

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

**GENERAL ASSEMBLY**

OFFICIAL RECORDS: THIRTY-FOURTH SESSION  
SUPPLEMENT No. 18 (A/34/18)



**UNITED NATIONS**

New York, 1979

## 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.

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LETTER OF TRANSMITTAL

17 August 1979

Sir,

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

The Committee on the Elimination of Racial Discrimination held two regular sessions in 1979 and, at its 455th meeting held today, unanimously adopted the attached report in fulfilment of its obligation under the Convention; it is submitted to you herewith for transmission to the General Assembly at its thirty-fourth session.

In this connexion, you may recall that in pursuance of a suggestion made by the Committee at its seventh session, the General Assembly had developed the practice of considering the reports of the Committee separately from other items of its agenda. The Committee noted, however, that this practice was not followed by the General Assembly at its thirty-third session. At its nineteenth session, therefore, the Committee unanimously expressed the wish that in accordance with the established practice, the General Assembly would disassociate its consideration of the reports of the Committee from other items of its agenda.

Accept, Sir, the assurances of my highest consideration.

(Signed) George O. LAMPTEY  
Chairman of the  
Committee on the Elimination  
of Racial Discrimination

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

## I. INTRODUCTION

### A. States parties to the Convention

1. On 17 August 1979, the closing date of the twentieth session of the Committee on the Elimination of Racial Discrimination, there were 104 States parties to the International Convention on the Elimination of All Forms of Racial Discrimination, which was adopted by the General Assembly of the United Nations in resolution 2106 A (XX) of 21 December 1965 and opened for signature and ratification in New York on 7 March 1966. The Convention entered into force on 4 January 1969 in accordance with the provisions of its article 19.

2. By the closing date of the twentieth session, seven of the States parties to the Convention had made the declaration envisaged in article 14, paragraph 1, of the Convention. A list of States parties, and an indication of those which have made the declaration under article 14, paragraph 1, of the Convention, is contained in annex I below.

### B. Sessions

3. The Committee on the Elimination of Racial Discrimination held two regular sessions in 1979. The nineteenth session (407th to 433rd meetings) was held from 26 March to 13 April 1979 at the headquarters of the United Nations Educational, Scientific and Cultural Organization (UNESCO), Paris, and the twentieth session (434th to 455th meetings) was held from 30 July to 17 August 1979 at United Nations Headquarters, New York.

### C. Membership of the Committee

4. At the 410th meeting, held on 27 March 1979, the Chairman informed the Committee that one of its members, Mr. Christopher O. Hollist of Nigeria, had passed away.

5. Acting in accordance with article 8, paragraph 5 (b), of the Convention and rule 13 of its provisional rules of procedure, the Committee, at its 434th meeting, held on 30 July 1979, approved the appointment by the Government of Nigeria of Mr. Shuaib Uthman Yolah to serve as a member of the Committee for the remainder of the term of Mr. Hollist.

6. At its 434th meeting, held on 30 July 1979, the Committee was informed that in a letter dated 26 July 1979 Mr. Evgeny N. Nasinovsky, member from the Union of Soviet Socialist Republics, had notified the Committee, in accordance with rule 13 of the provisional rules of procedure, of his decision to withdraw from Committee membership, "on account of the exceptionally heavy workload of the Third United Nations Conference on the Law of the Sea and the performance of a number of other functions".

7. At the same meeting, the Committee, acting in accordance with article 8,



paragraph 5 (b), of the Convention and rule 13 of its provisional rules of procedure, approved the appointment by the Government of the Union of Soviet Socialist Republics of Mr. Eduard Petrovich Sviridov to serve as a member of the Committee for the remainder of the term of Mr. Nasinovsky.

8. With the exception of the changes mentioned above, the membership of the Committee remained the same as during 1978 (see annex II below).

#### D. Solemn declaration

9. Upon the approval by the Committee of his appointment at the opening meeting of the twentieth session, Mr. Sviridov made the solemn declaration in accordance with rule 14 of the provisional rules of procedure.

#### E. Attendance

10. All members, except Messrs. Sayegh and Shahi, attended the nineteenth session of the Committee. Messrs. Nasinovsky, Nettel and Valencia Rodriguez attended only part of that session. All members, except Messrs. Sayegh and Yolah, attended the twentieth session. Messrs. Nabavi, Shahi and Ténékidès attended only part of that session.

#### F. Officers of the Committee

11. In a telegram dated 20 March 1979, Mr. Sayegh informed the Committee, through the Secretary-General, that he was unable for reasons of health to continue his functions as Rapporteur of the Committee and wished therefore to submit his resignation from that post. In accordance with rule 20 of its provisional rules of procedure, the Committee, at its 417th meeting, on 2 April 1979, elected by consensus Mr. Partsch as Rapporteur of the Committee for the unexpired term of Mr. Sayegh. The Committee subsequently elected Mr. Nabavi to fill the post of Vice-Chairman vacated by Mr. Partsch upon his election as Rapporteur of the Committee. At its 435th meeting, held on 31 July 1979, the Committee elected Mr. Bahnev to fill the post of Vice-Chairman vacated by Mr. Nasinovsky upon his resignation from the membership of the Committee. The officers of the Committee are as follows:

Chairman: Mr. George O. LAMPTEY

Vice-Chairmen: Mr. Yuli BAHNEV  
Mr. Pedro BRIN MARTINEZ  
Mr. Mohied-Din NABAVI

Rapporteur: Mr. Karl Josef PARTSCH

#### G. Agenda

##### Nineteenth session

12. At its 407th meeting, on 26 March 1979, the Committee adopted the items

listed on the provisional agenda, submitted by the Secretary-General, as the agenda of its nineteenth session, with the understanding that a new item, entitled "Filling of a vacancy in the Bureau of the Committee", would be inserted therein.

13. The agenda of the nineteenth session, as adopted, reads as follows:

1. Adoption of the agenda.
2. Action by the General Assembly at its thirty-third session on the annual report submitted by the Committee on the Elimination of Racial Discrimination under article 9, paragraph 2, of the Convention.
3. Consideration of reports, comments and information submitted by States parties under article 9 of the Convention.
4. Consideration of copies of petitions, copies of reports and other information relating to Trust and Non-Self-Governing Territories and to all other territories to which General Assembly resolution 1514 (XV) applies, in conformity with article 15 of the Convention.
5. Implementation of article 7 of the Convention.
6. Decade for Action to Combat Racism and Racial Discrimination.
7. Meetings of the Committee in 1980 and 1981.
8. Filling of a vacancy in the Bureau of the Committee. 1/

#### Twentieth session

14. At its 434th meeting, held on 30 July 1979, the Committee adopted the items listed on the provisional agenda, submitted by the Secretary-General, as the agenda of its twentieth session. At its 435th meeting, the Committee agreed to add a new item to its provisional agenda entitled "Filling of a vacancy in the Bureau of the Committee". The agenda of the twentieth session is as follows:

1. Adoption of the agenda.
2. Filling of vacancies in the Committee in accordance with article 8, paragraph 5 (b), of the Convention and rule 13 of the provisional rules of procedure.
3. Consideration of reports, comments and information submitted by States parties under article 9 of the Convention.
4. Consideration of copies of petitions, copies of reports and other information relating to Trust and Non-Self-Governing Territories and to all other territories to which General Assembly resolution 1514 (XV) applies, in conformity with article 15 of the Convention.

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1/ For action taken by the Committee in connexion with this item, see sect. I, para. 11, above.

5. Decade for Action to Combat Racism and Racial Discrimination.
6. Meetings of the Committee in 1980 and 1981.
7. Filling of a vacancy in the Bureau of the Committee. 1/
8. Report of the Committee to the General Assembly at its thirty-fourth 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

15. In accordance with decision 2 (VI) of 21 August 1972 of the Committee concerning co-operation with the International Labour Organisation (ILO) and UNESCO, representatives of both organizations attended the nineteenth and twentieth sessions of the Committee.

16. As regards co-operation between UNESCO and the Committee, it may be recalled that at the 404th meeting (eighteenth session), held on 10 August 1978, the representative of UNESCO, on behalf of the Director-General of that organization, in a statement made before the Committee, formally extended an invitation to the Committee to hold its nineteenth session at UNESCO headquarters in Paris. The Committee decided in principle to accept the invitation. The nineteenth session was thus held at UNESCO headquarters after the confirmation by the Secretary-General of the conclusion of the necessary arrangements between the United Nations and UNESCO secretariats.

17. At the opening meeting of the nineteenth session (407th meeting), held on 26 March 1979, the Director-General of UNESCO made a statement, welcoming the Committee to UNESCO on the occasion of its nineteenth session, and noted that the Committee was meeting for the first time at the headquarters of a specialized agency of the United Nations. The Director-General referred to the increasing number of ratifications of the International Convention on the Elimination of All Forms of Racial Discrimination and, in that connexion, stressed the importance of the central role of the Committee as "one of the pillars of the struggle against racism at the international level". He informed the Committee of the activities undertaken by UNESCO with a view to combating racism and racial prejudices, particularly the preparation of studies and research on racial discrimination, at the level of standard-setting, as well as preparation of suitable teaching material for the various branches of study and training of university teachers of human rights. The text of the statement by the Director-General of UNESCO appears in annex III below. The Chairman, speaking on behalf of the Committee, expressed his thanks to the Director-General for his welcome and encouraging statement.

18. Also at its nineteenth session, the Committee undertook, in the context of its consideration of the item concerning the "Implementation of article 7 of the Convention", a thorough discussion of the UNESCO Declaration on Race and Racial Prejudice and the resolution on its implementation adopted by the General Conference at its twentieth session, and adopted a decision on its further co-operation with UNESCO in the implementation of article 7 of the Convention. 2/

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2/ For details of the Committee's consideration of the implementation of article 7, see sect. III below.

19. At the 428th meeting of the Committee (nineteenth session), held on 10 April 1979, the representative of ILO made a statement, reaffirming the importance which ILO attached to its co-operative relations with the Committee, in particular in the implementation of the rights listed in article 5 (e) of the Convention which are relevant to ILO instruments. At the twentieth session, the report of the ILO Committee of Experts on the Application of Conventions and Recommendations, submitted to the sixty-fifth session of the International Labour Conference, was made available to the members of the Committee on the Elimination of Racial Discrimination in accordance with arrangements for co-operation between the two Committees. The Committee took note with appreciation of the report of the Committee of Experts, in particular of those sections which dealt with the application of the 1958 Convention (No. 111) concerning discrimination in respect of employment and occupation, as well as of other information in the report relevant to its activities.

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

20. The Committee considered this item during its nineteenth session, at the 431st meeting, held on 12 April 1979.

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

21. Mr. Partsch noted with regret that the Third Committee of the General Assembly had combined the consideration of item 81 (a) of the agenda, concerning the report of the Committee on the Elimination of Racial Discrimination, not only with that of items 81 (b) and (c) relating to the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Suppression and Punishment of the Crime of Apartheid, but also with that of item 82, relating to the right of people to self-determination and the speedy granting of independence to colonial countries and peoples. As the Italian representative had pointed out at the 21st meeting of the Third Committee (A/C.3/33/SR.21, para. 40), it was undeniable that that decision had been detrimental to the fruitful discussion which had developed between the General Assembly and the Committee. The summary records seemed nevertheless to show that the report as a whole had been received favourably. It could also be seen that several States parties to the Convention had reacted to the comments of the Committee regarding the tardy submission of their reports by attempting to explain the reasons for the delay. A few representatives, on the other hand, had expressed the opinion that the Committee had had the tendency to take up questions which lay outside its terms of reference, but those criticisms, in particular on the part of one State which was not a party to the Convention, seemed to be mainly due to a desire for self-justification.

22. Mr. Ghoneim also considered that the Third Committee had indeed not given all the required attention to the Committee's report, as was borne out by the fact that the representatives of only some 10 States had expressed any view thereon. He therefore expressed the desire that reference should be made to that problem in the Committee's next report to the General Assembly, stressing the need for a true dialogue. He also pointed out that the importance of the co-operation between the Committee and UNESCO had been emphasized by a large number of those members of the Third Committee who had made observations on the Committee's report.

23. Some positive and constructive aspects of the debate in the Third Committee of the General Assembly were noted by other members of the Committee. Mr. Bahnev stated that while it was true that more attention could have been paid to the Committee's work at the thirty-third session of the General Assembly, it must nevertheless be acknowledged that virtually all the lessons that could have been drawn from the report and the problems it raised had been referred to. Mr. Bahnev particularly noted the fact that several representatives had stressed that

economic exploitation was at the origin of racial discrimination and that it was incumbent on the Committee on the Elimination of Racial Discrimination to examine the steps taken by States parties in order to put an end to it; and that the representative of one State had urged that racial discrimination should be considered not only from a de jure but also from a de facto point of view.

24. Mr. Dayal considered it encouraging that the thirty-third session of the General Assembly had not seen a repetition of the criticism made at previous sessions regarding the ways in which the Committee had interpreted certain provisions of the Convention. Accordingly, it seemed that the critics now acknowledged that the Committee was right in its approach. He also welcomed the fact that certain States parties that had not submitted their periodic report within the prescribed time-limits had taken account of the Committee's observations on the subject and had provided explanations in that connexion to the Third Committee.

25. Mr. Ténékidès stated that he attached great importance to the continuation of a fruitful dialogue with the General Assembly and noted with satisfaction that the latter had, during its thirty-third session, carried out a relatively careful review of the Committee's work and report. One Member State had admittedly criticized the Committee for going beyond its terms of reference by entering into political considerations outside its field of competence. He pointed out in that connexion that when it came to racial discrimination, it was difficult, if not misleading, to divorce the political from the legal and, in any event, that isolated criticism should not obscure the fact that the General Assembly as a whole had recorded its appreciation for the Committee's work.

#### B. Comments by members of the Committee on General Assembly resolution 33/102

26. Mr. Bahnev welcomed the fact that under the terms of paragraph 7 of resolution 33/102, the Secretary-General was invited to take certain steps to make the Convention and the work of the Committee better known.

27. Mr. Goundiam considered that constructive ideas, which could be used as a basis to make the Committee's work more effective, had emerged from the thirty-third session of the General Assembly. He drew particular attention to paragraph 9 of resolution 33/102, whereby States parties to the Convention were invited also to observe the provisions of other international instruments and agreements to which they were parties, and hence those of the International Covenant on Civil and Political Rights (Assembly resolution 2200 A (XXI), annex), article 19 of which placed certain limits on freedom of expression. In his view, that gave the Committee a further means of action of which it could avail itself in regard especially to the implementation of article 4 of the Convention; thus, it could request the States parties to the Convention which had also ratified the Covenant to provide evidence that they endorsed that conception of freedom of expression.

#### C. Conclusions of the Committee

28. Summing up the discussion, the Chairman stated that the Committee, while welcoming the careful consideration that its report had received during the

thirty-third session of the General Assembly, expressed the hope that the Assembly's consideration of the report of the Committee and the item on the status of the Convention would be dissociated from other agenda items concerning human rights. On behalf of the Committee he requested the Secretary-General to convey that wish to the Bureau of the Third Committee. He also considered that it would be helpful if the delegations of the States parties to the Convention taking part in the work of the Third Committee were to make similar representations.

### III. IMPLEMENTATION OF ARTICLE 7 OF THE CONVENTION

29. This item was considered during the nineteenth session at the 428th to 431st meetings held from 10 to 12 April 1979.

30. It may be recalled that, at its fifteenth session, when the Committee adopted general recommendation V, it decided to consider at the following session the question of formulating general guidelines that might assist the States parties in their implementation of article 7 of the Convention and to seek the assistance of UNESCO in that regard. 3/ At its sixteenth session, the Committee added a new item to its agenda for that session on the implementation of article 7 of the Convention and held a preliminary consideration of that item. 4/ At its seventeenth session, the Committee considered a report submitted to it by UNESCO (CERD/C/13) concerning its activities relevant to the provisions of article 7 of the Convention and entitled "Contribution by UNESCO to the work of the Committee on the Elimination of Racial Discrimination". The representative of UNESCO participated in the consideration of that report, replied to a number of questions raised by members of the Committee, and informed the Committee that UNESCO would be prepared to submit to it annually a report on its activities relevant to the implementation of article 7 of the Convention. The Committee decided to resume consideration of the item at its nineteenth session. 5/

31. At its nineteenth session, held at UNESCO headquarters at the invitation of the Director-General of that organization, the Committee had before it the following documents prepared by UNESCO: (a) the UNESCO Declaration on Race and Racial Prejudice 6/ and resolution 3/1.1/3 adopted by the General Conference at its twentieth session on the implementation of that Declaration; (b) a table comparing the basic provisions of the Declaration with those of the International Convention on the Elimination of All Forms of Racial Discrimination; (c) a list of member States of UNESCO indicating those which were parties to the latter Convention as well as those which were parties to the UNESCO Convention against Discrimination in Education.

32. The representative of UNESCO introduced the Declaration on Race and Racial Prejudice and the resolution for the implementation of the Declaration. The Declaration differed from previous UNESCO instruments on the subject of race in that it was the first comprehensive instrument establishing a single standard of reference reflecting the multidisciplinary approach of UNESCO. It aimed to identify the origins and root causes of discrimination, and thus to help to

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3/ Official Records of the General Assembly, Thirty-second Session, Supplement No. 18 (A/32/18), paras. 324-330.

4/ Ibid., paras. 41-53.

5/ Ibid., Thirty-third session, paras. 41-61.

6/ United Nations Educational, Scientific and Cultural Organization, Records of the General Conference, Twentieth Session, Paris, 24 October-28 November 1978, vol. I, Resolutions, pp. 61-65.



clarify the basic concepts of racism and racial prejudice contained in relevant legal instruments. The Declaration proclaimed some rights or concepts for the first time, and added new emphasis to some already covered by the International Convention on the Elimination of All Forms of Racial Discrimination. The Declaration went beyond the purely legal aspect of equality before the law and proclaimed for the first time in an international instrument the "right to be different", namely the right not to be assimilated and to maintain different cultural identities. It laid special emphasis on legislation to be adopted in the spheres of education, culture and communication, and on the importance of scientific research in helping to prevent racist attitudes. On the subject of the international implication of racism, the Declaration affirmed a new concept in the field of human rights - the right to full development. The Declaration stated that any form of racial discrimination practised by a State constituted a violation of international law giving rise to international responsibility.

33. Resolution 3/1.1/3, adopted by the General Conference at its twentieth session, for the implementation of the Declaration urged member States of UNESCO to ratify, if they had not yet done so, the international instruments designed to combat racial discrimination, and also to take measures to prevent and punish acts of racial discrimination and to compensate its victims. The representative of UNESCO stated that the resolution could perform a complementary role, in so far as it did not establish any special machinery: it invited the Director-General to take the requisite measures, and urged member States to take certain steps and communicate to him all necessary information. Non-governmental organizations would also be called upon to co-operate and to assist in the implementation of the Declaration. He stated that in order to prevent unnecessary duplication, some suggestions might usefully be examined. The Director-General might perhaps address two separate communications to member States of UNESCO: first, to those which had ratified the Convention on the Elimination of All Forms of Racial Discrimination requesting them to provide information to supplement that contained in their periodic report, and secondly, to those which had not ratified the Convention, requesting comprehensive information on the measures taken by them to give effect to the principles of the Declaration.

34. Some members of the Committee welcomed the adoption of the UNESCO Declaration on Race and Racial Prejudice. Mr. Ténékidès considered that the Declaration was of great interest in that it shed new light on the problems involved in the interpretation of certain provisions of the Convention. He noted, in particular, that article 2, paragraph 2, provided an eloquent definition of the various forms, manifestations and consequences of racism. Mr. Goundiam saw in the Declaration a very complete statement of principles, with certain innovations attesting to a specifically dynamic conception of international law. He considered that the Declaration would provide a valuable source of inspiration when it came to revising the Convention. Mr. Dayal and Mr. Videla Escalada endorsed the noble principles enshrined in the Declaration, and stressed that the Declaration differed, by its very nature, from the International Convention on the Elimination of All Forms of Racial Discrimination. While the latter was a concise and functional legal instrument resulting in a number of obligations for States parties, the text adopted by UNESCO was a statement of principles setting forth in detail a number of objectives which would gradually be achieved.

35. On the other hand, a number of critical comments were made by some members in respect of the general aspects of the Declaration. Mr. Nettel felt that the coexistence of two instruments covering the same field would not have the effect

of giving greater weight to both of them. The adoption of the Declaration seemed to him to be all the more ill-advised in that there already existed an International Convention whose provisions were, in many respects, more far-reaching than those of the Declaration. It would therefore be regrettable if the latter instrument were to serve as a pretext for modifying the formulation or interpretation of the Convention which pre-dated it and which had, furthermore, been ratified by a group of States different from those which had adopted the Declaration. Mr. Ténékidès regretted that the Declaration made no mention of the right of every individual not to be separated from the environment to which he was attached. Mr. Devetak considered that the wording of article 9 was more restrictive than that of articles 1 and 2 of the Convention. Mr. Dayal observed that while it was true, as had been emphasized by the representative of UNESCO, that the Declaration tackled certain questions that were not explicitly dealt with in the Convention, the Committee had in fact given its attention to most of those questions when it had been led, in the course of consideration of the reports submitted by States parties, to interpret various provisions of the Convention and in some respects had gone even further than the Declaration. Mr. Nabavi considered that, in order to meet the needs of the international community, the important thing was not so much to formulate principles as to seek suitable means of ensuring their practical implementation. Mr. Lamptey stressed the fact that whereas the value of the Declaration as an instrument was somewhat limited, the Convention was an international treaty unanimously adopted by the General Assembly in its resolution 2106 A (XX) and ratified by 103 States; it was the hope of the United Nations that it would eventually be ratified by all members of the international community.

36. With regard to the implementation resolution, Mr. Videla Escalada, Mr. Partsch and Mr. Ghoneim feared that it indeed presented certain problems in so far as it called on member States to take a number of steps already provided for in the Convention. The information they were invited to supply to the Director-General of UNESCO might well overlap with the reports they submitted to the Committee under article 9 of the Convention. Mr. Nettel also pointed out that the paragraph inviting the Director-General to request the Secretary-General of the United Nations to make proposals to the General Assembly for strengthening the methods of peaceful settlement of disputes concerning the elimination of racial discrimination constituted an unusual procedure. He criticized the parallel existence of two separate procedures in the Declaration and in article 11 of the Convention, the only effect of which would be to weaken both.

37. Mr. Partsch, while noting with satisfaction the appeal made by UNESCO in paragraph 1 (a) of its resolution 3/1.1/3 to member States which had not yet done so to ratify the various international instruments designed to aid in countering racial discrimination, pointed out that paragraph 1 (b) merely spelled out in another form the obligations incumbent on States parties under articles 4 and 6 of the Convention. In connexion with paragraph 1 (c) of the resolution, he recalled the difficulties encountered by the Committee in obtaining sufficient information from States concerning the steps they had taken to give effect to the Convention, and doubted that member States of UNESCO would display any greater alacrity in communicating to the Director-General information on the implementation of the principles of the Declaration. With regard to possible co-operation between UNESCO and the Committee, he feared that the latter might have some difficulty in helping the Director-General to prepare the comprehensive report mentioned in paragraph 2 (a) of the resolution, in view of the fact the Committee was not working on the basis of the same sources. Mr. Partsch feared that a State which

was not party to the Convention might see no need to ratify it so long as it provided the Director-General of UNESCO with sufficient information about steps it had taken to apply the principles of the Declaration. Mr. Ghoneim shared the fears expressed by Mr. Partsch and appealed to the representative of UNESCO to send out not two separate communications but only one, asking member States which had not ratified the Convention to provide information on the measures they had taken to implement the Declaration. Mr. Lamptey stated that UNESCO, when drafting the implementation resolution, should have looked more carefully at the provisions of the Convention, and should have taken into account the work done by the Committee over nearly a decade in the same field. In particular, he mentioned paragraphs 1 (b) and (c), and paragraph 2 (b) of the implementation resolution and stated that the matters dealt with in those paragraphs were outside the competence of UNESCO since its functions were limited to educational, scientific and cultural questions. He further pointed out that there was a real danger that States parties to the Convention, since they had no legal obligations under the Declaration, might prefer to make their reports to UNESCO and thus avoid the need to report to the Committee, and appealed to UNESCO to reconsider the need for the implementation resolution which was not, after all, an integral part of the Declaration. In his view, once UNESCO had adopted the Declaration, its main task should have been to encourage its member States to become parties to the Convention, which was, in fact, the only international treaty on the subject of racial discrimination. It would, however, be useful for UNESCO to obtain information on how measures to combat racial discrimination were being incorporated into the educational process in the international community and to suggest what steps States parties to the Convention might take in that regard.

38. The representative of UNESCO thanked the Committee for "the highly pertinent observations made by the members of the Committee regarding implementation of the Declaration on Race and Racial Discrimination", and stated that they would be taken into consideration by UNESCO. He gave an assurance that UNESCO would do all in its power to avoid duplication of activities and would continue and increase its co-operation with the Committee.

39. At its 431st meeting, on 12 April 1979, the Committee adopted by consensus a decision on arrangements for co-operation between UNESCO and the Committee in implementation of article 7 of the Convention, and decided to resume consideration of the item at its twenty-first session.

40. The text of the decision, as adopted, appears below in section VIII A, decision 2 (XIX).

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

A. Submission of reports 7/

Reports received by the Committee

41. From the establishment of the Committee on the Elimination of Racial Discrimination until the closing date of its twentieth session (17 August 1979), a total of 375 reports under article 9, paragraph 1, of the Convention were due from States parties as follows: 100 initial reports, 90 second periodic reports, 80 third periodic reports, 65 fourth periodic reports and 40 fifth periodic reports.
42. By the end of the twentieth session, a total of 333 reports had been received by the Committee as follows: 93 initial reports, 83 second periodic reports, 69 third periodic reports, 53 fourth periodic reports and 33 fifth periodic reports. Two other States parties submitted their reports before the dates on which they were due.
43. In addition, 59 supplementary reports containing additional information were received from the States parties, submitted either at the initiative of the States parties concerned or at the request of the Committee made upon its examination of their respective initial or periodic reports under the Convention.
44. During the year under review (that is, between the closing dates of the Committee's eighteenth and twentieth sessions), 36 reports were received by the Committee consisting of 1 initial report, 8 second periodic reports, 3 third periodic reports, 15 fourth periodic reports and 9 fifth periodic reports. In addition, 4 supplementary reports were received during the year, all of which were submitted at the initiative of the States parties concerned.
45. The relevant information concerning all reports received during the year is contained in table 1 below:

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

Table 1Reports received during the year under review

State party	Type of report	Date on which the report was due	Date on which the report was submitted	Number of reminders sent
Seychelles	Initial reports	6 April 1979	30 April 1979	1
Australia	Second periodic reports	30 October 1978	9 April 1979	-
Bahamas	"	5 August 1978	8 January 1979	1
Belgium	"	6 September 1978	9 October 1978	-
Italy	"	4 February 1979	22 June 1979	1
Mali	"	15 August 1977	3 July 1979	4
Qatar	"	22 August 1979	23 July 1979	-
Rwanda	"	16 May 1978	2 July 1979	2
Upper Volta	"	18 August 1977	11 October 1978	3
Democratic Yemen	Third periodic reports	19 November 1977	30 July 1979	3
Mali	"	15 August 1979	3 July 1979	-
United Arab Emirates	"	21 July 1979	20 July 1979	-
Algeria	Fourth periodic reports	15 March 1979	19 April 1979	-
Austria	"	8 June 1979	11 April 1979	-
Canada	"	12 November 1977	1 December 1978	1
Chile	"	20 November 1978	22 November 1978	-
Cuba	"	16 March 1979	27 April 1979	-
Democratic Yemen	"	19 November 1979	30 July 1979	-
Denmark	"	8 January 1979	15 March 1979	-
France	"	28 August 1978	6 February 1979	-

Table 1 (continued)

State party	Type of report	Date on which the report was due	Date on which the report was submitted	Number of reminders sent
	Fourth periodic reports (continued)			
Iraq	"	15 February 1977	9 July 1979	4
Lesotho	"	4 December 1978	6 June 1979	1
Netherlands	"	9 January 1979	4 May 1979	-
Peru	"	30 October 1978	16 July 1979	1
Romania	"	14 October 1977	15 August 1978	1
Sweden	"	5 January 1979	15 January 1979	-
United Republic of Cameroon	"	24 July 1978	14 February 1979	1
	Fifth periodic reports			
Ecuador	"	5 January 1978	2 March 1979	2
Germany, Federal Republic of	"	14 June 1978	27 February 1979	-
Greece	"	19 July 1979	21 July 1979	-
India	"	5 January 1978	5 March 1979	2
Iraq	"	15 February 1979	9 July 1979	1
Libyan Arab Jamahiriya	"	5 January 1978	20 December 1978	2
Niger	"	5 January 1978	19 December 1978	2
Nigeria	"	5 January 1978	12 January 1979	2
Yugoslavia	"	5 January 1978	24 August 1978	-
	Supplementary reports			
Chile	"		27 March 1979	-
Ecuador	"		27 March 1979	-
Philippines	"		12 December 1978	-
Spain	"		23 February 1979	-

46. As the information in table 1 shows, only three of the 36 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 13 months. In the case of 36 of the reports received during the year, one to four reminders had been sent to the State party concerned before the report was submitted.

Reports not yet received by the Committee

47. By the closing date of the twentieth session of the Committee, 44 reports expected from the States parties before that date had not yet been received, including 7 initial reports, 7 second periodic reports, 11 third periodic reports, 12 fourth periodic reports, 7 fifth periodic reports and 2 supplementary reports requested by the Committee. Table 2 below provides the relevant information on these reports.

Table 2

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

State party	Type of report	Date on which the report was due	Number of reminders sent
Togo	Initial report	1 October 1973	9
	Second report	1 October 1975	5
	Third report	1 October 1977	1
Lebanon	Second report	12 December 1974	4
	Third report	12 December 1976	2
	Fourth report	12 December 1978	-
	Supplementary	29 March 1976	-
Zambia	Second report	5 March 1975	7
	Third report	5 March 1977	3
	Fourth report	5 March 1979	1
Costa Rica	Fourth report	5 January 1976	6
	Fifth report	5 January 1978	2
Sierra Leone	Fourth report	5 January 1976	5
	Fifth report	5 January 1978	1
	Supplementary	31 March 1975	1
Ivory Coast	Second report	4 February 1976	6
	Third report	4 February 1978	2
Swaziland	Fourth report	6 May 1976	6
	Fifth report	6 May 1978	2

Table 2 (continued)

State party	Type of report	Date on which the report was due	Number of reminders sent
United Republic of Tanzania	Third report	26 November 1977	3
Liberia	Initial report	5 December 1977	3
Barbados	Third report	10 December 1977	2
Venezuela	Fifth report	5 January 1978	2
Haiti	Third report	18 January 1978	3
Nepal	Fourth report	1 March 1978	3
Guyana	Initial report	17 March 1978	3
Central African Empire	Fourth report	14 April 1978	2
Sudan	Initial report	20 April 1978	2
Holy See	Fifth report	1 June 1978	2
Malta	Fourth report	26 June 1978	2
Jamaica	Fourth report	5 July 1978	2
Mongolia	Fifth report	4 September 1978	1
Somalia	Second report	27 September 1978	1
Trinidad and Tobago	Third report	4 November 1978	1
Burundi	Initial report	26 November 1978	1
Nicaragua	Initial report	17 March 1979	1
Tonga	Fourth report	17 March 1979	1
Botswana	Third report	22 March 1979	1
Lao People's Democratic Republic	Third report	24 March 1979	1
Senegal	Fourth report	18 May 1979	-



Table 2 (continued)

State party	Type of report	Date on which the report was due	Number of reminders sent
Zaire	Second report	21 May 1979	-
Luxembourg	Initial report	1 June 1979	-
Mauritius	Fourth report	29 June 1979	-
Jordan	Third report	30 June 1979	-
Ethiopia	Second report	25 July 1979	-
Finland	Fifth report	16 August 1979	-

Action taken by the Committee to ensure submission by States parties of reports under article 9 of the Convention

48. In accordance with rule 66, paragraph 1, of its provisional rules of procedure, the Committee at its nineteenth session (March/April 1979) requested the Secretary-General to send appropriate reminders to 34 States parties whose reports were due before the closing date of that session, but had not yet been received, requesting them to submit their reports by 15 June 1979.

49. At its 448th meeting (twentieth session), held on 8 August 1979, the Committee - taking into account the number of previous reminders sent to each of the States parties concerned, the reports which were still due and the dates on which their next periodic reports should be submitted - decided that reminders should be sent by the Secretary-General to States parties concerned, in accordance with rule 66, paragraph 1, of the provisional rules of procedure, as follows:

(a) A tenth reminder to the Government of Togo, requesting it to submit its initial report, and its second and third periodic reports, together with its fourth periodic report which is due on 1 October 1979, in one consolidated document by 31 December 1979;

(b) An eighth reminder to the Government of Zambia requesting it to submit its second, third and fourth periodic reports, in one document, by 31 December 1979;

(c) A seventh reminder to the Government of the Ivory Coast requesting it to submit its second and third periodic reports, in one document, by 31 December 1979;

(d) A seventh reminder to the Government of Costa Rica requesting it to submit its fourth and fifth periodic reports, together with its sixth periodic report, which is due on 5 January 1980, in one document, by that date;

(e) A seventh reminder to the Government of Swaziland requesting it to submit its fourth and fifth periodic reports, in one document, by 31 December 1979;

(f) A sixth reminder to the Government of Sierra Leone requesting it to submit its fourth and fifth periodic reports, together with its sixth periodic report, which is due on 5 January 1980, in one document, by that date and to include therein the supplementary information previously requested by the Committee;

(g) A fifth reminder to the Government of Lebanon requesting it to submit its second, third and fourth periodic reports and the supplementary information previously requested by the Committee, in one document, by 31 December 1979;

(h) A fourth reminder to the Government of Guyana requesting it to submit its initial report by 31 December 1979;

(i) A fourth reminder to the Government of Liberia requesting it to submit its initial report together with its second periodic report, which is due on 5 December 1979, in one document, by that date;

(j) A fourth reminder to the Government of Haiti requesting it to submit its third periodic report together with its fourth periodic report, which is due on 18 January 1980, in one document, by that date;

(k) A fourth reminder to the Government of the United Republic of Tanzania requesting it to submit its third periodic report together with its fourth periodic report, which is due on 26 November 1979, in one document, by that date;

(l) A fourth reminder to the Government of Nepal requesting it to submit its fourth periodic report by 31 December 1979;

(m) A third reminder to the Government of the Sudan requesting it to submit its initial report by 31 December 1979;

(n) A third reminder to the Government of Barbados requesting it to submit its third periodic report together with its fourth periodic report, which is due on 10 December 1979, in one document, by that date;

(o) Third reminders to the Governments of the Central African Empire, Malta and Jamaica requesting them to submit their fourth periodic reports by 31 December 1979;

(p) A third reminder to the Government of the Holy See requesting it to submit its fifth periodic report by 31 December 1979;

(q) A third reminder to the Government of Venezuela requesting it to submit its fifth periodic report together with its sixth periodic report, which is due on 5 January 1980, in one document, by that date;

(r) Second reminders to the Governments of Burundi and Nicaragua requesting them to submit their initial reports by 31 December 1979;

(s) A second reminder to the Government of Somalia requesting it to submit its second periodic report by 31 December 1979;

(t) Second reminders to the Governments of Trinidad and Tobago, Botswana and the Lao People's Democratic Republic requesting them to submit their third periodic reports by 31 December 1979;

(u) A second reminder to the Government of Tonga requesting it to submit its fourth periodic report by 31 December 1979;

(v) A second reminder to the Government of Mongolia requesting it to submit its fifth periodic report by 31 December 1979;

(w) First reminders to the Governments of Ethiopia and Zaire requesting them to submit their second periodic reports by 31 December 1979;

(x) A first reminder to the Government of Jordan requesting it to submit its third periodic report by 31 December 1979;

(y) A first reminder to the Government of Mauritius requesting it to submit its fourth periodic report by 31 December 1979; and

(z) A first reminder to the Government of Finland requesting it to submit its fifth periodic report by 31 December 1979.

