

REPORT
OF THE
COMMITTEE
ON THE ELIMINATION
OF RACIAL DISCRIMINATION

GENERAL ASSEMBLY
OFFICIAL RECORDS: THIRTY-SEVENTH SESSION
SUPPLEMENT No. 18 (A/37/18)



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New York, 1982

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.

[23 September 1982]

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LETTER OF TRANSMITTAL

20 August 1982

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 1982 and, at its 597th meeting held today, unanimously adopted the attached report in fulfilment of its obligations under the Convention; it is submitted to you herewith for transmission to the General Assembly at its thirty-seventh session.

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

Accept, Sir, the assurances of my highest consideration.

(Signed) José D. INGLES
Chairman of the Committee
on the Elimination of
Racial Discrimination

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

I. INTRODUCTION

A. States parties to the Convention

1. On 20 August 1982, the closing date of the twenty-sixth session of the Committee on the Elimination of Racial Discrimination, there were 115 States parties to the International Convention on the Elimination of All Forms of Racial Discrimination, which was adopted by the General Assembly of the United Nations in resolution 2106 A (XX) of 21 December 1965 and opened for signature and ratification in New York on 7 March 1966. The Convention entered into force on 4 January 1969 in accordance with the provisions of its article 19.

2. By the closing date of the twenty-sixth session, only 9 of the 115 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 this declaration, is contained in annex I below.

B. Sessions

3. The Committee on the Elimination of Racial Discrimination held two regular sessions in 1982. The twenty-fifth session (549th-574th meetings) was held from 1 to 19 March 1982 at the United Nations Office at Geneva, and the twenty-sixth session (575th-597th meetings) was held from 2 to 20 August 1982 at United Nations Headquarters, New York.

C. Membership of the Committee

4. In accordance with the provisions of article 8 of the Convention, representatives of the States parties held their Eighth Meeting at United Nations Headquarters on 15 January 1982, 1/ and elected nine members of the Committee on the Elimination of Racial Discrimination, from among the candidates nominated, to replace those whose terms were due to expire on 19 January 1982.

5. At its twenty-fifth session, the Committee was informed that, in a letter dated 12 February 1982 addressed to the Chairman of the Committee, Mr. Manuel Ordóñez had tendered his resignation from membership of the Committee, on account of various reasons which prevented him from carrying out the duties pertaining to Committee membership.

6. 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 549th meeting, held on 1 March 1982, approved by secret ballot the appointment by the Government of Argentina of Mr. Eugenio Carlos José Aramburu to serve as member of the Committee for the remainder of the term of Mr. Ordóñez, which is due to expire on 19 January 1984.

7. At its twenty-sixth session, the Committee was informed of the resignation of Mr. Shuaib Uthman Yolah from Committee membership in view of his appointment as Under-Secretary-General for International Economic and Social Affairs of the United Nations Secretariat.

8. 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 575th meeting, held on 2 August 1982, approved by secret ballot the appointment by the Government of the Federal Republic of Nigeria of Mr. Oladapo O. Fafowora to serve as member of the Committee for the remainder of the term of Mr. Yolah, which will expire on 19 January 1986.

9. The names of the members of the Committee for 1982-1983, including those elected or re-elected on 15 January 1982, and the changes mentioned in paragraphs 5 to 8 above, are as follows:

<u>Name of member</u>	<u>Country of nationality</u>	<u>Term expires on 19 January</u>
Mr. Jean-Marie APIOU <u>2/</u>	Upper Volta	1986
Mr. Eugenio Carlos José ARAMBURU	Argentina	1984
Mr. Yuli BAHNEV	Bulgaria	1984
Mr. Pedro BRIN MARTINEZ	Panama	1984
Mr. André DECHEZELLES	France	1984
Mr. Silvo DEVETAK	Yugoslavia	1984
Mr. Dimitrios J. EVRIGENIS <u>2/</u>	Greece	1986
Mr. Oladapo Olusola FAFOWORA	Nigeria	1986
Mr. Abdel Moneim GHONEIM <u>3/</u>	Egypt	1986
Mr. José D. INGLES	Philippines	1984
Mr. George O. LAMPTEY <u>3/</u>	Ghana	1986
Mr. Erik NETTEL	Austria	1984
Mr. Karl Josef PARTSCH <u>3/</u>	Germany, Federal Republic of	1986
Mrs. Shanti SADIQ ALI	India	1984
Mr. Agha SHAHI <u>3/</u>	Pakistan	1986
Mr. Michael E. SHERIFIS <u>2/</u>	Cyprus	1986
Mr. Gleb Borisovich STARUSHENKO	Union of Soviet Socialist Republics	1984
Mr. Luis VALENCIA RODRIGUEZ <u>3/</u>	Ecuador	1986

D. Solemn declaration

10. At the opening meeting of the twenty-fifth session, those members of the Committee who were elected or re-elected by the Meeting of the States parties to the Convention on 15 January 1982 made a solemn declaration in accordance with rule 14 of the provisional rules of procedure of the Committee.

11. Upon assuming their duties as members of the Committee at the 549th and 575th meetings respectively, held on 1 March and 2 August 1982, Messrs. Aramburu and Fafowora made the solemn declaration provided for under rule 14 of the provisional rules of procedure.

E. Attendance

12. All members except Mr. Yolah attended the twenty-fifth session. Messrs. Shahi, Sherifis and Valencia Rodríguez attended part of that session. All members of the Committee attended the twenty-sixth session. Messrs. Brin Martínez, Sherifis and Valencia Rodríguez attended only part of that session.

F. Election of officers

13. At its 549th meeting, on 1 March 1982, the Committee elected the following officers for a term of two years in accordance with article 10, paragraph 2, of the Convention:

<u>Chairman:</u>	Mr. José D. INGLES
<u>Vice-Chairmen:</u>	Mr. George O. LAMFTEY
	Mr. Gleb Borisovich STARUSHENKO
	Mr. Luis VALENCIA RODRIGUEZ
<u>Rapporteur:</u>	Mr. Karl Josef PARTSCH

G. Agenda

Twenty-fifth session

14. At its 549th meeting, on 1 March 1982, the Committee adopted the items listed on the provisional agenda, submitted by the Secretary-General, as the agenda of its twenty-fifth session, with an amendment adding a new item entitled "Filling of a vacancy in the Committee in accordance with article 8, paragraph 5 (b), of the Convention and rule 13 of the provisional rules of procedure". The agenda of the twenty-fifth session, as amended, was as follows:

1. Opening of the session by the representative of the Secretary-General.
2. Solemn declaration by the newly elected members of the Committee under rule 14 of the provisional rules of procedure.
3. Election of officers.
4. Adoption of the agenda.
5. 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. 4/
6. Consideration of reports, comments and information submitted by States parties under article 9 of the Convention.
7. Action by the General Assembly at its thirty-sixth session on the annual report submitted by the Committee on the Elimination of Racial Discrimination under article 9, paragraph 2, of the Convention.

8. Consideration of copies of petitions, copies of reports and other information relating to Trust and Non-Self-Governing Territories and to all other territories to which General Assembly resolution 1514 (XV) applies, in conformity with article 15 of the Convention.
9. Implementation of article 7 of the Convention.
10. Decade for Action to Combat Racism and Racial Discrimination.
11. Meetings of the Committee in 1983 and 1984.

Twenty-sixth session

15. At its 575th meeting, on 2 August 1982, the Committee adopted the items listed on the provisional agenda submitted by the Secretary-General as the agenda of its twenty-sixth session, with an amendment adding a new item 2 and renumbering the other items of the provisional agenda. The agenda of the twenty-sixth session, as adopted, was 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. 5/
3. Consideration of reports, comments and information submitted by States parties under article 9 of the Convention.
4. Consideration of copies of petitions, copies of reports and other information relating to Trust and Non-Self-Governing Territories and all other territories to which General Assembly resolution 1514 (XV) applies, in conformity with article 15 of the Convention.
5. Decade for Action to Combat Racism and Racial Discrimination.
6. Meetings of the Committee in 1983 and 1984.
7. Report of the Committee to the General Assembly at its thirty-seventh 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

16. In accordance with decision 2 (VI) of 21 August 1972 of the Committee concerning co-operation with the International Labour Organisation (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO), representatives of both organizations attended the twenty-fifth and twenty-sixth sessions of the Committee.
17. As regards co-operation between UNESCO and the Committee, it may be recalled that at its nineteenth session, held from 26 March to 13 April 1979 at UNESCO

headquarters, the Committee adopted decision 2 (XIX) concerning further co-operation with UNESCO in the implementation of article 7 of the Convention. 6/ By the same decision, the Committee invited UNESCO to transmit to it, inter alia, suggestions for the preparation of general guidelines with a view to assisting States parties in implementing article 7 of the Convention.

18. The documents submitted by UNESCO (CERD/C/69 and Add.1) in response to the Committee's invitation were considered by the Committee at its twenty-first, twenty-third and twenty-fifth sessions under the item of its agenda entitled "Implementation of article 7 of the Convention", culminating in the adoption by the Committee of additional general guidelines. 7/

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

II. ACTION BY THE GENERAL ASSEMBLY AT ITS THIRTY-SIXTH 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 twenty-fifth session at the 568th and 569th meetings, held on 15 March 1982.

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

21. The Committee felt that the decision taken by the Third Committee of the General Assembly at its thirty-sixth session to consider once again the report of the Committee in conjunction with other agenda items relating to racial discrimination had been detrimental to the Third Committee's discussion of its annual report. Some members felt that the political nature of those items was particularly unhelpful to the appropriate consideration of the Committee's annual report. The Committee, therefore, expressed its concern that the General Assembly was not able to give sufficient attention to the Committee's work and reiterated the suggestion already made in previous sessions that its report should, if possible, be considered separately from other items, in the meetings set aside for that purpose. In that connexion, Mrs. Sadiq Ali pointed out that future reports should be made available as early as possible to the delegations of the Third Committee so as to allow them sufficient time for their comment.

22. The Rapporteur of the Committee, Mr. Partsch, summarized the main points of the discussion of the Committee's annual report in the Third Committee and drew attention to the desire expressed by the representatives of those States which were parties to the Convention to see that international instrument universally ratified and scrupulously implemented in all respects. In that connexion, he pointed out that, in the view of certain representatives, broader functions of the Committee and a wider field of action would enable it to appraise the situation in all States parties. In the view of other representatives, the Committee should, more frequently, make suggestions or general recommendations in accordance with article 9, paragraph 2, of the Convention and afford guidance to States parties on ways and means of effectively combating racial discrimination. Some representatives, however, cautioned the Committee that it might exceed its terms of reference by seeking to broaden the scope of its work. With regard, in particular, to the idea of a new study by the Committee on the rights of national minorities, some representatives felt that the Committee should avoid duplication of the work of other United Nations bodies.

23. Commenting on the discussion in the Third Committee, Mr. Dechezelles found interesting the suggestion, made by the representative of the Netherlands, that States parties which experienced difficulties in implementing the Convention or envisaged enacting texts in that connexion should consult the Committee. However, he agreed with those representatives in the Third Committee who were of the view that the Committee should not exceed its terms of reference.

B. Comments by members of the Committee on General Assembly resolution 36/12

24. Mr. Partsch commented upon the paragraphs of General Assembly resolution 36/12 of 28 October 1981 and pointed out that the reason why the resolution had not been adopted by consensus and its paragraphs 2 and 5 put to a separate vote was that some States had considered that those paragraphs were not in keeping with the terms of the Convention, in particular its article 3, which was interpreted differently among the States parties. In that respect, several members of the Committee were of the view that the General Assembly's invitation to States parties to furnish the Committee with information on their relations with the racist régime of South Africa, in accordance with the Committee's general recommendation and its revised general guidelines, was to be commended and that the Committee should not be constrained by the views of some States regarding its standards in monitoring the implementation of the Convention. Other members stated that, in their view, article 3 of the Convention did not impose legal obligations on States parties with regard to their foreign relations. The breaking off of relations with South Africa could not be regarded as mandatory under the terms of the Convention. An invitation to furnish information on the nature of such relations could only be based on the general spirit of the Convention. This legal analysis was also shared by members who for political reasons strongly favoured the isolation of the racist régime. Some members of the Committee also commended the General Assembly's invitation to States parties to furnish the Committee with information on the demographic composition of their population.

