the report and marked \*\*/ were submitted to the Committee.

8/ With regard to these Territories, the documents mentioned in annex III to the report and marked \*\*\*/ were submitted to the Committee.

A. States parties to the International Convention on the Elimination of All Forms of Racial Discrimination as at 23 August 1985

<u>State</u>	<u>Date of receipt of the instrument of ratification or accession</u>	<u>Entry into force</u>
Afghanistan	6 July 1983 a/	5 August 1983
Algeria	14 February 1972	15 March 1972
Argentina	2 October 1968	4 January 1969
Australia	30 September 1975	30 October 1975
Austria	9 May 1972	8 June 1972
Bahamas	5 August 1975 b/	5 August 1975 b/
Bangladesh	11 June 1979 a/	11 July 1979
Barbados	8 November 1972 a/	8 December 1972
Belgium	7 August 1975	6 September 1975
Bolivia	22 September 1970	22 October 1970
Botswana	20 February 1974 a/	22 March 1974
Burkina Faso	18 July 1974 a/	17 August 1974
Brazil	27 March 1968	4 January 1969
Bulgaria	5 August 1966	4 January 1969
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 a/	2 November 1979
Central African Republic	16 March 1971	15 April 1971
Chad	17 August 1977 a/	16 September 1977
Chile	20 October 1971	19 November 1971
China	29 December 1981 a/	28 January 1982
Colombia	2 September 1981	2 October 1981
Costa Rica c/	16 January 1967	4 January 1969
Cuba	15 February 1972	16 March 1972
Cyprus	21 April 1967	4 January 1969
Czechoslovakia	29 December 1966	4 January 1969
Democratic Kampuchea	28 November 1983	28 December 1983
Democratic Yemen	18 October 1972 a/	17 November 1972
Denmark	9 December 1971	8 January 1972
Dominican Republic	25 May 1983 a/	24 June 1983
Ecuador c/	22 September 1966 a/	4 January 1969
Egypt	1 May 1967	4 January 1969
El Salvador	30 November 1979 a/	30 December 1979
Ethiopia	23 June 1976 a/	23 July 1976
Fiji	11 January 1973 b/	11 January 1973 b/
Finland	14 July 1970	13 August 1970
France c/	28 July 1971 a/	27 August 1971

Date of receipt of the  
instrument of ratification  
or accession

<u>State</u>	<u>Date of receipt of the instrument of ratification or accession</u>	<u>Entry into force</u>
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
Ivory Coast	4 January 1973 <u>a/</u>	3 February 1973
Jamaica	4 June 1971	4 July 1971
Jordan	30 May 1974 <u>a/</u>	29 June 1974
Kuwait	15 October 1968 <u>a/</u>	4 January 1969
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
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

Date of receipt of the  
instrument of ratification  
or accession

<u>State</u>	<u>Date of receipt of the instrument of ratification or accession</u>	<u>Entry into force</u>
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
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 1967	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

a/ Accession.

b/ Date 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
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

Membership of the Committee on the Elimination of  
Racial Discrimination

<u>Name of member</u>	<u>Country of nationality</u>	<u>Term expires on 19 January</u>
Mr. Hamzat AHMADU a/	Nigeria	1986
Mr. Jean-Marie APIOU	Burkina Faso	1986
Mr. Nikola CICANOVIC	Yugoslavia	1988
Mr. John J. CREMONA	Malta	1988
Mr. Nicolás DE PIEROLA Y BALTA	Peru	1988
Mr. Abdel Moneim GHONEIM	Egypt	1986
Mr. Matey KARASIMEONOV	Bulgaria	1988
Mr. George O. LAMPTLY	Ghana	1986
Mr. Kjell OBERG	Sweden	1988
Mr. Karl Josef PARTSCH	Germany, Federal Republic of	1986
Mr. Emmanuel ROUCOUNAS	Greece	1986
Mrs. Shanti SADIQ ALI	India	1988
Mr. Agha SHAHI	Pakistan	1986
Mr. Michael E. SHERIFIS	Cyprus	1986
Mr. SONG Shuhua	China	1988
Mr. Gleb Borisovich STARUSHENKO	Union of Soviet Socialist Republics	1988
Mr. Luís VALENCIA RODRIGUEZ	Ecuador	1986
Mr. Mario Jorge YUTZIS	Argentina	1988

a/ See paras. 4 and 5 of the report.