50. The Government of Senegal informed the Committee that its fourth periodic report, which was due on 18 May 1979, was under preparation and would be submitted in time for consideration at its twenty-first session. The Government of Luxembourg also submitted an interim report to the secretariat and informed the secretariat that its initial report, which was due on 1 June 1979, would be submitted as soon as possible. The Committee therefore decided that no reminders should be sent to the Governments of Senegal and Luxembourg.

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

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

"2. If even after the reminder, referred to in paragraph 1 of this rule, the State Party does not submit the report or additional information required under article 9 of the Convention, the Committee shall include a reference to this effect in its annual report to the General Assembly." 8/

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

52. In this connexion, the Committee wishes to repeat once again a statement which

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

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." 9/

#### B. Consideration of reports

53. At its nineteenth and twentieth sessions, the Committee examined the reports and additional information submitted by 43 States parties under article 9 of the Convention. A list of States parties whose reports and additional information were examined by the Committee, together with an indication of the meetings at which they were considered, may be found in annex V below.

54. The Committee devoted 34 of the 49 meetings it held in 1979 to the discharge of its obligations under article 9 of the Convention.

55. In accordance with rule 64-A of its provisional rules of procedure, the Committee followed the practice, inaugurated at its sixth session, of requesting the Secretary-General to notify the States parties concerned of the dates on which their respective reports would be considered by the Committee. At its nineteenth and twentieth sessions, 40 of the States parties whose reports were considered by the Committee sent representatives to participate in the examination of their respective reports. The Committee noted with satisfaction that several States had sent qualified experts in order to answer questions raised in the Committee in connexion with their reports.

56. The following paragraphs, arranged on a country-by-country basis according to the sequence followed by the Committee at its nineteenth and twentieth 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.

#### Philippines

57. The fifth periodic report of the Philippines consisted of two documents: one mainly concerned with the policy followed by the Government of the Philippines with respect to the racist régimes of southern Africa (CERD/C/20/Add.9), and the other introducing the Presidential Decree No. 1350-A, declaring violation of all forms of racial discrimination to be unlawful and providing penalties therefor (CERD/C/20/Add.30).

58. As regards the first part of the report (CERD/C/20/Add.9) concerning the application of article 3 of the Convention and decision 2 (XI), adopted by the Committee at its 233rd meeting, on 7 April 1975, the international stance of the

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

Government of the Philippines with respect to the policies and practices of the racist régimes in southern Africa was highly praised by the Committee members. The Committee considered that the policy of the Philippines was consistent with decisions of the United Nations bodies concerning the attitude to be adopted by the international community with respect to the apartheid policies of the Government of South Africa. The Government of the Philippines was commended for the steps it was taking at the international level to further the aims of the Convention and to supply financial assistance to the African people who were victims of colonialism and racial discrimination.

59. The Committee discussed in detail the Presidential Decree No. 1350-A (CERD/C/20/Add.30) and noted with satisfaction its promulgation by the Government giving effect to article 4 of the Convention. It was most important that States parties to the Convention should take the necessary steps to bring municipal laws into line with the provisions of the Convention. The Decree was praised for not only reproducing in large measure the language of article 4 of the Convention but also for defining specific offences and for setting out penalties for each of them. A member stated in particular that it was noteworthy that under section 3 (b) of the Decree the maximum penalty was applicable to government officials or employees found guilty of racial discrimination, for the official policy of a Government might not always be reflected in the behaviour of each and every one of its officials.

60. Some members were of the opinion that the maximum penalty of 30 days imprisonment seemed too lenient for the serious crimes referred to in section 3 (a). Another member pointed out that the Decree did not indicate the nature of the court competent to deal with the cases it intended to cover. It was also stated that the Decree mentioned only offences against a race or group of persons and did not refer to offences against an individual member of another race or group. It was hoped that the next report from the Philippines would give details concerning the application of the Decree.

61. One member pointed out that Decree No. 1350-A referred to the powers vested in the President of the Philippines by the Constitution, which, however, had been partially superseded by martial law. He wondered, therefore, to what extent the Decree was compatible with the provisions of the Constitution and whether it might not lapse when the Constitution again came into full force. This view was not shared by another member who stated that that view was based on an interpretation of article 4 as being restrictive of freedom of speech and freedom of association. He did not believe that the Decree restricted such freedom in any way and should therefore be capable of application on a permanent basis.

62. Some deficiencies in the report were also noted by members. A member, supported by some others, noted with regret that the report did not reply to the questions raised during the debate at the fifteenth session on the fourth (previous) periodic report submitted by the Philippines. It had been asked at that time whether or not the 1973 Constitution was still fully in force in that country; and the information which had been requested about the possible effect of the régime of martial law on the observance of human rights and the prevention of racial discrimination in the Philippines had not been supplied. It was also noted that further details about the demographic composition of the Philippines, in particular the correlation between linguistic and ethnic minorities, which had been requested during the examination of the third and fourth reports, were not supplied.

63. Members of the Committee discussed in some detail article 6 of the Convention, in particular in the context of the martial law situation prevailing in the Philippines. A member pointed out the crucial importance of this article in regard to the guaranteeing of remedies to the individuals against violations of their rights under the Convention, stating that no legislation could help unless the individual was in a position to take action. He wondered whether a citizen of the Philippines could sue for damages if, for instance, he were denied employment as a government official on grounds of race, and asked for more information on the precise provisions governing the implementation of article 6. The views expressed regarding the importance of article 6 were endorsed by a number of other members. Additional information was requested by some members concerning the application of article 7 of the Convention, as well as on the progress made towards the social, political and cultural integration of ethnic and linguistic minorities in the Philippines.

64. The representative of the Philippines, replying to some of the questions raised by members of the Committee, stated that the Constitution of the Philippines had never in fact been suspended and was still effective. The powers being exercised by the President under the régime of martial law currently in force were fully in accordance with the provisions of the Constitution. Nor was it the case that the normal processes of the judiciary had been suspended; they were fully operative. On the question of the treatment of ethnic groups, he said that there was in fact no distinction on racial or ethnic grounds between different population groups in the Philippines. There were three official languages - English, Filipino and Spanish - the first of which was in use throughout the country. Similarly, there was no question of any differentiation on such grounds in the field of social, cultural and economic development.

65. The Committee expressed the hope that the remaining questions would be answered in the Philippine Government's next periodic report.

#### Ethiopia

66. The initial report of Ethiopia (CERD/C/31) was considered by the Committee together with the information given by the representative of the reporting State in his introductory statement.

67. Ethiopia's accession to the International Convention on the Elimination of All Forms of Racial Discrimination was welcomed by the members and the initial report before the Committee was praised for having included substantial information on measures taken by the Government relating to the implementation of its obligations under the Convention and for having taken account of the Committee's guidelines. Some omissions in the report, which otherwise a member felt to be highly satisfactory, were pointed out; for instance, the constitutional material which had replaced the Constitution suspended in 1974 and the corresponding enforcement legislation had not been provided. A member asked in this regard whether the suspension of the Constitution implied suspension of all the provisions of the Constitution and, if not, whether those clauses had been replaced by new material similar in scope. In the opinion of another member, however, there was no doubt that the successive proclamations of the provisional military Government were constitutional in nature to the extent that they reflected the ideology of the new régime.

68. As regards the statement in the report that all existing laws not contravening

successive proclamations of the provisional military Government had been in effect after suspension of the Constitution, it was asked whether that implied that all legislation ensuring respect for human rights, freedoms and the principle of equality continued to apply. Furthermore, it seemed unlikely that no text had been drawn up since 1974 to replace the suspended Constitution and the member asked for fuller information on the subject. One member observed that the Government, when it ratified the Convention, should have taken into account the fact that the revolutionary situation did not allow the full implementation of all of its provisions.

69. Certain short-comings in the report, particularly with respect to the implementation of the provisions of articles 4, 5, 6 and 7 of the Convention, were also noted by members. Some members of the Committee noted the casual reference in the report to the implementation of article 4 (a) and (b) of the Convention and wondered what measures had already been taken in that connexion, if no "supplementary" measures were required. A member, admitting that the legislative provisions referred to in the report showed Ethiopia's desire to respect article 5 of the Convention, stated that no example was given of judicial procedures ensuring that those provisions were in fact observed. Specific information was requested in respect of the right to leave the country and to return to it as well as on the right to own property.

70. Members of the Committee noted with regret that the report gave no information about the ethnic composition of the population as requested by the Committee in its general recommendation IV and hoped that the omission would be remedied in the next report.

71. The representative of Ethiopia in replying to the observations of members of the Committee stated, in particular, that Ethiopia would in due course acquire a Constitution containing all the provisions needed to prohibit racial discrimination. It was, however, to be borne in mind that the revolution had begun less than five years previously and the Ethiopian Government considered that it would be wrong to try to proceed at a faster pace and thus it could not undertake to adopt a proper Constitution before the date of submission of its next report.

#### Mongolia

72. The fourth periodic report of Mongolia (CERD/C/34) was introduced by the representative of the reporting State who indicated, as stated in the report, that no violations of the laws prohibiting racial discrimination had been brought before the courts in Mongolia during the period under review.

73. Attention was drawn to a reference made in the report to article 53 of Mongolia's Code of Criminal Procedures, under which incitement and restriction of rights on racial grounds were punishable offences. It was pointed out that that provision conformed to article 4 (a) of the Convention, but there did not appear to be any provision which corresponded to article 4 (b). Members of the Committee stated that it would be helpful to know what were the terms of the legislative provision enacted in Mongolia to implement article 4 (b) of the Convention and also to have available the text of article 53 of that country's Code of Criminal Procedure.

74. A member of the Committee, referring to a statement in the report that Mongolian citizens enjoyed all the rights provided for in article 5 of the

Convention, pointed out that the report did not refer to a specific law guaranteeing those rights and requested that the relevant provisions be made available in the next report. Another member of the Committee was of the view that the provisions of the Constitution of Mongolia were fully in keeping with the provisions of the Convention.

75. It was noted that the report mentioned bilateral agreements concluded by Mongolia with certain other countries providing for legal aid in civil, family and criminal matters to citizens of those countries residing in Mongolia. Members of the Committee inquired whether that meant that different treatment would be accorded to citizens of other countries with which no such agreements had been concluded, thus giving special legal assistance to certain aliens. If the basic rights of all aliens residing in Mongolia were guaranteed under the law, why was it necessary to provide for special treatment for those from certain countries. Another member explained, however, that the agreement concluded between Mongolia and the Union of Soviet Socialist Republics dealt exclusively with various forms of assistance to be provided to aliens and contained no discriminatory provisions, no provision to improve the lot of some or worsen that of others. Such agreements appeared to be necessary in cases where large numbers of the nationals of one country were resident in another country.

76. As regards the minority problem, some members indicated that a considerable number of Kazaks were living in Mongolia and, referring to article 83 of the Mongolian Constitution, requested the representative of Mongolia to supply the Committee with details on the way in which his country assisted the Kazak population in developing its culture and maintaining its mother tongue. Noting further that Kazaks also lived in the USSR, a member asked how Mongolia and the USSR co-operated with a view to safeguarding the cultural identity of the Kazak people.

77. Referring to the passage concerning article 72 of Mongolia's Constitution, some members asked what, if any, rules and principles governed the Procurator's power to institute criminal proceedings. In other words, the question was asked whether the Procurator was obliged to institute proceedings in cases where private citizens were seeking redress for damage suffered as a result of racial discrimination or whether he had some discretionary power to decline to take action. It was noted that only if remedies were available under the laws to aggrieved persons would the provisions of article 6 of the Convention be fulfilled.

78. The representative of Mongolia, replying to questions concerning the bilateral agreement which had been entered into between his country and some other countries to provide for legal assistance to aliens on the basis of reciprocity, stated that such agreements did not imply that the persons concerned enjoyed any special privileges or immunities. It had been found necessary to enter into such agreements with States with which his country maintained close relations and with which there were exchanges of workers and students. Similar agreements might be signed with other countries should the need arise. The representative informed the Committee of the functions of the Procurator stating that the latter exercised supervision over the strict observance of the law and the provisions of the Convention and that no legal proceedings could be instituted without his agreement. In connexion with article 4 (b) of the Convention, he stated that there were no specific laws in Mongolia concerning propaganda inciting racial discrimination for no such propaganda existed, but all racial discrimination was prohibited and punishable. The comments made by the members would be taken into account in the preparation of his Government's next periodic report.



## Mexico

79. The second periodic report of Mexico (CERD/C/16/Add.1) was praised for its quality and comprehensiveness and demonstrated that country's readiness to co-operate actively with the Committee.

80. Reference was made, in particular, to the part of the report concerning indigenous populations, which, according to some members, could serve as a model for countries in the same situation as Mexico. With regard to the situation of the indigenous population, the Committee welcomed the information it had received on the demographic composition of Mexico and on the measures being taken to help the indigenous and least favoured sections of the population to achieve a higher level of educational and cultural development. The Committee noted with satisfaction that considerable effort was being made to promote respect for human rights, to protect the cultural heritage of minorities and to improve the conditions and standards of living of the indigenous population, in particular since the establishment of the National Institute for Indigenous Affairs.

81. With regard to article 4 (a) and (b) of the Convention, the report stated that Mexico's obligations under article 4 (a) of the Convention were met by article 63 of the Federal Radio and Television Law. It was noted in that respect by several members that article 4 (a) applied to all forms of dissemination of racialist ideas and incitement to racial discrimination, not just to radio and television broadcasters. Moreover, article 9 of the Constitution, which was quoted in the report in connexion with article 4 (b) of the Convention, did not contain the kind of positive legislation which the Committee considered to be necessary. Another member, elaborating on the same point, stated that the provisions of article 4 (a) and (b) of the Convention, in his opinion, necessitated recourse to penal procedures and in that regard Mexican legislation seemed to lack specificity. It would be desirable for offences governed by the said provisions to be more clearly defined so that legal proceedings could be instituted without it being necessary to interpret or stretch the meaning of the texts. In connexion with possible conflicts between the right to assemble or associate and the obligations under article 4 of the Convention to declare illegal any organization engaging in activities which incited racial discrimination, some members asked whether Mexican courts had ever had to rule on such conflicts and recommended that Mexico should communicate to the Committee the text of article 164 of the Penal Code.

82. The Committee's concern was also expressed in connexion with the obligations imposed under article 6 of the Convention concerning which the report cited articles 16 and 17 of the Mexican Constitution. The amparo proceedings, as described in the report in connexion with article 6 of the Convention, were also extensively discussed by members. The report stated that Mexican law includes, in addition to the ordinary procedural remedies, a constitutional remedy known as the writ of amparo or writ of guarantees, governed by article 107 of the Constitution and by the law of amparo, whose purpose is to protect the individual against laws or acts of the authorities that may restrict or impair his safeguards or social guarantees as established by the Constitution. It was noted by some members that all persons, even minors, had the right to institute proceedings for amparo and asked for confirmation on the point that article 107 of the Constitution may be invoked in the event of cases of racial discrimination. Another member noted that amparo proceedings, the purpose of which was to settle "disputes", could be instituted only with respect to acts by authorities. He asked what remedy

existed against violations committed by individuals. Another member wondered whether amparo proceedings could be compared with writ petitions filed in High Courts under the Anglo-Saxon legal system.

83. As regards articles 5 and 7 of the Convention, members of the Committee were generally satisfied with the exhaustive details given on the application of those articles, and particularly the attention paid to the rights of the indigenous people and the care taken in attending to their social needs. It was pointed out that any measures taken should apply equally to all sections of the population. It would be useful if the next report could give information concerning other population groups such as immigrants and half-breeds.

84. The representative of Mexico assured the Committee that the full text of the Law of Amparo and article 107 of the Constitution would be supplied to the Committee and that the next report of her country would provide additional information relating in particular to application of the part of the Mexican Constitution that concerned individual freedoms and guarantees.

#### Union of Soviet Socialist Republics

85. The fifth periodic report of the Union of Soviet Socialist Republics (CERD/C/20/Add.18) was considered by the Committee together with the text of the new Constitution supplied to the members of the Committee by the representative of the reporting State, who introduced the report. Stressing the historic importance of the new Constitution, one member added that it had been promulgated after intensive preparatory work during which consideration had been given, inter alia, to the International Convention on the Elimination of all Forms of Racial Discrimination and the two Covenants and contained some 30 articles concerning equality between races and nationalities as compared with only five in the 1936 Constitution.

86. Members of the Committee recognized the merit of the new Constitution which, according to some members, provided a solid foundation for the establishment of Soviet socialist democracy. It was stated that its provisions regarding the equality of nations and races represented the outcome of 60 years of efforts to vindicate that principle. Articles 34, 36 and 64 of the Constitution made any discriminatory conduct a punishable offence in keeping with article 4 of the Convention.

87. It was pointed out, however, that laws antedating the new Constitution remained in force and that the report contained no information on measures taken to give practical effect to the statements of intention in the Constitution, in particular, on any legislation adopted in pursuance of article 4 (b) of the Convention. It was recalled that, during the consideration of the fourth periodic report, the Committee had been given some clarification regarding Soviet legislation relating to the implementation of article 4, and had expressed the wish that fuller information be included in the fifth periodic report. It was noted that only one legal provision relevant to article 4 had in fact been mentioned in the periodic reports of the USSR, namely, the provision making it a criminal offence to engage in any propaganda or agitation likely to arouse hostility among the various nationalities. Details about the legislative instruments applicable to the offences mentioned in article 4 of the Convention were again requested by the Committee.

88. As regards the provisions of article 5 of the Convention, the Committee recognized that many articles of the new Constitution were fully in line with the provisions of that article. It was observed that, according to article 39, paragraph 2, of the Constitution, "enjoyment by citizens of their rights and freedoms must not be to the detriment of the interests of society or the State, or infringe the rights of other citizens", which was in keeping with the spirit of article 29, paragraph 2, of the Universal Declaration of Human Rights. On the other hand, it was pointed out that other rights - in particular, freedom of scientific, technical and artistic work, mentioned in article 47 of the Constitution, freedom of speech, of the press and of assembly and association, referred to in articles 50 and 51 - were not guaranteed as such since their enjoyment had to be consistent with the interests of the people and with the objectives of the building of communism. As that was a very considerable restriction, a member asked whether those rights were considered less important than others proclaimed without any such reservation. Another member wondered whether the wording of article 50 revealed that Soviet society was not a pluralist society.

89. With regard to article 6 of the Convention, it was noted by several members that the report gave no explicit indication concerning the implementation of that article. No legislation guaranteeing the rights mentioned therein had been referred to in the report of the USSR. It would be appropriate for the Committee to have the text of the Law on the Procurator's Office of the USSR as well as details of the laws ensuring that aliens and Stateless persons did in fact enjoy the rights and freedoms referred to in article 37 of the Constitution.

90. The Committee was satisfied that the report made it clear that measures were being taken to implement article 7 of the Convention. The 1976-1977 laws providing for guarantees regarding languages of instruction and protection of the historical and cultural heritage of the various nations and ethnic groups were welcomed by the Committee. It was felt, however, that the information on the subject should be amplified in the next report and more specific information should be provided.

91. The important contribution of the USSR to international action to combat racial discrimination and apartheid in strictly respecting the resolutions and recommendations of international bodies aimed at isolating racist régimes was commended by members. The fact that the USSR had been the first country to ratify the International Convention on the Suppression and Punishment of the Crime of Apartheid was noted. A member, nevertheless, asked to receive specific details regarding the participation of that country in the implementation of the Programme of the Decade for Action to Combat Racism and Racial Discrimination, and in particular on its contributions to the various funds established by the United Nations to bolster the struggle against the racist régimes in southern Africa.

92. In conclusion, the representative of the Union of Soviet Socialist Republics said that efforts would now be made to evolve specific ways of implementing the new Constitution, with a view to altering previous legislation. The comments of the members of the Committee would be transmitted to the competent authorities.

## Bulgaria

93. The fifth periodic report of Bulgaria (CERD/C/20/Add.19) was considered by the Committee together with the information contained in the introductory statement of the representative of Bulgaria. The representative of Bulgaria stated that the report reflected the progress achieved in the implementation of the Convention, particularly with regard to the further improvement of recourse procedures, legal guarantees against the abuse of authority and other remedies. He emphasized that in the case of a country like Bulgaria, with a stable social order and an elaborate legal system, it was not possible to report every two years on new legislative and administrative measures.

94. The Committee welcomed the fact that equality of rights was proclaimed and guaranteed for all citizens of Bulgaria in that country's Constitution and expressed great satisfaction with the high quality of the report.

95. The question of ethnic minorities drew the particular attention of the Committee. It was recalled that on several occasions the Committee had asked for information on the ethnic composition of the Bulgarian population. It was noted with regret that no statistical information on ethnicity had been found in the fifth periodic report under discussion. A member drew special attention to the fate of the Macedonian national minority "which had fallen in number with each successive census only to disappear altogether in 1975". Another member wondered whether the integration of the Macedonian population group into the Bulgarian population had been effected with the agreement of that minority. There was no mention in the report of the existence of any Greek ethnic group in Bulgaria and the question was asked if such a group existed. With regard to article 4 of the Convention, it was noted that the report referred to articles 162 and 163 of the Bulgarian Criminal Code as provisions implementing paragraph (c) of that article.

96. It was noted with satisfaction that articles 416, 417 and 418 of the Bulgarian Criminal Code corresponded to the provisions of articles 3 and 5 (b) of the Convention and that article 10 of the Code of Criminal Procedures, which guaranteed equality before the law for all citizens without respect to nationality, origin, religion or sex, corresponded to article 5 (c) of the Convention. Information was sought as to whether aliens resident in Bulgaria had the same right to work as citizens or whether special provisions were applied to them.

97. So far as the implementation of article 6 of the Convention was concerned, a member noted that under Bulgarian law an aggrieved person was entitled to institute proceedings as a private plaintiff for the redress of the wrong suffered. It was crucial that the State should provide the individual with such remedies and it was commendable that Bulgaria fully implemented the requirements of article 6 of the Convention in that respect.

98. As regards the implementation of article 7 of the Convention in Bulgaria, a member asked whether in Bulgarian schools and universities respect for human rights and antagonism towards racial discrimination were taught as principles in their own right, or whether they were taught exclusively in the context of the Bulgarian Constitution and "scientific communism". Another member asked, in this connexion, whether there was any provision of Bulgarian law whereby linguistic minorities could receive instruction in their own tongue.

99. Finally, some members of the Committee commended the regulations governing the granting of the right of asylum to foreigners persecuted for certain activities including fighting racial discrimination. Further information was sought regarding the circumstances in which the right of asylum might be lost or withdrawn under Decree No. 520 of the Council of State.

100. The Committee noted with satisfaction that articles 418 and 419 of the Criminal Code further reinforced the struggle against apartheid. A member asked whether Bulgaria's Criminal Code contained any penalty for offences related to apartheid committed by Bulgarians outside Bulgarian territory.

101. The representative of Bulgaria replied one by one to various questions raised by members of the Committee. Commenting on the question concerning the ethnic composition of the population of Bulgaria, he deeply regretted that the political issue of the so-called Macedonian group should have been raised again. While stressing that Bulgaria fully recognized the right of individuals freely to express their national consciousness and that therefore all citizens were free to express their ethnic affinity, he stated that the Government's main purpose at present was to promote national unity. In reply to the question concerning the existence of a Greek minority in Bulgaria, he said that a distinction was drawn in his country between communities and individuals of different origins. Some Bulgarian citizens were of Greek origin but they did not constitute a community.

102. Touching upon the position of aliens resident in Bulgaria, he said that they enjoyed the same rights as Bulgarian citizens in the matter of employment, including the right to equal pay for equal work, but they could not hold public office.

103. In connexion with the opportunities open to ethnic groups in Bulgaria to learn their mother tongue, he informed the Committee that newspapers and textbooks were produced in Turkish and Armenian and that radio and television programmes were broadcast in those languages. Every effort was made to offer all facilities to children from minority groups to learn their mother tongue.

104. With regard to the question concerning the right of asylum, he said that since Decree No. 520 regulated the granting, loss or withdrawal of that right, it could be assumed that the right might be withdrawn in some circumstances. To his knowledge no case of withdrawal or loss of the right of asylum had occurred.

105. Answering a question concerning offences related to apartheid committed in one country by nationals of another country, he said it would be difficult for any Government to exercise its jurisdiction in another country. Bulgaria did, however, fully honour the commitments it had entered into in ratifying the International Convention on the Suppression and Punishment of the Crime of Apartheid.

## Spain

106. The fifth periodic report composed of two documents (CERD/C/20/Add.20 and Add.33) was considered by the Committee together with the introductory statement of the representative of Spain, who spoke in detail on the new Constitution adopted at the end of 1978 after the report of his country had been submitted. He drew the Committee's attention to the second document which contained the text of the Royal Decree No. 250/1979 establishing the Inter-Ministerial Commission to consider problems affecting the gipsy community.

107. Members of the Committee welcomed the establishment of the above-mentioned Commission to consider problems affecting the gipsy community, which seemed an excellent development, and hoped that the Committee would be kept informed of its activities. It was pointed out, however, that the Commission's terms of reference seemed too vague and that it did not include a representative of the gipsy community. A member wished to know also the terms of reference of the working groups that the Commission would be empowered to set up.

108. It was recalled that, during the consideration of the fourth report, members of the Committee had requested particulars of the lot of such peoples as the Basques and the Catalans and, since the Spanish Government had still not met that request, it was hoped that the omission would be made good in the next report which will be due in January 1980. Also in this connexion, a member, after recalling Spain's colonial past, asked if there were any indigenous ethnic groups in the Canary Islands; if the citizens of Equatorial Guinea who had settled in Spain had the facility for acquiring Spanish nationality, or if they suffered from any legal incapacity.

109. In connexion with article 4 of the Convention, it was recalled that during the consideration of the fourth periodic report the Committee had examined the changes to be made in article 172 of the Penal Code to meet the stipulations of this article. Some members requested clarification as to why it had been impossible to revise that article to bring it into line with the recommendations of the Committee. They sought information concerning the penalties provided for in the event of non-compliance with the new paragraph 4 of article 172 of the Penal Code which would enable the Committee to evaluate the implementation of article 4 of the Convention.

110. As regards article 5 of the Convention, the hope was expressed that in the next report information would be given concerning the procedures adopted for ensuring equality of all Spaniards before the law and the rights of aliens residing in Spain. In this connexion, a question was asked if the expression "in the form laid down by law" in article 12, paragraph 2, of the Constitution implied that a distinction could be drawn between various categories of aliens living in Spain.

111. The Committee noted that no information had been given in the report concerning the implementation of articles 6 and 7 of the Convention. The question of implementation of article 7 had been the subject of recommendations at the seventeenth session of the Committee and particularly deserved amplification.

112. Finally, a member duly noted Spain's participation in international action to combat apartheid but wished to know the nature of the relations, if any, between Spain and the racist régimes of southern Africa.

113. The representative of Spain, touching upon the questions concerning minorities, said that he would convey to the competent authorities the Committee's comments on the absence of a representative of the gipsy community on the Inter-Ministerial Commission established by Decree No. 250/1979. He stressed that the national sentiment among the Basque, Catalan and Galician minorities could not be attributed to ethnic factors; the Guanche, a primitive ethnic group in the Canary Islands, had become totally assimilated into the population from the Spanish peninsula; and immigrants from Equatorial Guinea could acquire Spanish nationality by means of a simple declaration and enjoyed all the rights granted to other citizens. As regards article 172 of the Penal Code, the representative stated that, when the Committee's recommendations had reached the Spanish authorities, the Parliament had already approved the new wording of article 172 of the Penal Code. Speaking about the rights of aliens, he assured the Committee that the legislative texts being prepared would be based on the international instruments concerning human rights and fundamental freedoms, including the Convention. Referring to article 7 of the Convention, the representative pointed out that it had not been possible to include in the report a reference to the decree making the teaching of human rights compulsory because that decree had been adopted subsequently. He informed the Committee that his country had no diplomatic relations with South Africa and strictly observed the recommendations concerning that country adopted at international gatherings.

114. The representative assured the Committee that the next periodic report of his Government would include the information requested, particularly concerning the implementation of articles 6 and 7 of the Convention, the autonomous status of the regions and nationalities and the various texts including the new Constitution.

#### New Zealand

115. The third periodic report of New Zealand (CERD/C/37), which was introduced by the representative of New Zealand, consisted of two parts: the first part dealing with New Zealand and the second with the Cook Islands, Niue and the Tokelau Islands to which the obligations accepted by New Zealand under the Convention extend. The report devoted considerable attention to the substantial amendments made to the Race Relations Act as a consequence of the adoption of the Human Rights Commission Act, in order to strengthen the legislative provisions guaranteeing observance of the Convention. In particular, the amendments to the Act would impose stricter penalties on employers for decisions of a discriminatory nature and consider incitement to racial discrimination as unlawful as well as a criminal offence.

116. Several members of the Committee noted with appreciation the frankness of the excellent report which drew attention to instances of racial disharmony where they existed and also showed that the Government was making every effort steadily to strengthen its legislation to eradicate all forms of racial discrimination and thus to give effect to the provisions of the Convention. A member particularly appreciated the measures taken to assist the Maori and Polynesian groups to improve their socio-economic position and to develop their culture and languages. In that respect, the action to encourage non-Maoris to acquire a knowledge of the Maori language and an understanding of its culture was noted with interest.

117. The progressive changes made in New Zealand's immigration policy were noted by some members who pointed out, however, that while understanding the humanitarian grounds of the policy, the granting of entry to New Zealand for

family reunification reasons was bound to favour British immigrants, the majority of the New Zealand population being of British descent, and thus that provision would not greatly change the situation. With respect to another condition for entry that applicants should possess skills which were in demand in New Zealand, it was considered that such a condition in fact constituted discrimination since it contributed to the problem of "brain drain" suffered by the developing countries.

118. As regards the implementation of article 3 of the Convention, the New Zealand Government's policy towards the racist régimes of southern Africa appeared to be in line with many of the requirements of the United Nations decisions. Hope was expressed that the Government would eventually sever all contacts with the régimes of southern Africa. However, concern was expressed by some members who noted, from paragraph 10 of the report, that the New Zealand Government took a selective approach to United Nations decisions concerning apartheid and urged the adoption of a much more decisive attitude. Another member hoped that the representative of New Zealand would give the Committee any details available to him on the results of the Government's examination of Security Council resolution 418 (1977) referred to in paragraph 15 of the report. And with reference to the statement cited in paragraph 12 of the report, according to which some New Zealand sportsmen had accepted invitations to South Africa, a question was asked as to whether action was being taken to ensure that no New Zealand citizen ever had sporting contacts with South Africa.

119. The Committee noted with satisfaction the reform of the Race Relations Act which had increased the Conciliator's powers and introduced stricter measures to suppress discrimination and incitement to racial disharmony and to promote harmony among New Zealanders of different racial groups. It was understood that action was not restricted to legislation but included the work of the Race Relations Conciliator, the Equal Opportunities Tribunal and the Human Rights Commission. The conciliation procedure followed in New Zealand made it possible that minor offenders might be educated to change their attitudes. That would be a considerable achievement.

120. With reference to article 4 of the Convention, a member wondered why criminal proceedings had not been instituted with regard to the 57 complaints recorded officially during 1976-1977 which had concerned incitement to racial disharmony. Another member considered it encouraging that for the first time a sentence had been passed under section 25 of the Race Relations Act in respect of two leaders of the New Zealand National Socialist Party, who had engaged in the dissemination of ideas based on racial superiority or hatred. It was stated, however, that the New Zealand National Socialist Party was still in existence and might well be continuing its racist activities and that the Government would be obliged to declare it illegal and prohibit its activities in accordance with article 4 (b) of the Convention. Another member found the sentence given to the leaders of the National Socialist Party excessively mild in view of the serious nature of the offence. The conviction should have been followed by the banning of the organization. The Committee asked for detailed information on the measures taken against organizations such as those referred to in article 4 (b) of the Convention.

121. In connexion with article 6 of the Convention, it was noted that, in cases where conciliation was unsuccessful, the Conciliator could himself institute proceedings before the Equal Opportunities Tribunal. A member pointed out in this connexion that, according to section 41 of the Human Rights Commission Act, monetary limits were set to the remedies which the Tribunal might grant. Should



the damage exceed those limits, the member wondered what action the Tribunal could take. Some other members inquired about the remedies available, both under the procedures envisaged in the Race Relations Act and in the context of normal legal institutions, to persons whose complaints to the Conciliator were declared "not justified". It was stated in this connexion that, in the absence of any possibility of appealing such decisions, the Act would not fully meet the requirements of article 6 of the Convention. Another member asked whether the Conciliator in New Zealand was elected or appointed and how his independence and impartiality were guaranteed.

122. As regards article 7 of the Convention, the Committee welcomed the positive measures taken in New Zealand to create a "multicultural" society, in which the traditions of ethnic minorities would be respected and preserved. The educational measures described in the report were most important in that respect. A member expressed the hope that such measures would be further expanded in the future, while another member was of the view that the implementation of article 7 required stronger measures and that more positive effort was needed to combat racial prejudice.

123. The representative of New Zealand replied to a number of questions raised by the members of the Committee. The fears expressed that the changes in the immigration policy of New Zealand could favour British immigrants were not well founded. British citizens of European origin now comprised a decreasing proportion of the migrant flow and it was expected that that proportion would decrease further in future. New Zealand's contacts with South Africa were minimal. The sportsmen who had accepted individual invitations to go to South Africa had acted against the advice of the New Zealand Government which made every effort to fulfil the Gleneagels Agreement. Such things as exit visas did not exist in New Zealand. The representative stated that the Conciliator was appointed by the Minister of Justice. He himself considered his position very much as an independent one. An individual was not obliged to accept the Conciliator's decision but was entitled to bring an action for defamation or to apply to the Equal Opportunities Tribunal. The text of the amended versions of the Race Relations Act and the Human Rights Commission Act would be made available to members of the Committee. It should be borne in mind that many cases of discrimination arose not from malice but from ignorance or misinformation. The majority of the complaints made to the Conciliator concerned fringe benefits and transfers. In the area of the implementation of article 7 of the Convention and the suggestion that New Zealand might be more forceful in combating racial prejudice, he stated that in New Zealand guerrilla warfare had been found to be more effective than frontal attack. The representative stated that he would refer more technical points to his Government for clarification in the next periodic report.