25. With reference to paragraph 6 of resolution 36/12, Mr. Devetak and Mrs. Sadiq Ali appreciated the fact that the General Assembly had borne in mind the socio-economic aspects of the policy pursued by States parties, particularly as the Committee itself had assigned greater importance to that matter in its work.

26. As regards paragraphs 7 and 8 of the resolution, stressing the importance of measures to be taken under the Convention to assure the availability of appropriate recourse procedures for victims of racial discrimination and to protect fully the rights of migrant workers, some concern was expressed by Mr. Partsch who pointed out that the problems referred to in those paragraphs had not been neglected by the Committee. Mr. Devetak and Mrs. Sadiq Ali, however, expressed appreciation of the fact that the problem of migrant workers had been mentioned in the resolution.

27. Although the General Assembly, in paragraph 10 of the resolution, had expressed its grave concern at the fact that some States parties were prevented from fulfilling their obligations under the Convention, it had made, according to some members, no real proposals for solving the problem with which the Committee was faced. It was also pointed out that no suggestion had been made by the States parties directly concerned in this matter.

28. Mr. Devetak expressed appreciation at the request made by the General Assembly in paragraph 12 of resolution 36/12, that the Committee should explore the possibility of preparing a study on the implementation of article 5 (e) in conjunction with article 2 (2) of the Convention. Several speakers, however, expressed reservations with regard to that request and doubts were expressed as to whether the General Assembly was competent to assign certain tasks to the Committee, whose mandate was exclusively determined by the provisions of the Convention. 8/

29. Referring to paragraph 13 of resolution 36/12, the Committee regretted that the decision to hold the spring 1982 session of the Committee at the United Nations Offices at Nairobi within the context of the Programme for the Decade for Action to Combat Racism and Racial Discrimination had not materialized because of financial considerations and reaffirmed its conviction that it would be useful for the Committee to meet from time to time in developing countries, preferably at the invitation of a State party, in order to give wider publicity to the Convention and wider impact to the struggle against racism and racial discrimination. In that connexion, the representative of the Secretary-General explained that the Secretary-General was unable to arrange for the Committee's session to be held at Nairobi unless the General Assembly approved the additional expenditures involved. He also recalled that the Secretary-General had submitted, in document A/35/414, a report containing a number of proposals which would enable the Committee to hold sessions in developing countries. That report was still valid and would be made available to the General Assembly if the Assembly decided to reconsider the Committee's recommendation at its thirty-seventh session.

C. Conclusions of the Committee

30. The Committee considered that General Assembly resolution 36/12 was significant for its work because it reflected opinions expressed on the Convention by a large number of States parties. The Committee was convinced that wider co-operation between the Committee and the General Assembly would contribute significantly to giving publicity to the Convention and to combating racial discrimination at the national and international level.

III. IMPLEMENTATION OF ARTICLE 7 OF THE CONVENTION

31. This item, included on the agenda of the twenty-fifth session of the Committee in accordance with a decision taken at its twenty-third session, was considered at the 570th and 571st meetings, held on 16 and 17 March 1982. For its consideration of the item, the Committee had before it two documents (CERD/C/69 and Add.1), one entitled "Preliminary reflections of UNESCO concerning the implementation of the provisions of article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination" and the other entitled "Implementation of article 7 of the Convention: draft guidelines proposed by UNESCO", both submitted in response to decision 2 (XIX) of the Committee, inviting UNESCO to transmit to it suggestions for the preparation of general guidelines with a view to assisting States parties in the implementation of article 7 of the Convention. 9/ The Committee also had before it draft guidelines and recommendations submitted in an informal working paper by its Special Rapporteur, Mr. Goundiam, as well as suggestions submitted by two of its members, Mr. Bessonov and Mrs. Sadiq Ali.

32. The representative of UNESCO informed the Committee of his organization's activities in relation to article 7 of the Convention during the period 1980-1981. With regard to teaching and education, he provided information, in particular, on the consultations with member States of UNESCO concerning the implementation of the Convention and Recommendation against Discrimination in Education, adopted by UNESCO in 1960, on the implementation of the recommendations of the Symposium on the Promotion, Dissemination and Teaching of the Fundamental Human Rights of Refugees, held in Tokyo in December 1981, and on measures taken by UNESCO to promote research into, and teaching of, human rights in Latin America, Asia and Africa. As regards the implementation of the Declaration on Race and Racial Prejudice, adopted by UNESCO in 1978, he pointed out that UNESCO was organizing for June 1982, in Portugal, an expert consultation which would have as its basic task the critical analysis of methods for implementing international human rights instruments and, in particular, of the procedure for periodic reports from States parties to such instruments. In the field of information, he referred to a round table convened in Dakar in 1981 on the role of the mass media in the fight against racism, racial discrimination and apartheid and provided information on some of UNESCO's publications relating to article 7 of the Convention and the Decade for Action to Combat Racism and Racial Discrimination.

33. Members of the Committee expressed their appreciation to UNESCO for the contribution it had made to its work which deserved warm recognition. However, they were of the opinion that the draft guidelines proposed by UNESCO were very complex and that most States parties to the Convention would be unable to reply to a questionnaire as suggested by UNESCO or would refuse to answer all such questions. Moreover, the questionnaire exceeded the Committee's mandate which was not to dictate what measures States parties should take to implement article 7 of the Convention, but to appraise the moves made to that end when it considered the reports submitted by States parties. The Committee felt, therefore, that its task was one of synthesis and reconciliation of the complexity of the UNESCO draft with the drafts submitted by Mr. Goundiam, Mr. Bessonov and Mrs. Sadiq Ali, which were considered simpler and more precise. To that end, various suggestions were made by members of the Committee. Mr. Partsch and Mr. Ghoneim were of the view that, in preparing its guidelines, the Committee should leave aside anything which did not have a direct bearing on the implementation of article 7 of the Convention. Mr. Starushenko shared this view but also expressed the opinion that the guidelines of the Committee should be based on the UNESCO draft, taking into account suggestions made by Mr. Bessonov and be prepared, preferably, in the form of

recommendations. Mrs. Sadiq Ali stated that, in her view, the Committee should take Mr. Goundiam's draft as the starting point of its work. Mr. Lamptey was of the view that the Committee could entrust the making of a composite draft to the Secretariat and then devote two days of its summer session to that document. Mr. Shahi observed that the best way of guiding States parties, and indicating what was the minimum expected of them by way of information under article 7 of the Convention, would be to send them a series of questionnaires or guidelines of not more than one page.

34. Members of the Committee agreed that an informal working group composed of four or five members, including the Rapporteur of the Committee, should be appointed to prepare a text for additional guidelines concerning the implementation of article 7, for consideration by the Committee at a later stage. The Chairman suggested that the group might take Mr. Goundiam's proposals as the basis for its work and draw on the elements directly relevant to the implementation of article 7 of the Convention in the UNESCO document, taking into account also the suggestions made by Mr. Bessonov and Mrs. Sadiq Ali. Upon the proposal of the Chairman, the Committee approved the appointment of Mr. Aramburu, Mr. Partsch, Mrs. Sadiq Ali and Mr. Starushenko as members of the working group.

35. At the 571st meeting of the Committee, Mr. Partsch introduced the draft additional guidelines for the implementation of article 7 of the Convention proposed by the working group. While the Committee fully endorsed the proposed text, some members supported the informal suggestion made by Mr. Dechezelles in the previous meeting that the UNESCO questionnaire contained in document CERD/C/69/Add.1 should be sent for information to States parties, together with the additional guidelines prepared by the Committee. They were of the view that, although the UNESCO questionnaire contained points which were not related to article 7 of the Convention, it might make it easier for States parties to prepare their reports, as it would suggest the kind of information which might be submitted to the Committee. Other members of the Committee, however, opposed this suggestion. In their view, the draft additional guidelines of the Committee were clear and straightforward and would enable the Committee to obtain more information than it had received so far on the implementation of article 7 of the Convention. Many points in the UNESCO questionnaire, on the other hand, did not relate directly to racial discrimination and there was a danger of creating confusion by sending two sets of guidelines to States parties. If the guidelines of the Committee proved inadequate after one or two years, they could then be amended. The Chairman pointed out that, even if the UNESCO questionnaire was not attached to the Committee's guidelines, the document was a Committee document which would be made available to States parties. It would therefore form part of the documentation which States parties could consult for the preparation of their reports or use as they thought fit.

36. In order to reconcile the various points of view expressed in the debate, Mrs. Sadiq Ali proposed to add a paragraph to the text of the additional draft guidelines prepared by the working group making a reference to the UNESCO questionnaire. This reference would draw the attention of States parties to document CERD/C/69/Add.1, which they could consult if they so wished in connexion with the preparation of their reports under the Convention.

37. The Committee adopted the text proposed by the Working Group, as amended during the discussion, as the additional guidelines of the Committee for the implementation of article 7 of the Convention. The text as adopted appears in chapter IX, section A, decision 2 (XXV).

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

A. Status of submission of reports by States parties 10/

Reports received by the Committee

38. From the establishment of the Committee on the Elimination of Racial Discrimination until the closing date of its twenty-sixth session (22 August 1982), a total of 551 reports under article 9, paragraph 1, of the Convention were due from States parties as follows: 108 initial reports, 104 second periodic reports, 95 third periodic reports, 84 fourth periodic reports, 74 fifth periodic reports, 50 sixth periodic reports and 36 seventh periodic reports.

39. By the end of the twenty-sixth session, a total of 476 reports 11/ had been received by the Committee as follows: 103 initial reports, 94 second periodic reports, 83 third periodic reports, 73 fourth periodic reports, 60 fifth periodic reports, 38 sixth periodic reports and 25 seventh periodic reports.

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

41. During the year under review (that is, between the closing dates of the Committee's twenty-fourth and twenty-sixth sessions), 51 reports were received by the Committee consisting of 2 initial reports, 3 second periodic reports, 4 third periodic reports, 4 fourth periodic reports, 7 fifth periodic reports, 6 sixth periodic reports and 25 seventh periodic reports. No supplementary reports were received during the year.

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

Table 1

Reports received during the year under review

State party	Type of report	Date on which the report was due	Date on which that report was submitted	Number of reminders sent
Cape Verde	Initial reports	2 November 1980	3 July 1981	1
Sudan	"	20 April 1978	23 March 1982	7
Israel	Second periodic reports	2 February 1982	16 March 1982	-
Republic of Korea	"	4 January 1982	13 January 1982	-
Sudan	"	20 April 1980	23 March 1982	3
Barbados	Third periodic reports	10 December 1977	17 July 1981	6
Ethiopia	"	25 July 1981	27 October 1981	1
Jordan	"	30 June 1979	15 January 1982	5
Sudan	"	20 April 1982	23 March 1982	-
Barbados	Fourth periodic reports	10 December 1979	17 July 1981	5
Jordan	"	30 June 1981	15 January 1982	1
Mauritius	"	29 June 1979	27 August 1981	6
Mexico	"	22 March 1982	13 April 1982	-
Austria	Fifth periodic reports	8 June 1981	20 October 1981	-
Barbados	"	10 December 1981	17 July 1981	-
German Democratic Republic	"	26 April 1982	3 May 1982	-

Table 1 (continued)

State party	Type of report	Date on which the report was due	Date on which that report was submitted	Number of reminders sent
Haiti	Fifth periodic reports	18 January 1982	27 July 1982	1
Lesotho	"	4 December 1980	23 July 1982	3
Mauritius	"	29 June 1981	27 August 1981	-
United Republic of Cameroon	"	24 July 1980	30 June 1982	-
Ecuador	Sixth periodic reports	5 January 1980	2 December 1981	5
Finland	"	16 August 1981	19 May 1982	-
Ghana	"	5 January 1980	8 July 1982	5
Norway	"	6 September 1981	20 January 1982	-
Romania	"	14 October 1981	10 March 1982	-
United Republic of Cameroon	"	24 July 1982	30 June 1982	-
Argentina	Seventh periodic reports	5 January 1982	12 February 1982	-
Brazil	"	5 January 1982	12 August 1982	1
Byelorussian Soviet Socialist Republic	"	7 May 1982	16 July 1982	1
Costa Rica	"	5 January 1982	20 April 1982 14 May 1982	1
Cyprus	"	5 January 1982	21 May 1982	1
Czechoslovakia	"	5 January 1982	21 May 1982	1
Ecuador	"	5 January 1982	2 December 1981	-

Table 1 (continued)

State party	Type of report	Date on which the report was due	Date on which that report was submitted	Number of reminders sent
Egypt	Seventh periodic reports	5 January 1982	24 May 1982	1
Ghana	"	5 January 1982	8 July 1982	1
Holy See	"	1 June 1982	24 June 1982	-
Hungary	"	5 January 1982	19 January 1982	-
Iceland	"	5 January 1982	4 January 1982	-
India	"	5 January 1982	16 August 1982	1
Kuwait	"	5 January 1982	20 November 1981	1
Mongolia	"	4 September 1982	12 April 1982	-
Panama	"	5 January 1982	13 August 1981	-
Philippines	"	January 1982	29 January 1982 2 April 1982	-
Poland	"	5 January 1982	5 July 1982	1
Spain	"	5 January 1982	29 January 1982	-
Ukrainian Soviet Socialist Republic	"	5 April 1982	5 July 1982	-
Union of Soviet Socialist Republics	"	5 March 1982	22 June 1982	-
United Kingdom of Great Britain and Northern Ireland	"	5 April 1982	20 July 1982	-
Uruguay	"	5 January 1982	10 February 1982	-
Venezuela	"	5 January 1982	19 August 1982	1
Yugoslavia	"	5 January 1982	15 July 1982	1

43. As the information in table 1 shows, only 4 of the 51 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 4 years. In the case of 22 of the reports received during the year, one to seven reminders had been sent to the States parties concerned before their reports were submitted.