ANNEX III

Documents received by the Committee on the Elimination of Racial Discrimination at its thirty-first and thirty-second 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

Outline of conditions in the Trust Territory of the Pacific Islands: working paper prepared by the secretariat (T/L.1244)\*\*

Report of the Government of the United States of America on the Administration of the Trust Territory of the Pacific Islands for the period from 1 October 1983 to 30 September 1984 (T/1871)\*\*

Official Records of the Security Council, Thirty-ninth Year, Special Supplement No. 1 (S/16738)\*\*

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

1. The Special Committee did not submit copies of petitions in 1984 and 1985 under the terms of article 15 of the Convention.

2. Copies of working papers submitted by the Special Committee

British Virgin Islands*	A/AC.109/764/Add.1, A/AC.109/808 and A/AC.109/811
United States Virgin Islands*	A/AC.109/777/Add.1, A/AC.109/810, A/AC.109/812 and 813
Bermuda*	A/AC.109/778 and 779, A/AC.109/803, A/AC.109/809 and 810
Gibraltar*	A/AC.109/780
Namibia***	A/AC.109/781 and 782, A/AC.109/784, A/AC.109/824-826 and A/AC.131/161
East Timor**	A/AC.109/783
Western Sahara***	A/AC.109/785
Cayman Islands*	A/AC.109/786, A/AC.109/807 and A/AC.109/815

Turks and Caicos Islands*	A/AC.109/787, A/AC.109/810, A/AC.109/819 and 820
Falkland Islands (Malvinas)*	A/AC.109/788
Anguilla*	A/AC.109/799 and A/AC.109/806
Tokelau**	A/AC.109/801
Pitcairn**	A/AC.109/802
Montserrat*	A/AC.109/804 and 805
St. Helena*	A/AC.109/814
Guam**	A/AC.109/817
American Samoa**	A/AC.109/818

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\* Atlantic Ocean and Caribbean Territories, including Gibraltar.

\*\* Pacific and Indian Ocean Territories.

\*\*\* African Territories.

a/ See chap. V of the report.

ANNEX IV

Statement on the Second Decade to Combat Racism and Racial  
Discrimination by the Chairman of the Committee, and  
unanimously endorsed by the Committee at its 745th meeting,  
on 20 August 1985

1. In carrying out our tasks, we have considered, as we have done year after year, the item relating to the Second Decade to Combat Racism and Racial Discrimination. The Committee ought not merely to fulfil this obligation with the apathy with which one would approach something that recurs each year. I believe that the Committee's activities in this regard should be incisive, prompt and dynamic and very much attuned to the events taking place around us.
2. Unquestionably, the Committee's achievements thus far are very considerable and it has played a decisive role in the fight against racial discrimination. There is no need to elucidate the Committee's successes, since one need only look at the situation of 15 years ago and the situation today. To sum up, one should recall that:
  - (a) It succeeded in clearly identifying cases of racial discrimination;
  - (b) It discovered racial discrimination that continued to be concealed or hidden;
  - (c) From 27 States parties in which the Convention entered into force on 4 January 1969, today there are 124 States that have undertaken to implement the aims and objectives of the Convention;
  - (d) Our machinery for action and influence is dialogue with States parties and, despite the fact that many of them do not co-operate as we would wish, it may be said that this dialogue is steadily growing in strength and importance;
  - (e) Thanks to the repeated efforts of the Committee, many States parties have amended their internal legislation, particularly their criminal legislation, to bring it into line with the requirements of the Convention;
  - (f) Legal proceedings have been instituted and penalties imposed on those who have perpetrated acts of racial discrimination. Although there is still much to be done in this respect, praiseworthy efforts are being made in many States. We are able to appreciate the importance of these efforts if we remember that they would have been impossible three decades ago;
  - (g) Numerous measures have been taken to protect minority ethnic groups and peoples doomed, if things were allowed to continue, to total annihilation and destruction;
  - (h) Although the situation is far from satisfactory, year after year we continue to draw the attention of the administering Powers and the General Assembly of the United Nations to the situation of the populations of Trust and Non-Self-Governing Territories;