#### German Democratic Republic

124. The third periodic report of the German Democratic Republic (CERD/C/17/Add.1) was introduced by the representative of the reporting State, who gave information on the major legislative measures that had been introduced in the period under review in such fields as labour, penal law, education and the media.

125. A number of questions dealt with in the report, such as the new Labour Code, the reform of the prison system (Prison Code), the rehabilitation of former prisoners, the contribution of the mass media to the struggle against racism, the cultural and educational activities designed to develop friendship among peoples and the action taken to combat apartheid, drew favourable attention of members of the Committee.

126. Some short-comings of the report, however, were noted and the following inquiries were made and clarifications were requested.

127. It was noted that the report did not provide any new information concerning the legislative, administrative, judicial and other measures adopted for the purpose of combating racism in the actual territory of the German Democratic Republic. It was stated, for instance, that the information previously asked for on the implementation of articles 91, 92 and 140 of the Penal Code quoted in the annex to the initial report of the German Democratic Republic had not been supplied. Lacking such information, it was difficult for the Committee to judge how effect was being given, at the judicial level, to the provisions of article 4 of the Convention. Some doubts were expressed regarding the application of article 4 of the Convention, since none of the three reports submitted by the German Democratic Republic had mentioned any provision banning organizations intended to foster national or racial hatred. Only persons engaging in Fascist propaganda or national or racial incitement, or forming an organization or group with a view to committing such acts, appeared to be punishable under article 92 of the Penal Code. A member recommended that information concerning measures taken in pursuance of article 4 of the Convention should be presented more clearly and that such measures mentioned in the national report should be placed in the context of the relevant article of the Convention in order to be more easily understood and helpful for the Committee.

128. As regards the new Labour Code which entered into force on 1 January 1978, a question was raised by some members concerning the restriction on the implementation of its article 16 which, according to the last sentence of that article, could be motivated by the existence of international treaties or other laws and regulations of the German Democratic Republic. It would be desirable in this connexion to explain the circumstances in which exceptions could be made to the application of article 16. A member wondered whether the distinctions between citizens introduced by article 16 and the exceptions allowed to that article made it possible for the rights of all workers to be equally guaranteed.

129. Referring to the initial report of the German Democratic Republic (CERD/C/R.63/Add.3), a member noted that the participation of the public prosecutor in civil cases was provided for in the German Democratic Republic. The procedure, however, seemed unusual, and the member asked for particulars of how it operated as well as information on the respective duties of the members of the judiciary responsible for the administration of justice and of the public prosecutors. Other members wished to know whether the Constitution of the German Democratic Republic afforded an individual who considered himself to be a victim of racial discrimination the possibility of instituting proceedings against the State for the purpose of obtaining redress in the event of prejudice caused by an organ or agent of the State.

130. As regards the Prison Code, which protected the rights of all detainees without distinction and ensured respect for human dignity, a member expressed concern that article 34 of the Code could be interpreted as favouring detainees who were nationals of States that had concluded an agreement of reciprocity with the German Democratic Republic.

131. With respect to the implementation of article 7 of the Convention, the activities designed to educate young people in the spirit of friendship among peoples, international solidarity and opposition to racism, racial discrimination

and apartheid were particularly welcomed. The information concerning the implementation of that article was, however, found by a member to be too scattered and suggested that the implementation measures should perhaps be put in a special report, as recommended by the general recommendation V adopted by the Committee at its 338th meeting.

132. Finally, with respect to the minorities question, it was suggested that the information given about the Sorbian minority in the initial report of the German Democratic Republic should be updated in a future report as requested by the Committee during the consideration of the second periodic report.

133. The representative of the German Democratic Republic replied to some of the questions raised by the members of the Committee and assured the Committee that all the questions asked would be transmitted to his Government and full replies to them would be provided in the next report.

#### Syrian Arab Republic

134. The fifth periodic report (CERD/C/20/Add.21) was introduced by the representative of the Syrian Arab Republic, who stated that the authorities of his country had amended the constitutional and legislative texts in order to bring them fully into line with the requirements of the Convention and better guarantee the fundamental rights of citizens. The representative regretted the occupation of the Golan Heights by Israel which had prevented the Syrian Arab Republic from applying the Convention in that part of its territory.

135. With regard to article 4 of the Convention, a member recalled that, during the consideration of the fourth periodic report, the Committee had stated that articles 307 and 308 of the Penal Code seemed generally to reflect the provisions of article 4. He requested, however, that more detailed information be given about the implementation of article 4 (b) and, in particular, about the scope of the relevant articles of the Penal Code. Another member wondered what was the implication of the reference to State security under article 3 of the Law of 1958 on Associations and Private Organizations, which provided for the immediate dissolution of an association engaged in activities of a sectarian or racist nature affecting State security and asked whether it implied that not all associations engaged in racist activities would necessarily be dissolved.

136. It was noted that the 1973 Constitution of the Syrian Arab Republic provided, inter alia, that all citizens shall be equal before the law in rights and obligations and that the State shall guarantee the principle of equal opportunity. In this connexion, a member pointed out that the Constitution spoke of the equality before the law of citizens only and that that restriction did not seem to be in line with the provisions of article 5 of the Convention. Another member, noting that many constructive measures had been mentioned in the report, asked for information on what had been done to implement article 5 of the Convention, particularly in respect of the economic, social and cultural rights and the civil and political rights covered in a report to the Human Rights Committee (CCPR/C/1/Add.1/Rev.1) and made available to the Committee at the request of the Government.

137. With respect to article 6 of the Convention, it was noted that the Syrian Arab Republic had not provided the information requested by the Committee in

connexion with its previous report. Information was requested particularly on the means of redress available to persons whose individual rights had been violated, whether or not as a result of racial discrimination.

138. Members of the Committee qualified as a serious omission the continuing absence of specific data on the implementation of certain parts of the Convention, and in particular of article 7. In view of the importance of the preventive activities mentioned in that article, the hope was expressed that the next report would be more explicit on that subject.

139. With respect to the occupation of the Golan Heights which had prevented the Syrian Arab Republic from applying the Convention in that part of its territory, several members proposed that the Committee should reaffirm the position it had taken on 1 April 1977, since the situation there seemed to have further deteriorated. A member pointed out, however, that the Committee's functions could not extend beyond the stipulations of article 3 of the Convention and that the Committee should, therefore, restrict itself to noting the de facto situation persisting in the Golan Heights and drawing it to the attention of the competent United Nations bodies.

140. The representative of the Syrian Arab Republic replied to some of the questions raised by members of the Committee. He stated that the aliens were protected by the law in the same way and had the same rights as nationals whether or not they were resident in the country; and that it was precisely on account of the heterogeneous nature of the population that any activity directly or indirectly encouraging racial discrimination was considered a threat to State security. He assured the Committee that he would invite his Government to include in its next report information on the ethnic composition of the population as well as relating to other questions.

141. On a proposal by the Chairman, the Committee requested the Rapporteur to ensure that the decision adopted at the fifteenth session in respect of the information supplied by the Syrian Arab Republic concerning the situation in the Golan Heights 10/ would be recalled in the Committee's annual report to the General Assembly, in order to draw the Assembly's attention to the persistence of the problem.

#### Byelorussian Soviet Socialist Republic

142. The representative of the Byelorussian Soviet Socialist Republic, introducing his country's fifth periodic report (CERD/C/20/Add.22), stated that the report amplified the account of the national legislation enacted to implement the provisions of the Convention, as detailed in his country's four previous periodic reports, by referring to the provisions of the new Constitution of April 1978, which ensured the elimination in practice of all traces of inequality and racial discrimination.

143. During the consideration of the report, members of the Committee pointed out that, although a new Constitution had been adopted, appropriate legislation to

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10/ Ibid., Thirty-second Session, Supplement No. 18 (A/32/18), chap. VIII, decision 1 (XV).

carry its principles into effect had not been enacted. A member referred in particular to articles 32, 35, 62 and 67 of the new Constitution, as indicated in the report, establishing the principle of the judicial equality of all citizens. He asked for more specific particulars of such implementing legislation, notably of the measures taken to give effect to articles 4 and 6 of the Convention.

144. With respect to article 4 of the Convention, a member stated that article 1 of the Byelorussian Criminal Code, although an important provision, was too vague and incomplete to satisfy fully the requirements of article 4 (a), (b) and (c) of the Convention. This observation was supported by other members who repeated the suggestion made during the discussion of the previous report that the Byelorussian SSR should introduce appropriate legislation to implement article 4.

145. With reference to article 5 of the Convention, a member asked whether the legislation of the Byelorussian SSR contained any provision to meet the requirements of article 5 (d) (i) and (ii) of the Convention, namely the right to freedom of movement and residence within the border of the State, and the right to leave any country, including one's own, and to return to one's own country. The elections of deputies to soviets which had been held in June 1977 also drew the attention of members of the Committee. A member, supported by another, expressed concern regarding the procedure followed in elections in the Byelorussian SSR. They inquired on what basis lists of candidates were prepared, and in what proportion the deputies elected were representative of the various ethnic groups in the country.

146. Some concern was expressed as to the implementation of article 6 of the Convention. A member inquired about the precise role of the Procurator referred to in chapter 19 of the Constitution of the Byelorussian SSR. Should the Procurator decide not to initiate a prosecution in a particular case, would it be open to an aggrieved individual to institute civil proceedings on his own account? It was noted that in accordance with article 161 of the Constitution the representatives of social organizations and workers' collectives could take part in legal proceedings relating to civil and criminal cases. The question was asked whether that provision applied also to private individuals. Another member, noting that the issue of article 6 was one which was constantly being raised in the Committee, found no reason why the socialist countries should be reluctant to reply to it. Referring to the Constitution of his own country by way of example, the member stated that a number of different remedies - including application to a higher instance - were open to a person who was not satisfied with the decision taken by the Procurator in a particular case.

147. A member welcomed the evidence in the report that the requirements of article 7 of the Convention were being fully met in the Byelorussian SSR by means of an education and information programme.

148. Finally, a member, welcoming the support given by the Byelorussian SSR to the liberation movements of southern Africa, inquired what assistance, especially in the field of employment, was offered to members of such movements who might seek asylum in the Byelorussian SSR.

149. The representative of the Byelorussian SSR, replying to some of the questions raised by the members of the Committee, said that considerable efforts had already been made and further efforts would be made to adapt the national legislation to the provisions of the new Constitution, some of which were directly related to the

Convention. With respect to the election of deputies to soviets, he stated that although 81 per cent of the population of his country was of Byelorussian descent, some 25 per cent of the deputies in the local organs were of other ethnic origin; and that no racial discrimination was practised in the submission of candidatures for election.

### Somalia

150. The initial report of Somalia (CERD/C/39) was introduced by the representative of that country who stated that the report should be considered as a preface to a detailed report which his Government was planning to submit as soon as possible and to which all relevant legal texts would be annexed. The representative referred to a draft constitution approved by the revolutionary socialist party of Somalia early in 1979 and stated that it included a number of basic provisions giving effect to some of the provisions of the Convention. The Government expected to submit the draft Constitution to a referendum early in the summer of 1979, after which the text of all the provisions relating to the Convention would be communicated to the Committee. One member of the Committee substantially supplemented the information presented by the Government. Full coverage has been given in the summary records to this statement.

151. The discussion in the Committee revolved around the quality of the report. Since the initial report of Somalia was due in 1976 and had been submitted in 1978, a more detailed presentation was expected by the Committee. Members of the Committee noted that the report consisted essentially of general affirmations: that Somalia was strongly opposed to colonialism, neo-colonialism and racism in all its forms; that existing national legislation was in conformity with the provisions of the Convention; that racial discrimination did not exist in Somalia; and that further legislative measures to implement the terms of the Convention were hence unnecessary.

152. Members of the Committee asked for the texts of the legislative, judicial and administrative measures referred to in the report. Recognizing a reference to certain provisions of the Penal Code prohibiting racial discrimination, a member inquired when the Code had been adopted and whether it would remain in force under the projected new Constitution. Another member noted that no mention was made in the report of any measures taken to implement article 4 (a) and (b) of the Convention, which had been regarded as mandatory for States parties, and hoped that in its next report the Government of Somalia would indicate the legislation satisfying those requirements. It was further noted that the Constitution had remained in force from July 1960 to October 1969, after which the First Charter of the Revolution had been promulgated. A member inquired what the legal status of that Charter was and whether it had been followed by others. He considered it useful for the Committee to receive details of the provisions of the Charter.

153. The Committee expressed the hope that detailed information would be supplied in the next report which should be submitted as soon as possible. Some members suggested in particular that the Government of Somalia should base its next report on the general guidelines and decisions and recommendations of the Committee concerning the information which the Committee wished to receive from States parties to the Convention.

154. The representative of Somalia replied to a number of questions raised by the members and assured the Committee that future reports would follow the Committee's

guidelines and would provide the information requested by the members. In view of the fact that the draft Constitution would not be submitted to the people before the middle of 1979, no new report could be prepared before that date.

### Ukrainian Soviet Socialist Republic

155. The fifth periodic report of the Ukrainian Soviet Socialist Republic (CERD/C/20/Add.23) was introduced by the representative of the reporting State who drew attention to some of the relevant provisions of the new Constitution adopted on 20 April 1978, and to the measures taken by the Ukrainian SSR, under articles 3 and 7 of the Convention, to combat racial segregation and apartheid, to support the national liberation movements in southern Africa, to educate the population in the spirit of proletarian internationalism and in tolerance of racial and national prejudice, and to propagate the purposes and principles of the United Nations Charter, the Universal Declaration of Human Rights and the Convention. Legislative texts in force had been brought fully into line with the provisions of the Constitution.

156. Members of the Committee noted with satisfaction the information provided on the breakdown by nationality of the population of the Ukrainian SSR. It was stated, in particular, that, since the population was not homogeneous, the fact that the new Constitution reaffirmed and developed the principle of the equality of citizens without distinction as to nationality or race was to be welcomed. A member, however, asked for an explanation of the decline in the Tartar population.

157. The Committee had already noted, in connexion with the previous report, that article 66 of the Criminal Code was partially in keeping with the provisions of article 4 (b) of the Convention. Article 66 provided that "propaganda or agitation aimed at inciting racial or national enmity or discord, or any direct or indirect restriction of the rights of, or conversely, the establishment of any direct or indirect privileges for citizens on account of their race or national origin shall be punishable by deprivation of liberty for a term of six months to three years or by compulsory change of residence for a term of two to five years". It was pointed out in this connexion that the article did not cover all forms of racial or national discrimination and that it made no reference to such acts as insults or defamatory remarks which may be made against persons or groups. Members of the Committee requested more particulars regarding the application of article 4 (a) and (b) of the Convention.

158. It was recalled that when the previous report of the Ukrainian SSR had been considered, the Committee had requested further information concerning the measures taken to give effect to article 5 of the Convention. Some members noted that the new report merely cited article 32 of the Constitution. While recognizing the importance of that article which guaranteed the equality of rights of citizens in all fields of economic, political and cultural life, it was stated that the Committee should be provided with the legislative texts corresponding to that article as well as to articles 37 to 67 of the Constitution. Referring specifically to article 5 (d) (ii) of the Convention, a member noted that there was nothing in the report concerning the right to leave any country, including his own, and to return to one's country, and asked whether this right was guaranteed by any official text. Another member observed that there was no reference in the report to damages which might be caused to persons or groups by denials of services or admission to a public place, and by discriminatory practices in respect to employment, access to public offices or professional advancement. Further information was also requested in that connexion.

159. As regards article 6 of the Convention, members of the Committee regretted the lack of particulars on the manner in which the benefit of this article of the Convention was extended to any victim of acts of racial discrimination committed by officials or State and public bodies. Members wished to know in particular whether persons who had suffered damages as a result of acts of racial discrimination had the right to refer their complaints to a criminal or civil court, and whether they could institute civil proceedings in the event the Public Prosecutor's Office failed to take legal action.

160. Members of the Committee commended the clear indications of the praiseworthy efforts made by the Ukrainian SSR to meet its obligations under articles 3 and 7 of the Convention. In connexion with article 7, a member noted with satisfaction the opening of special schools for Poles, Moldavians and Hungarians, of whom there were relatively few in the Republic, and asked whether establishments of the same kind existed for the better represented nationalities such as Russians, Jews and Byelorussians. Another member asked whether, under article 36 of the Constitution, the right of asylum could be granted to the members of only one national liberation movement in each country or whether it could be granted to those of all movements pursuing the same goal by means of different strategies.

161. The representative of the Ukrainian SSR, replying to some of the questions raised by members of the Committee, stated that, in his opinion, article 66 of the Penal Code sufficiently penalized violations of the principle of equality among nationalities and races; that the Ukrainian citizens and aliens residing in the Ukraine were entitled to lodge complaints with the courts, with the Public Prosecutor's Office or with the Supreme Court, and the Public Prosecutor was responsible for ensuring that all judicial bodies applied procedures and reached decisions consistent with the Constitution; that the right to travel inside the country, and to leave and to return to it, was guaranteed by the Civil Code in conformity with the international obligations assumed by the Ukrainian SSR; and that since other national minorities, such as Greeks, Tartars and Jews, were scattered throughout the Republic, educational establishments could not be provided solely for their needs.

162. The representative stated that the next report of his country would give more detailed information on various matters broached by members of the Committee.

#### Panama

163. The fifth periodic report of Panama (CERD/C/20/Add.25) was introduced by the representative of the reporting State, who limited her remarks to the question of the Panama Canal Zone, stating that as that enclave had been returned to the Republic of Panama, the Government would be able to ensure that the Convention was applied throughout its territory. Measures to that end were being studied as part of an integrated development programme for the Zone.

164. The Committee welcomed the efforts that the Panamanian Government was making to restore its authority in the Canal Zone and to ensure the implementation there of the International Convention on the Elimination of All Forms of Racial Discrimination, and hoped that the Government would soon be in a position to fully apply the Convention in that part of its territory and to report to the Committee on the progress made in that direction.



165. Much of the discussion revolved around the Government's policy for the indigenous population. A member of the Committee recognized that the chief difficulty in giving effect to the Convention in Panama arose from the country's ethnic composition and its indigenous communities. Another member praised the sincerity of the Government of Panama which acknowledged that as yet there had been no realistic policy for dealing with the indigenous people who had been cut off from the life of the nation. It was recognized that, although the Government of Panama did not claim to have solved the problem entirely, it had made some progress towards a solution in developing a plan of action for the indigenous population with political, economic, social, cultural and educational objectives.

166. It may be recalled that with reference to the provisions of article 1, paragraph 4, and article 2, paragraph 2, of the Convention, some members of the Committee, when discussing the fourth periodic report of Panama, had expressed doubts as to whether the objective of the Government of Panama was to preserve the customs and traditions of indigenous groups or to integrate them into the national community and life of the nation. In this connexion, the Committee welcomed the new policy of the Panamanian Government which aimed at enabling the indigenous communities to participate fully in the socio-economic development programmes of the country while safeguarding the continuity and promoting the development of their cultures and languages. Members of the Committee noted with satisfaction the establishment of a Commission which had drafted guidelines for the new policy and asked for further information concerning the membership of the Commission and whether the indigenous groups were represented in it. They welcomed the replacement of the dubious concept of indigenous "reserves" by a new socio-economic concept of "comarcas" which would result in the establishment of communities within which those groups would be able to preserve and develop their own cultures, languages and traditions. A member wondered whether there was any difference, other than a difference of terminology, between the concept of "comarca" and the earlier concept of "reserve". It was noted from the report that the natural resources found within the "comarcas" were the patrimony of the indigenous population, except for those mentioned in articles 226 and 227 of the Constitution which referred to land and water resources. Further information was requested as to what precisely was covered by those exception clauses of the Constitution. With reference to a statement in the report that the Government planned to hold consultations with the indigenous communities regarding the exploitation of natural resources found within the "comarcas", information was requested on how consultations would be conducted in practice and on their results. Inquiries were made as to the manner in which the Government planned to solve the problem posed in a small country by the existence of "pockets" of settlement which were at different stages of economic development; as to whether the land would be given to members of the indigenous groups as private property or it would be exploited on a communal basis; and if those groups would enjoy freedom of movement which was essential for their self-fulfilment as well as their contribution to national development. A member expressed some doubts about the system of "comarcas" and thought the Committee should at some stage examine the issue more closely.

167. It was recalled that during the consideration of the fourth periodic report, the Committee had noted certain short-comings in the implementation of the provisions of article 4 (a) and (b) of the Convention. Members of the Committee noted that Acts Nos. 8 and 11 of 10 February 1978 concerning the offences of calumny and detraction and concerning means of social communication and publication of printed matter, respectively, partly met the requirements of article 4 (a) and (b). It was also noted, with reference to article 4 (a), that the only relevant

domestic legislation was Act No. 25 of 9 February 1956, article 1 of which declared certain acts of discrimination to be correctional police offences. A member stated that it would be desirable for article 15 of Act No. 11 to explicitly condemn any organized propaganda activities inciting racial discrimination. The Committee asked for more details on the measures taken for the implementation of article 4 (a) and (b) of the Convention.

168. Some members of the Committee commented on the right to equality before the courts. A member pointed out that arrest on grounds of race was not specifically included among the illegal acts resulting from a decision by authorities, officials or public establishments which, according to Act No. 46 of 24 November 1956, could be invoked by an individual in order to apply for a writ of habeas corpus or to exercise the right of amparo. Similarly, article 1 of Act No. 25 of 9 February 1956, enumerating the acts of discrimination committed by individuals or private groups which constituted offences, did not cover all the individual rights guaranteed by the Convention. Those two legislative texts should therefore be supplemented. Another member noted that any person who was the victim of an act of discrimination could apply to the courts, but he wondered whether that person would have to pay the legal costs. He inquired further about the wording of article 3 of Act No. 25 of 9 February 1956 which provided that "the chiefs of police shall be responsible for imposing the penalties specified in this Act in accordance with the relevant administrative regulations" and wondered, with other members, how a chief of police could be responsible for imposing a penalty which provided, for example, for imprisonment. He also questioned the text of article 33 (transitional) of Act No. 8 of 10 February 1978, since it appeared to shed doubt on the universally accepted principle that a crime could be punished only by virtue of a pre-existing law.

169. Finally, the Committee noted with satisfaction the detailed information provided in the report on measures taken to safeguard freedom of information and publication, to support international action against racism, racial discrimination and apartheid.

170. The representative of Panama replied to a number of questions raised by members of the Committee. She answered in detail questions regarding habeas corpus proceedings and also the right of appeal in case an official violated the rights of an individual. With respect to the Panamanian policy for the indigenous population, she confirmed that a paternalistic attitude was now giving way to one of more direct consultation and involvement. The existence of "comarcas", she stated, did not imply that indigenous communities were cut off from the rest of the population. It was a term which reflected historical development in regard to land distribution in the country. The system of communal or collective ownership of property had been a part of the traditional structure of indigenous society in Panama for many years; however, the right to own private property was enshrined in the Panamanian Constitution. The representative would ensure that other questions were conveyed to her Government for clarification at a later stage.

#### Senegal

171. The third periodic report of Senegal (CERD/C/40) was considered together with the supplementary information provided by the representative of the reporting State

in his introductory statement. 11/ The representative informed the Committee of measures taken by his Government to combat all forms of racial discrimination and to guarantee human rights and freedoms for all, both at the international and national levels. At the international level, he stated, Senegal was observing strictly the relevant resolutions and recommendations of the United Nations concerning the struggle against racial discrimination and giving effective support to the liberation movements fighting the racist régimes of southern Africa. At the national level, he referred to the relevant provisions of the Constitution of Senegal, as the corner-stone of the struggle against racial discrimination, supplemented by the relevant provisions of the Penal Code and other legislations. In addition, the Senegalese Government was making determined efforts to educate and awaken the public conscience by such measures as the establishment of the Senegalese United Nations Association, the Senegalese Human Rights Committee and recently, the National Town Twinning Committee responsible for promoting twinning arrangements between Senegalese and foreign towns.

172. The third periodic report of Senegal consisted of two parts: the first part described the measures adopted to combat racial discrimination in the economic, cultural and social fields, and the second part consisted of two annexes providing information on the demographic composition of Senegal and reproducing certain articles of the Senegalese Penal Code relating to the struggle against racial discrimination.

173. The information contained in the report and supplemented by the representative of Senegal was welcomed by members of the Committee. They commended, in particular, the policy pursued by Senegal to oppose all forms of racial discrimination and to guarantee the enjoyment of human rights and fundamental freedoms. It was regretted, however, that the report did not follow the sequence of the articles of the Convention or place the information contained therein in the proper context of the Convention.

174. It was noted that the information given in annex I on the demographic composition of the population did not concern the various ethnic groups which spoke the six national languages and constituted the Senegalese nation, but referred only to the number of foreigners living in that country. A member stated that if Senegal had decided for reasons of national unity not to include in its reports any data on the ethnic composition of its population, it should so inform the Committee. Another member, however, stated that he was satisfied with the figures given concerning the composition of the Senegalese population and was convinced that the task of the Committee was not to carry out a detailed demographic study, but to obtain information concerning the attitude of society in general towards the less developed groups existing in its midst. It was also pointed out that the Senegalese population, although speaking various languages, was essentially homogeneous in its ethnic composition and that great harmony reigned among the various sectors of the population.

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11/ In accordance with the decision taken by the Committee during the meeting, the statement is reproduced verbatim in the summary record of the 419th meeting (CERD/C/SR.419).

175. Particular attention was drawn to the concept of négritude (black consciousness), a philosophy which not only identified the values of the black world but was also an invitation for the creation of a universal civilization. Another member stated that the concept of négritude had furnished Senegal and black Africa with a means of achieving awareness of values that were in no way inferior to those of other cultures.

176. As regards article 4 of the Convention, a member recalled that during the consideration of the previous report not all members of the Committee had been in agreement on how to interpret article 4 of the Senegalese Constitution which provided that any act of racial, ethnic or religious discrimination and regionalist propaganda shall be punishable by law. A majority, however, had considered that that provision satisfied the requirements of article 4 (a) of the Convention, but that additional information was essential in respect of other provisions of article 4. Various members regretted the omission of further information on the implementation of article 4 and, pointing in particular to a statement in the report that the authorities have had no need to adopt other measures for the purpose of combating the evil of racial discrimination, they stated that that position was by no means consonant with the position of the Committee. Clarification was requested on the scope of article 106 of the Penal Code, namely, whether or not it covered racial discrimination. A member believed that subparagraphs (a) and (c) of article 4 of the Convention were covered by existing legislation, but found no provision concerning subparagraph (b) of that article. Another member, recalling that the previous report of Senegal had quoted provisions of articles 248 and 261 of the Penal Code concerning the penalties applicable in respect of the defamation of a private person or group of persons through the public information media, welcomed the inclusion in the third periodic report of supplementary information by citing the text of article 262, paragraph 2, of the Code. Referring to article 106 of the Code, he asked if that article or article 1 of the Constitution would be applied in case any of the public servants specified in article 106 ordered or committed any act of racial discrimination.

177. With reference to article 5 of the Convention, members of the Committee noted with appreciation the detailed information provided in the report, in particular the provisions of article 1 of the Constitution, which ensured equality before the law for all citizens without discrimination, and the measures adopted to give effect to the economic, social and cultural rights covered by article 5 (e) of the Convention. The problem was raised whether these rights could be invoked by citizens though they were set forth only in the preamble of the Constitution. Further information was, however, asked for concerning the steps taken to guarantee respect for the civil rights listed in article 5 (d) of the Convention. Some members welcomed the details supplied in the report concerning the legal aid provided to persons who lacked adequate financial resources, and asked if such aid had been supplied in cases of racial discrimination. It was also asked if the granting of legal aid was subject to any conditions other than lack of adequate resources and, if so, in what legislative text were these conditions laid down and who was responsible for taking the decision to grant or refuse legal aid.

178. It was recalled in connexion with article 6 of the Convention that the appropriate mechanism for recourse against any act of racial discrimination had been set out in the previous report of Senegal. Additional information was requested especially with regard to the functions of the Public Prosecutor; as to whether adequate remedies were available to victims of racial discrimination;

if a person who considered himself aggrieved could request the Public Prosecutor to take up his case; or whether he could institute proceedings directly.

179. Referring to article 7 of the Convention, members of the Committee noted with interest that the Senegalese Government had taken particularly effective measures to bring education to the whole population, to improve the standard of teaching at all levels and to surmount language barriers. While the action taken in the field of teaching and education could be expected to make a big contribution to the attainment of the objectives laid down in article 7 of the Convention, the report did not clearly show the link between the measures taken and the requirements of the Convention. The establishment of the Senegalese Committee on Human Rights was welcomed once again by various members of the Committee. It was regretted, however, that the report described only the composition of the Committee but not its powers and activities which the Committee had expressed a hope to receive. A member commenting on the composition of that Committee stated that, in his opinion, such a body would be able to act more effectively and independently if its members were elected rather than appointed. Another member stated that the absence in the report of information on its powers and activities was particularly disappointing since the 1970 Decree establishing the Committee had been replaced in 1978 by a new decree. Receipt of further details concerning the activities of that Committee, in the light of article 7 of the Convention, was again hoped for by members.

180. The representative of Senegal replied to a number of questions raised by members of the Committee. In connexion with the 1978 amendment to the Decree establishing the Senegalese Committee on Human Rights, he stated that the Committee now included a representative of the Prime Minister and that the essential purpose of the Committee was to uphold the Government's publicizing action in the field of human rights by means of various activities, such as round-table discussions and radio and television programmes. He stated that in the view of the Senegalese authorities, the provision of article 4 of the Constitution satisfied the stipulations of article 4 (a) and (b) of the Convention. He noted that article 4 of the Convention made it compulsory for States parties to adopt specific legal instruments to counter racial discrimination and assured the Committee that information on such instruments would be provided in the next report. The fundamental rights enshrined in the Preamble of the Constitution could be invoked by citizens. In connexion with the ethnic composition of the country, he stated that Senegalese authorities were endeavouring to forge a homogeneous nation and to put an end to antagonisms, while respecting the cultural values of the various groups. The representative assured the Committee that the comments made by various speakers would be conveyed to the competent authorities of his country so that it could take them duly into account when preparing its next periodic report.

### Fiji

181. The third periodic report of Fiji (CERD/C/17/Add.2) was considered by the Committee without participation of the representative of the reporting State.

182. The Committee noted that a certain amount of progress had been made in the implementation of the Convention; for example, the 1976 Public Order Act amending the 1969 Ordinance contained provisions concerning incitement to racial disharmony which were in line with article 4 (a) of the Convention. The report's failure to indicate the measures taken under articles 3, 5, 6 and 7 of the Convention was deplored.

183. It was recalled that, given the multiracial character of the Fijian population, the Government of Fiji, when it succeeded to the Convention on 11 January 1973, formulated a reservation, regarding the electoral law, of a discriminatory nature. Information on the demographic composition of the population as well as on the present situation of the electoral law was asked for.

184. The Committee decided that a communication setting out the comments of the members of the Committee should be addressed to the Government of Fiji and that the Committee's guidelines and general recommendations concerning the presentation of reports should again be brought to the attention of the Fijian authorities.

#### Chad

185. The initial report of Chad (CERD/C/15/Add.2) was considered by the Committee without participation of the representative of the reporting State.

186. The Committee, while noting the special situation created in that country as a result of the confrontations which were partly of an ethnic character, regretted that the Convention had not been given effective implementation at the legislative, judicial or administrative levels.

187. It was recalled, with reference to the final paragraph of the report, that States parties to the Convention were required to adopt specific legal texts to combat racism and racial discrimination. A member stated consequently that the Committee should invite the Government of Chad to announce what measures it had taken to fulfil its obligations under articles 3, 4, 5, 6 and 7 of the Convention. In view of the fact that the Constitution of Chad has been suspended since 1975, it was imperative that a future report should provide particulars on the judicial regulations which currently guided the actions of the public authorities.

188. The Committee recognized that Chad had not respected its obligations under article 9 of the Convention concerning the presentation and content of reports to the Committee. At the proposal of the Chairman, the Committee decided that the guidelines and general recommendations of the Committee concerning the presentation of reports should be brought to the attention of the Government of Chad so that the Government could give due account in its next report of all measures taken to implement the Convention.

#### Greece

189. The fourth periodic report of Greece (CERD/C/41) was considered by the Committee together with copies of the French translation of the new Constitution of 1975 which had been made available to members of the Committee. The representative of Greece made an introductory statement in which he stressed the non-discriminatory character of the new Constitution and some articles of the Civil Code and the bill on the punishment of crimes arising from discrimination based on race or ethnic origin.

190. Favourable comments were made on the report, especially in connexion with the clarity and substance of the report and of the Constitutional provisions and a new law to be enacted in Greece dealing specifically with crimes involving racial discrimination. The Committee welcomed the introduction into the Constitution of the reference to race, and the adoption of the principle that

international instruments ratified by the State, such as the Convention, formed ipso facto part of domestic law as provided for in article 28, paragraph 1, of the new Constitution. With respect to the first point, a member stated that it was gratifying to note that the content of articles 2 and 5 of the Constitution were fully in line with the requirements of the Convention on the concept of race. With reference to article 5, paragraph 2, of the Constitution providing that all persons present in Greek territory enjoyed protection without distinction of nationality, a member pointed out that the word "nationality" seemed to be used in that article in the sense of "citizenship", whereas section A (1) of annex II to the report concerning aliens employment appeared to use the word in the sense of "ethnic origin". Another member, while commending the Greek Government's intention to introduce a bill prohibiting acts of racial discrimination, drew attention to a discrepancy between the wording of articles 5 to 10 of the Constitution, which referred to "persons" or "individuals", and the wording of articles 11 and 12, which referred to "Greeks" and "Hellenes". Clarification was requested on those points as well as on whether articles 11 and 12 of the Constitution which concerned the right of assembly and association, apply only to Greeks and not to other nationals living in Greece. With respect to the second point, namely the ipso facto transformation of international instruments ratified by Greece into the domestic law, a member stated that he did not see how, in practice, that would be possible unless appropriate legislation existed to give effect to the instruments concerned internally. Further clarification on this point was also requested.

191. With reference to article 1, paragraph 3, of the Convention, some members referred to the information governing the employment of aliens in Greece (annex II to the report and, in particular, the extract from Act 4810/49 reproduced in that annex) and noted the provision under which the issuance of a work permit to an alien was left entirely to the discretion of the Minister of Employment. A member inquired whether that provision meant that there was a possibility of discriminatory treatment being applied to the nationals of some countries. Referring to the list of bilateral agreements concluded by Greece with a number of States, it was asked whether a national of a State which had not concluded such an agreement with Greece would not receive the same treatment as a national of a State which had done so. It was pointed out that if that were the case, the position would not be consistent with the proviso in article 1, paragraph 3, of the Convention. Another member wondered whether the stamp duties payable by foreign workers did not constitute discrimination in relation to workers of Greek nationality.

192. Some concern was expressed in connexion with the Greek policy regarding the implementation of the United Nations decisions condemning racial discrimination in southern Africa. It was noted from section E of the report that Greek emigration to southern Africa was decreasing, but it seemed that the decrease might be simply due to lack of sufficient opportunities. While noting the positive statements made by the representative of Greece with regard to the attitude of his Government concerning the position of Greece on the question of apartheid and on emigration to southern Africa, members of the Committee requested a clear statement as to whether or not Greece maintained diplomatic relations with South Africa.