Reports not yet received by the Committee

44. By the closing date of the twenty-sixth session of the Committee, 78 reports expected from 48 States parties before that date had not yet been received, including 5 initial reports, 10 second periodic reports, 12 third periodic reports, 11 fourth periodic reports, 14 fifth periodic reports, 12 sixth periodic reports, 12 seventh 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 twenty-sixth session, but have not yet been received

<u>State party</u>	<u>Type of report</u>	<u>Date on which the report was due</u>	<u>Number of reminders sent</u>
Togo	Initial report	1 October 1973	14
	Second report	1 October 1975	10
	Third report	1 October 1977	6
	Fourth report	1 October 1979	4
	Fifth report	1 October 1981	-
Zambia	Second report	5 March 1975	13
	Third report	5 March 1977	9
	Fourth report	5 March 1979	7
	Fifth report	5 March 1981	3
Sierra Leone	Fourth report	5 January 1976	11
	Fifth report	5 January 1978	7
	Sixth report	5 January 1980	5
	Seventh report	5 January 1982	1
	Supplementary	31 March 1975	-
Swaziland	Fourth report	6 May 1976	12
	Fifth report	6 May 1978	8
	Sixth report	6 May 1980	3
	Seventh report	6 May 1982	-

Table 2 (continued)

<u>State party</u>	<u>Type of report</u>	<u>Date on which the report was due</u>	<u>Number of reminders sent</u>
Liberia	Initial report	5 December 1977	8
	Second report	5 December 1979	4
	Third report	5 December 1981	-
Guyana	Initial report	17 March 1978	8
	Second report	17 March 1980	4
	Third report	17 March 1982	-
Central African Republic	Fourth report	14 April 1978	8
	Fifth report	14 April 1980	4
	Sixth report	14 April 1982	-
Somalia	Second report	27 September 1978	7
	Third report	27 September 1980	3
Botswana	Third report	22 March 1979	7
	Fourth report	22 March 1981	3
Lao People's Democratic Republic	Third report	24 March 1979	7
	Fourth report	24 March 1981	3
Libyan Arab Jamahiriya	Sixth report	5 January 1980	5
	Seventh report	5 January 1982	1
	Supplementary	30 July 1979	-
Bolivia	Fifth report	21 October 1979	5
	Sixth report	21 October 1981	1
Niger	Sixth report	5 January 1980	5
	Seventh report	5 January 1982	1
Guinea	Second report	13 April 1980	4
	Third report	13 April 1982	-
Jamaica	Fifth report	5 July 1980	4
	Sixth report	5 July 1982	-
Bahamas	Third report	5 August 1980	4
	Fourth report	5 August 1982	-
Belgium	Third report	6 September 1980	1
Chad	Second report	16 September 1980	3

Table 2 (continued)

<u>State party</u>	<u>Type of report</u>	<u>Date on which the report was due</u>	<u>Number of reminders sent</u>
Peru	Fifth report	30 October 1980	3
El Salvador	Initial report	30 December 1980	3
Italy	Third report	4 February 1981	-
Iraq	Sixth report	15 February 1981	3
Nicaragua	Second report	17 March 1981	3
Senegal	Fifth report	18 May 1981	2
Zaire	Third report	21 May 1981	2
Mali	Fourth report	15 August 1981	2
Upper Volta	Fourth report	18 August 1981	2
Canada	Sixth report	12 November 1981	-
Democratic Yemen	Fifth report	19 November 1981	1
United Republic of Tanzania	Fifth report	26 November 1981	1
Uganda	Initial report	21 December 1981	1
New Zealand	Fifth report	22 December 1981	1
Bulgaria	Seventh report	5 January 1982	1
Iran	Seventh report	5 January 1982	1
Nigeria	Seventh report	5 January 1982	1
Pakistan	Seventh report	5 January 1982	1
Tunisia	Seventh report	5 January 1982	1
Fiji	Fifth report	11 January 1982	1
Morocco	Sixth report	17 January 1982	1
Gambia	Second report	28 January 1982	1

Table 2 (continued)

<u>State party</u>	<u>Type of report</u>	<u>Date on which the report was due</u>	<u>Number of reminders sent</u>
Ivory Coast	Fifth report	4 February 1982	1
Nepal	Sixth report	1 March 1982	1
Madagascar	Seventh report	8 March 1982	-
Rwanda	Fourth report	16 May 1982	-
Syrian Arab Republic	Seventh report	20 May 1982	-
Germany, Federal Republic of	Seventh report	14 June 1982	-
Malta	Sixth report	26 June 1982	-
Bangladesh	Second report	11 July 1982	-

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

45. At its twenty-fifth session the Committee discussed in some detail the issues of non-submission of reports by States parties in accordance with their obligation under article 9 of the Convention, and took the following decisions:

(a) In accordance with rule 66, paragraph 1, of its provisional rules of procedure, the Committee requested the Secretary-General to send appropriate reminders to States parties whose reports were due before the closing date of its twenty-fifth session, but had not yet been received, requesting them to submit their reports by 30 June 1982.

(b) At its 569th meeting, on 15 March 1982, the Committee authorized its Chairman to address personal letters to the Governments of Guyana, Liberia and Togo, which have not submitted any report at all since the entry into force of the Convention in respect to their States, requesting them to submit their overdue reports in one consolidated document by 30 June 1982 for consideration by the Committee at its twenty-sixth session. By the closing date of the twenty-sixth session of the Committee no report had been received from those States.

(c) At the same meeting, the Committee adopted its General Recommendation VI (CERD/C/94) in which it invited the General Assembly to take note of the situation and to use its authority in order to ensure that the Committee could more effectively fulfil its obligations under the Convention. The full text of General Recommendation VI is reproduced below in chapter IX, section A, decision 1 (XXV).

Acting under rule 67, paragraph 1, of its provisional rules of procedure, the Committee requested the Secretary-General to transmit the text of its general recommendation VI to the States parties for comments in accordance with article 9, paragraph 2, of the Convention. As of 20 August 1982, comments had been received from the following States parties: Cyprus, France, Italy, Mexico, Republic of Korea and Yugoslavia. These comments (CERD/C/97 and Add.1) are brought to the attention of the General Assembly in annex IV below.

46. At its twenty-sixth session, the Committee addressed again the issue of non-submission of reports by States parties according to their obligation under article 9 of the Convention, noting that, by the end of the twenty-sixth session, 81 reports from 48 States parties would be overdue. ^{12/} With respect to the comments received from States parties on general recommendation VI of the Committee, it was felt by some members that, although those comments were objective and useful, it would be premature to discuss them in detail at the twenty-sixth session and it would be preferable for the Committee to wait until more comments had been received before reaching any conclusions. In view of the persistence of this situation, however, a number of suggestions were made on ways in which the Committee could promote the submission of reports by the States parties concerned.

47. With reference to the proposition that one of the reasons for non-submission of reports might be the short interval of two years for submission of reports, the Committee expressed the opinion that, although it might be possible to prolong the interval between submission of reports by amending article 9, paragraph 1, of the Convention, it did not pertain to the role of the Committee to pursue such an amendment. On the other hand, in view of the number of reports that States were required to submit to different human rights bodies, it was suggested that perhaps a more general and co-ordinated approach to reporting should be adopted. The opinion was also expressed that the reports required from States were not too many; that the situation of overdue reports would not be improved by changing the interval between the submission of reports; that the Committee should again remind States parties about their obligations; and that the language of the reminders should be strengthened to emphasize that failure to report was a treaty violation and hence a violation of international law. It was again suggested that the Committee should enlist the support of the General Assembly and that it might accompany its recommendation with suggestions as to what type of action the General Assembly might take.

48. Some members suggested that the Committee might wish to designate an itinerant delegate to contact and assist the Governments of the States parties which had not submitted initial reports or were late in submitting as many as five reports. Other members, however, thought that the Committee, as a body of impartial experts, should not directly assist in the preparation of reports. The suggestions were also made that technical assistance for the preparation of reports could be provided in the form of seminars or training programmes for the responsible official of States parties which may need such assistance; that the Committee could arrange informal meetings with the representatives of the States concerned with a view to finding a solution to the problem and that contact could be made within the relevant regional groups. The idea was also put forward that the representatives of the States parties from which two or more reports were overdue might be invited to attend a meeting of the Committee at its next session in order to discuss the difficulties faced by those States and to determine how the Committee might be of any assistance in enabling them to discharge their reporting obligation under the Convention.

49. At its 588th meeting, on 11 August 1982, the Committee authorized the members of its Bureau (a) to contact the permanent representatives to the United Nations of the States parties in question with a view to discussing with them, on an informal basis, matters relating to their reporting obligations under the Convention and (b) to report to the Committee on the results of those informal meetings.

50. Also at its 588th meeting, the Committee, taking into account the number of 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 further 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 fifteenth reminder to the Government of Togo, requesting it to submit its initial report, and its second, third, fourth and fifth periodic reports, in one document, by 31 December 1982;

(b) A fourteenth reminder to the Government of Zambia, requesting it to submit its second, third, fourth and fifth periodic reports, in one document, by 31 December 1982;

(c) A thirteenth reminder to the Government of Swaziland, requesting it to submit its fourth, fifth, sixth and seventh periodic reports, in one document, by 31 December 1982;

(d) A twelfth reminder to the Government of Sierra Leone, requesting it to submit its fourth, fifth, sixth and seventh periodic reports, in one document, by 31 December 1982, and to include therein the supplementary information previously requested by the Committee;

(e) Ninth reminders to the Governments of Liberia and Guyana, requesting them to submit their initial reports and their second and third periodic reports, in one document, by 31 December 1982;

(f) A ninth reminder to the Government of the Central African Republic, requesting it to submit its fourth, fifth and sixth periodic reports, in one document, by 31 December 1982;

(g) An eighth reminder to the Government of Somalia, requesting it to submit its second and third periodic reports together with its fourth periodic report, which is due on 27 September 1982, in one consolidated document, by 31 December 1982;

(h) Eighth reminders to the Governments of Botswana and the Lao People's Democratic Republic, requesting them to submit their third and fourth periodic reports, in one document, by 31 December 1982;

(i) A sixth reminder to the Government of the Libyan Arab Jamahiriya, requesting it to submit its sixth and seventh periodic reports, in one document, by 31 December 1982, and to include therein the supplementary information requested by the Committee at its nineteenth session;

(j) A sixth reminder to the Government of Bolivia, requesting it to submit its fifth and sixth periodic reports, in one document, by 31 December 1982;