(i) Our dialogue with the Third Committee has increased and, although the Committee is not a regular organ of the United Nations it forms part of the United Nations system. It may be stated with satisfaction that this dialogue has been improving steadily and that it may well produce new developments conducive to a constructive agreement directed towards better fulfilling the undertakings stemming from the Convention; and

(j) Despite all that has been achieved in the brief 15-year period of the Committee's life, the problem of racial discrimination persists and has been no means completely eliminated. Consequently, the Committee's sphere of action is taking on increasing importance, since it may be said that during its initial phase the Committee needed to identify the phenomenon of racial discrimination and, once it had done so, its task was then to attack the problem with all the forces at its disposal. The seminar to be organized in conjunction with one of its forthcoming sessions would be a highly effective measure by which the Committee believes that it could contribute to the realization of the objectives of the Decade. When the idea of such an initiative came up, I supported it because I believed that a well-organized seminar with specific aims would have widespread repercussions on the international struggle against racial discrimination.

3. I should like to draw attention to the following basic issues which I believe the seminar should cover:

(a) It should permit a broader dissemination of the aims and objectives of the Convention as well as the functions and attainments of the Committee. Although the efforts already made in that regard are important, much remains to be done, since the work performed by our Committee and its major purpose are not always understood;

(b) It should sponsor a better understanding, on the part of international public opinion, of the Convention and the work and achievements of the Committee, since it is undeniable that in carrying out our tasks we should always have the intelligent and active support of international public opinion which constitutes a moral force of incalculable dimensions in securing the rule of justice and law. In order to achieve this end, fresh impetus needs to be given to the activities of the United Nations Department of Public Information, and there should also be joint activities with UNESCO and other international bodies which have responsibilities in the sphere of informing public opinion in general;

(c) In order to achieve these two objectives, we must endeavour to secure the participation in the seminar of a large number of eminent personalities in the political and scientific world, so that they may also help to create awareness at the international level of the Committee's work and what should be expected of it;

(d) The seminar should adopt a suitable conclusion or general recommendation to ensure that the co-operation between States parties and the Committee is even more effective than in the past;

(e) It is also to be expected that the number of States parties to the Convention will increase, as a consequence of the seminar's activities, since we must never forget the objective of universality, which is the only means of securing the general and uniform implementation of the Convention among all peoples for the benefit of all equally;

(f) A practical result of the seminar may well be to strengthen the co-operation of States parties with the Committee, with a view to a more successful implementation of the objectives of the Convention. The co-operation between the Committee and those States which still have responsibilities in Trust and Non-Self-Governing Territories should be intensified;

(g) A further outcome of the seminar's activities might well be an increase in the number of declarations by States parties recognizing the competence of the Committee as provided in article 14 of the Convention, which is one of the Committee's most effective methods of carrying out its activities;

(h) States parties should also be reminded of the existence of the procedure established in articles 11, 12 and 13 of the Convention whereby, if a State party considers that another State party is not giving effect to the provisions of the Convention, it may bring the matter to the attention of the Committee;

(i) In view of the foregoing, among the measures designed to guarantee the success of its work, the seminar should recommend the preparation of further studies on the scope and substance of specific articles of the Convention, as has been done in respect of articles 4 and 7. To be sure, this would involve certain financial implications, but we should not be deterred by them in view of the advantages that this initiative would produce, since the studies will be used, as at present, as a working document for the members of the Committee, for the competent officials of States parties and for the research being conducted by universities and academics.