193. It was noted with satisfaction that a bill on the punishment of crimes arising or resulting from discrimination based on race or ethnic origin was being prepared in compliance with the requirements of article 4 (a), (b) and (c) of the

Convention. Members of the Committee stated that they would await with interest information about the terms of the proposed new law. Referring to the statement of the representative of Greece that the existing legislation, for example article 192 of the Penal Code, was in any case adequate to give full effect to article 4, the Committee hoped that the provisions of that article would also be supplied to the Committee.

194. As regards article 5 of the Convention, it was noted that ample information was provided in the fourth report of Greece. A member particularly noted that the provisions of article 5 (e) (ii) of the Convention regarding the right to form and join trade unions was fully met by Act 330/726 concerning occupational associations and federations and the guarantee of freedom of association. The member hoped that the next periodic report of Greece would give details on the practical application of that right.

195. With regard to article 6 of the Convention, it was recognized that the ground had been well prepared for the Greek authorities to give full effect to that article in the proposed new law. As far as recourse procedures were concerned, there was every reason to suppose that, if the authorities did not do so, an individual would have the opportunity to institute proceedings for relief against any act constituting a violation of his human rights.

196. It was recalled, in connexion with article 7 of the Convention, that the Committee had previously concluded that the action taken by Greece in response to that article was not altogether satisfactory. A member noted with regret the general character of the statement of principle made by the representative of Greece that discrimination in the field covered by that article was entirely alien to Greek tradition, and requested, on behalf of the Committee, detailed information on specific measures. It was hoped that information would be provided to the Committee on the new educational programmes on human rights and racial discrimination, as well as on the programmes introduced to inform public opinion of the United Nations action to combat racism and racial discrimination and to provide support to the peoples of southern Africa struggling against apartheid.

197. As regards the composition of the Greek population referred to in the report, it was recalled that the Committee had requested further information on the ethnic and not the religious composition of the population. Some members pointed out that the criterion adopted for the 1951 census had been religious rather than ethnic and therefore fell outside the scope of the Committee. It was hoped that the Greek Government would supply the Committee with an ethnic breakdown of the population. Further details on the legislation concerning the rights of the Moslem minorities in Thrace were also requested.

198. The representative of Greece stated that his Government would not fail to transmit to the Committee the text of the legislation punishing acts of racial discrimination as soon as it had been adopted by the Parliament. Greece made contributions to various funds set up to combat apartheid and implemented the decisions and recommendations adopted by the Security Council and other United Nations bodies of which it was a member. With regard to the treatment of foreign workers he explained that the existence of bilateral agreements founded on the principle of reciprocity did not imply any discrimination against the nationals of other countries. With respect to the minority question in Greece, the representative stated that there was only one true minority group, the Moslems in western Thrace, and the rights and freedoms of that minority were set out in the 1923 Treaty of Lausanne the provisions of which were still in force and were in line with the stipulations of the European Convention on Human Rights.



Romania

199. The fourth periodic report of Romania (CERD/C/42) was considered by the Committee, together with the introductory statement made by the representative of the reporting State. The representative of Romania elaborated on the rights of nationalities in his country other than Romanians, on measures taken to implement articles 6 and 7 of the Convention and on Romania's support for international action against apartheid.

200. The Committee commended the statement made by the representative of Romania and suggested that the full text of the statement be reproduced as an annex to the next periodic report of that country. The fourth periodic report was characterized as being thorough and concise but, none the less, raising some pertinent questions.

201. With regard to the rights of minorities, the question was asked whether representation of the minorities in the workers' councils was proportional and whether those minorities could in their own languages exercise the right of petition guaranteed to all citizens under Act No. 1/1978. More information was sought regarding the position of gipsies in Romania.

202. In connexion with article 3 of the Convention, it was noted that the report itself gave no particulars concerning the action taken by Romania to combat racial segregation and apartheid.

203. It was observed that articles 247, 317 and 357 of the Penal Code of Romania were important but did not fully meet the demands of article 4 (b) of the Convention. Information was sought as to whether the victim of an act of discrimination ascribed to a public official could invoke the first of those articles to lodge an appeal free of charge with the administrative body in question or with a judicial body. If, in the latter case, the court did not deem that his complaint could be heard, was the victim able to prosecute and take the matter to a civil court for redress?

204. Members of the Committee noted that the various normative texts listed in section 2 of the report guaranteed various social and economic rights, but not the civil rights covered by article 5 of the Convention. It was asked, in particular, whether Romanian workers were guaranteed the right to form and join trade unions, and whether, in general, freedom of opinion and expression was respected.

205. With reference to article 7 of the Convention, information was sought on the measures adopted, particularly in the fields of education, culture and public information, with a view to combating racial prejudice and promoting understanding, tolerance and friendship among nations and racial or ethnic groups. The Romanian Government's attention was drawn to the recommendation adopted by the Committee concerning the information to be provided on the implementation of that article.

206. The representative of Romania replied in the affirmative to the question concerning the use of the mother-tongue for the exercise of the right of petition. He explained that all State organs could receive petitions to which they were required to respond within 30 days; in addition, various remedies were available for petitioners who did not obtain satisfaction. Touching upon the question of the presence in Romania of some 350,000 gipsies, he said that it posed no particular problem.

207. With reference to the comments made in connexion with article 4 of the Convention, he admitted that, in a desire for brevity, articles 247 and 317 of the Penal Code simply listed punishable acts. Organizations and propagandist activities which incited racial discrimination were covered by article 323 of the Penal Code. The victim of an act of discrimination committed by an administrative authority could either appeal without charge to the head of the authority concerned or could institute judicial proceedings to obtain annulment of the act in question or reparation of the damage suffered.

208. With regard to the civil rights referred to in article 5 of the Convention, he said that Romanian citizens were allowed to travel abroad for personal reasons and to take up residence abroad under Decree No. 166/1970 and Act No. 24/1971. Freedom to choose one's place of residence within Romania was guaranteed by Act No. 25/1969. In connexion with the freedom of the press, he informed the Committee that censorship had been abolished in Romania. In accordance with articles 68, 73 and 74 of the Press Act, the defence of society and of individuals against the abuse by the press of the right of freedom of expression was primarily the responsibility of editors-in-chief and journalists.

209. He assured the Committee that the authorities of his country would take the comments of the Committee duly into account when preparing the next report.

#### Yugoslavia

210. The information contained in the fifth periodic report of Yugoslavia (CERD/C/20/Add.27) was considered by the Committee together with the supplementary information given by the representative of the reporting State in his introductory statement. He highlighted the information given by his Government in connexion with the Committee's general recommendations III and IV and the measures which were being taken for the implementation of article 7 of the Convention.

211. The Committee commended the report of Yugoslavia which was comprehensive and detailed. It was observed, however, that whereas the report was very thorough with regard to the legislative provisions defining the rights and duties of the different nationalities in Yugoslavia, it did not quite measure up to the requirements of article 9 of the Convention in respect of judicial, administrative or other measures designed to ensure the application of the Convention in actual practice.

212. It was noted that the report lacked information in respect of the problem, previously mentioned by the Committee, of disparities existing among the republics in the field of employment, housing, etc. In that connexion, one member of the Committee expressed interest in the situation of the Bulgarian minority in Yugoslavia. Information was sought on efforts undertaken to overcome these difficulties in real life. Questions were asked about the progress made in integrating the Romanies into the social and economic life of Yugoslavia, on the nature of the majority required for decisions with regard to the status of languages in the communes, and as to whether instruction was provided in German to the German-speaking minority.

213. With reference to article 4 of the Convention, it was recalled that at the previous session of the Committee, information had been requested not only on articles 134 and 154 of the new Penal Code of Yugoslavia, but also on article 254, which was not reproduced in the annex to the report. Some members wondered what role the concept of self-management, dwelt on in the report, could play in the maintenance of good relations between various nationalities inhabiting that country.

214. During the discussion of sanctions against the incitement of national hatred, a query was made as to whether aliens who committed offences against Yugoslav nationals outside Yugoslavia could be prosecuted under the Criminal Code of that country. It was observed that the phrase "human rights and freedoms recognized by the international community" in article 154 (1) of the Code seemed somewhat vague, inasmuch as a number of members of the international community did not endorse United Nations resolutions.

215. In connexion with article 5 of the Convention, it was noted that according to section 5 of the report appeals by persons against decisions affecting their rights and interests might be ruled out in exceptional cases, but only if protection of rights and the rule of law were ensured "in some other way". Some members wondered what were the other ways alluded to in the report. The report stated that the public prosecutor, if he deemed that a decision had violated the law, might submit a "demand for protection of legality". Clarification was sought as to what that meant. According to the report, a party could institute proceedings to challenge the constitutionality of laws or enactments. A question was asked whether such proceedings would be conducted free of charge.

216. With regard to article 6 of the Convention, members of the Committee were interested in knowing if an aggrieved person could apply for redress in an individual capacity to safeguard his rights under the Convention. More information was sought on Yugoslavia's activities in combating discrimination in the international field, as well as on the ways in which the Yugoslav people were kept informed of these activities.

217. Replying to the questions concerning the position of minorities, the representative of Yugoslavia said that his Government had adopted special measures to further the economic and social development of the areas inhabited by minority groups about which a fuller account would be given in the next periodic report. There was no discrimination between national minorities as regards the right to the use of languages, though for some minorities that right was guaranteed at the provincial level, for others at the level of the community.

218. As far as the concept of "self-management" was concerned, under article 251 of Yugoslavia's Constitution, it was recognized as a principle of paramount importance for minorities which enjoyed considerable independence in deciding questions relating to their particular social and cultural interests.

219. Referring to article 4 of the Convention he said that the report provided evidence of the implementation in Yugoslavia of the provisions of article 4 (b) of the Convention. In addition, under article 134 of the Criminal Code, incitement to national hatred and dissension was a punishable offence.

220. With regard to articles 5 and 6 of the Convention, he pointed out that the Yugoslav legal system provided a number of ways in which a person could appeal against a decision by a State agency. One procedure was to apply to the judicial authorities for a remedy; another way was recourse to the machinery for the settlement of administrative disputes.

221. In reply to the question regarding the territorial application of Yugoslav criminal law, he said that under article 107 (2) of the Criminal Code, foreigners outside Yugoslavia who committed offences against Yugoslavia or its citizens were liable to imprisonment for a term not exceeding five years, if found in its territory or being extradited. The next periodic report would provide more details on other questions that had been raised.

#### Belgium

222. The information contained in the second periodic report of Belgium (CERD/C/16/Add.2) was considered by the Committee together with the supplementary information given by the representative of the reporting State in his introductory statement which included some comments on the report and concerning questions raised during the consideration of the initial report.

223. The Committee expressed its appreciation of the report which was considered to be full, very informative and frank.

224. In connexion with article 2 of the Convention, some members asked how the Act of 16 July 1973 protected the cultural development of the three national communities in Belgium and what were the composition and activities of the Cultural Councils mentioned in the report. Efforts made by the Government to improve the lot of migrant workers were commended. At the same time, attention was drawn to the statement in the report that legal confirmation of the equality of Belgian and foreign workers, which in practice has never been called into question, would only cause doubt and insecurity, and information was sought on the steps being taken or planned to eliminate segregation and discrimination which, according to the report, existed in Belgium. The financial and administrative assistance accorded to the Islamic religion in Belgium was noted with satisfaction. A question was asked how a religion could achieve the status of being "recognized" and what happened in the case of non-recognized religions.

225. Some members regretted the Belgian Government's position of principle in connexion with relations with the racist régimes in southern Africa, and it was stressed that the Committee could not be denied the right to inquire into the way in which States parties discharged their obligations under article 3 of the Convention. Two members, however, expressed the opinion that such legal obligations were limited to territories under the jurisdiction of States parties. The question was asked whether the Belgian Government had ratified the International Convention on the Suppression and Punishment of the Crime of Apartheid.

226. With regard to article 4 of the Convention, it was noted that it was difficult to understand the argument of the report that drastic measures in connexion with the racist or "Nazi" groups existing in Belgium should be avoided lest such activities should be driven underground and made difficult to control. It had always been the Committee's view that the provisions of article 4 of the Convention were mandatory on States parties and it was hoped that its opinion would be brought to the attention of Belgian legislators.

227. The Committee had no doubt that Belgium respected the rights and freedoms of article 5 of the Convention, in particular the rights to freedom of opinion and expression and to the freedom of peaceful assembly and association. However, article 29.2 of the Universal Declaration of Human Rights provided for limitations in order to secure respect for the rights and freedoms of others. It was pointed out in this connexion that the existence of racist groups in Belgium tended to restrict the freedom of others and the matter had to be settled in accordance with the provisions of the Convention.

228. In connexion with legislative, judicial and administrative measures relating to the need to assure to everybody protection and remedies through the competent national tribunals and other State institutions, clarification was requested concerning the self-executing nature of certain conventions in Belgium. It was noted that under article 1382 of the Civil Code the judge was empowered to order the payment of compensation for any individual act which caused damage. Information was sought as to whether the victim could obtain damages in the case of a minor offence.

229. As far as article 7 of the Convention was concerned, it was felt that the report provided ample information concerning the implementation of this article.

230. Replying to the comments of the members of the Committee, the representative of Belgium pointed out that the Cultural Councils for the French, Dutch and German communities were composed of deputies and senators and that their tasks extended, in particular, to the defence of languages, scientific research, the cultural heritage, young people, public information, life-long education and leisure activities. Foreign workers enjoyed the same rights in Belgium as national workers. However, Belgium, like other host countries, still had to make considerable efforts to improve their living conditions. The Belgian legislation, while fully guaranteeing freedom of religion, recognized not religions as such, but the authorities responsible for administering their earthly goods.

231. In reply to the questions concerning Belgium's relations with the régimes in southern Africa, he said that that problem was highly political in nature and, therefore, fell within the competence of the General Assembly, the Security Council and their subsidiary organs, in which Belgium made its position known and was determined to co-operate with all Member States. Belgium had not ratified the International Convention on the Suppression and Punishment of the Crime of Apartheid for juridical reasons.

232. With reference to article 4 of the Convention, he acknowledged that no specific provision of criminal law had yet been promulgated to prohibit organizations and organized propaganda activities which incited racial discrimination. The majority of the population feared that specific restrictive measures might one day be abusively applied. Belgian groups with racist tendencies were often mere de facto associations that would go underground or change their name if too radical measures were adopted. But the authorities already possessed effective means for punishing offences committed by such groups.

233. In connexion with article 6 of the Convention, he pointed out that the self-executing character of certain international treaties was in fact determined by case law. The possibility of invoking a particular article of the Convention had so far remained an "academic" question since no petition concerning acts of racial discrimination had ever been referred to any court. He said that the next report would provide information on the remedies available to victims of acts of racial discrimination and the compensation they could claim.

## Upper Volta

234. The second periodic report of the Upper Volta (CERD/C/51), which contained the text of the new Constitution adopted on 27 November 1977 and that of the Proclamation of 8 February 1974, was introduced by the representative of the reporting State.

235. It may be recalled that during the consideration of that country's initial report, some members of the Committee had expressed concern about the suspension of the Constitution of 29 June 1970. The representative stressed, in his introductory statement, that since the time when the previous report had been submitted, an event of capital importance had occurred in the Upper Volta, namely, the adoption of a new Constitution in 1977 and the Proclamation of 1974. He stated that those two basic documents of the State showed that the Government of the Upper Volta was endeavouring to respect all its international commitments, particularly those assumed upon its accession to the Convention.

236. Members of the Committee were favourably impressed by the important legislative measures described in the report and introduced by the representative, and considered that the various provisions mentioned in the report fully met the requirements of the Convention.

237. With reference to article 4 of the Convention, the report contained annexes VI, VII and VIII, respectively reproducing in extracts Act No. 15 AL of 31 August 1959 concerning crimes and offences that are contrary to the Constitution and that constitute a breach of the peace; Act No. 18 AL of 31 August 1959 concerning associations; and Act No. 20 AL of 31 August 1959 concerning the press and offences by the press. It was noted with satisfaction that those Acts were essentially in keeping with the stipulation of article 4 of the Convention. A member, however, pointed out certain inadequacies in Acts No. 15 and 18 and stated that Act No. 15 might usefully be enlarged in the light of the requirements of article 4, as the words "any demonstration against freedom of conscience and freedom of worship" could be deemed to be too restrictive. Another member stated that he found it curious that a person who perpetrated or incited an act of racial or ethnic discrimination, regionalist propaganda or a demonstration against freedom of worship, could be prosecuted simply as an accomplice.

238. With respect to articles 5 and 6 of the Convention, it was emphasized that the legal status of the new Constitution seemed to be fully consonant with the requirements of those articles. A member praised the effort clearly being made by the Government of Upper Volta to conform to the provisions of article 5, despite the huge difficulties to be overcome, in particular in the fields of public health and education.

239. In connexion with paragraph XX of the preamble to the Constitution, which stipulated that persons inhabiting the national territory who wish to leave had to discharge all their legal obligations, particularly in regard to the payment of taxes, it was asked whether they had to apply for exit visas. If such was the case, that would no doubt constitute a violation of the provisions of article 5 of the Convention on the right to freedom of movement and of article 13 of the Universal Declaration of Human Rights. Members of the Committee, commenting on the statement in the report that citizens might lodge a complaint on the ground that the Constitution had been infringed, noted that that was not generally the case in countries whose legal system was based on French law. However, since the organization of the judiciary was determined by the Constitution on lines similar to those of the French model, it was presumed that the remedies provided were in conformity with the requirements of article 6 of the Convention.

240. It was regretted that the report gave no information concerning the application of article 7 of the Convention.

241. Finally, information was requested by some members concerning the demographic composition of the population, since the 1974 Proclamation expressly mentioned existence of rival and tribal factions. A member, in particular, wished to know whether various laws promulgated in the past were still in force, particularly the law of 16 December 1965 on the right of aliens in regard to settlement and the ordinance of 18 July 1962 prohibiting all body marks serving to identify an individual's tribe or ethnic group.

242. The representative of the reporting State replied to a number of questions raised by members of the Committee. With reference to paragraph XX of the preamble to the Constitution, he stated that its essential aim was to prevent the clandestine emigration of Upper Volta nationals to Europe. The observation regarding the inadequacies in Acts No. 15 and 18 and the need to amend them were perfectly justified and he would transmit them to his Government for its consideration. Referring to comments on the ethnic composition of the population, he stated that the population was indeed somewhat mixed, but the efforts made by his Government to ensure the full equality of all citizens had done much to bring the various ethnic groups together.

### Chile

243. The fourth periodic report of Chile, consisting of two documents (CERD/C/18/Add.2 and 5), was considered by the Committee together with the supplementary information given by the representative of the reporting State in his introductory statement. He highlighted Constitutional Act No. 3 of 1976 which replaced the Political Constitution of Chile and the Legislative Decree of 22 March 1979 concerning the descendants of the Mapuche.

244. The Committee found it necessary to consider the report in the light of the background of the consideration of the third periodic report at its fifteenth session in March/April 1977. <sup>12/</sup> It may be recalled that at that session, in view of its deep concern with regard to the systematic violations of human rights and freedoms in Chile, the Committee found itself unable to ascertain the extent to which the constitutional situation might affect the implementation of the Convention under whose terms it worked. Additional documentation submitted during the session could not, because of its form and volume, be made available to the Committee and it therefore had invited the Government of Chile to present the necessary information on the general constitutional and legislative situation in a form and volume that could be made available to the Committee.

245. The Government had failed to do so. Its fourth report again treats the problem of racial discrimination as an isolated one without giving the necessary information about the general constitutional situation in that country. On the contrary, the representative of Chile expressed certain reservations as to the Committee's competence to deal with institutional aspects which concerned the internal sovereignty of States or with questions of human rights in general. The only new factor in the report was the announcement that a draft constitutional document would be submitted to the Chilean people in the course of the year.

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<sup>12/</sup> Official Records of the General Assembly, Thirty-second Session, Supplement No. 18 (A/32/18), paras. 68-79.

246. Several members insisted that the Committee was not in a position to carry out its functions as long as it was not informed whether and to what extent the Chilean Constitution was still in abeyance and what was the precise status of the Constitutional Acts No. 1, 2 and 3 cited in the report. They consequently abstained from examining the report in substance. Others went even further and proposed to defer the discussion. Not more than three members entered into a substantial examination of the report. The results of this examination are given below.

247. The representative of Chile tried only at the end of the discussion to inform the Committee about the general constitutional situation in the country. He explained that the provisions of the Constitution of 1925 relating to racial discrimination had been enlarged by Constitutional Act No. 3. In addition, he stated, safeguards were also provided in the Civil Code and in a number of laws and decrees. Those principles were to be enshrined in the new Constitution that was being drafted. He would convey to his Government the Committee's concern that the new Constitution should make more specific provision for the prohibition of racial discrimination as such.

248. Referring to article 5 of the Convention, he said that most of the rights specified in it, with the exception of certain political rights which had been suspended, were unaffected by the state of emergency and were observed in practice in Chile. Certain rights which had been suspended during the state of siege were now in force again under the state of emergency. The 1925 Constitution was still in force and in certain areas its provisions had been expanded and improved by the series of constitutional acts.

249. The discussion of some specific points had the following results: in general it was noted that the fourth periodic report of Chile was too brief and contained little information concerning the implementation of articles of the Convention, in particular articles 4, 5 and 7.

250. Some members welcomed the reform of the land-tenure system in Chile under which individual titles of ownership could be granted to members of the indigenous communities concerned if they so wished. The decision of the Government to combine the leadership of the Institute of Indigenous Development with that of the Farming Development Institute was considered useful.

251. With reference to special measures to help the Mapuche people, the question was asked whether similar assistance was being given to the Indians in the north of Chile. More information was requested concerning educational and cultural programmes for the indigenous communities and the measures being taken with regard to employment and health.

252. With regard to actions taken against racial discrimination and apartheid, particulars were sought concerning programmes carried out in Chile in the fields of information, education, culture and science in connexion with the Decade for Action to Combat Racism and Racial Discrimination. Questions were asked as to what extent Chile supported the various trust funds established by the United Nations for the benefit of peoples of southern Africa and what Chile's position was on the subject of political asylum and refugees.



253. Referring to article 4 of the Convention, it was noted that the report took the same line as several others, simply stating that adequate general provisions for dealing with activities of the kind covered by that article already existed in the Constitution and the Criminal Code of Chile. It was stressed that States parties to the Convention were under obligation to enact specific legislation for giving effect to article 4 and the hope was expressed that this view would be conveyed to the appropriate Chilean authorities. A member welcomed the reform of article 30 of the Labour Code referred to in the report and asked what penalty was applied to any official or individual found guilty of an act of racial discrimination.

254. The representative of Chile replied to some of these specific points. He stated that Chile had participated in the struggle against apartheid with contributions to the Trust Fund for Namibia. As a member of the Organization of American States, his country was a party to a regional convention concerning the right of asylum and would be prepared to grant asylum in situations covered by that Convention. Propaganda for racial discrimination advocating violence was covered by article 11 of the Constitutional Act No. 3.

255. Touching upon the remedies open to aggrieved persons, he elaborated on the remedy of amparo provided for in the Code of Criminal Procedure and in relevant provisions of the Penal Code and the Civil Code of Chile.

256. With regard to article 7 of the Convention, he said that the Government was in the process of revising its policies and programmes in the educational, social and cultural fields and that the important provisions of article 7 would be taken into account during that process.

257. Questions on which he did not have sufficient information would be answered in the next periodic report.

258. In his concluding remarks the Chairman noted that the Committee's right to inquire into the details of the constitution of States parties had been fully recognized. He believed, however, that conditions in Chile of concern to the Committee had not altered substantially. On his suggestion the Committee decided to reiterate the substance of the statement made at the 338th meeting during the fifteenth session 13/.

#### Canada

259. The fourth periodic report of Canada (CERD/C/52) was considered by the Committee together with the supplementary information given by the representative of the reporting State in his introductory statement. He touched upon the Canadian Human Rights Act of 1977 and the activities of the Human Rights Commission brought into existence by this Act as well as the activities of the Human Rights Commissions set up in every Province.

260. The Committee expressed its appreciation of the fourth report of Canada which was distinctive by the wealth of information and clarity. Some members of the Committee commended the efforts of the Canadian Government to ensure that the

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13/ Ibid., para. 79.

indigenous population was not cut off from the rest of the population. Further information was sought on the per capita income, literacy rate, infant mortality rate and unemployment rate among the indigenous groups as compared with the rest of the population as well as on measures taken to involve the indigenous groups in political activities, to open up employment opportunities for them and, in general, to ensure the improvement of their standard of living. A question was asked whether Canadian authorities envisaged the appointment of members of minority groups to the Federal Human Rights Commission. The information given in the report concerning Indian affairs and the Government's decision to revise the Indian Act of 1951 were welcomed. Clarification was sought of such terms as "registered Indians", "status Indians" and "non-status Indians".

261. Regarding article 3 of the Convention, some members commended measures adopted by Canada to condemn racial segregation and apartheid and especially the announcement of the withdrawal of Canada's commercial counsellors from Johannesburg. The hope was expressed that the Canadian Government would reconsider its attitude towards the maintenance of diplomatic relations with the racist régimes of southern Africa.

262. It was recalled that during consideration of the implementation by Canada of article 4 of the Convention at the fourteenth session, the Committee had been told that the Canadian Government preferred to take action with regard to organizations of a racist nature as and when the need arose, rather than to take preventive measures against them. The representative of Canada had said that further information on the matter would be provided in the fourth report. Since no such information was contained in the fourth report, information was sought on the Canadian Government's position concerning the commitments it had entered into under article 4 of the Convention. Some members were interested in details concerning the division of responsibilities between the federal and provincial authorities in matters relating to racial discrimination, and whether any conflict of jurisdiction or duplication of responsibilities among the various authorities had been noted in connexion with the operation of the Human Rights Act and the implementation of the International Bill of Human Rights. Clarification was also requested for the concept of "discriminatory practice".

263. Some members noted that the procedure for dealing with complaints described in the report was not clear. Clarification was sought of the jurisdiction and functions of the Anti-Discrimination Branch of the Public Service Commission. Questions were asked as to what extent discretion could be used in constituting a review tribunal and whether any remedy was available when a complaint was dismissed owing to lack of evidence and what means of redress were available when the complaint was upheld and a settlement negotiated.

264. In connexion with the implementation of article 7 of the Convention, information was sought whether such public agencies as the Canadian Broadcasting Corporation, the National Film Board, National Consensus and, in particular, institutions responsible for television contributed to propagating the purposes and principles of the Universal Declaration of Human Rights, as they ought to under article 7 of the Convention.

265. The representative of Canada answered some of the questions that had been raised and assured the Committee that other questions would be answered in the next report of Canada. Touching upon the position of minorities in Canada, he said that a long-term programme had been undertaken to improve the standard of

living and other conditions of the Indian minority. Some of the minority groups, particularly the Indians, were represented in the Canadian Human Rights Commission.

266. Concerning the application of article 4 (b) of the Convention, he pointed out that according to the Canadian Government that provision was to be interpreted in the light of the rest of the article, which contained an explicit reference to the principles embodied in the Universal Declaration of Human Rights. Since articles 19 and 20 of that Declaration guaranteed freedom of opinion, expression, assembly and association, it was conceivable that conflicting requirements might arise, in which case an effort would, however, have to be made to reconcile them. That was why Canada considered that each case covered by article 4 (b) had to be examined on its own merits. As far as the jurisdictional conflicts between the Canadian Human Rights Commission and the human rights commissions of the provinces were concerned, he stated that that kind of problem was inherent in the very structure of the Canadian State and an effort was being made to come to terms with it.

267. Touching upon the procedure for dealing with complaints he said that it would, in principle, be desirable to amalgamate the various existing facilities for dealing with complaints concerning acts of racial discrimination. Yet the fact that the Public Service Commission comprised an Anti-Discrimination Branch was not of negligible account. It was the duty of the State to provide itself with the means of meeting its obligations as an employer, and many large companies had themselves been led to set up comparable machinery.

268. Referring to Canada's relations with southern Africa, he described measures taken by the Canadian Government to cease to provide various types of support to South Africa. However, the Government of Canada did not think that it would serve the cause of the elimination of racial discrimination if it were to sever diplomatic relations with that country. It believed that the situation there could be improved only through the pursuit of a dialogue by means of which various kinds of pressure could be exerted.

### Niger

269. The fifth periodic report of the Niger (CERD/C/20/Add.28) was introduced by the representative of the reporting State, who stated that while the report was not exhaustive, it described the main steps taken by his Government to give tangible expression to its devotion to the principle of non-discrimination.

270. The report and the introductory statement were welcomed sympathetically by members of the Committee who pointed out that the Niger was among those States which, despite considerable difficulties, showed an obvious desire to submit satisfactory reports to the Committee. A considerable improvement in comparison with previous reports was noted. A member referred in particular to the fact that the Niger, though possessing limited resources, particularly in respect of trained personnel, scrupulously complied with its obligation under article 9 of the Convention. Another member noted that even if the Constitution had been suspended, the Government of the Niger still continued to implement the major principles enshrined in it.

271. Some short-comings, however, were pointed out in connexion with the application of articles 4, 5, 6 and 7 of the Convention, and members of the Committee asked for supplementary information and further particulars.

272. With respect to articles 2 and 6 of the Constitution which guaranteed secularity and equality before the law for all "without distinction as to origin, race, sex and religion", it was indicated that the Constitution was still suspended and that, nonetheless, those were in any case extremely general principles requiring clarification as to practical implementation arrangements.

273. With respect to article 4 (a) and (b) of the Convention, it was hoped that in the next report the authorities of the Niger would be able to describe provisions punishing the offences and activities mentioned in that article. A member further hoped that the Government of the Niger would transmit to the Committee the text of the articles of the Penal Code which guaranteed the protection and remedies specified in article 6.

274. With regard to subsection B of section I of the report concerning various economic, social and cultural rights, a member noted that guarantee of these rights without distinction as to race was not always clear from the provisions quoted. More specific inquiries were made by another member as to whether, for example, religious broadcasts similar to those mentioned in connexion with secularity were provided for Moslems.

275. With reference to article 7 of the Convention, a member observed with satisfaction that school curricula in the Niger met the requirements of that article. Some members of the Committee, however, requested the Government of Niger specifically to indicate the measures taken in the areas of education and public information to implement their obligations under article 7. The text of the Niger's general education legislation was requested by the Committee.

276. Finally, it was pointed out that the figures for the population of the Niger were only estimates and that they could be supplemented by data on the economic and social situation of the various constituent ethnic groups and the treatment given to them.

277. The representative of the Niger, replying to various questions raised by members of the Committee, indicated in particular that the suspension of the Constitution had had no juridical consequences. By virtue of the Ordinance of 22 April 1974, the laws continued to be applied with strict respect for human rights and individual freedoms. The representative also stated that although strictly speaking the Universal Declaration on Human Rights was not a legally binding instrument, the authorities in the Niger, none the less, considered it as a framework within which to ensure the respect and protection of individual freedom, and particularly freedom of expression.

#### Libyan Arab Jamahiriya

278. The fifth periodic report of the Libyan Arab Jamahiriya (CERD/C/20/Add.29) was considered by the Committee without the participation of a representative of the reporting State.

279. Some members observed that the fifth periodic report of the Libyan Arab Jamahiriya lacked substance and did not measure up to the expectations of the Committee. It was regretted that information on the main point of the report, the Constitutional Declaration of 11 December 1969, and, in particular, the role of the Revolutionary Command Council (annex II of the report) had not been supplied to the Committee.

280. At the suggestion of the Chairman, the Committee requested the secretariat to invite the Government of the reporting State to submit another report containing information of direct relevance to the Committee's work, for consideration at the next session.

## Mauritius

281. The representative of Mauritius recalled that at its nineteenth session the Committee had agreed to defer consideration of the third periodic report of Mauritius (CERD/C/38) because the special representative designated by his Government had been unable to attend that session. Since the special representative was again unable to be present at the Committee's meetings at its twentieth session, all questions asked by members would be referred in writing to his Government and answers and clarifications would be provided in the next periodic report.

282. Members of the Committee noted with satisfaction that the report had been carefully prepared in accordance with the guidelines laid down by the Committee and in response to requests for information formulated at previous sessions. It constituted remarkable progress in comparison with former reports.

283. It was noted that the provisions of the Convention did not automatically acquire the force of law in Mauritius and that the Government had not found it necessary to take specific legislative action because, as asserted in the report, the principles of the Convention were already embodied in the Constitution and other laws of the country. It was apparent, however, from the report that not all the provisions of the Convention were explicitly recognized in the Constitution or the ordinary law of the country.

284. Some members drew attention to a reference made in the report to the possible derogation or restriction of the exercise of certain human rights in periods of public emergency and stated that an extension of such derogations to the right not to be discriminated against would be incompatible with the Convention. Information was sought whether public emergency had ever been used to justify discrimination against any given group and, if so, when and in respect of what groups.

285. In connexion with article 2 of the Convention, members of the Committee commended efforts of the Mauritian Government aimed at promoting racial harmony on the island. It was observed that adherence to Islam was apparently regarded by the Mauritian Government as an indication of ethnic affiliation, and further information was requested on that aspect of its policy. A more detailed outline of the composition of the Mauritius population was asked for. Some members wondered whether legislation providing for differential treatment of ethnic groups had ever been enacted and, if so, on what grounds.

286. A question was asked whether a phonetic system of transcription of créole patois used in Mauritius had been devised. Some members sought further information concerning representation of communities in the Mauritian Parliament and, in particular, on the system of readjusting parliamentary representation after an election.

287. With regard to article 4 of the Convention, some members noted that provisions of Mauritian law mentioned in the report were much more general than the stipulations of that article and did not seem adequate to give effect to it, and in particular to subparagraphs (b) and (c). Information was sought on whether any specific provision had been made, in connexion with subparagraph (c) apart from the establishment of the office of the ombudsman, to prevent public authorities or institutions from promoting or inciting racial discrimination. A question was asked concerning the relation between the Penal Code which did not specify "intent"

in attempts to incite a breach of the peace and the Public Order Act which did have such a requirement of intent.

288. Members of the Committee agreed with the conclusion of the report that legislative measures alone were not sufficient to ensure the complete enjoyment of human rights specified in article 5 of the Convention, and to that end it was necessary to implement economic and social measures. More information was sought on economic and social measures taken in that respect. Questions were asked concerning the composition and operation of various funds and institutions aimed at the improvement of the welfare of the Mauritian population which were mentioned in the report.

289. In connexion with article 6 of the Convention, it was noted that according to the report the right to constitutional remedies was open to any person without any distinction as to race, colour, national or ethnic origin. Some members suggested that the Mauritian Government should indicate how the individual could use the existing provisions, whether he had to be represented by counsel and how the proceedings could be instituted. Information was sought as to what was the competent authority to strike down the law contradicting the Constitution as invalid, who could set the machinery in motion for that purpose and how easy it was for the individual to have a discriminatory law struck down. Great importance was attached to the institution of the Ombudsman and more information was requested regarding his functions and his relationship with other State organs.