- (k) A sixth reminder to the Government of Niger, requesting it to submit its sixth and seventh periodic reports, in one document, by 31 December 1982;
- (l) A fifth reminder to the Government of Guinea, requesting it to submit its second and third periodic reports, in one document, by 31 December 1982;
- (m) A fifth reminder to the Government of the Bahamas, requesting it to submit its third and fourth periodic reports, in one document, by 31 December 1982;
- (n) A fifth reminder to the Government of Jamaica, requesting it to submit its fifth and sixth periodic reports, in one document, by 31 December 1982;
- (o) A fourth reminder to the Government of El Salvador, requesting it to submit its initial report together with its second periodic report, which is due on 30 December 1982, in one consolidated document, by that date;
- (p) A fourth reminder to the Government of Chad, requesting it to submit its second periodic report together with its third periodic report, which is due on 16 September 1982, in one consolidated document, by 31 December 1982;
- (q) A fourth reminder to the Government of Nicaragua, requesting it to submit its second periodic report by 31 December 1982;
- (r) A fourth reminder to the Government of Peru, requesting it to submit its fifth periodic report together with its sixth periodic report, which is due on 30 October 1982, in one consolidated document, by 31 December 1982;
- (s) A fourth reminder to the Government of Iraq, requesting it to submit its sixth periodic report by 31 December 1982;
- (t) A third reminder to the Government of Zaire, requesting it to submit its third periodic report by 31 December 1982;
- (u) Third reminders to the Governments of Mali and the Upper Volta, requesting them to submit their fourth periodic reports by 31 December 1982;
- (v) A second reminder to the Government of Uganda, requesting it to submit its initial report by 31 December 1982;
- (w) A second reminder to the Government of the Gambia, requesting it to submit its second periodic report by 31 December 1982;
- (x) Second reminders to the Governments of Democratic Yemen, Fiji, Ivory Coast and the United Republic of Tanzania, requesting them to submit their fifth periodic reports by 31 December 1982;
- (y) Second reminders to the Government of Morocco and Nepal, requesting them to submit their sixth periodic reports by 31 December 1982;
- (z) Second reminders to the Governments of Bulgaria, Iran, Nigeria, Pakistan and Tunisia requesting them to submit their seventh periodic reports by 31 December 1982;

(aa) A first reminder to the Government of Bangladesh, requesting it to submit its second periodic report by 31 December 1982;

(bb) A first reminder to the Government of Rwanda, requesting it to submit its fourth periodic report by 31 December 1982;

(cc) First reminders to the Governments of Canada, and Malta, requesting them to submit their sixth periodic reports by 31 December 1982;

(dd) First reminders to the Governments of Madagascar and the Syrian Arab Republic, requesting them to submit their seventh periodic reports by 31 December 1982.

51. The Committee agreed that no reminders should be sent to the Governments of Belgium and Italy, taking into account the information furnished by them to the Committee in connexion with the preparation and submission of their third periodic reports. 13/

52. In a note dated 18 May 1982, the Permanent Mission of the Federal Republic of Germany to the Office of the United Nations informed the Secretary-General that the Government of the Federal Republic of Germany was not in a position to present its seventh periodic report in time and that the report would be submitted in due course. The Committee, therefore, decided that no reminder should be sent to the Government of the Federal Republic of Germany in connexion with the submission of its seventh periodic report.

53. In a letter dated 27 March 1982, the Secretary for Foreign Affairs of New Zealand informed the Secretary-General that New Zealand's fifth periodic report was being prepared and would be transmitted to the Secretary-General as soon as its text could be finalized. The Committee, therefore, decided that no reminder should be sent to the Government of New Zealand in connexion with the submission of its fifth periodic report.

54. In a letter dated 2 June 1982, the Permanent Representative of Senegal to the United Nations informed the Secretary-General that the Government of Senegal would submit its fifth periodic report at the latest by 31 December 1982. The Committee, therefore, decided that no reminder should be sent to the Government of Senegal in connexion with the submission of its fifth periodic report.

55. The Committee wishes to recall once again that rule 66 of its provisional rules of procedure provides that:

"1. At each session, the Secretary-General shall notify the Committee of all cases of non-receipt of reports or additional information, as the case may be, provided for under article 9 of the Convention. The Committee, in such cases, may transmit to the 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." 14/

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

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

"The Committee attaches great importance to these reports. It is unanimously of the view that, being a principal source of information, these reports provide the Committee with an essential element for discharging one of its most important responsibilities, namely, reporting to the General Assembly of the United Nations under article 9, paragraph 2, of the Convention." 15/

B. Consideration of reports

57. At its twenty-fifth and twenty-sixth sessions, the Committee examined the reports submitted by 40 States parties under article 9 of the Convention. A list of States parties whose reports were examined together with an indication of the meetings at which the reports were considered, may be found in annex III below.

58. The Committee devoted 29 of the 49 meetings it held in 1982 to the discharge of its obligations under article 9 of the Convention.

59. In accordance with rule 64-A of its provisional rules of procedure, the Committee continued the practice, inaugurated at its sixth session, of requesting the Secretary-General to inform the States parties concerned of the dates on which their respective reports would be considered by the Committee. At its twenty-fifth and twenty-sixth sessions, 34 of the 40 States parties whose reports were considered by the Committee sent representatives to participate in the examination of their respective reports. The Committee noted with satisfaction that several States had sent qualified experts in order to participate in the work of the Committee and, in particular, to answer questions raised in the Committee in connexion with their reports.

60. The following paragraphs, arranged on a country-by-country basis according to the sequence followed by the Committee at its twenty-fifth and twenty-sixth 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.

Gambia

61. The initial report of the Gambia (CERD/C/61/Add.3) was considered by the Committee after a brief introductory statement made by the representative of the reporting State.

62. Members of the Committee commended the Government of the Gambia for its good report, which gave an outline of the constitutional framework underlying the protection of human rights and fundamental freedoms in general, and the campaign

against racial discrimination in particular. They also welcomed the fact that the Gambia had never maintained diplomatic, economic or other relations with the racist régime of South Africa.

63. Some members of the Committee observed that, since the initial report had been drawn up, the Gambia had been upset by events which might have had effects of a constitutional nature, and wished to have more information about the human rights situation in the Gambia following the conclusion of the treaty with Senegal in 1981. They wished to know, in particular, what the Gambia's new legal status was, whether Senegambia was a federation or a confederation, whether constitutional guarantees had been affected, whether the laws of Senegal were applicable in the Gambia, the effects of those events on the population and whether the new arrangements were in conformity with the Convention.

64. Several questions were raised on the various provisions of the 1970 Constitution of the Gambia in the light of the commitments entered in by that State when it became a party to the Convention. It was asked, in particular, whether the provisions contained in subsections 4 to 7 of section 25 of the Constitution, which guarantees the right not to be discriminated against, were deemed to correspond to those of article 1, paragraphs 2, 3 and 4 of the Convention and what criteria were employed to decide that racial discrimination was permissible in the various cases listed in subsection 4. It was pointed out that there was a reservation on customary law in subsection 4 (d) of section 25 that could contain features of a discriminatory nature, and clarification was requested on that provision of the Constitution. The opinion was expressed that it was to be feared that the implementation of the provisions of subsections 5, 7 and 8 of section 25, which were of a general nature, might depend on subjective considerations put forward by the authorities. Clarification was also requested on the formulation of certain terms and ideas contained in section 25, subsections 2, 4 (b), 4 (e), 5, 6 and 7 of the Constitution. It was felt, in addition, that it would be useful for the Committee to be provided with the text of some articles of the 1970 Constitution to which reference was made in the report in order to understand properly the measures set out in it.

65. In connexion with article 2 of the Convention, members of the Committee noted that the report contained little information on the ethnic composition of the population and that no mention was made of the implementation by the Gambia of paragraph 1 (e) of that article. They therefore asked whether the word "tribe" employed in the Constitution designated an ethnic group, whether tribes in the Gambia were distinguished by differences of language and cultural traditions, what other tribes existed in the country besides the three principal tribes named in the report, whether the country's two main political parties, the People's Progressive Party and the United People's Party, were still dominated, the former by the Mandinka tribe and the latter by the Fula and Wolloff and what administrative or other measures had been taken to promote understanding and harmony between the various tribes and to develop their cultural identity. Information was requested, in particular about the people of Lebanese origin and the white workers living temporarily in the Gambia and on what measures, apart from legislation, the Gambian Government had taken to prevent acts of discrimination by any individual, group or organization, including State authorities and bodies.

66. With regard to article 4, it was noted that under section 25, subsection 4 (e), of the Gambian Constitution, an exception could be made to the principle of non-discrimination in favour of an act which was "reasonably

justifiable in a democratic society" and it was recalled that obligations undertaken by a State party under article 4 of the Convention were not subject to any condition. It was also observed that the provisions of the Criminal Code of Gambia quoted in the report did not meet all the requirements of article 4 of the Convention and that the report was not explicit enough on the suppression of the dissemination of any racist ideology and ideas based on racial superiority and hatred and the activities of racist organizations. It was therefore asked whether there was a jurisprudence to fill the gap in the Criminal Code and what laws or regulations the authorities of the Gambia could use to implement the provisions of article 4 of the Convention. It was otherwise suggested that the provisions of the Criminal Code quoted in the report should be reviewed or additional legislative measures should be taken in the light of article 4 of the Convention, which had mandatory force.

67. Some members of the Committee noted that some of the rights guaranteed under article 5 of the Convention were not mentioned in the report, such as political rights, economic, social and cultural rights and the right of access to any place or service intended for use by the general public, and they requested information in this respect. It was asked, in particular, whether there were refugees or tribes in the Gambia who had been given political asylum, and what the rights of workers were in the country. With reference to section 22 of the Constitution concerning freedom of expression, a member noted the absence of any precise rules and asked how it was possible to know whether any particular legislative provision was necessary in order to protect the reputation, rights and freedoms of other persons.

68. In connexion with article 6 of the Convention, reference was made to section 28 of the Gambian Constitution, which provided machinery for remedies in the event of violation of the rights guaranteed, and it was asked whether there had been any instances of persons whose rights had been violated obtaining satisfaction through the machinery provided for by section 28. Moreover, since the report made no mention of any provision concerning the right to seek reparation or satisfaction for any damage suffered as a result of racial discrimination, it was asked whether the Gambia had any legislation in that regard. It was also noted that section 28 of the Constitution empowered the Supreme Court to nullify all laws it held to contravene the fundamental rights and freedoms guaranteed under chapter 3 of the Constitution, and it was asked whether there were cases where laws had been found to be at odds with the Constitution and in particular with the principle of non-discrimination.

69. Some information was also requested by the Committee on the measures taken by the Gambia to conform to the provisions of article 7 of the Convention.

70. In replying to some of the questions raised by members of the Committee, the representative of the Gambia stated that the treaty of association between Senegal and the Gambia had not given birth to a new State but to a confederation of two sovereign States which, under article 2 of the Treaty, preserved their sovereignty. Each of them also preserved its Constitution and its legal system. He then provided information on the ethnic structure of the population of his country and explained that the multiracial society of the Gambia included Moors from Mauritania, and "Syrians" from the Lebanon or Syria, who were sometimes of Gambian nationality.

71. With regard to special steps to be taken on behalf of the most backward ethnic groups, he stated that the entire country was engaged in the struggle for development, that the rights of each ethnic group, including cultural rights, were recognized in the Constitution and that there was no problem in the country of cultural domination by the most numerous group. He also explained that there were more than two political parties in the Gambia and that political parties did not follow the ethnic divisions.

72. With regard to article 5 of the Convention, the representative stated that the list of rights guaranteed by the Constitution and included in the report was not exhaustive and that only those rights which had seemed most important had been mentioned. He finally assured the Committee that he would convey all the questions and comments to the attention of the competent authorities of his country.

Gabon

73. The initial report of Gabon (CERD/C/71/Add.1) was considered by the Committee after a brief statement by the representative of the reporting State, who stated that his Government had not deemed it necessary to adopt any legislative, judicial, administrative or other measures to give effect to the provisions of the International Convention, particularly because no discrimination existed between the different components of the Gabonese nation.

74. The Committee regretted that the report did not contain any information on the measures taken by the Government of Gabon to give effect to the provisions of the Convention. It recalled the binding obligations which the States parties had undertaken in accordance with article 9 of the Convention, and hoped that the Government of Gabon would comply with those obligations by submitting to the Committee specific information on the constitutional, legal, administrative and other provisions, as suggested in the Committee's revised general guidelines (CERD/C/70) concerning the form and contents of reports.