4. There is one extremely important issue which the seminar will not be able to ignore. I refer to the problem of apartheid. The Committee has conducted co-ordinated and sustained activities to combat that terrible scourge which unfortunately still persists. But there can be no doubt that it will have to step up its activities even further in the years ahead, if we are to seek a tangible result.

5. I have therefore supported the draft resolution submitted by the Working Group, which is an extremely positive contribution.

6. There is no need for me to dwell on the meaning of apartheid, since to do so in the Committee would be like preaching to the converted. Indeed, everyone, in every latitude, is aware of the extremely serious consequences that apartheid entails for world peace and security.

7. What is important is that we should now realize that we have reached a critical juncture: either apartheid will disappear once and for all as a disgraceful and shameful system or it will be strengthened even further. If we are in favour of the first alternative, we must all act more efficiently and positively, avoiding rhetorical and lyrical statements that lead nowhere. If the situation does not concern us, we cannot disregard the fact that the result will be the second alternative, namely, the consolidation of apartheid, but if this happens, it will also happen as a consequence of our apathy and passivity.

8. We must be quite clear about the responsibility devolving upon us in this regard and we must assume it as one of the great challenges of history.

9. There has been much talk, in every tone and language, about the need to avoid encouraging violence and to advocate only peaceful means, understanding, conversations, a dialogue. No peace-loving person who wishes harmony among peoples to prevail quarrels with such views.
10. However, the time has come for us to consider, objectively and realistically, the events that are occurring around us and see how far the ideas of a dialogue are still applicable to the racist Government of South Africa which, entrenched in its position which it considers to be impregnable, is deaf to the appeals of history and believes that mankind has not advanced since the most notorious colonial eras. We must consider whether, in continuing to advocate the virtues of dialogue or in continuing to encourage the people of South Africa to look for ways of peaceful agreement, we may not be condemning this people to unending suffering, despair, shame and its own destruction and whether, at the same time, by this attitude, we are not paving the way for a future hecatomb which may seriously jeopardize the foundations of international peace and security.
11. Where are we today with the problem of apartheid? Every day, we see the growing arrogance, hauteur, the unending recourse to violence and the use of force by the dominant group against the dominated masses. And even so, in this situation, we say to these masses: "No. You may not have recourse to the same weapons of violence, since violence and force can only be used by the group to exterminate you". Is this rational or fair? What can the dominated masses do? Merely continue in this awesome situation of helplessness and even abandon? Seek to continue a dialogue which is manifestly fruitless and whose only result is the maintenance of the status quo? Should the victims of apartheid, in these circumstances, wait calmly for extermination and death? We do not think so.
12. History teaches us that when man is subjugated over a long period, when he is deprived of his most fundamental rights, when he has lost everything including hope, he reacts in a supreme and final effort and resorts to violence, since it is better to die fighting than to die in the midst of despair.
13. Accordingly, as matters stand with respect to apartheid, the South African people, with the understanding and assistance of friendly peoples, has been compelled to resort to acts of protestation, including acts of force and violence. It had no other alternative. Faced with constant arrogance, the least that can be hoped is that this people will not allow itself to be crushed with impunity. It is therefore necessary for the international community to be sensitive to these developments and to act with understanding.
14. No, gentlemen, what I say is in no way an apologia of violence. What is important is to try to understand what is happening, and what is happening is that the South African people prefers to die bearing arms than to lose the last thing a human being loses, namely, hope.