290. Satisfaction was expressed over the measures taken in compliance with article 7 of the Convention which reflected Mauritius' continued support for United Nations measures to end racial discrimination in southern Africa and constituted a genuine contribution to that undertaking. Some members asked how the relationship between the educational facilities for the various ethnic and racial groups was regulated.

### Nigeria

291. The fifth periodic report of Nigeria (CERD/C/20/Add.31) was considered together with the introductory statement made by the representative of the reporting State.

292. The report was commended by the Committee which considered it as a valuable effort to maintain and enhance a constructive dialogue between the reporting State and the Committee.

293. It was recalled that, during the consideration of the fourth periodic report of Nigeria, the Committee had asked to what extent the suspension of the 1963 Constitution affected the implementation of the provisions concerning human rights and especially the principle of non-discrimination contained in the Convention. It was noted that the fifth periodic report offered no answer to that question. In connexion with the reference made in the report to a Constitution of the Federal Republic of Nigeria (Enactment) Decree 1978, it was asked whether that decree related to a new Constitution or to the 1963 Constitution, which had been partially suspended.

294. Some members of the Committee expressed the wish to receive information about the demographic and ethnic composition of Nigeria's population. It was recalled that although the Committee when considering the initial report of Nigeria had requested such information, yet the current report contained no information on the subject. It was pointed out that the complex ethnic structure of Nigeria

was an important factor causing internal difficulties to that country, and it was requested that information on such difficulties be also reflected in the next report of Nigeria.

295. With regard to the implementation of article 3 of the Convention, members of the Committee noted that the Constitution of Nigeria was especially important because it prohibited any manifestation of racism. Some members felt nevertheless that more information was required on Nigeria's international stance on the implementation of that article and of the corresponding general recommendations of the Committee. It was pointed out, in particular, that the Government of Nigeria should supply further information on its relations with the racist régimes of southern Africa.

296. The Committee noted with regret that the information contained in the report about the implementation of articles 2 and 4 of the Convention could not be considered sufficient. It was recalled that in the course of the consideration of the fourth periodic report of Nigeria, there had been a discussion about Nigeria's compliance with article 4 (a) and (b) of the Convention. The Committee felt that sections 50, 51 and 63 of the Criminal Code, quoted in the report, did not correspond to the stipulations of articles 2 and 4 of the Convention. Specific provisions were necessary as no analogy was permitted in criminal law. With regard to part III of the report relating to the same requirements of the Convention, the Committee noted the expressions of principle and the confirmation of Nigeria's firm undertaking to comply with the provisions of those articles and requested that relevant legal or administrative texts be provided to the Committee in the next periodic report.

297. In connexion with the implementation of article 5 of the Convention, it was noted that, according to article 36 (2) of the Nigerian Constitution, "no person other than the Government of the Federation or of a State or any other person or body authorized by the President, shall own, establish or operate a television or wireless broadcasting station for any purpose whatsoever". It was asked if the prohibition mentioned in that article of the Constitution applied to all citizens, whether this prohibition affected the nature of broadcasts, and whether permission was granted to broadcast one type of information and not others. Moreover, the view was expressed that the right to housing and to education did not appear to be duly guaranteed by the Constitution and it was suggested that the Government of Nigeria might study the possibility of instituting such constitutional guarantees. With regard to the practice in Nigeria that nobody is refused or denied access to any public place or service on account of race, colour or national origin, it was noted that reference to religion had been omitted and it was asked whether this common law obligation was embodied in a written law of Nigeria. With reference to article 32 (1) of the Constitution, quoted in the report, the question was raised whether the fulfilment of an obligation imposed by law, mentioned in paragraph (b) of that article, referred to financial obligations arising from a court sentence or whether it encompassed other types of obligations as well. Finally, the Committee expressed interest in knowing whether the state of emergency referred to in Nigeria's previous report was still in effect, and if so, whether it was affecting the full enjoyment of the rights listed in article 5 of the Convention, and whether any restrictions had been imposed on any particular tribal or racial group.



298. As regards the implementation of article 6 of the Convention, several members of the Committee stated that the information contained in the report could not be considered as satisfying the requirements of that article. In connexion with article 42 of the Nigerian Constitution containing provisions relating to protection and remedies against acts of racial discrimination, it was asked what procedure was followed for the application of those legal provisions, what steps could be taken by the plaintiff, and if there were specific procedures enabling an individual to bring a suit against the State for discrimination by a government official.

299. It was also asked whether the Chief Justice of Nigeria had made any rules with respect to the practice and procedure of a High Court as provided for in article 42 (3) of the Constitution and whether the National Assembly had exercised the powers available to it under article 42 (4) to confer upon a High Court additional powers to exercise more effectively the jurisdiction conferred upon it by the Constitution. With regard to paragraph 4 (b) of the same article, which empowered the National Assembly to make provisions for the rendering of financial assistance to indigent citizens in specific cases, it was asked what specific provisions had in fact been made, what procedure was followed to render such assistance and what the term "indigent citizen" actually meant. The Committee was of the view that it had to be informed on those matters so as to be able to form an opinion as to whether the relevant provisions of the Nigerian Constitution and the laws implementing them were in conformity with the Convention.

300. With regard to the implementation of article 7 of the Convention, the Committee was of the view that, in its next report, Nigeria should submit additional information on education, exchange programmes and public information programmes aimed at promoting understanding, tolerance, and friendship among nations, and in particular on the scope of the activities undertaken and the results achieved by the National Committee for the Dissemination of Information on the Evils of Apartheid and on the progress made by Nigeria in the search for the cultural identity of the black world through its membership in African regional and subregional organizations.

301. The representative of Nigeria informed the Committee that, as a matter of fact and of law, there was no longer a state of emergency in Nigeria and that the elections were in their final stages. The 1963 Constitution was still in force; the 1978 Constitution had been ratified and would enter into force on 1 October 1979. However, the guarantees of the 1963 Constitution concerning fundamental human rights were embodied in the new Constitution. With regard to the question concerning religion, he stated that Nigeria was a secular State and every citizen was free to practice the religion of his choice. He finally assured the Committee that complete answers to other questions raised by its members would be given in the sixth periodic report of his Government.

#### Sweden

302. The fourth periodic report of Sweden (CERD/C/48/Add.1) was considered together with reference material made available by the Government of Sweden to the members of the Committee and the statement by the representative of the reporting State.

303. Satisfaction was expressed with the efforts of the Swedish Government to comply with its obligations under the Convention and with replies given to most of the questions raised by the Committee at the time of its consideration of the third report of Sweden.

304. The Committee focused attention in particular on the question of the Lapp ethnic minority. Some members of the Committee noted that a bill adopted by the Swedish Parliament in May 1977 accorded to the Lapps, who were the aboriginal population of the country, a special position as compared with the majority of the population and other minority groups. It was asked what was the specific thrust of that legislation and what was the position of the Swedish Government concerning proposals to include the question of the protection of the rights of aboriginal populations in the declaration on the protection of the rights of ethnic, linguistic, national and religious minorities whose adoption was being considered by the United Nations Commission on Human Rights. One member pointed out that the position accorded to the Lapps seemed to be at variance with the requirements of article 1, paragraph 4, of the Convention.

305. In connexion with the implementation of article 2, paragraph 2 of the Convention, members of the Committee referred to the question of the preservation of the cultural identity of the Lapps and asked what the relationship between reindeer breeding and Lapp culture was and whether the measures to improve the economic situation of the Lapps by promoting reindeer breeding were adequate. It was noted that a significant proportion of the Lapps lived outside the reindeer breeding area, and the view was expressed that opportunities for their voluntary integration into the economic and social life of Sweden as a whole should be available to them. Members of the Committee welcomed the appointment in Sweden of a special Working Group, with participation of various government departments, in order to co-ordinate the work on matters of special interest to the Lapps and asked whether the full text of the suggestions made by that Working Group could be made available to the Committee. The view was expressed that the Lapps should not only be consulted on matters of interest to them, but that they should also be directly involved in the activities of the Working Group. While appreciating the efforts of the Swedish Government to secure adequate advancement of the Lapps in conformity with the provisions of article 1, paragraph 4, and article 2, paragraph 2, of the Convention, some members of the Committee requested that specific data be provided on their birth-rate, cultural, economic and social levels in comparison with the rest of the population and on the positions attained by individual Lapps in Swedish society.

306. In connexion with the question of the protection of ethnic minorities, the Committee noted with satisfaction that Sweden had initiated discussions among the Nordic countries on the status of gipsies and renewed its request concerning information on the progress made on the formulation and implementation of a programme designed to change the attitudes of the population towards gipsies.

307. With regard to the implementation of article 3 of the Convention, some members of the Committee asked for further information concerning the views of the Swedish Government on the biracial Government in Zimbabwe Rhodesia, the apartheid régime in South Africa, the national liberation movements in southern Africa and the actions undertaken in the international sphere with regard to the situation in southern Africa. Information was requested about the Swedish contribution to programmes benefiting children, women and refugees who were victims of apartheid.

308. With regard to the implementation of article 4 of the Convention, members of the Committee welcomed the information supplied in the fourth periodic report of Sweden and suggested that more detailed explanations should be given in the next periodic report concerning the question of racist organizations, their propaganda activities through the mass media and the measures that had been taken or could be

taken against them. Different opinions were expressed by members of the Committee on the view of the Swedish Government that, in accordance with article 2, paragraph (1) (d) of the Convention, each Contracting State was free to determine the technical and legal methods of implementing the provisions of article 4 (b) of the Convention and that these methods may differ from one State to another, depending on their legal traditions and principles.

309. With regard to the implementation of article 5 of the Convention, clarifications were requested about the enforcement of an Act of 1886, according to which an alien, who is a plaintiff in a civil case, is obliged, at the request of the defendant, to furnish security for the costs of the proceedings. Furthermore, it was asked whether there were statistics concerning immigration into Sweden, whether there was sufficient consultation or plans to institutionalize consultations with immigrant groups with regard to the adoption of measures designed to protect their interests, what were the criteria used by the Swedish authorities in establishing a quota system concerning the admission of refugees into Sweden, and what were the limitations on the right to leave the country as applied, for example, to convicted persons or soldiers in active service. It was furthermore asked whether the Swedish Government had any means of controlling the activities of the mass media.

310. The report of Sweden stated that in the case of marriage of foreign nationals, Swedish authorities would "sometimes" consider their national laws to be applicable, and it was asked in what cases their national laws were not considered applicable. It was also asked what restrictions applied to the ownership of property by aliens, whether more detailed information could be provided in the next report about the bill submitted to Parliament to extend the right to a basic old-age pension to non-citizens who had resided in Sweden for a specific period of time, and whether there was any welfare programme for the refugees admitted into Sweden, protecting their rights to health, housing and access to the courts.

311. With regard to the implementation of article 6 of the Convention, several members of the Committee expressed general satisfaction with the information supplied by Sweden concerning the competence of the Ombudsman and of the Chancellor of Justice in examining allegations of discrimination of any kind committed by public officials. In this connexion it was asked what authority would decide which opinion was correct in the event of a conflict between the Ombudsman and the courts with regard to allegations of infringement of fundamental rights and freedoms. Particular satisfaction was expressed for the appointment of a commissioner with the task of considering the need for measures to prevent prejudice and discrimination against immigrants and ethnic, linguistic, national or religious minorities who had settled in Sweden, and the Committee hoped that his findings would be reflected in specific provisions of the Swedish Penal Code. The Committee expressed the wish that the Government would continue to provide information on the studies and activities undertaken by those officials as well as on the activities of the Government Commission on Aliens Legislation.

312. Several members of the Committee welcomed the description of decisions taken by the Swedish courts in cases of alleged racial discrimination and were of the view that such a list of decisions and judgements showed the frankness of the Swedish authorities in reporting on the Government's efforts to implement the Convention. Some members, however, were of the opinion that court decisions showed that signs of racial discrimination still existed in Sweden and that the importance of references to court decisions should not be over-emphasized. Against

this opinion, it was emphasized that the Committee had always requested information on relevant court cases which illustrated that the victims of racial discrimination had effective remedies.

313. Most members of the Committee expressed general satisfaction with the measures taken by the Swedish Government to implement article 7 of the Convention, especially with regard to the educational and cultural development of the children of immigrants. More detailed information was requested on the various initiatives for the educational and cultural advancement of the Lapp minority.

314. In replying to members' questions and comments, the representative of Sweden pointed out that the difference between the Lapps and other minority groups in Sweden lay in the fact that the Lapps were the aboriginal population. Although measures had been taken in Sweden to promote in general the advancement of minorities and immigrants, special measures had been judged necessary to protect the Lapp minority and one of the concepts guiding Sweden's approach to its minorities was that of freedom of choice. He provided the Committee with some information concerning the economic, social and cultural development of the Lapps and stated that the position of Sweden concerning the special mention of the position of aboriginal citizens in the draft-declaration discussed by the United Nations Commission on Human Rights was the same as that voiced in the Norwegian statement to that Commission.

315. As regards the questions raised about the implementation of article 4 (b), the representative of Sweden stated that provisions to ban racist organizations and their propaganda activities already existed in the country and referred to the relevant articles of the Constitution and of the Freedom of the Press Act.

316. With reference to the legislation applied in connexion with the provisions of article 5 of the Convention and, in particular, to the Act of 1886 obliging an alien to furnish security for the costs of legal proceedings, he said that although the Government considered that requirement to be based on objective and defensible grounds, it had found it preferable to suggest to Parliament that it should repeal the Act. The Swedish Parliament, however, had chosen to repeal the Act only in part: aliens resident in Sweden were no longer under such an obligation but the Act continued to apply to aliens not resident in Sweden.

317. The representative of Sweden also informed the Committee about cases of applicability of the national law when marriage of foreign nationals is contracted in Sweden: where, for example, the legally marriageable ages as established by Swedish legislation and the national legislation of the prospective spouse differed, the latter prevailed; if, on the other hand, the spouse's national legislation prohibited marriage to persons of another ethnic origin or colour, as in the case of South African legislation, the provisions of that legislation would not be respected in Sweden. He also stated that the Freedom of the Press Act provided adequate possibilities to prohibit unlawful statements of a racial character. He assured the Committee that the Swedish Government would make every effort to give full and complete answers to the points raised by the Committee in its following report.

#### Bahamas

318. The second periodic report of the Bahamas (CERD/C/16/Add.3) was considered together with the introductory statement made by the representative of the reporting State.

319. It was noted that the report was somewhat unbalanced in the sense that it dealt mostly with the application of article 5 of the Convention and that not all the information supplied in the report was directly relevant to the question of racial discrimination. The Bahamian Constitution apparently prohibited racial discrimination, and the next report of the Government of the Bahamas should indicate what guarantees existed for the implementation of the statements of principle contained in the second report.

320. Some members of the Committee pointed out that the problems which had arisen in the implementation of the Convention in the Bahamas were attributable to the reservations the Bahamian Government had made when acceding to the Convention. It was suggested that, as a young, independent State desirous of fulfilling its international obligations, the Bahamas might consider withdrawing its reservations and accepting fully the obligations of the Convention.

321. In connexion with the implementation of article 2 of the Convention, the report stated that "there would appear" to be no specific legislative and judicial measures. The Committee hoped that the next report would be more informative and contain a precise analysis of the existing legislative or administrative provisions so that the Government would be able to make a categorical statement, rather than one which indicated some doubt.

322. In connexion with article 3 of the Convention, some members expressed satisfaction with the attitude of the Government of the Bahamas towards the racist régimes of southern Africa.

323. With reference to article 26 (1) of the Constitution, which provided that "no law shall make any provision which is discriminatory", it was noted that that rule was made subject to the provisions of paragraphs (4), (5) and (9) of that article, and that paragraph (4) in particular represented a far-reaching reservation. It was suggested that the Government may wish to review that paragraph and to consider whether its provisions were in fact compatible with the Government's obligations under the Convention. It was also suggested that the Bahamian Government should consider the possibility of bringing the definition of the expression "discriminatory" into line with that of the Convention.

324. Members of the Committee observed that, as appeared from the report, no existing penal laws implemented the obligations set out in article 4 of the Convention. The legislation of the Bahamas had, therefore, not been brought into line with the Convention and much remained to be done for the fulfilment of that obligation.

325. As regards article 5 of the Convention, it was noted that the report contained more complete information on the implementation of its provisions. The question was raised to what extent exceptions and restrictions of article 26, paragraphs 5 to 10, were based on concepts of ethnic origin and what effect they had on the exercise of fundamental human rights. It was observed that no specific legislation existed to implement the rights listed in article 5 (e), (i) to (vi), of the Convention and the hope was expressed that the Bahamian Government would seek in future to bring its legislation into line with its international obligations. One member inquired as to the nature of the lists of countries, contained in the First and Second Schedules to the Bahamian Nationality Act, and asked what criteria had been employed in the preparation of those lists and whether they had been related to racial origin. Another member expressed concern regarding the competence of the Parliamentary Registrar to remove the names of persons subject to a legal incapacity from the electoral register.

326. With regard to the application of article 6 of the Convention, it appeared from the report that the legislation in force in the Bahamas partly satisfied the obligations deriving from that article. The hope was expressed that the Government would examine the need to establish the right of victims of racial discrimination to reparation or satisfaction for any damage suffered.

327. It was observed that while the report contained some information on the implementation of article 7 of the Convention, it seemed to date back to the colonial era. Up-to-date information was sought on the school curriculum, with particular reference to activities being undertaken to educate young Bahamians in the spirit of the Convention.

328. Replying to some of the questions raised, the representative of the Bahamas said that the Bahamas could not be considered a multiracial society in the fullest sense of that term, since approximately 80 to 85 per cent of its population were black. No importance was attached to national or ethnic origin of Bahamian citizens and no distinction was made between those who had come from Africa and those from the United States, for instance.

329. Touching upon the educational system, he assured the Committee that there was no discrimination in either State or private education. In its concern to see an end to the policy of apartheid in South Africa, the Government had recently become involved in educating Bahamians about the crime of apartheid. He said that he would refer the questions of a specific legal character to his Government with a view to providing more information in the next periodic report.

#### France

330. The fourth periodic report of France (CERD/C/18/Add.3) was considered by the Committee together with the information given by the representative of the reporting State in his introductory statement. The representative of France touched upon recent developments as regards application of the Convention in France, and stressed that the report had to be read in conjunction with the three previous reports.

331. Members of the Committee expressed their satisfaction at the report which was considered to be very comprehensive, well-organized, reflecting the intentions of the French Government to implement all aspects of the Convention and taking into account most of the observations and questions raised by the Committee during the discussion of the third periodic report.

332. One member of the Committee drew attention to the statement contained in the report to the effect that the concept of a minority did not exist in the French Constitution. It was pointed out that such a point of view was rather subjective, and clarification was sought in that respect. Some members were of the opinion that it was intended to promote a sense of equality and national unity. Concern was expressed in connexion with the reference in the report to the conditions of availability of qualified voluntary teachers in the Alsatian "dialect" since absence of such voluntary teachers would endanger the possibilities for the children to be taught in that "dialect". Speaking about examples of court decisions concerning racial discrimination cited in the report, some members suggested that the secretariat might consider compiling a compendium of such decisions. Divergent views were expressed by other members in that respect.

333. It was noted that the report gave useful information on various programmes benefiting aliens which showed that the French Government was dealing with the problems of its large immigrant population in a far-reaching and comprehensive manner. However, more information was requested on the exceptions in the field of social welfare, which were said to be under review, and on the special regulations regarding work permits for foreigners. The hope was expressed that restrictions affecting family reunion in respect of immigrants would be lifted as soon as conditions on the labour market had improved. The French decision to suspend the number of immigrants admitted into the country owing to the prevailing economic circumstances created a serious problem for the countries of origin, which did not have the capacity to find employment for returning migrant workers. Information was sought as to whether the expulsion of foreigners was subject to certain rules or guarantees. A question was asked why the proportion of aliens among the trade union members holding administrative or executive posts could not exceed one third, and why aliens had to have worked in France at least five years on the date of appointment. Some members wished to know whether any system existed for monitoring the efficacy of the laws and administrative measures adopted for dealing with the foreigners. With regard to the office of mediator, described in section IV of the report, questions were asked on details of its functions and whether efforts were made to inform immigrants about the existence of that office.

334. With reference to measures in the field of education and training of foreign children described in the report, further information was sought on programmes alleviating their problems.

335. The Committee's attention was drawn to the fact that although there had been many requests on its part for information on the implementation of article 3 of the Convention and corresponding recommendation III of the Committee, there was no reference to either of them in the report. The hope was expressed that the next report would provide information on the French Government's attitude to the racist régimes in southern Africa in view of recent developments in the situation in that area and the campaign being waged against those régimes.

336. It was noticed that article 9 of Act No. 72-546 of 1 July 1972, quoted in section I of the report, which envisaged dissolution of organizations inciting racial discrimination made no reference to the concept of prohibiting the establishment of such organizations in accordance with article 4 (b) of the Convention. It was suggested that the legislation should be modified to ban such organizations. A question was raised, if provisions of the French legislation concerning discrimination in economic activities had been invoked at any time and, if so, what racial or ethnic groups had been involved. It was also asked what provisions existed for penalties for discrimination in other fields, for instance in the cultural field.

337. It was observed that the French Government had modified in 1961 its Nationality Code to enable citizens of its former colonies to maintain French nationality if they so wished. In that connexion, a question was asked whether cases of non-renewal of passports had occurred and, if so, whether it could be assumed that those cases were based exclusively on legal grounds.

338. In connexion with the appointment of the mediator, which was considered a welcome development by members of the Committee, it was pointed out that it should not be necessary for the complaint first to be addressed to a deputy or a senator for transmission to the mediator, and that the terms of reference of the mediator could usefully be broadened.

339. The information provided in the report on the implementation of article 7 of the Convention was considered incomplete. It was pointed out that it was not enough to refer to previous reports and that States parties should report regularly on all measures adopted in the fields of teaching, education, culture and information to combat racial discrimination.

340. The representative of the reporting State answered some of the questions raised by the members of the Committee and said that other questions would be dealt with in the fifth periodic report. He said that the statement in the report concerning the absence of the concept of minorities in the French Constitution was not contrary to the Convention. His Government believed that any action to promote at the legal level respect for human rights must focus on the rights of individuals who, as a group, represented a political problem the solution of which depended on conditions particular to each State.

341. With regard to the situation of migrant workers, he pointed out that the Convention did not apply to distinctions, exclusions, restrictions or preferences made by a State party between citizens and non-citizens. The status of migrant workers in France was governed by the same principles of equality before the law and non-discrimination with which all French legislation was imbued. Touching upon deportation procedures, he indicated that there were legal safeguards which were applicable to aliens in France, particularly those enjoying political asylum. An alien could be expelled only on the order of the Minister of the Interior when the presence of the alien posed a clear threat to ordre public.

342. As to questions asked concerning the function of the mediator, he indicated that the mediator intervened in disputes between natural persons and government departments and agencies. A complaint could be lodged with the mediator only through the intermediary of a legislator. The involvement of the mediator in a matter did not preclude the institution of legal proceedings at a later stage.

343. Turning to questions asked concerning apartheid he said that although the relations of States parties with South Africa were not within the scope of the Convention, he wished to inform the Committee that France condemned apartheid and provided humanitarian assistance to the victims. The reservations which his Government had made with regard to sanctions against South Africa were based on its belief that such an approach would not contribute to the peaceful evolution of the situation and the elimination of apartheid.

344. As regards the suppression of associations which propagated racist ideas, he did not see how it was possible to ban in advance an association which had not yet been established. French law was geared instead to the punishment or disbanding of existing associations.



Germany, Federal Republic of

345. The fifth periodic report of the Federal Republic of Germany (CERD/C/20/Add.32) was considered by the Committee together with the introductory statement made by the representative of the reporting State.

346. The Committee noted that the report under consideration contained much useful information which substantially completed the information provided in previous reports. It was regrettable, however, that the report did not deal with all the comments and observations made by members during the Committee's consideration of the fourth periodic report.

347. It was recalled that comments had previously been made concerning the differential treatment accorded to gipsies who were German nationals and to those who were non-nationals or stateless. Although some members noted that gipsies possessing German nationality received the same social assistance benefits as other Germans, the hope was expressed that the Government would provide information in its future report on the results of its efforts to improve the lot of the gipsy population and of research projects described in the current report. Clarification was sought as to whether the aim of assistance schemes for gipsies was to integrate them fully into national life or to keep that group separate. It was further noted that the report did not provide a response to the request made during the consideration of the previous report for information on measures or methods to give minorities representation in parliamentary bodies.

348. With regard to the situation of foreign workers in the Federal Republic of Germany, a number of members of the Committee commended the efforts of the Government to alleviate their problems. Further information on the results of the measures adopted to that end was requested. There seemed to be a disproportion in the percentage of foreigners and of West German nationals who were unemployed and clarification was requested on that point. It was also pointed out that the report provided no figures on the percentage of the children of immigrant workers attending schools, although the Committee had expressed concern about the matter during its consideration of previous reports. It was asked whether the percentage of school drop-outs was higher among children of immigrant workers than that of other children. Some members were interested to know whether young people had the opportunity to be taught their mother tongue and to be educated in the customs and traditions of their countries of origin. The Committee requested additional information on the current status and practical implementation of the foreign labour policy set forth in section III of the report.

349. It was noted that no information was provided in the report on the Federal Republic of Germany's current position regarding the racist régimes of southern Africa. Since it was a public knowledge that the Government still maintained trade links with South Africa, a clarification on the Government's position on that fundamental question was requested.

350. As to the application of the provisions of article 4 of the Convention, some members of the Committee took note with interest of the interpretation given to article 130 of the Penal Code in the two court decisions referred to in the report. It was, however, asked whether the position taken when the fourth report was discussed remained unchanged. If so, the interpretation of the Government's obligation under article 4 could not be accepted.

351. Some members noted with interest the statement of the reporting Government that it could not initiate legal proceedings against the National Democratic Party (NDP) if it did not have specific proof that its aims were unconstitutional or unlawful. Others expressed concern about the racist nature of that party, whose activities were unmistakably in violation of article 4 of the Convention and should be prohibited. Finally, one member asked for written material dealing with the situation objectively. The hope was expressed that efforts would be made by the Government to implement the provisions of article 4 (b).

352. In connexion with the application of article 7 of the Convention, a number of members of the Committee welcomed the fact that the Government had provided the previously requested information on measures taken to fulfil its obligations under that article. Special mention was made of the commendable efforts of the Federal Centre for Civic Education. It was hoped that relevant information would be expounded in future reports.

353. Replying to the questions raised by the members of the Committee the representative of the reporting State said that the gipsies of the Federal Republic of Germany enjoyed equal rights with all other citizens. They receive special treatment only because the Government wished to preserve their special way of life. Since gipsies enjoyed equal access to Parliament with all other citizens, they did not need special representation in that body. One member indicated that, in view of the existence of the German Democratic Republic and the Federal Republic of Germany, it was improper to use in the report expressions such as "German citizen" and "German labour market".

354. With regard to the situation of foreign workers he said it would not be possible to eliminate the differential treatment accorded to nationals of EEC countries since, in accordance with the relevant EEC treaties, such persons were accorded equal treatment with nationals of the Federal Republic of Germany. Consequently, they enjoyed certain rights which were not, in general, granted to other foreigners. The Government did its utmost to guarantee equal access to the labour market for all workers. The percentage of jobless persons among the foreign workers was not significantly higher than that of workers who were nationals of the country. Foreign workers received the same social benefits. As to the drop-out rate among children of aliens going to school, although he had no figures at hand, he was aware that the rate was higher than that for juvenile nationals.

355. As regards the implementation of article 3 of the Convention, while not recognizing any obligation to report on his Government's foreign policy, he stated that the Federal Republic of Germany rejected racism, colonialism and apartheid, to which it had voiced its strong opposition in international forums and in bilateral contacts with South Africa. The Federal Republic of Germany did not co-operate with South Africa in the military or nuclear field and concentrated on development assistance to independent African States in the region. As a market economy heavily dependent on exports, the Federal Republic of Germany maintained trade relations with all countries in the world, irrespective of the political orientation of their Governments, including South Africa.

356. With reference to article 4 of the Convention he said that while the National Democratic Party was openly right-wing and held views of which the Federal Government disapproved, it had so far proved impossible to assemble evidence to satisfy the constitutional court that it was indeed engaging in neo-Nazi activities and inciting racial hatred, otherwise there would have been no difficulty in banning it.

## Ecuador

357. The fifth periodic report of Ecuador (CERD/C/20/Add.35 and 36) was considered together with the introductory statement made by the representative of the reporting State, who informed the Committee of the new developments in Ecuador since the submission of the previous report, the most significant of which were the adoption of a new Constitution, the changes made in the Penal Code pursuant to the provisions of the Convention and the measures taken to give effect to the agrarian reform of the country, from which 90,000 peasant families had so far benefited.

358. The Committee welcomed in particular the new legislative measures adopted by Ecuador in accordance with the provisions of the Convention. It was asked in this regard when the new Constitution would enter into force, whether it would supersede the 1945 Constitution and whether Decree No. 3194 of 29 January 1979 putting into operation the provisions of the Convention, and incorporating practically verbatim the provisions of article 4 (a), (b) and (c) in the Penal Code, had entered into force.

359. In connexion with the agrarian reform, it was observed that it would be useful to have, in the next periodic report, more detailed statistics which would give a clearer picture of the progress made in that regard. It would be particularly interesting to know, on the basis of demographic data, how much land still had to be redistributed and among how many families. It was also asked what efforts were under way to eliminate the traditional exploitation of huasipungueros (tenant farmers).

360. With regard to the implementation of article 6 of the Convention, it was noted that Ecuador had established specialized courts of justice for the purpose of ensuring restoration of the rights of any citizen impaired by the administrative authorities. An explanation was requested as to the meaning of the words "specialized courts".

361. With regard to the implementation of article 7, members of the Committee expressed the hope that the next periodic report of Ecuador would furnish additional information about activities in the educational and cultural fields.

362. The representative of Ecuador, replying to questions by members of the Committee, informed them that the new Constitution would enter into force on 10 August 1979: the 1945 Constitution had been mentioned in the report because that was the one in force in the meantime. He confirmed that Decree No. 3194, amending the Penal Code, had already become law. He also stated that it was difficult to give precise percentages for the demographic composition of his country; the races of which the population was composed were fully intermingled. The agrarian reform was proceeding slowly because of technological, economic and social problems, but the system by which huasipungueros worked the land had been totally abolished by the 1964 agrarian reform. As regards the meaning of "specialized courts" he stated that they were administrative courts.

## India

363. The Committee considered the fifth periodic report of India (CERD/C/20/Add.34) together with the introductory statement of the representative of the reporting State who informed the Committee that in April 1979, after the submission of the report, India had acceded to the International Covenants on Human Rights.

364. The Committee commended the Indian Government on the detailed information provided concerning measures taken to comply with its obligations under the Convention, taking especially into account the demographic, ethnic and religious complexity of the country. It was observed that a general problem, which arose also in connexion with other reports from States with a federal structure, was that information was provided concerning the federal legal order, but very little was reported about the laws of the states comprising the federal union. According to article 32 (a) of the Indian Constitution, for example, the Supreme Court did not have jurisdiction to review the constitutionality of state laws, but no indication was given in the report as to what court was competent to review such laws. It was also noted that the Indian Constitution was currently being revised to incorporate the amendments made since its adoption, and the Committee expressed the wish to be informed of the extent to which those revisions would affect the provisions of the Constitution relating to the Convention.

365. With regard to the implementation of article 2 of the Convention, satisfaction was expressed for the sincere efforts of India to abolish the practice of "untouchability" and to promote social and economic justice. Members of the Committee welcomed the measures taken in favour of the scheduled castes and tribes as an essential step to protect the rights, and to secure adequate advancement, of the vast segments of the formerly disadvantaged population as permitted under article 1, paragraph 4, of the Convention. It was asked to what extent equality was real between castes and tribes and other sectors of the population and on what criterion the scheduling of castes and tribes was based. Clarifications were requested on the "built-in provision" in the Indian Constitution to rescind or nullify any laws and regulations which had the effect of creating racial discrimination. The Committee welcomed the information received on the activities of the Commissioner for Scheduled Castes and Scheduled Tribes responsible for investigating all matters relating to the safeguards provided in the Constitution. It was noted that in his last report the Commissioner had made 96 recommendations and it was hoped that the Committee would be supplied information about the Commissioner's report as well as on the number of those recommendations which had been accepted and implemented. It was noted also that Tribes Advisory Councils had been set up in certain states to advise Governors on matters concerning the welfare of scheduled tribes and the development of the areas inhabited by them; information was requested on how the Councils functioned and on the specific programmes to develop the areas concerned.

366. The Committee welcomed the establishment in India of a Linguistic Minorities Commission to safeguard the interests of minorities in accordance with the Constitution and it was asked whether representatives of the minorities concerned were included in that Commission. It appeared from the report that the Commission was concerned only with religious and linguistic minorities. Information was requested on measures taken against discrimination based on national or ethnic origin. It was suggested by one member that concrete measures, such as the guarantees for equality of opportunity in employment already provided for the scheduled castes and scheduled tribes, should be taken to ensure the adequate development and protection of racial groups. The Committee noted with satisfaction that India firmly opposed the racist régimes in southern Africa and was making a substantial contribution in combating those régimes.

367. With regard to the implementation of article 4 of the Convention, it was asked whether the provisions of clause (1) of section 153-A of the Indian Penal Code, which made dissemination of ideas based on racial discrimination a punishable

offence, amounted to a ban on groups and organizations propagating racist ideas and practices. Different comments were made on the constitutional provision (article 19 (2)) empowering the State to impose reasonable restrictions on the right to freedom of speech and expression on certain grounds, including public order and incitement to offence. Having noted that the preaching and practice of "untouchability" was punishable under the 1955 Protection of Civil Rights Act and the 1951 Representation of Peoples Act, some members asked whether there was any possibility of conflict in the application of the two acts. As to the possibility of imposing collective penalties on the inhabitants of a village or area for untouchability offences, the question was put as to whether the notion of collective punishment was not at variance with contemporary concepts of justice. It was also asked why India, which had set up adequate machinery to combat racial discrimination, had not made the declaration concerning the competence of the Committee to receive communications from individuals, under article 14 of the Convention.

368. It was the general feeling of the Committee that the rights enunciated in article 5 of the Convention were duly protected in Indian law. Members of the Committee asked for clarification on the constitutional provisions against "unfair and unreasonable discrimination", which appeared to require subjective judgement instead of providing for an absolute ban on racial discrimination. With reference to article 14 of the Indian Constitution, enunciating the principle of equality before the law, explanation was requested as to whether the role of the Indian Government was limited to not denying to any person equality before the law or whether it actually guaranteed such equality and equal protection. Members of the Committee noted that a number of seats in Parliament were reserved for the scheduled castes and tribes, while members of those groups could also secure seats in Parliament through the normal electoral process; it was asked whether the reserved seats represented a minimum quota or supplemented the seats won through elections. Different comments were made on the advisability of extending such special measure to other groups.

369. In connexion with other rights enumerated in article 5 of the Convention, the Committee wished to know in what manner the right to inherit was regulated; what measures were taken to prevent discrimination in employment in the private sector; and what the status of aliens was in India as regards the right to employment, social security and housing.