75. The representative of Gabon stated that the comments made by the Committee would be brought to the attention of his Government and that the revised general guidelines of the Committee would be followed in drawing up of its next report.

Tonga

76. The fourth and fifth periodic reports of Tonga (CERD/C/75/Add.3) were considered by the Committee, without the participation of a representative of the reporting State.

77. Members of the Committee stated that the Government of Tonga had shown considerable goodwill in complying with some of the Committee's requests made in connexion with the consideration of earlier reports of Tonga, withdrawing some of its original reservations, and describing the economic and social situation of the country. In their view, the report had to be considered in the light of the island's unique geographical situation and of other conditions and customs which set it apart from other parts of the world. They regretted, however, that the report had not been drafted in accordance with the revised guidelines of the Committee and that there was a lack of information in respect to questions concerning the ethnic composition of Tonga and how the provisions of the Convention had been respected in relation to the various ethnic groups, as well as on the implementation of article 7 of the Convention.

78. The Committee noted that no specific legislation had been enacted in Tonga for the implementation of article 4 of the Convention, in spite of the suggestions that it had made at the time of its consideration of the third periodic report of that country. Some members expressed the opinion that articles 46 and 47 of the Criminal Offences Act of Tonga should be expanded to satisfy the requirements of article 4 of the Convention and that the Government of Tonga should reconsider the declarations it had made with respect to the interpretation of the implementation of that article. The Committee again expressed the hope that the Government of Tonga would enact binding legislation to ensure the full implementation of article 4 of the Convention.

79. With regard to article 5 of the Convention, reference was made to the provision in article 2 of the Constitution of Tonga that any slave who might escape from a foreign country would be free from the moment he set foot on Tongan soil, and some doubts were expressed about the limitation: "unless he be escaping from justice being guilty of homicide or larceny or any great crime or involved in debt". Doubts were also expressed about the requirement that a visitor could not marry without the consent in writing of the Principal Immigration Officer and it was asked what conditions had to be fulfilled before the Principal Immigration Officer gave his consent. Furthermore, reference was made to the Land Act and some explanation was requested as to which were Crown lands and which were hereditary lands. Information was also requested on the role of the Government of Tonga in ensuring that there was no exploitation of migrant workers in the country and on why no trade unions had been formed nor any application made for registration since the enactment of the Trade Unions Act in 1964. It was finally asked whether the broad freedom given to house owners with respect to the renting of property might not give rise to some racial discrimination.

Malta

80. The fourth and fifth periodic reports of Malta, submitted in one document (CERD/C/65/Add.5) were considered by the Committee, together with the introductory statement made by the representative of the reporting State.

81. The members of the Committee commended the Government of Malta for submitting its report and for its co-operation with the Committee. It was observed however that the report had not been prepared in accordance with the Committee's guidelines and, like the previous ones, expressed general ideas without giving details. The report mentioned constitutional principles but not the provisions enacted for carrying them into effect. The Committee was very poorly informed about Maltese legislation connected with the implementation of the Convention and even though the Maltese Constitution clearly condemned discrimination, there had to be legal and administrative rules for applying the provisions of the Convention. It was also asked whether, after ratification by the Maltese Government, the Convention had been incorporated in national law and whether the constitutional provisions relating to human rights and racial discrimination were directly applicable.

82. Further information was requested in the next report with regard to the implementation of article 2 of the Convention, as the question was of particular importance due to the existence in Malta of a small minority of English, Italian, Indian and Jewish descent. It was asked, in particular, what their status was, whether they were citizens of Malta or aliens, how Maltese nationality or citizenship was acquired, what the percentage of aliens was, whether the provisions of section 46, subsection 9 of the Constitution also applied to persons or national

minorities professing a faith other than that mentioned in the subsection 9, and whether national minorities enjoyed the right to form their own cultural associations and to publish their own journals and newspapers. Clarification was also requested on the policy of the Maltese Government with regard to the right to leave the country for job opportunities abroad, the requirements needed to qualify for a passport or exit visa and whether Malta had concluded any bilateral agreements with countries to which Maltese nationals had migrated, so as to protect their basic human rights.

83. In connexion with article 3 of the Convention and General Recommendation III of the Committee, additional information was asked for on the status of present relations between Malta and the racist régime of South Africa.

84. Members of the Committee pointed out that one of the main questions raised by Malta's report related to article 4 of the Convention, the implementation of which required the adoption of positive measures, including provisions of a penal nature. Nevertheless, no legislation seemed to have been enacted in Malta to give effect to this article of the Convention, which called for compulsory adoption of measures to implement paragraphs (a), (b) and (c), even if no instances of racial discrimination had arisen so far. It was asked whether the Maltese Government considered the declaration it had made at the time of signature and ratification of the Convention to be a reservation. If it did not, the Government would be under an obligation to adopt legislative measures to give effect to the provisions of article 4 of the Convention, all the more so because the Maltese Constitution condemned racial discrimination but no text laid down legal penalties for manifestations of such discrimination.

85. As regards the provisions of section 46, subsection 1, of the Constitution (implementing article 5 of the Convention), which allowed exceptions to the principle whereby no law could contain discriminatory provisions, some members requested specification as to which citizens could take advantage of the funds mentioned in the report or what circumstances, conditions or qualifications were required in that respect. In this connexion, it was pointed out that the exceptions mentioned in the report went beyond what was permitted under article 29 of the Universal Declaration of Human Rights and that the adoption of special measures might be acceptable if they were reasonably justified in a democratic society and in special circumstances, but that there was no provision in the Universal Declaration which allowed for a derogation in the event of a public emergency. With reference to section 46, subsection 5 of the Constitution, one member asked whether access to public service was open to everyone on the same basis and whether all Maltese citizens and all foreigners living in Malta had equal access to the courts, regardless of their race or origin. Some members of the Committee also requested the text of any laws which were sanctioned by the provisions of the Constitution, particularly where section 46 was concerned.

86. With reference to article 6 of the Convention, it was asked what recourse procedure would be available if any individuals or groups felt that their fundamental freedoms had been violated, for instance, if they had been refused a job or a child of theirs had been denied admission to school. Further information was also required on how the Constitutional Court interpreted section 46 of the Constitution.

87. With regard to article 7 of the Convention, members of the Committee were interested to learn whether the school curriculum in Malta imparted any knowledge

about other cultures and civilizations with a view to combating prejudices that could lead to racial discrimination or whether the Government or any other agency propagated the principles embodied in the Charter of the United Nations.

88. Replying to the questions and comments of the members of the Committee, the representative of Malta stated that there was no discrimination of any kind in his country. The small minorities of English, Italian, Indian and Jewish descent were perfectly integrated in the life of the country, as could be seen from the number of mixed marriages. Minorities had the right to set up cultural associations to preserve their character and identity, and human rights were included in primary and secondary school curricula. Since no distinctions were drawn between the various religious faiths, the courts had never had to deal with any case of discrimination based on religion.

89. With reference to questions raised in connexion with article 3 of the Convention, the representative stated that Malta maintained no consular or diplomatic relations with South Africa and had always supported the United Nations decisions concerning that country.

90. He assured the Committee that the comments made by the members would be conveyed to the competent authorities in his country, which would take them into account in the next report.

United Arab Emirates

91. The fourth periodic report of the United Arab Emirates (CERD/C/74/Add.1) was considered by the Committee in the presence of the representative of the reporting State.

92. Members of the Committee expressed their appreciation of the information supplied and welcomed the efforts made by the Government of the United Arab Emirates to democratize the life of the country. However, they regretted that the report was not fully in keeping with the Committee's new guidelines and expressed the hope that those guidelines would be followed in the preparation of future reports.

93. In respect of article 2 of the Convention, particular attention was drawn by the Committee to the question of aliens living in the United Arab Emirates. Referring to section I, paragraph C, of the report, it was asked whether the rights and freedoms mentioned applied only to aliens from countries which had acceded to the conventions in question and whether the treaties were automatically given the force of law; whether aliens who were not covered by those provisions came under the rules of international law as far as legislative and constitutional protection were concerned or whether the provisions of the Constitution of the United Arab Emirates applied to them as well. In that connexion, members of the Committee requested that the texts of agreements mentioned be included in the next periodic report, as well as the Government's plan for strict enforcement of the labour laws in terms of wages and working conditions for foreign workers, and information on enforcement measures to regularize the service conditions of expatriate workers and work permits in accordance with the law. Since the Islamic Sharia forbade racial discrimination on the basis of sex or colour, it was asked whether the prohibition had been extended by law to discrimination on grounds of race or national or ethnic origin; what procedures had been instituted to render the prohibition effective and to provide redress for any injury suffered; and what the requirements were for

acquiring the nationality of the United Arab Emirates, including the situation of children born of foreign parents on the territory of the country. Some members pointed out that the report carried no indication of whether nationals of the United Arab Emirates alone had access to free education, or whether foreigners also enjoyed the same advantage; whether there were any special programmes to help them to learn the language of the country and to facilitate their social integration under the protection of the Constitution and the labour legislation; what measures had been adopted in the social field for the benefit of foreign workers, in particular whether certain special projects took account of the needs of foreign workers with regard to housing, health and the conditions under which they could obtain really satisfactory employment; whether there was a system of social security in the country and whether its benefits extended to foreign workers, in accordance with article 5 (b) of the Convention. Information was also requested whether foreign workers were permitted to reside anywhere or whether they were confined to special places by recruiting agencies as well as what percentage of the population they represented.

94. In respect of article 3 of the Convention, a member of the Committee requested information on the policy of the United Arab Emirates concerning the monitoring of an oil embargo proclaimed in the framework of the International Year of Mobilization for Sanctions against South Africa.

95. With reference to article 4 of the Convention, the Committee noted that the information supplied in the report was incomplete, since it failed to specify what organs were responsible for imposing sanctions for acts of discrimination or what the penalties were in that regard. It was requested that the texts of legislation adopted to implement the provisions of article 4 of the Convention be supplied in the next reports, together with a copy of the Federal acts and the texts laying down penalties for persons engaging in acts of racial discrimination.

96. As far as articles 5 and 6 of the Convention were concerned, it was asked what remedies were available to the victim of an act of racial discrimination and whether the Government ensured equal enjoyment on its territory of the rights it guaranteed, free of any form of racial discrimination; whether the exercise of the rights enumerated in article 5 was subject to any restriction; whether expatriate workers who were the victims of racial discrimination could choose their own lawyers and whether interpreters could be used in court proceedings.

97. With regard to article 7 of the Convention, it was noted that the information provided in the report had not been strictly relevant to the provisions of that article, which was concerned with effective measures, particularly in the fields of teaching, education, culture, and information to combating prejudices leading to racial discrimination. Members of the Committee hoped that further details would be provided in the next report.

98. The representative stated that the questions or comments by members of the Committee would be transmitted to the Government of the United Arab Emirates and replies would be supplied in the next report, together with information regarding the number of foreign workers.

Fiji

99. The fourth periodic report of Fiji (CERD/C/64/Add.4) was considered by the Committee without the participation of a representative of the reporting State.

100. Members of the Committee were of the view that the report represented a praiseworthy attempt by Fiji to continue the dialogue with the Committee and commended the Government for having responded to all the questions raised by the Committee during its consideration of earlier reports. Regret was expressed, however, that no representative was present to explain the special conditions in his country.

101. Much of the discussion revolved around the reservation and declarations made by the Government of Fiji in the notification of its succession to the Convention in 1973. Members of the Committee pointed out that those declarations and the reservation affected the country's legislation and electoral, land tenure and education systems. The reservation had particular significance for articles 4 and 6 of the Convention and, although the Constitution did provide as far as possible a guarantee of racial equality, the implementation of practical measures for its enforcement might be subject to the arbitrary action and preferences of the administration. Attention was drawn to the statement in the report that the special treatment accorded to certain racial groups did not appear to have specified limited duration, but that the general intention seemed to be in line with the limitation set out in article 2 (2) of the Convention. It was pointed out, in that connexion, that in order to satisfy the requirements of that provision of the Convention, a more categorical undertaking should have been given that the unequal rights for different racial groups would not be maintained after the objectives for which they were intended had been achieved. The members requested clarification of the reasons for maintaining the reservation and suggested that the Government of Fiji might be in a position, currently, to withdraw its reservation and to re-examine existing legislation designed to prevent racial violence, so that measures in those fields might be more closely guided by the provisions of the Convention.