ANNEX V

List of documents issued for the thirty-first and thirty-second sessions of the Committee on the Elimination of Racial Discrimination

A. Thirty-first session

Documents issued in the general series

CERD/C/65/Add.11	Fifth periodic report of Jamaica
CERD/C/90/Add.12	Sixth periodic report of Jamaica
CERD/C/112/Add.1	Second periodic report of Colombia
CERD/C/115/Add.1/Corr.1 (English only)	Fifth periodic report of Mexico
CERD/C/116/Add.2	Sixth periodic report of Haiti
CERD/C/117/Add.1	Seventh periodic report of Morocco
CERD/C/117/Add.2	Seventh periodic report of France
CERD/C/117/Add.3	Seventh periodic report of Chile
CERD/C/117/Add.4	Seventh periodic report of Jamaica
CERD/C/117/Add.5	Seventh periodic report of the Central African Republic
CERD/C/118/Add.19	Eighth periodic report of the Federal Republic of Germany
CERD/C/118/Add.20	Eighth periodic report of Iceland
CERD/C/118/Add.21	Eighth periodic report of Poland
CERD/C/118/Add.22	Eighth periodic report of Mongolia
CERD/C/118/Add.23	Eighth periodic report of Yugoslavia
CERD/C/118/Add.24	Eighth periodic report of Venezuela
CERD/C/118/Add.26	Eighth periodic report of Nigeria
CERD/C/124	Provisional agenda and annotations of the thirty-first session of the Committee on the Elimination of Racial Discrimination: note by the Secretary-General
CERD/C/125	Initial reports of States parties due in 1985: note by the Secretary-General

CERD/C/126	Second periodic reports of States parties due in 1985: note by the Secretary-General
CERD/C/127	Third periodic reports of States parties due in 1985: note by the Secretary-General
CERD/C/128	Fourth periodic reports of States parties due in 1985: note by the Secretary-General
CERD/C/129	Fifth periodic reports of States parties due in 1985: note by the Secretary-General
CERD/C/130	Sixth periodic reports of States parties due in 1985: note by the Secretary-General
CERD/C/131	Seventh periodic reports of States parties due in 1985: note by the Secretary-General
CERD/C/132	Eighth periodic reports of States parties due in 1985: note by the Secretary-General
CERD/C/133	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/134	Second Decade to Combat Racism and Racial Discrimination: decision 1 (XXXI) - Fortieth anniversary of the victory over nazism and fascism in the Second World War
CERD/C/SR.699-SR.725	Summary records of the thirty-first session of the Committee on the Elimination of Racial Discrimination

B. Thirty-second session

Documents issued in the general series

CERD/C/105/Add.7	Fifth periodic report of Mali
CERD/C/106/Add.13	Sixth periodic report of Barbados
CERD/C/115/Add.2	Fifth periodic report of Rwanda
CERD/C/115/Add.3	Fifth periodic report of Australia
CERD/C/117/Add.6	Seventh periodic report of Malta
CERD/C/117/Add.7	Seventh periodic report of Peru

CERD/C/118/Add.25/Rev.1	Eighth periodic report of Panama
CERD/C/118/Add.27 and Corr.1 (Spanish only)	Eighth periodic report of Tunisia
CERD/C/118/Add.28	Eighth periodic report of Ghana
CERD/C/118/Add.29	Eighth periodic report of Spain
CERD/C/126/Add.1	Second periodic report of China
CERD/C/126/Add.2	Second periodic report of Sri Lanka
CERD/C/131/Add.1	Seventh periodic report of Tonga
CERD/C/131/Add.2	Seventh periodic report of Sweden
CERD/C/131/Add.3	Seventh periodic report of Algeria
CERD/C/131/Add.4	Seventh periodic report of Cuba
CERD/C/135	Provisional agenda and annotations of the thirty-second session of the Committee on the Elimination of Racial Discrimination: note by the Secretary-General
CERD/C/136	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/137	Filling of a vacancy in the Committee in accordance with article 8, paragraph 5 (b), of the Convention and rule 13 of the rules of procedure
CERD/C/138	Second Decade to Combat Racism and Racial Discrimination: decision 1 (XXXII) - Question of <u>apartheid</u> under article 3 of the Convention
CERD/C/139	Consideration of reports, comments and information submitted by States parties under article 9 of the Convention: decision 2 (XXXII) - General Recommendation VII relating to the implementation of article 4 of the Convention
CERD/C/SR.726-SR.749	Summary records of the thirty-second session of the Committee

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