370. With regard to the implementation of article 6 of the Convention, the Committee welcomed the references to court cases contained in the report, especially in relation to trials concerning untouchability offences. Clarification was requested on the application of the Protection of Civil Rights Act, 1955, on summary procedures, and on the departure in certain cases, from the normal legal principle of the presumption of innocence. Detailed information was requested about the relationship between the various jurisdictions in India, and about the procedure whereby a legislative measure could be subjected to judicial review. It was noted that article 335 of the Constitution provided that the claims of the members of the scheduled castes and scheduled tribes would "be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connexion with affairs of the Union or of a State". An explanation was requested about the meaning of the word "consistently", used in this article.

371. With regard to the implementation of article 7 of the Convention, general satisfaction was expressed with the Government's efforts to enlighten public opinion on measures taken with a view to combating racial discrimination. It was hoped that specific measures would be adopted by the Indian Government to ensure equal opportunities to all students, that more information would be provided on the teaching of the subject of human rights in schools and on the measures taken to foster interpenetration between Indian and other cultures, especially African cultures.

372. The representative of India, replying to questions raised by members, assured the Committee that constitutional revisions would not affect the basic provisions relating to the Convention and that information on constitutional amendments and the latest report of the Commissioner for Scheduled Castes and Scheduled Tribes would be submitted to the Committee with the next periodic report.

373. With regard to the Tribes Advisory Councils, she explained that they had been set up under the Fifth Schedule of the Constitution and consisted of 20 members, as many as three quarters of them representing the scheduled tribes; in addition, there was a Minister for Tribal Welfare in each state government and the activities of the Councils and the Ministers were mutually supportive. Information concerning the criteria governing the registration of scheduled castes and scheduled tribes would be included in the next periodic report. The Minorities Commission mentioned in the report was the Commission for the Linguistic Minorities set up pursuant to article 350-B of the Constitution: as a secular State, India did not accord to any religion a status of preference.

374. In connexion with article 4 of the Convention, the representative explained that there was no contradiction between the provisions of the 1955 Protection of Civil Rights Act and the 1951 Representation of Peoples Act since the latter's provisions referred specifically to acts committed in connexion with an election. As for the concern expressed regarding the restrictions placed on freedom of speech for reasons of public order, the imposition of collective fines, the institution of summary procedures and the departure, for untouchability offences, from the normal legal principle of the presumption of innocence, she pointed out that those measures responded to situations which were the result of social circumstances. As a State party to the International Covenant on Civil and Political Rights, the Indian Government would be repealing any domestic laws which were at variance with the provisions of that instrument.

375. In reply to questions raised in connexion with article 5 of the Convention, the representative explained that the words "unfair or unreasonable discrimination" were used in the report to underline the difference from "fair", i.e. special, measures permitted by the Convention and the Indian Constitution. As regards the question concerning the reservation of seats in State Assemblies for members of the scheduled castes and scheduled tribes, she confirmed what had already been explained by a member of the Committee, that the intention was to give members of those groups their due share in the formulation of policies at the national and state levels and to increase the number of seats they held in the State or federal legislature. Moreover, she explained that the laws of the community governing the right to marriage, also applied to the right to inherit.

376. In reply to questions concerning the implementation of article 6 of the Convention, the representative stated that under article 32 of the Constitution the Supreme Court had the original jurisdiction in cases of violations of the

rights set forth in part III of the Constitution and that the same article covered cases in which an act passed because of social circumstances in a particular state could be taken to the Supreme Court by way of a High Court. In such cases the Supreme Court acted as an appeals court and not as the court of original jurisdiction.

377. With regard to the information requested in connexion with article 7 of the Convention, she stated that India had signed several cultural co-operation agreements with African countries and that many African students were studying at Indian universities which offered courses in African studies.

#### United Republic of Cameroon

378. The Committee considered the fourth periodic report of the United Republic of Cameroon (CERD/C/18/Add.4) together with the introductory statement of the representative of the reporting State, who supplemented the information given in the report and replied to some questions raised and observations made during the consideration of his country's third periodic report. He stated, in particular, that the fourth periodic report confirmed the information contained in the previous reports, especially the initial report and recalled that after the national referendum of 20 May 1972, the federal State had been replaced by a unitary State and that the Government had had to carry out a vast operation of unifying all the political, administrative and legislative structures. The texts of laws and presidential decrees implementing the provisions of the Convention would be provided to the Committee at a later stage.

379. Members of the Committee recalled that under article 9 of the Convention States parties were required to provide written reports to the Committee and took note of the fact that no written information or reply to questions raised by the Committee during its consideration of previous reports was given in the fourth periodic report of the United Republic of Cameroon. It was recalled, in particular, that the Committee had requested the Government to provide the text of article 152 of the Penal Code and other legal provisions relating to the Convention, and to provide information on the implementation of articles 4 (b), 5, 6 and 7 of the Convention. The representative of the reporting State had provided a considerable amount of oral information, which could have been included in the fourth periodic report, but it was difficult for the Committee to take any position on the basis of information or texts that were presented orally.

380. The Committee therefore reiterated its request, already made on previous occasions, that full written information should be provided by the United Republic of Cameroon, and particularly that all its relevant administrative and legislative texts on the implementation of the provisions of the Convention should be made available to the Committee. Members of the Committee also expressed the view that it would be useful if in the Government's next periodic report information were to be provided on the demographic and ethnic composition of the country.

381. The representative of the United Republic of Cameroon assured members of the Committee that the texts of the instruments relevant to the implementation of the Convention would be supplied with the next periodic report.

## Denmark

382. The fourth periodic report of Denmark (CERD/C/48/Add.2) was considered by the Committee together with the additional information given in his introductory statement by the representative of the reporting State, who also informed the Committee that at the referendum on local autonomy for Greenland held in January 1979, 63.3 per cent of the eligible persons had taken part; 70.1 per cent had voted for and 25.8 per cent against local autonomy, which came into effect on 1 May 1979.

383. Members of the Committee expressed their satisfaction with the report, which supplied ample information on various measures taken for the implementation of the Convention and was noteworthy both in form and substance.

384. It was noted that international treaties were not automatically incorporated into national law in Denmark. States had to recognize the primacy of international law, while the legal literature referred to in section III of the report concerning the impact of the Convention on Danish domestic law did not create an obligation that was binding upon a judge. For those reasons that section caused some concern to Committee members. It was stated in this connexion that the Danish Government should submit to the Committee the text of the first section of the memorandum concerning Denmark's membership in the European Economic Community, which might give further information on the interpretation of domestic legislation and international treaties.

385. With respect to the system of local autonomy for Greenland, referred to in section V of the report, the Committee requested information on the terms of reference of the referendum held in Greenland in January 1979. A question was asked whether the Danish Government considered that by granting legal autonomy to Greenland it would be complying with all its obligations under article 2 of the Convention. Some members were interested in the level of economic development of the Faroe Islands and Greenland as compared with Denmark proper, and the efforts being made to achieve uniform development.

386. Some members were concerned at the fact that aliens living in Denmark were generally not entitled to national invalidity and widow's pensions, except where provided for by bilateral agreement with the country of their origin, and stated that this could lead to discrimination. It was pointed out that alien residents should receive benefits on the same basis as citizens, whether or not there were bilateral agreements to that effect, and that the Danish Government should rethink its position on that question. It was, however, noted by one member that article 1, paragraph 2, of the Convention permitted States parties to apply distinctions between citizens and non-citizens. The Committee should not be burdened with matters outside its competence.

387. It was asked whether there were any programmes in the economic field to facilitate the return of migrants to their countries of origin. While welcoming the measures taken by the Danish Government to enable non-Danish-speaking children to maintain and develop knowledge of their mother tongues and of the conditions prevailing in their countries of origin, the Committee wished to receive the details concerning the Government's efforts to disseminate information about other countries, civilizations and peoples and to support cultural or other associations of non-Danish-speaking youths.



388. It was pointed out that the report failed to answer the question concerning the attitude of Denmark towards the racist régimes in southern Africa and the steps it had taken to break off relations with those régimes.

389. With regard to the implementation of article 4 of the Convention, members of the Committee noted that Danish legislation did not fully comply with the provisions of that article. It was not clear whether associations whose activities fell within the provisions of section 266 of the Penal Code or of the Racial Discrimination Act would automatically and necessarily be dissolved or whether a separate procedure was required for their dissolution or, in the latter case, who could initiate proceedings for the dissolution of such an association: the Public Prosecutor, the Ombudsman or a private party. Information was sought whether financing of such associations was liable to the same penalties as actual participation in them and why article 132a of the Penal Code was not automatically applied to their leaders.

390. In connexion with violations of the Racial Discrimination Act and the Marketing Act described in the report, some members asked what hierarchical relationship existed between the Ombudsman and the Public Prosecutor and whether the Minister of the Interior or the Ombudsman was empowered to prosecute violations of the Marketing Act.

391. With reference to article 7 of the Convention, it was pointed out that the contents of the report were not entirely satisfactory with regard to the measures to be taken under that article in the fields of teaching, education, culture and information to combat racial prejudice, and that further information on the implementation of article 7 should be made available to the Committee.

392. Replying to the questions of the members of the Committee, the representative of the reporting State informed the Committee that the arrangements for local autonomy in Greenland were patterned on those in use in the Faroe Islands, which had worked to the satisfaction of all for some 31 years. The Government provided massive economic assistance to Greenland, but the climatic and geographical conditions of the area were such that its economy was barely viable.

393. With regard to article 4 of the Convention, he said that the main thrust of the relevant article of the Constitution was to prohibit the Government from making prior authorization a condition for the establishment of an association. An association whose activities were in contravention of the Penal Code or the Racial Discrimination Act was unlawful, and it was the duty of the Danish authorities to ensure compliance with Danish law in that regard. Any type of participation in such associations fell within the scope of the Penal Code and was punishable, as was leadership in such associations.

394. Touching upon violations of the Marketing Act, he said that it was the responsibility of the Ombudsman to prosecute violations, and there was no reason to believe that the Minister of the Interior could prevent him from doing so.

395. As to article 7 of the Convention, he informed the Committee of important cultural and information activities aimed at combating racial prejudice carried out by his Government in addition to measures in the educational field. His Government would provide further information, as requested, concerning the application of that article.

396. The Danish Government had, in various international forums, stated its strong opposition to apartheid.

## Australia

397. The second periodic report of Australia (CERD/C/16/Add.4) was considered by the Committee together with the introductory statement made by the representative of the reporting State, which developed and supplemented the information contained in the report.

398. A number of members of the Committee expressed their appreciation of the report, which was described as a model of seriousness, objectivity and responsibility. They commended its frankness and sincerity and the fact that in many parts of the report the Government had committed itself to keeping the problem of racial discrimination under constant review.

399. The progress made in respect of the aboriginal population, particularly in the fields of housing, employment and land rights was welcomed by a number of members. At the same time, clarification was requested as to whether the measures adopted were sufficient to create the necessary social and economic conditions for the full integration of the aboriginal population into the economic and social life of Australia. Information was sought on what the final verdict of the Law Reform Commission had been on the question whether it would be desirable to apply aboriginal customary law to aboriginals. With regard to the special committee to investigate the recognition of aboriginal customary law in the administration of justice in aboriginal communities, apprehension was expressed that the recognition of that law might hinder the integration of the aboriginals into the Australian population as a whole. Some members regretted that the report lacked information concerning primary education of aborigines.

400. In connexion with the rights of aliens, clarification was sought as to whether the four eligibility categories for immigration listed in paragraph 34 of the report constituted a restriction on immigration. Members of the Committee were interested to know if there were long-term plans to solve the serious housing problems of foreign migrants and the educational problems of their children. With reference to the novel idea of the Australian Government to allow non-resident foreigners in Australia to take part in elections and to hold office, some members of the Committee requested further details of that proposition which was one to be emulated by all State parties to the Convention.

401. A number of members of the Committee commended the measures adopted by the Australian Government described in paragraphs 1 to 9 of the report, in particular the stand taken by Australia in the United Nations with regard to the export of arms to South Africa and its contributions to various funds to assist the victims of racial discrimination and apartheid. Further information was requested on the Government's position on the problems of racism in South Africa, Zimbabwe and Namibia, in the light of recent developments there. It was noted that Australia had still not broken off all links with racist régimes and action was urged on the part of the Government to ensure that no relations were maintained with those régimes.

402. It was recalled that during the consideration of the initial report of Australia, the Committee had taken the view that the requirements of article 4 of the Convention were generally covered in Australian legislation but that the legislation did not go far enough. The Committee had expressed the hope that the Australian Government would consider enacting legislation along the lines suggested by article 4. It was considered a retrograde step that the Government

should currently question the very desirability of enacting legislation under article 4. It was pointed out that paragraph (a) of that article was not covered by Australian legislation and that sections 16 and 17 of the Racial Discrimination Act of 1975 referred to in paragraph 43 of the report did not entirely cover the provisions of paragraph (b). The Committee would welcome any further progress made in that area.

403. In connexion with implementation of article 5 of the Convention, it was noted that the Racial Discrimination Act included express references to all the rights laid down in that article. A question was asked as to the nature of the exceptions to the anti-discrimination provisions referred to in paragraphs 12, 14 and 16 of the reports. Information was requested on the current status of the proposed legislation establishing the human rights commission referred to in paragraph 11 of the report. It was pointed out that there was a problem of the correlation between federal and state legislations, and a question was raised regarding what steps had been taken since the initial report to repeal any state laws which were potentially or actually discriminatory in nature.

404. With regard to measures ensuring effective remedies in accordance with article 6 of the Convention, it was recalled that during the Committee's consideration of the initial report, some members had inquired as to the possibility of providing access to the courts other than by recommendation of the Commissioner or permission of the Attorney-General. Since there was no reply to that question in the report, the hope was expressed that the appropriate measures would be taken and details supplied in the next report. While not wishing to diminish the importance of the conciliation procedures referred to in paragraph 18 of the report, some members believed that in the case of Australia the adoption of legislation and of penalties for the violation of such legislation represented possibly the most important aspect of activities relating to the implementation of article 6. Information was requested as to what action had been taken on the 296 written complaints received by the Employment Discrimination Committees and on the complaints mentioned in paragraph 23 of the report.

405. As far as the implementation of article 7 of the Convention was concerned, members of the Committee considered that the Australian Government should maintain in full force, and expand, the programmes it had adopted in conformity with that article, as described in paragraphs 109 to 124 of the report.

406. Replying to the questions raised by the members of the Committee the representative of Australia assured the Committee that the efforts made in respect of the aborigines were not in any way intended to exclude them from any rights enjoyed by other Australians. The Law Reform Commission studying the question of the recognition of aboriginal law within the Australian legal system had not yet reported to the Government. The report would be given serious consideration and the Committee would be informed of the outcome.

407. Touching upon the rights of aliens, he said that the Government recognized that at the earlier stages of settlement immigrants had particular needs, especially if they came from non-English speaking backgrounds, and it therefore placed particular emphasis on providing appropriate opportunities for orientation and English-language training courses.

408. With regard to article 3 of the Convention he said that it was the policy of the Australian Government to maintain correct diplomatic relations with South

Africa without derogating from its own total opposition to apartheid, which it had made known to the South African Government on many occasions in the clearest terms.

409. In connexion with article 4 of the Convention, he confirmed that it was unlawful in Australia to incite persons to commit violence. He drew attention to sections 16 and 17 of the Racial Discrimination Act which, inter alia, made the utterance of racist comments unlawful. His Government attached importance to the creation of conditions that would effectively, and as strictly as possible, bring about the demise of racist propaganda and organizations. It firmly believed that in the current social, cultural and political circumstances the most effective way to do so was to promote free and open public debate on those issues, and not by limiting freedom of association or any other civil liberties.

410. With regard to article 5 of the Convention he said that the proposed human rights commission of Australia had not yet been established, but the Government intended to establish it before the end of the year. On the question of the relation of federal laws to state laws, he said that under section 109 of the Australian Constitution when a law of an Australian State was inconsistent with a law of the federal Parliament, the latter prevailed and the former was inoperative to the extent of any inconsistency.

411. As far as article 6 of the Convention was concerned, the representative stressed that the Australian Government did not regard the system of conciliation which existed in Australia to be in any way inconsistent with the requirements of the Convention. At the end of the process of conciliation, a complainant had the right under the Racial Discrimination Act to take his case to court. In the overwhelming proportion of cases that had come before the Commissioner for Community Relations, the conciliation procedure had proved very successful within the context of Australian society.

412. The representative of Australia said that he would transmit to his Government the comments and questions which he could not respond to, and they would be taken up in connexion with the preparation of the next report.

### Algeria

413. The fourth periodic report of Algeria (CERD/C/48/Add.3) was considered by the Committee together with the introductory statement by the representative of the reporting State and the extracts made available by him of the National Charter and the Constitution adopted in Algeria in 1976.

414. Members of the Committee noted with regret that the fourth periodic report of Algeria, while containing some elements which were worth considering and some references to national legislation, did not provide detailed information regarding the main provisions of the Convention or replies to the many questions raised in connexion with the consideration of the second and third periodic reports. The Committee, therefore, reiterated its request that the next report of Algeria should furnish details of the legislation relevant to the implementation of specific provisions of the Convention and the manner in which the law, especially as it related to the Convention, was actually enforced in the country. It would be interesting also for members of the Committee to receive information on any legislation which had been declared void on the ground that it contained provisions based on colonialism or discrimination and on the demographic composition of the country, with particular reference to the black population.

living in Algeria and throughout the Maghreb. Moreover, an explanation was requested about the concept of race as used in the text of article 39 of the Algerian Constitution, since a number of the notions referred to in article 1 of the Convention were omitted from that text.

415. In connexion with article 3 of the Convention, some members expressed satisfaction with the attitude of the Government of Algeria towards the racist régimes of southern Africa.

416. With regard to the implementation of article 4 of the Convention, it was noted that reference was made in the report to article 298 of the Penal Code providing for the punishment of defamation with intent to incite hatred, but no information had been supplied concerning the penalties which could be applied under that article. It was asked whether there were in Algeria laws which prohibited specifically racial discrimination as described in the Convention.

417. With reference to article 5 of the Convention, it was noted that article 42 of the Algerian Constitution guaranteed Algerian women all political, economic, social and cultural rights and it was asked whether there were any specific rights enjoyed by Algerian women to which that article referred. Moreover, members of the Committee asked whether, according to the provisions of article 68 of the Algerian Constitution concerning the status of aliens, foreigners living in Algeria, enjoyed the same rights, including political rights, as Algerian nationals and what laws currently in force could be invoked as authorizing limitations to article 56 of the Algerian Constitution which guaranteed the exercise of the freedom of association.

418. In connexion with the implementation of article 6 of the Convention, it was asked whether a person suffering discrimination of any kind was entitled to recourse to the law where the protection of his rights might conflict with the objectives of the Socialist Revolution, to which the Constitution also afforded protection.

419. Detailed information was requested in the next periodic report with regard to the implementation of article 7 of the Convention.

420. The representative of Algeria, replying to questions raised by members of the Committee in connexion with article 5 of the Convention, stated that article 42 of the Constitution was the reaffirmation of a principle of specific relevance to women; that aliens could not expect to enjoy the same political rights as citizens, however, there were provisions giving them certain rights and duties deriving from their status of aliens; that freedom of association in Algeria was enjoyed within the law which excluded any association inciting hatred or violence among citizens or inhabitants.

421. With reference to the question raised in connexion with the implementation of article 6 of the Convention, the representative stated that the Algerian legal system had inherited and improved upon French provisions concerning constitutional remedies available to citizens.

422. With regard to the provisions contained in article 7 of the Convention, he pointed out that similar obligations to adopt measures in the field of education with a view to combating racial prejudice were contained in the Algerian Constitution.

423. He expressed the hope that the fifth periodic report of his country would answer in detail all the questions raised in connexion with the consideration of the current report.

#### Cuba

424. The fourth periodic report of Cuba (CERD/C/48/Add.4) was considered by the Committee together with the introductory statement made by the representative of the reporting State.

425. Some members of the Committee commended the Government of Cuba for its efforts to fulfil its obligations under article 9 of the Convention and for including in its report replies to questions raised in connexion with the consideration of its third periodic report. Satisfaction was expressed by those members in particular with the legislative measures adopted since the submission of the previous report. In this connexion, members of the Committee asked whether the Convention had automatically acquired the force of law in Cuba or whether specific legislation had been enacted in order to incorporate its provisions into domestic law.

426. With reference to the multiracial character of Cuban society, it was asked whether any special measures had been taken in accordance with article 1, paragraph 4, of the Convention to secure the adequate advancement of the black population of the country, and it was hoped that statistics on the ethnic breakdown of the population would be provided to the Committee in future reports.

427. With regard to the implementation of article 3 of the Convention, members of the Committee expressed satisfaction with Cuba's co-operation with the international community in efforts to combat apartheid and racial segregation. Particular satisfaction was expressed by some members with the provisions contained in the new Criminal Code to punish offences involving labour rights, racial discrimination and apartheid. Clarification was requested regarding the relationship between article 128 and article 349 of the Criminal Code, in so far as there seemed to be some overlapping between the two articles and the severity of the penalties prescribed in those articles for similar offences varied greatly.

428. Some members noted with satisfaction that the provisions of article 4 of the Convention were duly implemented by the relevant provisions of the 1976 Constitution of Cuba, the 1976 Associations Act and the new Criminal Code and that article 4 of the Convention could be invoked automatically by all organs and tribunals of the State. Other members, however, were of the view that article 4 of the Convention could not be considered self-executing and imposed an obligation on the States parties to enact specific legislation for its implementation. Doubts were expressed as to the adequacy of the legal provisions relating to the implementation of article 4, paragraph (b). Furthermore, it was not clear how articles 239 and 240 of the Criminal Code operated against an organization or association having objectives contrary to the Constitution and the laws, and clarification was requested regarding the system of "units" for calculating fines imposed for offences covered by those articles. It would be useful for the Committee to receive in a future report the full text of articles 239 and 240 of the Criminal Code.

429. With regard to the implementation of article 5 of the Convention, it was stated that the legislative measures referred to in the report seemed to meet the requirements of the provisions of that article. Some members noted, however,

that, with regard to political rights, there was no information in the report on the selection of candidates for elections and a question was asked whether the ruling party had a monopoly on the selection of candidates or whether individuals had the right to stand for election on their own initiative. Some members of the Committee also requested specific information on the implementation of the right to freedom of movement and residence within the border of the State, the right to leave any country, including one's own, and to return to one's country, the right to freedom of thought, conscience and religion, the right to freedom of opinion and expression and the right to freedom of peaceful assembly and association.

430. With regard to the implementation of article 6 of the Convention, some members found it difficult to understand that there had not been cases of racial discrimination before the courts in 15 years, when it was admitted in the report that vestiges of racial prejudice might still survive among the people of Cuba. It was pointed out that recourse procedures envisaged in articles 26 and 62 of the Constitution did not per se ensure effective compensation for racial discrimination. Relevant texts were requested specifying the right of victims of racial discrimination to institute legal proceedings. It was also asked whether the people of Cuba were aware of their rights under article 161 of the Criminal Procedure Act providing that "No accused person shall be obliged to testify against himself ..." and whether the legal procedure described in article 697 of the Civil, Administrative and Labour Procedure Act was free of charge. With reference to article 149 of the Criminal Code clarifications were requested on who determined whether a judgement was unjust or contrary to the law and how could the intent of a judge be assumed or proven.

431. With regard to the implementation of article 7 of the Convention, members of the Committee commended the Government of Cuba for the ample information provided. It was asked whether all young people, irrespective of their race, benefited equally from the type of education described in the Children and Youth Code.

432. In replying to questions raised by members of the Committee, the representative of Cuba stated that the Convention had the force of law in her country and no other legislative provisions were necessary for invoking the Convention. Cuba was a multiracial society in which there was no division into separate races and no data on race had been considered necessary or collected in the last census. No special measures under article 1, paragraph 4, of the Convention were needed since all forms of discrimination or exploitation had disappeared completely from the country.

433. With regard to the question concerning the relationship between articles 128 and 349 of the Criminal Code, she informed the Committee that the former article prescribed severe penalties for the crime of apartheid, whereas the latter provided penalties for individual cases of racial discrimination.

434. In reply to questions concerning article 4 of the Convention, she stated that article 349 of the Criminal Code provided specifically for the implementation of that article; articles 239 and 240 of the Criminal Code prescribed penalties for offences in connexion with illegal associations; under article 34 of the Criminal Code, fines imposed by the Cuban courts were determined in units, the amount of the unit being fixed in accordance with the wage of the offender.

435. The representative recalled that article 40 et seq. of the Constitution provided for the rights set forth in article 5 of the Convention and that specific information on electoral procedures had been supplied in Cuba's third periodic report.

436. With reference to the implementation of article 6 of the Convention, the representative stated that, while vestiges of racial prejudice might remain in the minds of certain people, no acts of racial discrimination were committed in Cuba. Replying to questions raised in connexion with recourse procedures under articles 26 and 62 of the Constitution, she pointed out that article 346 of the Criminal Code prescribed penalties for infringements of the rights provided for in article 6 of the Convention. With regard to citizens' knowledge of their rights, she said that one of the duties of the Public Attorney was to monitor the actions of the courts and to ensure that citizens were aware of their rights and duties. Justice was completely free of charge for all persons in Cuba. With reference to article 149 of the Criminal Code she explained that the determination of offences against that article came within the competence of the Public Attorney, under article 130 of the Constitution.



## Netherlands

437. The fourth periodic report of the Netherlands (CERD/C/48/Add.5) was considered by the Committee together with supplementary information provided in the introductory statement by the representative of the reporting State concerning developments which had taken place since the preparation of the fourth report.

438. The Government of the reporting State was commended for the farsightedness of its policies in dealing with problems of racial discrimination and the integration of migrants from its former colonies, as well as for providing the Committee with information on the outcome of a number of studies concerning racial discrimination conducted in the Netherlands. It was suggested that it would be useful if the Government could provide information about the terms of reference, methodology and composition of study groups, for the benefit of other Governments which might wish to conduct similar studies. In particular, it was asked whether the study would deal with the situation of the people of West Friesland and other inhabitants who were not immigrants. It was asked whether the Bill mentioned in section 2 (a) of the report proposing the amendment of the Constitution had been adopted by the Upper House.

439. The Committee welcomed the Government's decision to discontinue issuing certificates of non-Jewish faith, since any authority which requested or made use of such a certificate was practising racial discrimination. The issuing of such certificates would be a violation of article 2, paragraph 1 (b) of the Convention. The Government's efforts to integrate the Surinamese and Moluccans into Dutch society while, at the same time, preserving their cultural identity were commended by Committee members. Likewise, the proposed co-ordination of activities of various ministries dealing with minorities was a step in the right direction.

440. The Committee noted with satisfaction that special attention was being paid by the Netherlands authorities to the needs of immigrants and migrant workers in the allocation of housing and in teaching their children in their own languages. Further information was sought on the breakdown of migrant workers by country of origin, measures adopted by the Government to ensure their full equality in the field of social security, special educational assistance provided for their children and efforts to facilitate the return of migrant workers to their countries of origin.

441. In connexion with the statement of the Minister for Foreign Affairs of the Netherlands at the thirty-third session of the General Assembly, referred to by the representative of the reporting State, that his country would promote and support a policy of increasing pressure on South Africa if the Government of Pretoria persisted in maintaining its inhuman policy of racial discrimination, it was asked whether the Government intended to sever all ties with the South African régime. Information was requested on the Government's relations with the régimes of southern Africa and on its policy with regard to the national liberation movements.

442. With regard to the implementation of article 4 of the Convention, a contradiction was noted in the ruling of the Amsterdam District Court on the prohibition of the Netherlands People's Union (NVU). It was contrary to the spirit of article 4 (b) of the Convention to allow a prohibited organization to continue functioning. Further clarification was requested on the reasons for the decision not to dissolve the NVU, and it was suggested that the Government might consider reforming the law to avoid such contradictions.

443. With reference to the implementation of article 7 of the Convention, members of the Committee expressed the wish that the Government would further strengthen its activities in the field of teaching, education and culture pursuant to the provisions of that article, not only in State-run schools but also in private schools.

444. Replying to the questions raised by the members of the Committee, the representative of the Netherlands said that his Government would be willing to include in its next report information on the scope and methods of studies concerning racial discrimination. Touching upon the rights of the inhabitants of Friesland he pointed out that the Frisians had their own language and customs, but they participated fully in Dutch society as ordinary Dutch citizens. The social security scheme was open to all those legally resident in the Netherlands, including migrant workers. The bill to amend the Constitution in order to provide the basis for the principle of non-discrimination had not yet been adopted by the Upper House of the Parliament owing to cumbersome procedures required for amending the Constitution.

445. With regard to article 3 of the Convention, the representative confirmed the Netherlands intention to sustain a dialogue with South Africa while bringing pressure to bear on the South African Government to change its policy of apartheid, as well as his country's willingness to participate in measures decided upon by the Security Council. He drew attention to the fact that the Netherlands had no relations with Southern Rhodesia.

446. On the question of the decision concerning the NVU, he said that one consequence of the decision not to dissolve the Union was that the ruling could not be taken as a precedent for other cases. Following the decision, it remained to be seen whether there were any gaps in the Netherlands legislation concerning racial discrimination and the competent authorities were currently looking into the matter.

447. With reference to the application of article 7 of the Convention, he pointed out that the Government could control the curriculum in State-run schools but had no control over the curriculum in the many private schools of the country, in so far as freedom of education was respected in the Netherlands.

#### Seychelles

448. The initial report of the Seychelles (CERD/C/45/Add.1) was introduced by the representative of the reporting State, who stated that the Government's objective in presenting the report was to begin a dialogue with the Committee, that all comments made by members of the Committee would be transmitted to his Government and a more comprehensive second periodic report would be presented taking into account the Committee's suggestions and observations.

449. The Committee appreciated the fact that the Seychelles had acceded to the Convention even before adopting its Constitution. Although the initial report submitted by the Government did not fully satisfy the Committee's requirements, it showed nevertheless that the country in framing its Constitution had made a good beginning towards establishing a new society based on equality and freedom. A suggestion was made that in order to assist his Government to improve the form and the substance of the future reports, the representative could bring to the attention of his Government the Committee's guidelines, communications and general recommendations, contained in document CERD/C/36.

450. Members of the Committee requested that fuller text of the relevant provisions of the Constitution should be furnished to the Committee, especially those parts relating to Seychelles' obligations under the Convention, as well as details of other legislation currently in force.

451. It was hoped that the next report would provide demographic information concerning the ethnic composition of the country's population in order that the Committee might have a proper idea of the problems the Government would face in implementing the Convention.

452. The Committee pointed out that it would be helpful to have information on steps taken by the Government to implement all articles of the Convention and on any activities by the country in support of the international movement to combat racism and racial discrimination in southern Africa.

453. With regard to article 5 of the Convention, it was noted that some of the social rights, such as the right to housing, to work, to form trade unions, and to enter or leave the country were omitted in the preamble of the Constitution. Indication was sought of how the principles laid down in the preamble had been transformed into legal obligations in order to ensure the full implementation of that article of the Convention.

454. With reference to article 6 of the Convention, a question was raised whether a person whose rights were violated was entitled, in accordance with the preamble of the Constitution establishing the right to equality before the law without discrimination, to seek reparation through the courts.

455. Some members felt that article 9 of the Convention also made it incumbent upon States parties to provide information concerning economic and social measures bearing on the discharge of their obligations under the Convention. In this connexion it was hoped that the second periodic report of Seychelles would contain information on the problems of agrarian reform in that country which was of paramount importance since the majority of the population did not own land.

#### Lesotho

456. The fourth periodic report of Lesotho (CERD/C/18/Add.6) was considered by the Committee together with the introductory statement made by the representative of the reporting State, who pointed out that no changes of significance had taken place in the country from the time of consideration of the previous report of Lesotho.

457. Members of the Committee expressed their concern at the difficult situation in which the population of Lesotho found itself owing to the geo-political situation of the country and its economic dependence on South Africa. The Government of Lesotho was commended for its campaign against racism and a hope was expressed that the United Nations Information Centre established in Maseru would be able to support the Government of Lesotho in its efforts. Questions were asked concerning the situation of refugees from South Africa and the position taken by the Government of Lesotho in connexion with the refugee problem.

458. It was noted from the report that there had never been any necessity for administrative or judicial measures to deal with racial discrimination and that no cases of racial discrimination had been brought before the courts. It was asked, in this connexion, if there were any minorities in Lesotho.

459. The representative of Lesotho explained that refugees from South Africa continued to enter Lesotho daily and provided some information about measures of assistance to them in co-operation with the United Nations High Commissioner for Refugees and other organizations. He informed the Committee that, apart from a few foreigners, there were no minorities in Lesotho and that the whole population belonged to one group speaking the same language.

#### Rwanda

460. The second periodic report of Rwanda (CERD/C/16/Add.5) was considered by the Committee together with the information given by the representative of the reporting State in his introductory statement.

461. The Committee noted with appreciation the changes made in the Constitution and the Penal Code of Rwanda in order to bring them in line with some of the provisions of the Convention. However, more detailed information was requested on the implementation of the provisions of articles 4 (b), 5, 6 and 7 of the Convention. Some members of the Committee expressed the view that it would be useful if the demographic composition of Rwanda could be included in the next report, together with information on the current situation with regard to refugees and any problems which may be encountered by the Rwandese Government in that respect.

462. It was noted that the words "good reason" or "without good reason" appeared in various provisions of Rwandese legislation related to the Convention. The use of these words, it was stated, could imply some reservations allowing a distinction to be made in some cases on the basis of a person's ethnic origin, region or religion, and further clarification was requested on that point.

463. With reference, in particular, to article 4 (b) of the Convention, it was suggested that the Rwandese Government might reconsider the relevant articles of its Penal Code with a view to reformulating them to declare illegal and prohibit organizations and activities which promoted and incited racial discrimination. It was asked whether an association or society which incited to racial hatred or discrimination could appeal against a rejection of its application on the grounds of abuse of power.

464. The representative of Rwanda informed the Committee that the relative percentages of the three ethnic groups in Rwanda in terms of the total population were 90 per cent, 9 per cent and 1 per cent. The words "good reason" or "without good reason" contained in the legislation, were not meant to be a reservation or safeguard, but to show that there could be valid reasons, in certain cases, such as refraining from employing a person likely to endanger State security or the safety of goods or persons. With regard to applications from associations or societies, the Minister of Justice was competent to take a decision after scrutinizing the statutes of such associations to ensure that they were in conformity with the law. He assured the members of the Committee that their questions would be taken into account in the next periodic report of Rwanda.

C. Consideration of proposals relating to the revision of the general guidelines of the Committee and to other aspects of the reporting procedure under article 9 of the Convention

465. Under the same item, the Committee also considered at its 427th meeting (nineteenth session), held on 9 April 1979, a working paper, presented by Mr. Bahnev, on the arrangement of information in the reports of States parties submitted under article 9, paragraph 1, of the Convention and a proposal made by Mr. Nettel at the eighteenth session concerning the procedure to be followed by the Committee for the adoption of decisions relating to specific information supplied by States parties under article 9 of the Convention.