102. With reference to article 2 of the Convention and the multiracial nature of Fijian society, members of the Committee requested further information about the life of the non-indigenous population, in particular, with details of mortality, income, education and opportunities available to it to exercise its rights; the relevant laws which implement constitutional guarantees; and how the Government planned to distribute wealth more evenly among the ethnic groups, in order to further narrow the economic gap between the two main islands and the outlying islands. Concerning land tenure, more information was requested on whether land which could be leased was reserved for specific racial groups, what the terms of such leasing were and whether it had any traditional or tribal basis. As regards the political structure, more details were required on elections organized on the basis of communal and national rolls, in particular at what level national parties cutting across religion and ethnicity emerged; whether candidates had party affiliations at local government level or were independent; and what constraints prevented the common-roll system being used at a higher level. Further details were required on the extent of representation of the various ethnic groups in parliament and other State organs and also on how the electoral system worked.

103. With reference to article 4 of the Convention, it was observed that article 4 (a) was only partially applied under the Public Order Act of 1969 and chapter II of the Penal Code with respect to seditious intention, which envisaged penalties only for disseminating ideas that would promote hatred among different groups, or incitement to violence. No reference was made to the other prohibitions required by article 4 (b) or to the requirements of article 4 (c) of the Convention. In that connexion it was emphasized that the firm stand taken by the

Committee in its general recommendation that States parties should enact special legislation in compliance with the provisions of article 4 (a) and 4 (b) of the Convention should be interpreted as a directive to the Government of Fiji to withdraw its interpretative declaration, and that in the absence of a more authoritative statement, the Committee's interpretation should prevail over the interpretation of a State party to the Convention. The Government of Fiji was therefore urged to reconsider its position concerning the need to enact further legislation in order to satisfy the provisions of article 4 of the Convention.

104. As regards article 5 of the Convention, more information was requested concerning economic and social programmes, especially in the fields of health, hygiene, education and culture, leading to economic and social equality and to non-discrimination in the enjoyment of fundamental rights. In the sphere of education, some members wished to know whether private schools were required to follow the same non-discriminatory policy as public schools; if any aggrieved parties could take up the question of denial of admission with the Ombudsman; whether there were specific laws to deal with any violations of the right to equal access to education and whether any efforts were made to inform and educate citizens about their role. With reference to the electoral system in Fiji, it was pointed out that the situation whereby an Indian member of the House of Representatives needed more votes than a Fijian member, while a third group was heavily over-represented, was not in conformity with article 5 (c) of the Convention. It was noted, however, that the situation was not the result of the Fijian Government policy but a remnant of the former colonial era.

105. As to articles 6 and 7 of the Convention, it was asked how an individual victim of racial discrimination might obtain redress through the court since the role of the Ombudsman was confined to making recommendations. More details were requested on the measures taken to prevent discrimination in the fields of teaching, education, culture and information.

Nepal

106. The fifth periodic report of Nepal (CERD/C/65/Add.6) was considered by the Committee without the participation of a representative of the reporting State.

107. The Committee, while expressing regret at the absence of a representative of Nepal, welcomed the fact that the report conformed to the Committee's revised general guidelines on the form and contents of reports, that the report was more comprehensive than previous ones and provided information on the demographic composition of the country and that the Government of Nepal did not maintain diplomatic relations with the racist régime in South Africa.

108. In connexion with article 2, paragraph 2, of the Convention, it was noted that the demographic breakdown provided in the report was based on linguistic and religious criteria, and the wish was expressed that the Committee would be provided with information relating to the ethnic composition of the population and to the demographic breakdown of the most backward regions, as well as statistics on investment in those areas. The report showed that section 5 (a) of the Civil Rights Act of 1954 empowered the Government to make special provisions in accordance with article 2, paragraph 2, of the Convention and it was asked whether the Government had in fact ever made such provisions and whether there were any legislative or administrative measures specifically providing, for example, for reserved scholarships or for a fixed percentage of jobs or seats for the minority communities in the Panchayat system of government.

109. As regards article 4 of the Convention, reference was made to the relevant provisions of the Constitution and other legislation of Nepal and it was observed that those provisions partially satisfied the requirements of article 4 since they did not contain explicit reference to specific measures for the prevention of racial discrimination which were called for under article 4 (b) of the Convention. Even though it appeared from the legislative provisions quoted in the report that the Government of Nepal had broad powers to control acts of racial discrimination likely to disturb harmony and good relations among the various groups of the population, the Government was nevertheless requested to undertake a detailed examination of the provisions in question in the light of its undertakings under the Convention in order to enact further legislation to comply fully with the provisions of article 4. Clarification was also requested on the text of article 17 of the Constitution which seemed to imply that the national legislation could reverse provisions of the Constitution. With particular reference to article 4 (c) of the Convention, it was pointed out that in its second periodic report, the Government of Nepal had stated that it was considering the formulation of specific laws and regulations providing for punishment of offences against human rights and acts of racial discrimination, but that no subsequent information had been provided on that subject. In this connexion, some Committee members asked to see the text of the Referendum (Crime and Punishment) Act of 1979 in order to determine exactly whether and how it complied with article 4 (c).

110. In connexion with article 5 of the Convention, some members of the Committee emphasized the importance of article 10 of the Constitution of Nepal, which the Committee had already considered at earlier sessions. It was, however, recalled that in considering the previous periodic report of Nepal, the Committee had pointed out that the text of article 10 of the Constitution given therein differed substantially from that in earlier reports, and it asked whether the text given in the present report was in fact the authentic text. It also asked whether, in view of Nepal's geopolitical situation, there were groups in that country who continued to have refugee status and what was the Government's policy concerning the conditions and rights of the alien population.

111. With regard to article 7 of the Convention, fuller information was requested on the steps taken in Nepal to promote understanding and harmony among the various ethnic groups.

Haiti

112. The Committee considered the third and fourth periodic reports of Haiti (CERD/C/64/Add.5) after a brief introductory statement of the representative of the reporting State in which he referred, in particular, to a decree of 4 February 1981 proclaiming any act of racial discrimination, or any behaviour motivated by considerations of race, colour or ethnic origin, a punishable offence.

113. The Committee thanked the Government of Haiti for the reports submitted in a consolidated document which was considered informative, interesting and more complete than previous reports. It was noted, however, that the reports dealt mainly with the legislative measures taken to give effect to the provisions of the Convention, making hardly any mention of the administrative and judicial measures adopted in that regard, and information was requested on the subject as well as on the ethnic composition of the country. In this connexion, reference was made to article 1, paragraph 4, of the Convention and the question was asked whether special measures were in fact taken in Haiti with a view to ensuring the enjoyment and exercise of the fundamental freedoms for groups that needed to be protected.

114. Members of the Committee noted that the decree of 4 February 1981 took account of the Committee's appeals to the Haitian Government to comply with its obligations under the Convention, in particular its article 4, and they wished to know whether, how often and in which cases the provisions of that decree had already been applied. It was observed, on the other hand, that article 1 of that decree did not provide for the case of persons who incited to discrimination, as referred to in article 4 (a) of the Convention, that article 5 of the decree spoke only of propaganda without any reference to the dissemination of racial ideas, and that no mention was made of measures against organizations or associations which encouraged racial discrimination or racial hatred as required by article 4 (b) of the Convention; specific information was therefore requested on provisions relating to these matters. Furthermore, with regard to the first part of article 4 of the decree, concerning measures which were not considered discriminatory, more information was requested about the origin and nature of that provision, what distinctions, exclusions, restrictions or preferences were established by a State, whether the State in question was any State or only the State of Haiti and, in the latter event, what Haitian legislation provided for those exclusions, distinctions or restrictions.

115. The attention of the Committee was focused, in particular, on measures to give effect to article 5 of the Convention in Haiti. It was observed that some of the rights listed under that article had not been considered in the reports of Haiti and it would be useful to know Haiti's position on the right to leave the country, the right to housing, the right to health, medical care, social security and social services and the right to equal participation in cultural activities. It was also observed that article 16 of the Constitution proclaimed that "Haitians shall be equal before the law, subject to the special advantages conferred on native-born Haitians" and it was asked whether the term "advantages" did not denote a measure of discrimination. It was also noted that article 52 of the Immigration Act of 1953 provided that the entry to the territory of Haiti could be refused on the basis of ideological considerations and it was asked how the Haitian Government differentiated among the various elements referred to in that provision. With regard, in particular, to article 9 of the Constitution, according to which a foreign woman married to a Haitian must renounce the nationality of any other country and assume Haitian nationality, it was asked whether that was a measure designed to prevent alien women from marrying Haitians, what happened in the event of a refusal to take the oath in question, whether there was any arbitral body in this regard and how many applications for naturalization had been submitted since Haiti's last report, namely, in the past three years. Reference was also made to article 14 of the Constitution of Haiti and the Committee asked why an alien residing in that country could not own more than one dwelling in the same locality, why that alien might in no case engage in the business of renting real estate, and whether the fourth paragraph of article 14 dealing with the liquidation of the property for cessation of residence of an alien in Haiti applied solely to persons who voluntarily left the country. As regards, in particular, equal enjoyment of economic and social rights, members of the Committee wished to know the reasons for the emigration of numerous Haitians to other countries, especially the United States of America; the number of migrant workers from Haiti; whether there were any bilateral agreements between Haiti and the host countries or any machinery for supervising working conditions; what conditions had to be met to obtain a passport and exit visa; whether the Government of Haiti was taking any steps to ensure integral economic and social development for the full flowering of a humanitarian society; whether there was a programme of agrarian reform and if health and housing programmes were available to avoid any discrimination against the rural sector of

the population in the general development of society. With reference to the labour legislation of Haiti, clarification was requested on the meaning of the text of article 3 of the Labour Code, on whether the State protected workers and trade-union freedoms, how many trade unions there were in Haiti and whether there was a social security system.

116. In connexion with article 6 of the Convention, members of the Committee wished to know, in particular, whether the victims of acts of racial discrimination could act in a personal capacity to obtain reparation in the event the public prosecutor's office abstained from prosecuting, whether they could independently bring an action before the civil courts and how they could institute proceedings against the administration to obtain material or moral reparation.

117. In connexion with article 7 of the Convention, the question was raised as to how the ideals of national unity, pan-Americanism and universalism, which were considered in Haiti the most effective means of combating racial discrimination, were reflected in the spheres of education and culture and what practical steps had been taken to put them into effect. Members of the Committee regretted that no information had been provided in the report concerning measures adopted in Haiti for the implementation of the various provisions of article 7 of the Convention.

118. In replying to some of the questions raised by members of the Committee, the representative of Haiti stated that the provisions of the decree of 4 February 1981 had been implemented only with respect to access to civil service posts and that in paragraphs 2 and 3 of its article 5, the decree implicitly condemned the dissemination of ideas based on racial superiority or hatred.

119. With reference to article 5, he pointed out that, according to the Haitian Constitution, naturalized foreigners did not immediately enjoy political rights, that the provisions of article 52 of the Immigration Act were intended for anarchists and terrorists and were necessary to maintain an atmosphere of peace in the country; that a foreign woman married to a Haitian became Haitian only if she took the oath and that restrictions on the right of a foreigner to own real property were necessary to prevent foreigners with large amounts of capital from buying up all the real estate in the country. As regards the reasons for Haitian emigration, the representative referred to the unfavourable geographical conditions of his country and to the extreme vulnerability of its national economy. While there was no problem in obtaining a passport, it was difficult to obtain visas especially for the United States and the Haitian migrants were often exploited. The Government was, however, constantly engaged in making representations to the Governments concerned with a view to protecting the rights of its migrants. A comprehensive development programme had also been drawn up in Haiti, but its execution was running into problems of financing. The rights of workers in the country were protected by the labour legislation and the establishment of trade unions was authorized under article 32 of the Constitution.

120. Referring to article 6 of the Convention, the representative stated that the Haitian law conferred upon citizens who felt that their rights had been infringed the right to bring the matter before the courts, directly or indirectly. All judicial decisions were open to appeal at two levels. There were no administrative courts, but the recently created Administrative Commission was preparing a framework law on the civil service which would take account of the decree of 4 February 1981.

121. With regard to article 7 of the Convention, the representative provided information on a school building programme on which the Government had embarked with a view to putting an end to inequality and to eradicate any form of racist ideology.