Working paper prepared by Mr. Bahnev

466. Mr. Bahnev, introducing his proposal, stated that in drafting his paper, he had borne in mind three objectives: first, the simplification of the questionnaire to be sent to the Governments with a view to facilitating the presentation of reports; secondly, the simplification of the presentation of information with a view to rendering it easier to study, and thirdly, the facilitation of the Committee's examination and comparison of the reports submitted to it under article 9 of the Convention. The third objective appeared particularly important in view of the larger number of States parties to the Convention. After making certain amendments to his paper, Mr. Bahnev stated that the revised working paper should mention that it would be desirable for the reporting States to give particulars of the legislative or other measures adopted to give effect to article 4 (c) of the Convention and the possibility open to individuals under article 6 to apply to the courts for reparation of any damages suffered through acts of racial discrimination. Mr. Bahnev suggested the establishment of a small drafting group to prepare a text for submission to the Committee at its next session.

467. Mr. Partsch considered that the basic difference between Mr. Bahnev's paper and the existing guidelines (CERD/C/R.12 as contained in CERD/C/36) was one of presentation. He noted that, while the existing guidelines contained no specific reference to the positive obligations laid on States parties to the Convention by article 5, the Committee had always endeavoured to discover whether or not human rights were guaranteed in practice; accordingly, Mr. Partsch welcomed the specific reference in Mr. Bahnev's paper to "the guaranteeing of genuine equality before the law". He fully supported the suggestion that a drafting group should be appointed to prepare modified guidelines.

468. Mr. Videla Escalada commended Mr. Bahnev's paper as being of great assistance in revising the Committee's original guidelines. He pointed out that once the Committee was familiar with the legislation and conditions prevailing in a particular country, it should not request in each report the repetition of information concerning the implementation of every article of the Convention. Simplification of the procedures for the consideration of reports would certainly facilitate the Committee's work. He therefore suggested that, after considering three or four reports by a given State without noting any problems of consequence, the Committee might thereafter dispense with a further detailed report by that State on its implementation of the Convention, and simply request it to report any new development or to answer questions of detail. The Committee would thus be able to concentrate on the reports of States that give rise to difficult and complex problems. Mr. Videla Escalada also supported the suggestion for setting up a drafting group.

469. Mr. Brin Martinez stressed the importance of ensuring continuity in the reports submitted by States parties to the Convention. Mr. Dechezelles noted that the working paper followed the simple and sensible principle of asking for information according to the order of the articles in the Convention. He recognized that various controversial issues still remained to be settled, especially in connexion with articles 3 and 5. Mr. Dechezelles and Mr. Brin Martinez also supported the suggestion that a working group should be appointed.

470. Mr. Goundiam stated that the chief reason why some States parties failed to submit periodic reports was not lack of goodwill, but inadequate internal organization. He suggested, therefore, that the proposed working group should bear in mind a previous proposal of his, namely, that model legislations should be drawn up by the Committee to help States parties fulfil their responsibilities under the Convention.

471. Mr. Devetak suggested two possibilities as to how to deal with information submitted by States parties in their fourth or fifth periodic reports. One was to request specific details relevant to a particular article or on a particular topic, and the other to follow Mr. Videla Escalada's suggestion. Mr. Devetak proposed that the Committee should avoid the sensitive issue of the interpretation of the Convention which was one of various obstacles of a legal or political nature. With respect to the proposed working group, Mr. Devetak stated that it should deal with the various possibilities for improving the Committee's examination of reports, maintaining a dialogue with States that had already submitted several reports, and organizing its work in the light of the fact that there were now over 100 States parties to the Convention.

472. Mr. Ténékidès, after referring to the operation of articles 2 to 7 of the Convention, stated that the proposed working group should consider the problems that arose in connexion with article 9 of the Convention, and in particular the attitude which the Committee should adopt upon completion of its consideration of the periodic reports. It should be clarified how the Committee would fulfil the task of evaluating the reports of States parties and deciding whether measures taken by them conformed to the requirements of the Convention. Until now, the practice of the Committee had not been uniform. It should therefore aim at greater effectiveness by applying article 9 of the Convention in full.

473. Mr. Nabavi, referring to the working paper submitted by Mr. Bahnev, said that it was important for the Committee, after 10 years of its existence, to find ways of improving its methods of work if it was to achieve its goal of contributing to the realization of the objectives of the Convention. Information was needed not only on the legal and constitutional situation in regard to racial discrimination in reporting States, but also on the de facto situation.

474. The Chairman, speaking in his personal capacity, referred to the general question of conclusions to be drawn after the consideration by the Committee of each report, and stated that the Committee's main purpose was to enhance the implementation of the Convention through a dialogue it maintained with States parties and to encourage them to co-operate with the Committee for that purpose. If the actions taken by the Committee caused States parties to turn away, the Committee would be defeating its own purpose. However, that did not mean that the Committee should not express itself forcefully. The Chairman suggested that the working group might give some thought to the matter.

475. With reference to the problem raised by Mr. Videla Escalada in respect of States parties which were submitting fourth, fifth or even sixth periodic reports, the Chairman affirmed that the obligations assumed under the Convention to fight against racial discrimination did not end by submission of reports and that new circumstances might arise at any time. Consequently, periodic reports would always be needed and the Committee should be ready to raise specific questions on how previously reported activities were developing. He also suggested that the working group could usefully take up this question.

476. At the suggestion of the Chairman, the Committee agreed to set up a working group, composed of Mr. Bahnev, Mr. Goundiam, Mr. Partsch, Mr. Valencia Rodriguez, Mr. Sayegh and Mr. Ténékidès, with the following terms of reference:

(a) To take into consideration the summary record of the 427th meeting (CERD/C/SR.427), the guidelines set out in document CERD/C/R.12, as contained in CERD/C/36, and the working paper prepared by Mr. Bahnev (Conference Room Paper 93), to submit draft guidelines on the arrangement of information in the reports of States parties submitted under article 9, paragraph 1, of the Convention;

(b) To make proposals as to how States parties whose reports had hitherto proved satisfactory from the constitutional and legislative point of view should submit further reports;

(c) To consider whether the Committee, after consideration of the report, should draw up conclusions and make specific proposals;

(d) To consider what suggestions the Committee might make to States parties regarding their representation at meetings of the Committee;

(e) To consider how the Committee's work could take into account the de facto situation in a reporting State;

477. The Committee also agreed that Messrs. Nabavi and Videla Escalada would participate in the Working Group, if they wished to do so, in order to contribute their ideas and make suggestions, and that the Working Group would meet during the Committee's twentieth session.

478. The Working Group established by the Committee at its nineteenth session held two informal meetings during the twentieth session and elected Mr. Partsch as its Chairman/Rapporteur.

479. At the 451st meeting of the Committee, held on 14 August 1979, Mr. Partsch, Chairman/Rapporteur of the Working Group, reported to the Committee on the results of the discussion in the Group of the questions within its terms of reference. The Group came to the conclusion that the guidelines on the arrangement of information in the reports of States parties should be as short as possible and be limited to references to articles of the Convention, to decisions and general recommendations of the Committee and include some questions. The secretariat was asked to prepare a new draft of such communication to enable the working group to reach a final decision. The Group hesitated to make general proposals for the submission of further reports by States parties after the Committee had found their earlier reports satisfactory in form and substance, and considered that the flexible approach followed until now should be maintained. It also wished to recommend that the Committee should maintain its present practice of making

suggestions and recommendations only when a specific situation demanded it, but any expert could propose that the Committee express its opinions and draw conclusions. The working group adhered to the concept that States parties were not obliged to send representatives when their reports were discussed, although it was in favour of expressing the opinion that the Committee appreciated this form of collaboration of States parties with the Committee, in particular the presence of qualified experts in the field. The problem as to how the Committee could take into account the de facto situation in a reporting State was regarded as difficult and precarious. It was considered that members of the Committee should avoid the impression that they had no confidence in the reports presented by States. On the other hand, it would be important that members of the Committee insisted on receiving information on "other measures" according to article 9, paragraph 1, in order to have a clear picture of the socio-economic conditions. The Group did not consider that the Committee should take a decision to distribute to the members the report of Mrs. Warzazi, the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, concerning migrant workers, in so far as the documents could be made available informally. The Group also discussed a proposal to streamline the work of the Committee by appointing a special rapporteur for each report in order to avoid repetition by experts during the discussion. It felt that at this stage there was no need for such a limitation as the questions posed by experts gave the Committee a spectrum of opinions.

480. Some members of the Committee were of the opinion that it was necessary to obtain the text of Mr. Partsch's statement before any meaningful discussion could take place. It was observed that it would be difficult to follow the recommendation of the working group to avoid the impression that members had no confidence in the reports presented by States. In view of the difficulties experienced by the Committee in handling its workload, the necessity to streamline its work was emphasized.

481. The Committee decided to extend the mandate of the working group to meet again during the next session so that it could continue to work on the guidelines.

#### Proposal by Mr. Nettel

482. At its nineteenth session, the Committee considered a proposal by Mr. Nettel who pointed out that at the previous session an awkward situation had arisen when the representative of a certain State party had remained in his seat at the Committee table during the discussion of a draft decision concerning information supplied in the report of his Government, and had attempted to influence the Committee's decision. In order to avoid the recurrence of such a situation, Mr. Nettel proposed that decisions by the Committee on reports by States parties should not be part of the process of consideration of those reports, but should be taken, separately, and only after the withdrawal of the representative of the State concerned. The proposal was supported by members of the Committee.

483. At the suggestion of the Chairman, the Committee adopted a decision on the procedure to be followed by the Committee in adopting decisions concerning information supplied by a State party relating to conditions in its territory.

484. The text of the decision, as adopted, appears below in section VIII A, decision 1 (XIX).



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

485. The Committee considered this item at its 433rd meeting (nineteenth session), on 13 April 1979, and at its 451st and 452nd meetings (twentieth session), on 14 August 1979.

486. The action taken by the Trusteeship Council at its forty-fifth session in 1978 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 1977 session, in conformity with article 15 of the Convention and General Assembly resolution 2106 B (XX) of 21 December 1965, was discussed in the ninth annual report of the Committee on the Elimination of Racial Discrimination submitted to the General Assembly at its thirty-third session. <sup>14/</sup> 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 1978 were contained in paragraph 369 of its report to the General Assembly.

487. In its resolution 33/102 of 16 December 1978, the General Assembly supported the continued efforts of the Committee to focus attention on the just cause of peoples struggling against oppression practised by the colonial and racist régimes in southern Africa; drew the attention, once again, of the relevant United Nations bodies to the opinions and recommendations of the Committee relating to Trust and Non-Self-Governing Territories and to all other Territories to which General Assembly resolution 1514 (XV) of 14 December 1960 applies; and stressed the necessity of providing the Committee with sufficient information in order to enable it to discharge fully its responsibilities under article 15 of the International Convention on the Elimination of All Forms of Racial Discrimination.

488. At its nineteenth session (March/April 1979), the Committee was informed by the Secretary-General of the action taken by the Special Committee in 1978 in connexion with article 15 of the Convention. At its 1123rd meeting, held on 25 August 1978, the Special Committee, having regard to the information requested of it under article 15 of the Convention, decided to authorize its Chairman to transmit, in accordance with established practice, all pertinent information to the Committee on the Elimination of Racial Discrimination. <sup>15/</sup> Subsequently, in a communication dated 18 January 1979, the secretariat was informed that no petitions falling under the terms of article 15 of the Convention had been received by the Special Committee during 1978.

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<sup>14/</sup> Ibid., Thirty-third Session, Supplement No. 18 (A/33/18), paras. 361-365.

<sup>15/</sup> Ibid., Supplement No. 23 (A/33/23 (Part I)), chap. I, sect. J, paras. 86-89.

489. At its twentieth session, the Committee was informed by the Secretary-General of the action taken by the Trusteeship Council at its forty-sixth (1979) session in connexion with article 15 of the Convention. The Trusteeship Council, at its 1493rd meeting, held on 6 June 1979, considered the item on its agenda entitled "Co-operation with the Committee on the Elimination of Racial Discrimination" together with the item concerning "Decade for Action to Combat Racism and Racial Discrimination". At the same meeting, the Council decided merely to take note of the statements made by two of its members on these items. No further action concerning the opinions and recommendations of the Committee referred to above was taken by the Trusteeship Council.

490. However, as a result of earlier decisions of the Trusteeship Council and the Special Committee, the Secretary-General transmitted to the Committee at its nineteenth and twentieth sessions the documents listed in annex VI below.

491. At its nineteenth session, the Committee appointed 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 twentieth session. The working groups consisted of the following members of the Committee:

(a) African Territories

Mr. Brin Martínez, Mr. Dechezelles, Mr. Devetak, Mr. Sayegh, with Mr. Goundiam as Convener;

(b) Pacific and Indian Ocean Territories

Mr. Bahnev, Mr. Ghoneim, Mr. Shahi, Mr. Ténékidès, with Mr. Valencia Rodríguez as Convener;

(c) Atlantic Ocean and Caribbean Territories, including Gibraltar

Mr. Nabavi, Mr. Nasinovsky, 16/ Mr. Videla Escalada, with Mr. Nettel as Convener.

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

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

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16/ At the twentieth session, Mr. Nasinovsky was replaced by Mr. Sviridov. See sect. I, paras. 6-7 above.

separate texts, but in one integrated text, which is submitted to the General Assembly in accordance with article 15, paragraph 3, of the Convention and also to the United Nations bodies concerned.

493. The reports of the three working groups mentioned above were considered by the Committee at its 451st and 452nd meetings on 14 August 1979, and were adopted paragraph by paragraph, with some amendments.

494. The opinions and recommendations of the Committee based on its consideration of copies of reports and other information submitted to it in 1979 under article 15 of the Convention, as adopted by the Committee at its 452nd meeting on 14 August 1979, are as follows:

The Committee on the Elimination of Racial Discrimination,

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

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

General

The Committee regrets that, despite its frequent requests to the relevant United Nations bodies, which have been fully endorsed by the General Assembly in its resolution 33/102 of 16 December 1978, sufficient information relating to its responsibilities under article 15 of the Convention is still not forthcoming. It would once again request the co-operation of the United Nations bodies concerned in the matter, in order to enable it to discharge adequately its responsibilities under article 15 of the Convention.

A. African Territories 17/

1. Southern Rhodesia

(1) The Committee notes that the situation of the black majority has not changed. On the contrary, the privileges of the white minority persist, in

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17/ Adopted at the 451st meeting, on 14 August 1979. As regards these Territories, the following documents were submitted to the Committee:

A/33/23/Add.3, chap. IX (Western Sahara);  
A/AC.109/L.1284 (Southern Rhodesia);  
A/AC.109/L.1284/Add.1 (Southern Rhodesia);

particular through the establishment of economic obstacles to exclude the majority of the black population from the benefits of housing, education and medical care, through the neglect of the rural areas where the black majority lives, the maintenance of low wages and the concentration of productive agriculture entirely in the hands of the whites.

(2) The Committee notes that in violation of the relevant resolutions of the Security Council so-called elections were held by the illegal régime of Southern Rhodesia. The situation was aggravated by the adoption of measures to maintain white domination, the recruitment of mercenaries to suppress the black population and the establishment of curfew to control the freedom of movement of African civilians.

(3) The Committee notes that the formation of a new illegal "government" has further exacerbated the situation as armed conflict has intensified engulfing the entire Territory. The illegal régime is discredited in the eyes of the vast majority of the population who have lost hope in the possibility of a peaceful settlement leading to genuine majority rule. The Committee expresses its deep concern at the explosive situation which is causing great distress to the people of the Territory and the international community.

## 2. Namibia

(1) The Committee, having considered the working papers prepared by the secretariat of the Special Committee, expresses its grave concern over continuing serious tension and the persistence of racial discrimination in the Territory, including the intensification of the policy of apartheid. The illegal military occupation of the Territory by the racist régime of South Africa, terror, violence and measures of persecution against the blacks, the exclusion of blacks from the trade sectors, the maintenance of low wages and the holding of "elections" under military duress and without any external control in spite of the relevant resolutions of the Security Council, have contributed to the general deterioration of the situation.

(2) The Committee notes that repressive measures against the black population have been intensified, that South Africa has substantially increased its armed forces in the Territory and has strengthened its hold over Walvis Bay. The Committee strongly deplores the continued defiance by the Government of South Africa of world public opinion and the decisions of the Security Council by refusing to agree to the establishment of conditions ensuring the expression of the free will of all sections of the people of Namibia in the exercise of their right to self-determination.

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(continued)

A/AC.109/L.1289 (Namibia);  
A/AC.109/L.1289/Add.1 (Namibia);  
A/AC.109/L.1300 (Activities of Foreign Economic and Other Interests in Namibia);  
A/AC.109/L.1304 (Activities of Foreign Economic and Other Interests in Southern Rhodesia);  
A/AC.109/L.1314 (Military Activities in Southern Rhodesia);  
A/AC.109/L.1318 (Military Activities in Namibia).

## B. Pacific and Indian Ocean Territories 18/

### 1. East Timor

The Committee considered document A/33/23/Add.3 and reiterates its request that more information about the economic and social situation in the Territory, including the enjoyment of human rights on an equal basis without racial discrimination, should be provided to it.

### 2. New Hebrides

(1) The Committee notes with regret that the complementary information requested has not been supplied. The Committee also calls attention to the necessity for the adoption of a land reform policy and requests further information on the subject, with a view to ascertaining that equal opportunities are provided to all without racial discrimination.

(2) The Committee requests information on the situation and the result of programmes to help young people find job opportunities in urban areas..

### 3. Tokelau

The Committee considered document A/AC.109/L.1285 and, in connexion with the statement contained in the annual report of the administering Power on the applicability of the New Zealand Government's policy relating to human rights in Tokelau, expresses its interest in the manner in which its policies are implemented and requests further information on the subject.

### 4. American Samoa

The Committee notes with regret that no reference has been made to human rights in document A/AC.109/L.1299. The Committee expresses its interest in the creation and composition of a second Temporary Future Political Status Commission and wishes to know whether the indigenous population would participate in the work of the Commission. As regards labour conditions in the Territory, the Committee would welcome further information on the question of the enjoyment of equal rights without racial discrimination.

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18/ Adopted at the 452nd meeting, on 14 August 1979. As regards these Territories, the following documents were submitted to the Committee:

A/33/23/Add.3, chap. X (East Timor);  
A/AC.109/L.1282 (New Hebrides);  
A/AC.109/L.1283 (Pitcairn);  
A/AC.109/L.1285 (Tokelau);  
A/AC.109/L.1293 (Gilbert Islands);  
A/AC.109/L.1299 (American Samoa);  
A/AC.109/L.1305 (Cocos (Keeling) Islands);  
A/AC.109/L.1315 (Trust Territory of the Pacific Islands);  
T/L.1214 and Add.1 (Outline of Conditions in the Trust Territory of the Pacific Islands).

## 5. Cocos (Keeling) Islands

The Committee reiterates its request for information as to whether the Australian Government considers providing further information on the application of the Convention in the Territory. The Committee would appreciate information on the status of the examination of the Labour Conventions with a view to their application to the Cocos Islands.

## 6. Trust Territory of the Pacific Islands

The Committee notes the information supplied in document A/AC.109/L.1315. The Committee would again draw attention to the importance of the maintenance of the unity of the Territory. The Committee expresses its interest, in view of the diverse character of the population, in the extent to which the principle of non-discrimination is applied in the Territory. In particular, the Committee would wish to be informed about the measures taken to combat unemployment in some parts of the Territory.

## 7. Guam

The Committee regrets that no document or information has been submitted to the Committee concerning Guam and would appreciate any information in view of the constitutional developments in that Territory.

### C. Atlantic Ocean and Caribbean Territories, including Gibraltar 19/

#### 1. St. Helena

The Committee has taken note of the information contained in the working paper (A/AC.109/L.1286) and expresses its concern about the distribution of

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19/ Adopted at the 452nd meeting, on 14 August 1979. As regards these Territories, the following documents were submitted to the Committee:

- A/33/23/Add.7, chap. XXVIII (Falkland Islands (Malvinas));
- A/33/23/Add.7, chap. XXIX (Belize);
- A/33/23/Add.7, chap. XXX (Antigua, St. Kitts-Nevis-Anguilla and St. Vincent);
- A/AC.109/L.1286 (St. Helena);
- A/AC.109/L.1287 (British Virgin Islands);
- A/AC.109/L.1294 (Bermuda);
- A/AC.109/L.1295 (Montserrat);
- A/AC.109/L.1296 (Turks and Caicos Islands);
- A/AC.109/L.1297 (Cayman Islands);
- A/AC.109/L.1298 (United States Virgin Islands);
- A/AC.109/L.1301 (Activities of Foreign Economic and Other Interests in Bermuda);
- A/AC.109/L.1302 (Activities of Foreign Economic and Other Interests in Cayman Islands);
- A/AC.109/L.1303 (Activities of Foreign Economic and Other Interests in Turks and Caicos Islands);
- A/AC.109/L.1316 (Gibraltar);
- A/AC.109/L.1317 (Military Activities in Belize and Bermuda, Turks and Caicos Islands and United States Virgin Islands).

international trade of the island which consists of a significant volume of trade with South Africa. It expresses the hope that the Administering Power would take appropriate measures to comply with the pertinent resolutions of the competent United Nations organs concerning trade relations with South Africa.

## 2. Bermuda

The Committee has taken note of the information contained in the working paper (A/AC.109/L.1294) concerning the causes for the 1977 racial disturbances. It notes, however, that the racial situation in the Territory is still far from satisfactory. It expresses the hope that the implementation of the measures referred to in paragraphs 85 and 86 of the working paper would bring about an improvement of the conditions and foster racial equality and harmony on the island.

## 3. United States Virgin Islands

Since the projected constitution referred to in the Committee's report of last year was rejected by the population of the Territory, the Committee expresses the wish to be informed about the provisions regarding guarantees for civil, political, social and cultural rights of a future draft constitution, which should be drafted in the spirit of the International Convention on the Elimination of All Forms of Racial Discrimination and should exclude any limitations based on racial discrimination in the enjoyment of those rights.

VI. DECADE FOR ACTION TO COMBAT RACISM AND  
RACIAL DISCRIMINATION

495. It will be recalled that at its ninth session the Committee decided to keep the item concerning the Decade for Action to Combat Racism and Racial Discrimination on its agenda throughout the Decade, and requested the Secretary-General to keep it informed of the relevant activities undertaken under the Programme for the Decade (A/9618, para. 38). During the year under review the Committee considered this item at its 432nd meeting (nineteenth session), held on 12 April 1979, and at its 449th meeting (twentieth session), held on 9 August 1979.

A. Contribution by the Committee to the World Conference to  
Combat Racism and Racial Discrimination

496. As it will be recalled, in accordance with General Assembly resolution 32/129 of 16 December 1977 and the Committee's decision of 30 March 1978, the Chairman and the Rapporteur of the Committee participated on its behalf in the World Conference to Combat Racism and Racial Discrimination, which was held at Geneva from 14 to 25 August 1978. 20/ The study prepared by the Rapporteur and approved by the Committee at its seventeenth session concerning the work of the Committee and the progress made towards the achievement of the objectives of the International Convention on the Elimination of All Forms of Racial Discrimination, was made available to the World Conference as a basic document (A/CONF.92/8). At the World Conference, the Chairman delivered a statement which had been prepared by the Rapporteur and approved by the Committee at its eighteenth session. 21/

497. At the nineteenth session, the Chairman informed the Committee that his statement to the Conference had been well received, and that both the Rapporteur and himself had frequently been called upon to advise delegations on the formulation of proposals in the light of the Convention on the Elimination of All Forms of Racial Discrimination. Both had done their best to contribute to the success of the Conference, sometimes under difficult conditions in view of the conflicting points of view expressed. He informed the Committee that delegations had shown great interest in the Convention and the Committee's activities. Members of the Committee congratulated the Chairman and the Rapporteur on their contribution to the work of the Conference.

498. The representative of the Secretary-General, speaking at the invitation of the Chairman, paid tribute to the Committee's contribution to the success of the Conference. The Conference had been the first occasion on which the international community had recognized the need to make an all-out attack on the scourge of apartheid. Delegations had sought the advice of the Committee's representatives,

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20/ See A/33/262.

21/ For text of the statement, see Official Records of the General Assembly, Thirty-third Session, Supplement No. 18 (A/33/18), annex V.



for they were well aware of the importance of the role played by the Committee. The greatest compliment paid to the Committee, he stated, was to be found in General Assembly resolution 33/102, paragraph 7 of which requested the Secretary-General to give the study on the Committee's work (A/CONF.92/8) the widest possible circulation.

B. Consideration by the Committee of the report of the World Conference to Combat Racism and Racial Discrimination

499. Members of the Committee commented on the report of the Secretary-General on the World Conference (A/33/262). The Conference was considered an outstandingly frank meeting which had finally achieved consensus in spite of the divergent views expressed. They welcomed the high priority given to the need to isolate more completely the racist régimes of southern Africa and to apply stricter sanctions. A tribute was also paid to the force with which the participants of the Conference had reaffirmed basic principles and to the attention paid to the role of mass media in the struggle against racism. They agreed with the view expressed by the Conference that many obstacles, including economic and political interests, hindered the adoption of positive measures to combat policies of the racist régimes of southern Africa and that there was a long way to go before the struggle was finally won. The Chairman noted from the report that the Conference had recommended that the States in different regions extend invitations to the Committee on the Elimination of Racial Discrimination to hold sessions in those regions in order to increase awareness of and interest in its activities. Although for practical reasons the Committee's summer session was always held in New York, invitations to hold the spring session elsewhere would be welcomed by the Committee.

500. Attention was drawn to paragraph 10 of the Declaration adopted by the Conference (A/CONF.92/40) concerning neo-Nazi and fascist organizations, a subject of deep concern to the Committee. It was stressed that that paragraph should be borne in mind by the Committee when urging States to adopt stronger legislation to prohibit such groups and to punish such organizations and their members in accordance with article 4 of the Convention. Some members focused attention on paragraph 23 of the Declaration, which urged all bodies concerned to consider the psychological and physical consequences for children who were victims of racial discrimination, and to take care that special measures were adopted within the framework of the International Year of the Child. They urged that the Committee should take up that most vital question at its next session, drawing the attention of all States parties to the Convention to the international action which could be undertaken on behalf of children.

501. With reference to the Programme of Action (A/33/262, sect. III), it was noted that paragraph 1 (v) called for strict legislation against the offences covered by article 4 of the Convention. Such offences merited severe punishment. It was stressed that paragraph 20 of the Programme of Action, which stated that captured freedom fighters should be entitled to prisoner-of-war status, was of concern to the Committee, as was paragraph 36, concerning invitations to hold sessions in different regions.

### C. Future activities of the Committee

502. The representative of the Secretary-General informed the Committee at its nineteenth session of the future activities envisaged by the United Nations under the Programme of the Decade and stated that the Committee may wish to consider the possibility of being represented at the regional seminar on recourse procedures (July 1979), at the round table on the teaching of racial discrimination (November 1979) and at the international colloquium on racial discrimination to be organized by the United Nations Institute of Training and Research in 1980.

503. The Committee agreed to designate one of its members, Mr. Mohied-Din Nabavi, to participate on its behalf at the United Nations Seminar on Recourse Procedures available to victims of racial discrimination and activities to be undertaken at the regional level (Geneva, 9-20 July 1979); and another member, Mr. Karl Josef Partsch, to represent the Committee at the Round Table of University Professors and Directors of Race Relations Institutions on the Teaching of Problems of Racial Discrimination (Geneva, 5-9 November 1979). It also agreed to take a decision regarding the UNITAR Colloquium to be held in 1980 at its twentieth session. With respect to the second World Conference scheduled for 1982, the Chairman suggested that the Committee should take a decision regarding its participation in that conference in 1981, which would allow time for it to evaluate developments that will have taken place in the interim period.

504. At its twentieth session, the Committee considered this item at the 449th meeting, held on 9 August 1979.

505. Mr. Nabavi, who participated as Committee representative in the Seminar on Recourse Procedures available to victims of racial discrimination and activities to be undertaken at the regional level, held in Geneva from 9 to 20 July 1979, reported to the Committee on the work of the Seminar and on his participation in the Seminar's deliberations. He informed the Committee that the Seminar had discussed three main items: (1) existing constitutional, legislative and administrative guarantees at the national level relating to recourse procedures for persons claiming to be victims of acts of racial discrimination; (2) conditions governing the use of such procedures and an evaluation of their effectiveness; and (3) activities at the regional level. As representative of the Committee, Mr. Nabavi had on several occasions presented the Committee's position with regard to the obligations of States parties under the Convention, in particular those under articles 4 and 6. There had been a long discussion at the Seminar concerning a point raised by Mr. Blishchenko, a former member of the Committee, in his background paper (BP/1) to the effect that freedom of expression should not be abused so as to constitute an obstacle to the application of the provisions of the Convention, especially article 4. General agreement had been reached in the Seminar that the enjoyment of civil rights referred to in article 5 of the Convention could not be invoked by States parties to prevent implementation of their obligations under article 4. A major contribution was also made to the work of the Seminar by another member of the Committee, Mr. Ténékidès, who prepared a background paper (BP/2) for the Seminar based on the experience of the Committee in the implementation of article 6 of the Convention. Mr. Nabavi further informed the Committee of the conclusions and recommendations of the Seminar which were of direct relevance to the obligations of the States parties and to the Committee's supervisory responsibility for their implementation. The Seminar had been the first of the kind and could, he thought, serve as an example for other meetings on similar or other subjects.

506. Members of the Committee considered that the Committee's participation in the Seminar on Recourse Procedures represented an important contribution to the activities of the Decade. It was essential to maximize the recourse procedures available to individuals and article 14 of the Convention was of paramount importance in that regard. The machinery for the protection of human rights afforded by the Convention would be incomplete as long as States parties to the Convention failed to make declarations under article 14 recognizing the competence of the Committee to consider communications from individuals. The Committee agreed to a proposal by one member that the results of the Seminar should be discussed in the Committee as soon as the report of the Seminar and its conclusion and recommendations were made available to its members.

507. The representative of the Secretary-General recalled that the General Assembly in resolution 33/99 had requested the Secretary-General to submit a report to the Economic and Social Council containing specific suggestions for a programme of activities to accelerate progress in the implementation of the Programme for the Decade. On the basis of the Secretary-General's report (E/1979/15), the Council had adopted resolution 1979/3, in which it recommended to the General Assembly the adoption of a draft resolution by which the Assembly would, inter alia, adopt the five-year programme of activities outlined in the Secretary-General's report, and invite the Committee on the Elimination of Racial Discrimination to monitor the implementation of the provisions of articles 4 and 7 of the Convention.

508. Members of the Committee stated that emphasis should be given to increasing the role of the Committee in implementing the Programme of Action for the Decade. The Committee could take a more active part in seminars and other activities organized by the United Nations. Recommendations of the Economic and Social Council to the General Assembly in its resolution 1979/3 were fully supported. In this connexion it was pointed out that monitoring by the Committee of the implementation of articles 4 and 7 of the Convention would not be enough; and the decision as to which articles should be monitored should be left to the Committee itself. As to the Committee's contribution to the preparations for the second World Conference to Combat Racism and Racial Discrimination, a suggestion was made that the various studies which had been prepared on the Convention might be collected and submitted as part of the documentation for that Conference. The hope was expressed that the efforts made by various organizations in response to the General Assembly's resolution 33/99 would arouse the conscience of peoples throughout the world so that they would bring pressure to bear on their Governments to take more decisive actions against racism and racial discrimination wherever it may be practised.

509. The question of holding sessions of the Committee in different regions, as recommended by the World Conference to Combat Racism and Racial Discrimination, was discussed in connexion with the item concerning Meetings of the Committee in 1980 and 1981 (see chap. VII, paras. 515-518 below).

## VII. MEETINGS OF THE COMMITTEE IN 1980 AND 1981

510. The Committee considered this item of the agenda at its 433rd meeting (nineteenth session), held on 13 April 1979, and at its 450th meeting (twentieth session), held on 13 August 1979.

511. As regards the twenty-first session of the Committee, to be held in the spring of 1980, Mr. Goundiam informed the Committee at its nineteenth session of the possibility that the Government of Senegal might consider extending an invitation to the Committee to hold its twenty-first session in Dakar subject to the consideration of the financial contribution to be made by Senegal in that connexion, on the basis of information supplied by the Secretariat.

512. At the same session, the Committee decided that its twenty-first session would be held in Dakar if an invitation was received from the Government of Senegal, otherwise the session would be held at United Nations Headquarters, New York. The Committee also took decisions concerning the dates and the venue of its other meetings to be held in 1980-1981.

513. At the twentieth session, Mr. Goundiam informed the Committee that the Government of Senegal, having considered the information made available to it by the Secretariat concerning the financial implications of the proposed session, was unable, because of costs involved, to extend an invitation to the Committee to hold its twenty-first session in Dakar.

514. Taking into account the above-mentioned information, the following decisions were taken by the Committee at its nineteenth and twentieth sessions, as appropriate, in connexion with the dates and venue of its sessions to be held in 1980 and 1981.

### Twenty-first session

To be held at United Nations Headquarters, New York, from 24 March to 11 April 1980.

### Twenty-second session

To be held at United Nations Headquarters, New York, from 4 to 22 August 1980.

### Twenty-third session

To be held at the United Nations Office at Geneva from 23 March to 10 April 1981, unless an invitation is received from a State party to the Convention which could be considered by the Committee at one of its 1980 sessions.

### Twenty-fourth session

To be held at United Nations Headquarters, New York, from 3 to 21 August 1981.

515. Also at the twentieth session, members of the Committee noted that in the Programme of Action adopted by the World Conference to Combat Racism and Racial Discrimination, held at Geneva from 14 to 25 August 1978, the Conference recommended that States in different regions should extend invitations to the Committee on the Elimination of Racial Discrimination to hold sessions in those regions, in order to increase awareness of and interest in its activities. Attention of the Committee was drawn to General Assembly resolutions 33/99 and 33/100 of 16 December 1978, which approved and endorsed the Declaration and the Programme of Action adopted by the World Conference. The Committee recognized the importance of holding sessions in various regions of the world and expressed its deep regret that its twenty-first session could not be held in Dakar because of the financial implications.

516. The Committee was of the view that so long as the expenditure to be borne by host Governments was substantial, it would be difficult for the developing countries to host the sessions of the Committee.

517. A draft decision concerning the holding of meetings of the Committee in various regions was prepared by Mr. Ghoneim and submitted to the Committee at its 450th meeting. The Committee adopted by consensus the draft decision with some amendments. Two members expressed some reservations about the decision.

518. The text, as adopted, appears in section VIII B, decision 1 (XX).

VIII. DECISIONS ADOPTED BY THE COMMITTEE AT ITS NINETEENTH AND TWENTIETH SESSIONS

A. Nineteenth session

- 1 (XIX). Procedure to be followed by the Committee in adopting decisions concerning information supplied by a State party relating to conditions in its territory 22/

The Committee on the Elimination of Racial Discrimination

Decides that, when adopting a decision concerning information supplied by a State party to the International Convention on the Elimination of All Forms of Racial Discrimination relating to conditions in its territory, it will follow the procedure of asking the representative of the State party concerned to withdraw from the Committee table as soon as consideration of the report has been completed; the representative may, if he wishes, be present when the Committee's decision is announced.