122. The representative of Haiti finally stated that the suggestions and recommendations made by the Committee to his Government would be taken fully into account in the preparation of his country's next periodic report.

Australia

123. The third periodic report of Australia (CERD/C/63/Add.3) was considered by the Committee together with the introductory statement made by the representative of the reporting State in which he provided information on the formal establishment on 10 December 1981 of the Australian Human Rights Commission and its composition. He explained that the Commission had comprehensive powers of inquiry, research and investigation of complaints and a brief to promote human rights concerns through educational and other programmes, and that Australia's Racial Discrimination Act had been amended to make the Commission responsible for all functions under that Act. Investigation and the resolution of complaints would, however, be handled by the Commissioner of Community Relations. He then referred to policies and programmes that his Government had developed to remedy the disadvantaged economic and social situation of Aborigines in Australia and to ensure to Aborigines increasing involvement in the political process of the country and access to Government services enjoyed by other Australian citizens. With regard, in particular, to Australia's concern to eliminate racial discrimination in the field of immigration and ethnic affairs, he referred, among other things, to the establishment, in January 1982, of an Immigration Review Panel to deal with a broad range of immigration and citizenship decisions.

124. The Committee congratulated the Government of Australia on its serious, detailed and objective report, which represented Australia's continuing commitment to eliminate racial discrimination at the national and international level. More information was, however, requested on the complex situation with respect to racial heterogeneity and the economic, social and other issues with which the Government was endeavouring to deal. It was noted that the Australian Human Rights Commission was entrusted with the protection of the rights recognized in various international instruments to which Australia was party and it was suggested that the Convention should be added to the list of those instruments in order to implement it more effectively. It was also noted from the report that the functions of the Australian Human Rights Commission did not extend to the Northern Territory, and specific information was asked for on the situation in that Territory with regard to racial discrimination, whether there had been any constitutional conflict between the Federal and State Governments in interpreting problems of racial discrimination, and if so, the manner in which it had been settled.

125. Members of the Committee drew particular attention to problems relating to the Aborigines in Australia in the light of the provisions of articles 2 and 5 of the Convention. In general, appreciation was expressed for the work done in this field. Further information was requested on the situation in the states in which the Aborigines were concentrated, how the 1979 Ethnic Affairs Commission Act was being implemented, what progress had been made in protecting the rights of ethnic groups in the State of New South Wales and whether any similar legislation had been enacted in other states. It was asked, in particular, whether there was any

conflict between the 1975 Racial Discrimination Act and the laws of individual states, whether any other measures were contemplated if measures adopted to investigate, conciliate and attempt to settle complaints of racial discrimination failed to provide a solution and on what basis membership of the Aboriginal Development Commission was established and why it was made up of appointed rather than elected members. Referring to the various bodies listed in the report which were concerned with the development of Aborigines in Australia, some members of the Committee wished to know whether any organ existed or was contemplated to co-ordinate their activities, whether there was any overlapping of their duties or policies and whether there was any over-all national project to improve the situation of the Aborigines. With regard, in particular, to the question of Aboriginal land rights, information was requested on methods for resolving any confrontations which might arise between Aborigines and companies concerning drilling rights of lands considered by the Aborigines to be ancestral lands. Furthermore, some information was requested on the progress made in reducing the unemployment rate among the Aborigines and, in this connexion, the Committee expressed a wish to see the reports of the Australian Committee on Discrimination in Employment and of the Equal Employment Opportunity Bureau. It was also asked whether Aborigines could move to other areas of the country in search of improved employment prospects and better living standards. In the field of housing, members of the Committee referred to the considerable efforts being made by the Government of Australia to improve the situation of the Aborigines and requested up-to-date information concerning new efforts and the results of current policies with particular regard to the percentage of the national budget devoted to the housing programme and the number and type of houses lived in by Aborigines. In the field of education, members of the Committee wished to receive information on the progress in the performance of children in Aboriginal schools. They also asked what percentage of Aborigines had been able to reach higher educational standards, whether any ethnic communities were represented in the Australian Institute of Multicultural Affairs and, if so, whether they could take any part in the decision-making process in the Institute. One member observed that, in trying to improve the housing and material situation of the Aborigines, the Government should avoid leading them into a ghetto situation, and wished to receive the Government's views on that question. In addition, information was requested with regard to the situation of immigrants from developing countries in Australia, and, in particular, how the new Immigration Act affected people already in the country and whether it had the effect of preventing their families from joining them.

126. In connexion with article 3 of the Convention, it was noted that the report detailed Australia's commitment to the elimination of apartheid, but that it also stated that the policy of successive Australian Governments had been to maintain correct diplomatic relations with South Africa. It was recalled that, in the Committee's view, the maintenance of such relations was a stimulus to continue the policy of apartheid and therefore hardly compatible with the spirit of article 3 of the Convention.

127. As regards article 4 of the Convention, members of the Committee noted that Australia complied with its provisions except where they required the prohibition of the dissemination of ideas based on racial superiority or hatred and the outlawing of organizations which promote or incite racial discrimination, and they observed that it was precisely in that area that the Convention required States parties to adopt specific legislation to declare such acts punishable offences; even though the right to freedom of opinion and expression was recognized under article 5 of the Convention, that right had to be limited when it reached the point

of causing injury and States parties must have some provision for punishment by law of acts based on ideas of racial superiority. One member pointed out that while the Racial Discrimination Act made certain acts unlawful, there was no penalty attached to its violation. It was also recalled, in this connexion, that in the statement of interpretation made by Australia upon ratification of the Convention, the Australian Government expressed the intention to seek from Parliament, at the first suitable moment, legislation specifically implementing the terms of article 4 (a). The Committee would therefore await future reports on further steps by the Government of Australia to fulfil fully its obligations under article 4 of the Convention.

128. In respect of article 6 of the Convention, reference was made to the provision of section 24 (3) of the 1975 Racial Discrimination Act, already discussed by the Committee when previous reports of Australia had been considered, providing that a person had to obtain a certificate issued by the Commissioner for Community Relations before being able to initiate legal proceedings, and the Committee hoped that the Australian Government would continue to study the possibility of eliminating that requirement with a view to providing direct access to the courts.

129. In connexion with article 7 of the Convention, members of the Committee wished to be kept informed about the efforts of the Australian Government in the field of teaching, education, culture and information to combat racial discrimination, with regard, in particular, to educational measures envisaged to instil respect for other communities in children's minds.

130. In reply to questions raised by members of the Committee, the representative of Australia provided demographic information about the population of his country with regard, in particular, to the number and location of the Aborigines, who represented approximately 1.2 per cent of the Australian population. He also explained that the inclusion of the Convention in the list of international instruments within the purview of the Australian Human Rights Commission was not considered necessary since the Commission was responsible for the implementation of the Racial Discrimination Act and had full powers to monitor the implementation of the Convention.

131. With regard to questions concerning the Aborigines in Australia, the representative referred to the work undertaken by the Australian Law Reform Commission in respect to the relations between Aborigines and justice and between them and the police; he pointed out, however that the Law Reform Commission had not yet submitted its report on Aboriginal customary law. Besides, the establishment of the Australian Human Rights Commission for the administration of the Racial Discrimination Act had increased the resources available to combat racial discrimination in Australia. As regards the reason why members of the Aboriginal Development Commission were appointed whereas those of the National Aboriginal Congress were elected, he explained that the former was an executive body, and that in Australia it was normal practice for such bodies to be comprised of appointed members, whereas the role of the latter was to express opinions and give advice on behalf of the Aboriginal community. Moreover, while there was no single official document in Australia containing all the elements of Aboriginal policy, there were nevertheless basic principles, drawing from the fundamental principles of self-management, as well as comprehensively developed and co-ordinated programmes of special measures for Aborigines which were in fact provided by all levels of Government. The Federal Government furnished the bulk of the funds for the programmes, and the responsibility for their implementation often rested with those

levels of Government which were closest to local communities. As regards the settlement of disputes over mining, most Australian states had established boards, which included Aboriginal members, to identify sites of significance to Aborigines. When an area was developed, the developer and the State board concerned took the necessary measures to protect the site. With respect to unemployment among Aborigines, the representative outlined the most important elements contained in the National Employment Strategy for Aborigines, announced by the Australian Government in 1977, which sought the co-operation of all employers, both public and private, in increasing employment and training opportunities for Aborigines. With regard to housing or land rights, he stated that the essence of the Australian Government's policy was to ensure for Aborigines an economic and social development consistent with their own desires and choices without their being in any way confined. In the field of education, he provided information on governmental educational services available to Aboriginal children, including two major education assistance schemes at the Federal level. As regards the members of the Australian Institute of Multicultural Affairs, he stated that all except the Chairman were drawn from ethnic communities. He also explained that his country had not adopted a new Migration Act but it had recently introduced some revision of immigration guidelines. Immigration policy remained utterly non-discriminatory on the grounds of race or ethnic origin and family reunion was still a priority criterion for entry into Australia.

132. With reference to article 4 of the Convention, the representative stated that Australia believed that its provisions should be seen in the over-all context of human rights, including especially those freedoms of association, expression and opinion enshrined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. With particular reference to provisions of paragraph (a) of that article, he pointed out that they referred not to criminal offences but to offences punishable by law and that it was therefore up to the State, through its legislation, to punish such offences and to specify the type of penalty to be imposed for them. In this connexion, he recalled that under articles 16 and 17 of the Racial Discrimination Act, the dissemination of ideas based on racial superiority or hatred was unlawful and that article 25 of that Act spelled out the penalty imposed for such offences and the powers granted to the courts.

133. With reference to article 6 of the Convention, the representative stated that in his country there was a clear right of access to the courts, but in view of the special circumstances prevailing in Australia, provisions was made for that access to be preceded by a system of conciliation, which had the advantage of giving the parties concerned the possibility of settling their dispute by a procedure which was less formal, easier and more readily available than that of the courts; that was particularly important for persons living in remote areas, as was the case with Aborigines, and for those who were not entirely familiar with the country's judicial procedure.

134. With regard to article 7 of the Convention, the representative referred to a number of measures taken in Australia to counter racial discrimination in education, such as the inclusion of Aboriginal studies in teacher education, and in-service conferences and seminars for teachers of Aboriginal children.

Cape Verde

135. The initial report of Cape Verde (CERD/C/61/Add.5) was considered by the Committee without the participation of a representative of the reporting State.

136. The members of the Committee expressed general satisfaction with the report, which had followed the guidelines laid down by the Committee and which was detailed and to the point. They stated, however, that it would have been useful if a representative of the Government had been present, especially since the Committee was discussing the initial report of Cape Verde, and requested the Government to ensure that its representative would be present during the discussion of the second periodic report, which is due on 2 November 1982.

137. Referring to the statement in the report that there is no racial discrimination in Cape Verde and therefore no need for any legal measures, the members of the Committee pointed out that the absence of any racial discrimination did not constitute sufficient justification for not fulfilling obligations under the Convention and that the adoption of the required legislation was not only a legal obligation for States Parties but also a political responsibility since the Convention was aimed at creating a system of prevention through international legislation. One member of the Committee stated that the incorporation of the Convention into the municipal legal order would constitute a strong basis for action and it could also play an important role in influencing the legal system, in the meantime while more specific measures were being prepared.

138. With reference to article 2 of the Convention and in connexion with the information given in the report that emigrant Cape Verdeans had been the victims of racial discrimination, some members asked for further details concerning the international agreements referred to, whether the interests of Cape Verdean citizens abroad were being properly protected, and which rights were enjoyed by foreigners and the emigrant population in Cape Verde.

139. With regard to implementation of articles 4 and 6 of the Convention, it was noted that the Portuguese Penal Code currently in force in Cape Verde did not define the dissemination of ideas based on racial superiority or hatred as a crime, and, despite the reference in the report to protection for victims of racial discrimination in the sphere of public law, they appeared to have no possibility of access to the courts. Members of the Committee expressed the hope that the new Penal Code at present being drawn up for Cape Verde would fulfil the requirements of articles 4 and 6 of the Convention.