427th meeting  
9 April 1979

- 2 (XIX). Arrangements for co-operation between the United Nations Educational, Scientific and Cultural Organization and the Committee on the Elimination of Racial Discrimination in the implementation of article 7 of the Convention 23/

The Committee on the Elimination of Racial Discrimination,

Having considered the question of its co-operation with the United Nations Educational, Scientific and Cultural Organization,

Having studied the Declaration on Race and Racial Prejudice, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization at its twentieth session on 27 November 1978, and the resolution on the implementation of the Declaration,

Recalling its decision adopted at the 381st meeting, on 3 April 1978, to seek the assistance of the United Nations Educational, Scientific and Cultural Organization in implementing the provisions of article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination,

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22/ See sect. IV, paras. 482-484, above.

23/ See sect. III, paras. 39-40, above.

1. Expresses its deep appreciation to the United Nations Educational, Scientific and Cultural Organization and to its Director-General for the kind invitation extended to the Committee to hold its nineteenth session at the headquarters of the United Nations Educational, Scientific and Cultural Organization and for their continued co-operation with the Committee in its work;

2. Suggests to the Director-General of the United Nations Educational, Scientific and Cultural Organization that, when requesting information from States members of that organization on the implementation of the aforementioned Declaration, he take fully into account the requirements of the reporting obligations undertaken by States parties to the International Convention on the Elimination of All Forms of Racial Discrimination in accordance with article 9 thereof, with a view to avoiding duplication;

3. Invites the United Nations Educational, Scientific and Cultural Organization to transmit to the Committee periodically information on the experience gained by it in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnic groups, as specified in article 7 of the Convention;

4. Further invites the United Nations Educational, Scientific and Cultural Organization to transmit to the Committee suggestions for the preparation of general guidelines that might assist the States parties in implementing article 7 of the Convention.

431st meeting  
12 April 1979

B. Twentieth session

1 (XX). Future meetings of the Committee 24/

The Committee on the Elimination of Racial Discrimination,

Taking note with appreciation of the Programme of Action adopted by the World Conference to Combat Racism and Racial Discrimination, held at Geneva from 14 to 25 August 1978, in which the Conference recommended that States in different regions extend invitations to the Committee on the Elimination of Racial Discrimination to hold sessions in those different regions, in order to increase awareness of and interest in its activities, 25/

Taking note that the General Assembly in its resolutions 33/99 and 33/100 of 16 December 1978 approved and endorsed the Declaration and the Programme of Action adopted by the World Conference,

Being convinced that holding of Committee sessions in various regions would increase awareness and interest of the people of the regions concerned in the

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24/ See sect. VII, paras. 515-518, above.

25/ See A/33/262, sect. III, para. 36.

provisions of the International Convention on the Elimination of All Forms of Racial Discrimination and in the activities of the Committee,

Being aware of the fact that many of the developing countries which have expressed the wish to invite the Committee to hold sessions on their territories are unable to extend such invitations because of the heavy cost to be borne by them in accordance with General Assembly resolution 31/140 of 17 December 1976,

1. Recommends to the General Assembly to consider the adoption of appropriate measures in order to facilitate the holding of Committee sessions in various regions by taking into account the difficulties of the developing countries with respect to the payment of the costs for holding of such meetings;

2. Requests the Secretary-General of the United Nations to inform the Committee of the action taken by the General Assembly in connexion with the above recommendations of the Committee.

450th meeting  
13 August 1979



## ANNEX I

States parties to the International Convention on the  
Elimination of All Forms of Racial Discrimination as  
at 17 August 1979

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

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>
Guinea	14 March 1977	13 April 1977
Guyana	15 February 1977	17 March 1977
Haiti	19 December 1972	18 January 1973
Holy See	1 May 1969	31 May 1969
Hungary	4 May 1967	4 January 1969
Iceland	13 March 1967	4 January 1969
India	3 December 1968	4 January 1969
Iran	29 August 1968	4 January 1969
Iraq	14 January 1970	13 February 1970
Israel	3 January 1979	2 February 1979
Italy <u>c/</u>	5 January 1976	4 February 1976
Ivory Coast	4 January 1973 <u>a/</u>	3 February 1973
Jamaica	4 June 1971	4 July 1971
Jordan	30 May 1974 <u>a/</u>	29 June 1974
Kuwait	15 October 1968 <u>a/</u>	4 January 1969
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
Mali	16 July 1974 <u>a/</u>	15 August 1974
Malta	27 May 1971	26 June 1971
Mauritius	30 May 1972 <u>a/</u>	29 June 1972
Mexico	20 February 1975	22 March 1975
Mongolia	6 August 1969	5 September 1969
Morocco	18 December 1970	17 January 1971
Nepal	30 January 1971 <u>a/</u>	1 March 1971
Netherlands <u>c/</u>	10 December 1971	9 January 1972
New Zealand	22 November 1972	22 December 1972
Nicaragua	15 February 1978 <u>a/</u>	17 March 1978
Niger	27 April 1967	4 January 1969
Nigeria	16 October 1967 <u>a/</u>	4 January 1969
Norway <u>c/</u>	6 August 1970	5 September 1970
Pakistan	21 September 1966	4 January 1969
Panama	16 August 1967	4 January 1969
Peru	29 September 1971	29 October 1971
Philippines	15 September 1967	4 January 1969
Poland	5 December 1968	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>
Qatar	22 July 1976 <u>a/</u>	21 August 1976
Republic of Korea	5 December 1978	4 January 1979
Romania	15 September 1970 <u>a/</u>	15 October 1970
Rwanda	16 April 1975 <u>a/</u>	16 May 1975
Senegal	19 April 1972	19 May 1972
Seychelles	7 March 1978 <u>a/</u>	6 April 1978
Sierra Leone	2 August 1967	4 January 1969
Somalia	26 August 1975	25 September 1975
Spain	13 September 1968 <u>a/</u>	4 January 1969
Sudan	21 March 1977 <u>a/</u>	20 April 1977
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
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 Cameroon	24 June 1971	24 July 1971
United Republic of Tanzania	27 October 1972 <u>a/</u>	26 November 1972
Upper Volta	18 July 1974 <u>a/</u>	17 August 1974
Uruguay <u>c/</u>	30 August 1968	4 January 1969
Venezuela	10 October 1967	4 January 1969
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 receipt of notification of succession.

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

## ANNEX II

Membership of the Committee

<u>Name of member</u>	<u>Country of nationality</u>	<u>Term expires on 19 January</u>
Mr. Yuli BAHNEV	Bulgaria	1980
Mr. Pedro BRIN MARTINEZ	Panama	1980
Mr. Rajeshwar DAYAL	India	1980
Mr. André DECHEZELLES	France	1980
Mr. Silvo DEVETAK	Yugoslavia	1980
Mr. Abdel Moneim M. GHONEIM	Egypt	1982
Mr. Ousmane GOUNDIAM	Senegal	1982
Mr. George O. LAMPTEY	Ghana	1982
Mr. Mohied-Din NABAVI	Iran	1980
Mr. Erik NETTEL	Austria	1980
Mr. Karl Josef PARTSCH	Germany, Federal Republic of	1982
Mr. Fayez A. SAYEGH	Kuwait	1982
Mr. Agha SHAHI	Pakistan	1982
Mr. Eduard P. SVIRIDOV <u>a/</u>	Union of Soviet Socialist Republics	1980
Mr. Georges TENEKIDES	Greece	1982
Mr. Luis VALENCIA RODRIGUEZ	Ecuador	1982
Mr. Federico VIDELA ISCALADA	Argentina	1980
Mr. Shuaib Uthman YOLAH <u>a/</u>	Nigeria	1982

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a/ See sect. I, paras. 4-7 above.

### ANNEX III

Statement by the Director-General of the United Nations Educational, Scientific and Cultural Organization at the opening meeting of the nineteenth session of the Committee

"I am happy to welcome you to UNESCO House on the occasion of the nineteenth session of the Committee on the Elimination of Racial Discrimination, which is thus meeting for the first time at the headquarters of a specialized agency of the United Nations.

The Committee is concerned with the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination; after the Geneva Red Cross Conventions, this is the human rights instrument which has received the largest number of ratifications. The Committee is thus one of the pillars of the struggle against racism at the international level. Naturally, then, it enjoys the support of the United Nations Educational, Scientific and Cultural Organization whose purpose is, according to its Constitution, 'to contribute to peace and security by promoting collaboration among the nations through education, science and culture in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms which are affirmed for the peoples of the world, without distinction of race, sex, language or religion, by the Charter of the United Nations'.

UNESCO, from this point of view, has been active at three different but complementary levels.

Mention may be made, first, of the studies and research on racial discrimination, the purpose of which is to shed light on the causes of this phenomenon in order better to contribute to its elimination and which consist of studies on certain specific social situations and theoretical, epistemological and methodological research.

Analysis of the causes of the marginalization of minority groups in a national society and of the way in which ethnic boundaries are maintained, on the one hand, and observation of ways of settling conflicts between ethnic groups, on the other, provide highly valuable material for understanding the mechanisms of racism and formulating norms whereby discrimination may be replaced by understanding and solidarity.

In this connexion, numerous studies have been published concerning, inter alia, the foundations of racism in Rhodesia and South Africa, the relations between ethnic groups in various African, Asian and Latin American countries, the effects of colonization on the relations between ethnic structures and social stratification.

The second level of action concerns standard setting.

This work began in 1950, when a group of specialists acting in a personal capacity was called upon to set out in simple and concise language the findings

of a scientific inquiry into the nature of racial differences and the lessons which might be relevant to social relations.

The Statement on Race (1950) and the Statement on the Nature of Race and Race Differences (1951), which resulted from this work, reject the idea that there are in the human species fundamental differences due to race and condemn the theories based on the superiority of one race over the others. These two Statements, however, refer mainly to the biological and anthropological aspects of the problem and do not take into account the factors bound up with the economic and social situation of the human communities, which are today considered to be essential.

The need to consider these factors led to the convening of a Meeting of Experts in Moscow in August 1964. The 'Proposals on the biological aspects of race', which emerged from it, add to the two earlier Statements by making an important contribution in respect of the interaction of genetic and cultural aspects.

The Statement on Race and Racial Prejudice (1967), reflecting the multidisciplinary work of a Committee on Experts convened by UNESCO in September 1967, sought to elucidate the genesis of racist theories on the basis of scientific analyses that are universal in scope.

It was then that the General Conference at its seventeenth session decided to prepare a Declaration which would be submitted to member States for adoption whereas all the previous Statements had been adopted by committees of experts, i.e. by persons undoubtedly invested with scientific and moral authority but who could not commit their Governments. I do not need to dwell on the many obstacles that had to be overcome, nor on the numerous difficulties that had to be smoothed out in order to arrive at the final text.

Submitted to the General Conference at its twentieth session, the Declaration gives a coherent over-all picture of the challenges presented by racism, which are biological, sociological and juridical as well as cultural, political, economic and ethical. It is a reference instrument that is all the more fundamental in that its unanimous adoption by the representatives of all member States heightens its moral authority.

Adopted by acclamation, this Declaration (of which you may obtain copies) tries both to place racism against the background of the various intellectual disciplines and to make each individual, each State and each international organization aware of the responsibilities incumbent upon them in their common struggle against this scourge.

It lays down the fundamental principle of the equality of all human beings and hence of the unity of the human race. Condemning all those theories that postulate inequalities in the endowments or calling of different peoples, it affirms the right of men and groups to lay claim to their own identity, to consider themselves as different and to be regarded as such; but, at the same time, it provides that this right cannot be invoked by anyone seeking to justify a discriminatory practice on the basis of differences in ethnic group, colour or religion for the purpose of establishing inequality among those displaying such differences. It consequently calls in question policies of forced assimilation that seek to destroy the specific character of a people as well as policies of segregation that are arbitrary because they are in conflict with the rights of nations and the rights of peoples.

Linking the practices, attitudes and prejudices stemming from racism and the inequalities in power that to varying degrees facilitate their development, the Declaration seeks at one and the same time to refute racist ideas and to combat the socio-economic inequalities underlying and reinforcing them.

At the same time as the Declaration, also during the twentieth session of the General Conference, the member States of UNESCO adopted a resolution concerning its implementation, designed to give concrete relevance to the text and to ensure that it has practical and effective repercussions.

Furthermore, the General Conference adopted at its twentieth session, also unanimously and by acclamation, the Declaration on fundamental principles concerning the contribution of the mass media to strengthening peace and international understanding, to the promotion of human rights and to countering racialism, apartheid and incitement to war, which bolsters the general activities to counter racialism with a set of specific provisions concerning the role of information and the rights and duties of the press.

We must take a clear look at the reality of the world around us. Despite the Universal Declaration of Human Rights adopted over 30 years ago, despite the Decade of Action to Combat Racism and Racial Discrimination proclaimed by the United Nations in 1973, and International Anti-apartheid Year which has just ended, despite the relentless efforts of the international community, among which those of this Committee occupy such an important place, and despite that most recent findings of scientific and historical studies which destroy the fallacious theories of a racial rank order, racial prejudice is still rampant. Whether masked, implicit or officialized, it crops up again regularly everywhere, particularly when a crisis situation aggravates individual or group frustrations.

We must, therefore, more than ever, join forces to combat it.

By adopting the Declaration on Race and Racial Prejudice, the General Conference showed the willingness of UNESCO to collaborate with this Committee by urging member States to 'consider the possibility of ratifying, if they have not yet done so, the international instruments designed to aid in countering and eliminating racial discrimination, and in particular the International Convention on the Elimination of All Forms of Racial Discrimination ...' and 'to take appropriate measures, including the passing of laws, guided by the provisions of articles 4 and 6 of the International Convention on the Elimination of All Forms of Racial Discrimination, with a view to preventing and punishing acts of racial discrimination and ensuring that fair and adequate reparation is made to the victims of racial discrimination'.

Article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination provides for a special link between this Committee and UNESCO, by calling on States 'to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups ...'.

Mindful of the important role of education in promoting human rights and countering racial discrimination, the UNESCO General Conference, which had provided itself with a major instrument as long ago as 1960 - the Convention

Against Discrimination in Education - adopted, in 1974, a Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms.

That is the third level of UNESCO action which is likely to be of very special interest to this Committee. And numerous initiatives taken at this level - concerning both the preparation of suitable teaching material in the various branches of study and the training of university teachers of human rights - recently culminated in the International Congress on the Teaching of Human Rights, which was held in Vienna in September 1978. In addition, UNESCO has since instituted a prize for the teaching of human rights, which will be awarded in a few days' time.

There is no concealing the fact that the struggle against racism and racial discrimination is one of the most difficult struggles, for it must constantly change its approach and find new methods in order to adapt to the always hideous but ever-changing faces of racism.

However far back one looks into the past, one finds, as soon as men from different groups come into contact, various forms of collective prejudice which can give rise to serious antagonisms. But it was during the last five centuries, with the building up of a world economy, that human aggressivity was strengthened materially by an ever-increasing stock of arms and morally by theories based on inequalities between races, ethnic groups and cultures. Just as increasingly sophisticated and destructive weapons have been produced over the centuries, manifestations of racial or social discrimination have gradually become more 'refined' and emerged as genocide or assumed more subtle and devious forms.

It is for this reason that the achievement of peace and the establishment of a more harmonious world in which human aggressivity will finally yield to good nature depend as much on the progress made in reaching understanding among nations with a view to true disarmament as on the conquest of poverty and of all forms of racial and social segregation. Mutual suspicion and contempt, the will to dominate or to exterminate, lie at the root of all conflicts past or present.

While apartheid currently constitutes the extreme form of institutionalized racism, racial discrimination or manifestations of a racist character are no less prevalent in the societies which consider themselves to be the most liberal and democratic. As economic or social difficulties are aggravated, so racism in those societies assumes a more aggressive form. One has only to read the press of many countries to be convinced of that. But racial prejudice is not always avowed; it is often cloaked in false pretexts or adorned with ideological, pseudo-scientific or even nationalist justifications, all the better to juggle with the moral issues.

We must therefore constantly remove the masks and thwart the subterfuges so as to be able to pull up the roots of the evil one by one, if we wish to leave a peaceful and united world to today's children.

Racism is an aberration, a relic of barbarity in the conscience of modern man, as is the frantic race to produce arms whose utilization would endanger the very existence of the human species. Indeed, does not this arms race in fact demonstrate the permanence, in different forms, of age-old prejudices left over from the time when a community was often closed to others because it saw in them only the threat of the unknown and of death?



Today, in a world characterized by the global nature of problems and the growing interdependence of nations, and also by the desire of each people that its dignity be respected, there is no more urgent task than that of uniting the dynamic forces of the whole of mankind to combat the scourges which threaten it and to combat racism and racial prejudice, whenever they occur and by every possible means, so as to banish them from the memory of every man, woman and child.

In this struggle, which is part of man's struggle to be reconciled with himself, the Committee is in the front line. May its voice be heard. That is my hope as I wish you every success in your work."

## ANNEX IV

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

(11 August 1978 to 17 August 1979)

<u>State party</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s) sent, if any</u>
A. <u>Initial reports</u>			
Burundi	26 November 1978	NOT YET RECEIVED	(1) 25 April 1979
Guyana	17 March 1978	NOT YET RECEIVED	(1) 21 April 1978 (2) 15 September 1978 (3) 25 April 1979
Liberia	5 December 1977	NOT YET RECEIVED	(1) 21 April 1978 (2) 15 September 1978 (3) 25 April 1979
Luxembourg	1 June 1979	NOT YET RECEIVED	-
Nicaragua	17 March 1979	NOT YET RECEIVED	(1) 25 April 1979
Seychelles	6 April 1979	30 April 1979	(1) 25 April 1979
Sudan	20 April 1978	NOT YET RECEIVED	(1) 15 September 1978 (2) 25 April 1979
Togo	1 October 1973	NOT YET RECEIVED	(1) 30 April 1974 (2) 20 September 1974 (3) 20 May 1975 (4) 1 October 1975 (5) 30 April 1976 (6) 27 August 1976 (7) 27 April 1977 (8) 26 September 1977 (9) 25 April 1979

a/ For the reminders to be sent to the States parties concerned, in accordance with the request of the Committee at its twentieth session and rule 66 of the provisional rules of procedure, see: sect. IV, para. 49 above.

<u>State party</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s) sent, if any</u>
B. <u>Second periodic reports</u>			
Australia	30 October 1978	9 April 1979	—
Bahamas	5 August 1978	8 January 1979	(1) 15 September 1978
Belgium	6 September 1978	9 October 1978	—
Ethiopia	25 July 1979	NOT YET RECEIVED	—
Italy	4 February 1979	22 June 1979	(1) 25 April 1979
Ivory Coast	4 February 1976	NOT YET RECEIVED	(1) 30 April 1976 (2) 1 October 1976 (3) 27 April 1977 (4) 26 September 1977 (5) 15 September 1978 (6) 25 April 1979
Lebanon	12 December 1974	NOT YET RECEIVED	(1) 1 October 1975 (2) 30 April 1976 (3) 27 April 1977 (4) 26 September 1977
Mali	15 August 1977	3 July 1979	(1) 26 September 1977 (2) 21 April 1978 (3) 15 September 1978 (4) 25 April 1979
Qatar	22 August 1979	23 July 1979	—
Rwanda	16 May 1978	2 July 1979	(1) 15 September 1978 (2) 25 April 1979
Somalia	27 September 1978	NOT YET RECEIVED	(1) 25 April 1979
Togo	1 October 1975	NOT YET RECEIVED	(1) 30 April 1976 (2) 27 August 1976 (3) 27 April 1977 (4) 26 September 1977 (5) 25 April 1979
Upper Volta	18 August 1977	11 October 1978	(1) 26 September 1977 (2) 21 April 1978 (3) 15 September 1978
Zaire	21 May 1979	NOT YET RECEIVED	—

<u>State party</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s) sent, if any</u>
<b>B. <u>Second periodic reports (continued)</u></b>			
Zambia	5 March 1975	NOT YET RECEIVED	(1) 20 May 1975 (2) 1 October 1975 (3) 30 April 1976 (4) 27 August 1976 (5) 27 April 1977 (6) 26 August 1977 (7) 25 April 1979
<b>C. <u>Third periodic reports</u></b>			
Barbados	10 December 1977	NOT YET RECEIVED	(1) 21 April 1978 (2) 15 September 1978
Botswana	22 March 1979	NOT YET RECEIVED	(1) 25 April 1979
Democratic Yemen	19 November 1977	30 July 1979	(1) 21 April 1978 (2) 15 September 1978 (3) 25 April 1979
Haiti	18 January 1978	NOT YET RECEIVED	(1) 21 April 1978 (2) 15 September 1978 (3) 25 April 1979
Ivory Coast	4 February 1978	NOT YET RECEIVED	(1) 15 September 1978 (2) 25 April 1979
Jordan	30 June 1979	NOT YET RECEIVED	—
Lao People's Democratic Republic	24 March 1979	NOT YET RECEIVED	(1) 25 April 1979
Lebanon	12 December 1976	NOT YET RECEIVED	(1) 27 April 1977 (2) 26 September 1977
Mali	15 August 1979	3 July 1979	—
Togo	1 October 1977	NOT YET RECEIVED	(1) 25 April 1979
Trinidad and Tobago	4 November 1978	NOT YET RECEIVED	(1) 25 April 1979
United Arab Emirates	21 July 1979	20 July 1979	—
United Republic of Tanzania	26 November 1977	NOT YET RECEIVED	(1) 21 April 1978 (2) 15 September 1978 (3) 25 April 1979

<u>State party</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s) sent, if any</u>
<u>C. Third periodic reports (continued)</u>			
Zambia	5 March 1977	NOT YET RECEIVED	(1) 27 April 1977 (2) 26 August 1977 (3) 25 April 1979
<u>D. Fourth periodic reports</u>			
Algeria	15 March 1979	19 April 1979	—
Austria	8 June 1979	11 July 1979	—
Canada	12 November 1977	1 December 1978	(1) 15 September 1978
Central African Empire	14 April 1978	NOT YET RECEIVED	(1) 15 September 1978 (2) 25 April 1979
Chile	20 November 1978	22 November 1978 27 March 1979	—
Costa Rica	5 January 1976	NOT YET RECEIVED	(1) 30 April 1976 (2) 1 October 1976 (3) 27 April 1977 (4) 26 September 1977 (5) 15 September 1978 (6) 25 April 1979
Cuba	16 March 1979	27 April 1979	—
Democratic Yemen	19 November 1979	30 July 1979	—
Denmark	8 January 1979	15 March 1979	—
France	28 August 1978	6 February 1979	—
Iraq	15 February 1977	9 July 1979	(1) 27 April 1977 (2) 21 April 1978 (3) 15 September 1978 (4) 25 April 1979
Jamaica	5 July 1978	NOT YET RECEIVED	(1) 15 September 1978 (2) 25 April 1979
Lebanon	12 December 1978	NOT YET RECEIVED	—
Lesotho	4 December 1978	6 June 1979	(1) 25 April 1979
Malta	26 June 1978	NOT YET RECEIVED	(1) 15 September 1978 (2) 25 April 1979

<u>State party</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s) sent, if any</u>
D. <u>Fourth periodic reports (continued)</u>			
Mauritius	29 June 1979	NOT YET RECEIVED	—
Nepal	1 March 1978	NOT YET RECEIVED	(1) 21 April 1978 (2) 15 September 1978 (3) 25 April 1979
Netherlands	9 January 1979	4 May 1979	—
Peru	30 October 1978	16 July 1979	(1) 25 April 1979
Romania	14 October 1977	15 August 1978	(1) 21 April 1978
Senegal	18 May 1979	NOT YET RECEIVED	—
Sierra Leone	5 January 1976	NOT YET RECEIVED	(1) 30 April 1976 (2) 27 August 1976 (3) 27 April 1977 (4) 26 August 1977 (5) 25 April 1979
Swaziland	6 May 1976	NOT YET RECEIVED	(1) 27 August 1976 (2) 27 April 1977 (3) 26 August 1977 (4) 21 April 1978 (5) 15 September 1978 (6) 25 April 1979
Sweden	5 January 1979	15 January 1979	—
Tonga	17 March 1979	NOT YET RECEIVED	(1) 25 April 1979
United Republic of Cameroon	24 July 1978	14 February 1979	(1) 15 September 1978
Zambia	5 March 1979	NOT YET RECEIVED	(1) 25 April 1979

E. Fifth periodic reports

Costa Rica	5 January 1978	NOT YET RECEIVED	(1) 15 September 1978 (2) 25 April 1979
Ecuador	5 January 1978	2 March 1979 27 March 1979	(1) 21 April 1978 (2) 15 September 1978
Finland	16 August 1979	NOT YET RECEIVED	—
Germany, Federal Republic of	14 June 1978	27 February 1979	—

<u>State party</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s) sent, if any</u>
E. <u>Fifth periodic reports (continued)</u>			
Greece	19 July 1979	21 July 1979	--
Holy See	1 June 1978	NOT YET RECEIVED	(1) 15 September 1978 (2) 25 April 1979
India	5 January 1978	5 March 1979	(1) 21 April 1978 (2) 15 September 1978
Iraq	15 February 1979	9 July 1979	(1) 25 April 1979
Libyan Arab Jamahiriya	5 January 1978	20 December 1978	(1) 21 April 1978 (2) 15 September 1978
Mongolia	4 September 1978	NOT YET RECEIVED	(1) 25 April 1979
Niger	5 January 1978	19 December 1978	(1) 21 April 1978 (2) 15 September 1978
Nigeria	5 January 1978	12 January 1979	(1) 21 April 1978 (2) 15 September 1978
Philippines	5 January 1978	12 December 1978 <u>b/</u>	--
Sierra Leone	5 January 1978	NOT YET RECEIVED	(1) 25 April 1979
Spain	5 January 1978	23 February 1979 <u>b/</u>	--
Swaziland	6 May 1978	NOT YET RECEIVED	(1) 15 September 1978 (2) 25 April 1979
Venezuela	5 January 1978	NOT YET RECEIVED	(1) 21 April 1978 (2) 25 April 1978
Yugoslavia	5 January 1978	24 August 1978	--

F. Additional information requested by the Committee

<u>States parties which were requested to submit additional information</u>	<u>Requested by the Committee at its</u>	<u>Date of submission</u>
Sierra Leone	Tenth session	NOT YET RECEIVED
Lebanon	Twelfth session	NOT YET RECEIVED
Brazil	Eighteenth session	17 July 1979
Libyan Arab Jamahiriya	Nineteenth session	NOT YET RECEIVED

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

## ANNEX V

Consideration by the Committee at its nineteenth and twentieth  
sessions of the reports submitted by States parties under  
article 9 of the Convention

State party	Type of report					Meetings at which considered	Date of meetings
	Initial	Second	Third	Fourth	Fifth		
Philippines					x	409	27 March 1979
Ethiopia	x					410	27 March 1979
Mongolia				x		411	28 March 1979
Mexico		x				411-412	28 March 1979
Union of Soviet Socialist Republics					x	412	28 March 1979
Bulgaria					x	413-414	29 March 1979
Spain					x	414	29 March 1979
New Zealand			x			414-415	29-30 March 1979
German Democratic Republic			x			415-416	30 March 1979
Syrian Arab Republic					x	416	30 March 1979
Byelorussian Soviet Socialist Republic					x	417	2 April 1979
Somalia	x					417	2 April 1979
Ukrainian Soviet Socialist Republic					x	418	2 April 1979
Panama					x	418-419	2-3 April 1979
Senegal			x			419-420	3 April 1979
Fiji			x			420	3 April 1979
Chad	x					420	3 April 1979
Greece				x		421-422	4 April 1979
Romania				x		422	4 April 1979
Yugoslavia					x	422-423	4-5 April 1979
Belgium		x				423-424	5 April 1979



State party	Type of report					Meetings at which considered	Date of meetings
	Initial	Second	Third	Fourth	Fifth		
Upper Volta		x				424	5 April 1979
Chile				x		424-425	5-6 April 1979
Canada				x		425-426	6 April 1979
Niger					x	426	6 April 1979
Libyan Arab Jamahiriya					x	426-427	6 April 1979
Mauritius			x			435-436	31 July 1979
Nigeria					x	436	31 July 1979
Sweden				x		436-437	31 July- 1 August 1979
Bahamas		x				438	1 August 1979
France				x		438-439	1-2 August 1979
Germany, Federal Republic of					x	439-440	2 August 1979
Ecuador					x	440	2 August 1979
India					x	441-442	3 August 1979
United Republic of Cameroon				x		442	3 August 1979
Denmark				x		442-443	3 and 6 August 1979
Australia		x				443-444	6 August 1979
Algeria				x		444-445	6-7 August 1979
Cuba				x		445-446	7 August 1979
Netherlands				x		446-447	7-8 August 1979
Seychelles	x					447	8 August 1979
Lesotho				x		447-448	8 August 1979
Rwanda		x				448	8 August 1979

ANNEX VI

Documents received by the Committee on the Elimination of Racial Discrimination at its nineteenth and twentieth 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.1214 and Add.1)

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

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

1. The Special Committee did not submit copies of petitions in 1978-1979, falling under the terms of article 15 of the Convention.

2. Copies of reports and working papers submitted by the Special Committee:

Western Sahara	A/33/23/Add.3, chapter IX
East Timor	A/33/23/Add.3, chapter X
Falkland Islands (Malvinas)	A/33/23/Add.7, chapter XXVIII
Belize	A/33/23/Add.7, chapter XXIX
Antigua, St. Kitts-Nevis-Anguilla, and St. Vincent	A/33/23/Add.7, chapter XXX
New Hebrides	A/AC.109/L.1282
Pitcairn	A/AC.109/L.1283
Southern Rhodesia	A/AC.109/L.1284 and Add.1 and 2
Tokelau	A/AC.109/L.1285
St. Helena	A/AC.109/L.1286
British Virgin Islands	A/AC.109/L.1287
Namibia	A/AC.109/L.1289 and Add.1
Gilbert Islands	A/AC.109/L.1293
Bermuda	A/AC.109/L.1294
Montserrat	A/AC.109/L.1295

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a/ See: sect. V, para. 490 above.

Turks and Caicos Islands	A/AC.109/L.1296
Cayman Islands	A/AC.109/L.1297
United States Virgin Islands	A/AC.109/L.1298
American Samoa	A/AC.109/L.1299
Activities of foreign economic and other interests in Namibia	A/AC.109/L.1300
Activities of foreign economic and other interests in Bermuda	A/AC.109/L.1301
Activities of foreign economic and other interests in Cayman Islands	A/AC.109/L.1302
Activities of foreign economic and other interests in Turks and Caicos Islands	A/AC.109/L.1303
Activities of foreign economic and other interests in Southern Rhodesia	A/AC.109/L.1304
Cocos (Keeling) Islands	A/AC.109/L.1305
Military activities in Southern Rhodesia	A/AC.109/L.1314
Trust Territory of the Pacific Islands	A/AC.109/L.1315
Gibraltar	A/AC.109/L.1316
Military activities in Belize, Bermuda, Turks and Caicos Islands and United States Virgin Islands	A/AC.109/L.1317
Military activities in Namibia	A/AC.109/L.1318

ANNEX VII

List of documents issued for the nineteenth and twentieth sessions  
of the Committee on the Elimination of Racial Discrimination

A. Nineteenth session

Documents issued in the general series

CERD/C/16/Add.2	Second periodic report of Belgium
CERD/C/16/Add.3	Second periodic report of the Bahamas
CERD/C/18/Add.2	Fourth periodic report of Chile
CERD/C/18/Add.3	Fourth periodic report of France
CERD/C/18/Add.4	Fourth periodic report of the United Republic of Cameroon
CERD/C/18/Add.5	Fourth periodic report of Chile
CERD/C/20/Add.27	Fifth periodic report of Yugoslavia
CERD/C/20/Add.28	Fifth periodic report of the Niger
CERD/C/20/Add.29	Fifth periodic report of the Libyan Arab Jamahiriya
CERD/C/20/Add.30	Fifth periodic report of the Philippines
CERD/C/20/Add.31	Fifth periodic report of Nigeria
CERD/C/20/Add.32	Fifth periodic report of the Federal Republic of Germany
CERD/C/20/Add.33	Fifth periodic report of Spain
CERD/C/20/Add.34	Fifth periodic report of India
CERD/C/20/Add.35	Fifth periodic report of Ecuador
CERD/C/29/Add.1	Second periodic report of Trinidad and Tobago, supplementary information
CERD/C/41	Fourth periodic report of Greece
CERD/C/42	Fourth periodic report of Romania

CERD/C/43	Provisional agenda and annotations of the nineteenth session of the Committee: note by the Secretary-General
CERD/C/44	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/45	Initial reports of States parties due in 1979: note by the Secretary-General
CERD/C/46	Second periodic reports of States parties due in 1979: note by the Secretary-General
CERD/C/47	Third periodic reports of States parties due in 1979: note by the Secretary-General
CERD/C/48	Fourth periodic reports of States parties due in 1979: note by the Secretary-General
CERD/C/48/Add.1	Fourth periodic report of Sweden
CERD/C/48/Add.2	Fourth periodic report of Denmark
CERD/C/49	Action by the General Assembly at its thirty-third session on the annual report submitted by the Committee on the Elimination of Racial Discrimination under article 9, paragraph 2, of the Convention
CERD/C/50	Fifth periodic reports of States parties due in 1979: note by the Secretary-General
CERD/C/51	Second periodic report of Upper Volta
CERD/C/52	Fourth periodic report of Canada
CERD/C/SR.407 to 433	Summary records of the nineteenth session of the Committee

#### B. Twentieth session

##### Documents issued in the general series

CERD/C/16/Add.4	Second periodic report of Australia
CERD/C/16/Add.5	Second periodic report of Rwanda
CERD/C/18/Add.6	Fourth periodic report of Lesotho

CERD/C/18/Add.7	Fourth periodic report of Peru
CERD/C/20/Add.36	Fifth periodic report of Ecuador
CERD/C/45/Add.1	Initial report of Seychelles
CERD/C/46/Add.1	Second periodic report of Italy
CERD/C/46/Add.2	Second periodic report of Qatar
CERD/C/47/Add.1	Third periodic report of Mali
CERD/C/47/Add.2	Third periodic report of the United Arab Emirates
CERD/C/48/Add.3	Fourth periodic report of Algeria
CERD/C/48/Add.4 and Corr.1 (Spanish only)	Fourth periodic report of Cuba
CERD/C/48/Add.5	Fourth periodic report of the Netherlands
CERD/C/48/Add.6	Fourth periodic report of Austria
CERD/C/48/Add.7	Fourth periodic report of Democratic Yemen
CERD/C/50/Add.1	Fifth periodic report of Iraq
CERD/C/50/Add.2	Fifth periodic report of Greece
CERD/C/53	Provisional agenda and annotations of the twentieth session of the Committee: note by the Secretary-General
CERD/C/54	Filling of a vacancy in the Committee in accordance with article 8, paragraph 5 (b), of the Convention and rule 13 of the provisional rules of procedure
CERD/C/55	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/56 and Add.1	Filling of a vacancy in the Committee in accordance with article 8, paragraph 5 (b), of the Convention and rule 13 of the provisional rules of procedure
CERD/C/SR.434-455	Summary records of the twentieth session of the Committee

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