140. Concerning the implementation of article 5, a member of the Committee noted that, under the provision contained in article 31.2 of the Constitution, every citizen enjoyed personal inviolability and no citizen could be imprisoned or suffer any punishment "except in the cases and manner, and subject to the safeguards laid down by law," and requested further clarification concerning the conditions and exceptions laid down for this and other fundamental guarantees. It was also asked which rights were guaranteed to aliens; whether trade unions in Cape Verde had the right to bargain or merely looked after the welfare of the working class; whether citizens could receive free legal aid; how nationality was acquired; whether dual nationality was permitted and what the status of a naturalized citizen was.

141. As far as article 7 of the Convention was concerned, some members of the Committee noted that implementation of its provisions called not only for public

information activities, but also for the adoption of effective measures to promote understanding, harmony and tolerance among different groups. The Government was requested to provide information on what was being done in that respect in its second periodic report.

Barbados

142. The third, fourth and fifth periodic reports of Barbados submitted in one document (CERD/C/75/Add.7) were considered by the Committee without the participation of a representative of the reporting State.

143. Members of the Committee pointed out that the report of Barbados was basically sound, but it had not taken into account the observations and comments made by the Committee during the consideration of its second report in 1976, in particular with regard to the scope of the reservation formulated by the Government at the time of its accession to the Convention. They also expressed disappointment that the Government had not observed the time-limits laid down in article 9 of the Convention for the submission of its periodic reports and that no representative of Barbados was present at the meeting.

144. The Committee took note of the fact, reflected in the report, that the provisions of the Convention could not be applied directly in the courts of Barbados, but that the main provisions of the Constitution, in particular articles 11 to 23, constituted sufficiently effective measures to combat any form of racial discrimination. It was observed, however, that the Convention required the States parties, even if they claimed that they had no racial problem, to enact secondary legislation in order to apply the Convention as well as those constitutional provisions.

145. The Committee requested information on the demographic composition of the population and asked whether Barbados had received any requests for asylum, whether it had a refugee population and, if so, what the Government's policy was towards its refugees and those seeking asylum. Referring to the statement in the report that "Barbados was a multiracial society and that the differentiation had always been on the basis of class based on wealth", the question was asked whether any particular race or ethnic group fell into the economically weaker class, whether social differences were based on land ownership or business, and if it was the Government's policy to narrow the economic disparity, since the presence of certain racial groups in the disadvantaged classes could lead to complaints of racial discrimination.

146. Several members of the Committee noted that the report attempted to demonstrate that there was no need to enact any legislation in implementation of article 4 (a), (b) and (c) of the Convention. It was pointed out, however, that sections 31 and 33 of the Public Order Act did not meet the requirements of article 4 (a), because the prohibition of the dissemination of ideas based on racial superiority or hatred contained therein was based on prohibition of the use of threatening, abusive or insulting words or behaviour. Similarly, providing assistance to racist activities was punishable only if it infringed any of the laws in force. Article 4 (a), however, made such dissemination and assistance punishable per se. It was also noted that there was no provision to meet the requirement concerning incitement to racial discrimination and acts of violence, and the absence of a law prohibiting organizations which promote racial

discrimination indicated that the existing legislation was inadequate to meet the requirement of article 4 (b) of the Convention.

147. In connexion with article 5 of the Convention, attention was drawn to the danger of possible discrimination in the hotel industry. Although the legislation which had been enacted was considered sufficient to deal with that danger, it was suggested that the Government of Barbados should supervise its application and study the desirability of extending it to transport services, theatres and parks.

148. Concerning the implementation of article 6 of the Convention, further information was requested on the legal case of Vernon Smith and Jane Elizabeth Smith vs. Barbados Hilton Limited and Dalrymple Gill, referred to in the report.

149. As regards article 7 of the Convention, it was pointed out that that article was applicable to all States parties irrespective of the existence or otherwise of racial discrimination. Additional information was asked for on the type of education practised in Barbados to combat racist ideas and to encourage tolerance of other cultures and races, thus promoting better international understanding; whether Barbados encouraged human rights programmes sponsored by the United Nations associations and non-governmental organizations; and whether the radio and television played a role in the struggle against racial discrimination.

150. The Committee expressed the hope that the Government would take the observations of its members into consideration and that it would send a representative when the next report of Barbados was considered.

Qatar

151. The third periodic report of Qatar (CERD/C/73/Add.1) was considered by the Committee without the participation of a representative of the reporting State.

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

153. In connexion with the provisions of articles 1 and 2 of the Convention, it was noted that arrangements for a census and demographic classification had been put in hand and it was hoped that information on the composition of the population, including immigrants and aliens, would be supplied in the next report. On the subject of the Legislative Act No. 20 of 1980 concerning the regulation of the legal profession, information was requested on how the legal system functioned to enable non-Moslem and non-Arab expatriates to obtain redress and whether they were entitled to employ non-Arab lawyers to defend their cases, an aspect which was particularly important in view of the many non-Arab expatriate workers. Details of the new labour and immigration laws in effect in Qatar since August 1981 and the Labour Act No. 3 of 1962, referred to in the report, were also asked for, as well as whether the existing provisions for consultative committees to promote co-operation between employers and employees applied also to foreign workers.

154. With regard to article 3 of the Convention, the Committee commended the Government of Qatar for adopting measures to combat the apartheid régime of South Africa. Information was requested on the position of the Government in connexion with the designation of the year 1982 as the International Year of Mobilization for Sanctions against South Africa and the priority accorded to consultations with oil-exporting countries and others on the monitoring of an oil embargo.

155. Some members of the Committee noted that the Government had based its position in relation to article 4 of the Convention on the fact that the Constitution prohibited racial discrimination. It was pointed out that the Constitution was primarily a declaration of policy and could not provide specific penalties for violations of its provisions. Consequently, the Government might wish to consider the introduction of specific legislation in compliance with the categorical requirements of article 4 of the Convention and to inform the Committee in its next periodic report of action taken to give full effect to these provisions.

156. With reference to article 5 of the Convention, it was noted that criminal cases might be heard in different courts, depending on whether the accused were Moslems or non-Moslems, and the question was asked whether conditions were the same in the Sharia and secular courts, and if not, which one applied the more restrictive legal provisions. It was also asked whether the Government might consider permitting the establishment of trade unions, including the rights to strike and the right to bargain, should there be a demand for them.

157. The Committee congratulated the Government of Qatar on its efforts to combat fanaticism and bigotry in application of article 7 of the Convention and requested further details on specific measures it was taking in that area.

Panama

158. The seventh periodic report of Panama (CERD/C/91/Add.1) was considered by the Committee together with the introductory statement of the representative of the reporting State who stressed, in particular, the obstacles that still existed in his country with regard to the implementation of the Convention in the area known as "Panama Canal Zone" over which his Government had not yet restored its authority.

159. The Committee commended the Government of Panama for its excellent and informative report and, in particular, for the measures it had taken at the international level to combat apartheid in accordance with article 3 of the Convention.

160. Referring to the information provided in the first part of the report with regard to the Canal Zone, which was regulated by the Torrijos-Carter treaties of 1977 and in which the Panamanian Government denounced the existence of discriminatory practices, the Committee recalled that it had already informed the General Assembly on previous occasions of its concern at Panama's inability to implement the provisions of the Convention in a part of its territory and expressed, once again, its hope that Panama's efforts to recover its sovereignty over the Canal Zone would be successful, thus enabling the Government to implement all the provisions of the Convention throughout the Panamanian territory. It was asked whether the treaties referred to in the report contained a clause relating to divergences in interpreting their provisions and whether the Panamanian Government had submitted the question of the breach of the labour code to the International Labour Organisation.

161. The Committee drew particular attention to the implementation by Panama of article 2 of the Convention and especially to the policy of the Government with regard to the indigenous population of the country on which further information was requested. The Committee observed, in this connexion, that article 19 of the Constitution of Panama complied substantially with article 2, paragraph 1 (d) of the Convention, but failed to include all the distinctions mentioned in the definition of racial discrimination given in article 1, paragraph 1, of the Convention. It was noted that under article 116 of the Constitution, the State guaranteed to indigenous communities the reservation and the collective ownership of necessary land to ensure their economic well-being, and information was requested on the specific measures taken by the Panamanian Government to implement that constitutional provision. In this connexion, some members of the Committee wished to know whether the system of comarcas should be described as integration or integration with assimilation, whether comarcas were zones of settlement, autonomous regions or administrative units and how the system of comarcas worked, particularly in the indigenous zone of Darién established by Act No. 20 of 1957, whether those zones received additional resources, since they appeared to be in a backward state compared with the rest of the country, and whether the resources took the form of credits. With respect to the development of the comarcas, they wished to know whether the Government of Panama intended to create co-operatives, or whether their development was in the hands of private enterprises; and, where a private company held a concession for the exploitation of the resources of the subsoil of the territory of a comarca, whether its population benefited from the concession granted to the company. In addition, they asked the amount and distribution of the appropriations earmarked for the development of the regions inhabited by the indigenous populations. In particular, observing that the two indigenous zones defined by Act No. 20 of 1957 were not subject to appropriation, the Committee members inquired whether that applied also to the indigenous zones defined by Act No. 18 of 1932 and Act No. 18 of 1934, and what the situation was with regard to the Teribe cultural group, in respect of which no separate indigenous zone was mentioned.

162. With reference to integrationist movements which had developed within the indigenous population of Panama, it was asked whether they involved different indigenous, or ethnically related, groups seeking integration with each other or whether they sought integration with the nation as a whole, whether the indigenous groups themselves took the initiative or if it was the Government that endeavoured in that way to ensure their social and economic advancement, and whether measures had been taken to ensure the educational integration of the indigenous populations. It was observed that there appeared to be some inconsistency between the trend towards integration and the official policy of geographical delimitation of the various comarcas, and the question was asked at which level the effort at integration was made and in which spheres the indigenous groups had a special role to play. Members of the Committee also wished to know whether the indigenous populations had their own representatives in the Parliament, the Government and local bodies, and whether it was possible for them to move out of their region and have easy access to work, accommodation and instruction away from the areas where they normally resided; what the composition of the National Commission for Indigenous Affairs was, its role, its powers and its relations with the various ministries and to what extent indigenous leaders participated in that Commission; whether the two representatives of Chocó Congress were to serve as members of that Commission or merely in a consultant capacity and how far the Commission influenced the decisions of the National Agrarian Reform Committee. In this connexion, it was also asked whether the allocation of farm land to the indigenous populations by the

National Agrarian Reform Committee was designed to exclude them from the industrial sector, how far that Committee took part in formulating policies and decisions in the agrarian sector and what, in general, the results were of the indigenous policy established by the Government of Panama. Reference was made in this respect to a statement of the President of the Republic of Panama in which he undertook to guarantee equality for all Panamanians, and information was requested on measures taken to that end. The President had also mentioned the restructuring of the Directorate for Indigenous Affairs of the Ministry of Government and Justice and the Government's Indigenous Policy Department, and the Committee asked how these bodies were made up, how they operated and if they were co-ordinated with each other.

163. The Committee wished to receive further information on specific legislative texts and measures envisaged to comply fully with the provisions of article 4, paragraphs (a) and (b) of the Convention. It was noted that under article 1935 of the Judicial Code "no person who does not enjoy full civil rights may bring a criminal action", and clarification was requested on the meaning of this provision. Clarification was also requested on the texts of articles 2096 and 2227 of the Judicial Code regulating pre-trial detention of the defendant. It was also pointed out that additional information, which had already been requested during the discussion by the Committee of the fifth periodic report of Panama was needed on Acts No. 8 and No. 11 of 1978 and on the legal provisions against racial discrimination on the basis of which the Office of the Government Attorney would take action against political parties based on race.

164. In connexion with article 6 of the Convention, further details were requested about the practical possibility for victims of discriminatory acts to avail themselves of the various remedies referred to in the report.

165. Members of the Committee also requested information on what was being done in Panama to give effect to the provisions of article 7 of the Convention and, in particular, whether the measures taken in the sphere of education enabled the various population groups in Panama to reach a better understanding for living together, whether the Spanish-speaking population learned the vernacular languages of some of the ethnic groups, at what level education was provided in the vernacular languages and at what stage Spanish was introduced, whether a pupil whose mother tongue was Spanish was required to learn the language of the ethnic group in which he lived, what methods were used to train indigenous teachers and whether the textbooks used were sufficient to provide education in the various vernacular languages.

166. In replying to some of the questions raised by members of the Committee, the representative of Panama stated that his Government would continue to inform the Committee of the progress made in implementing the treaties concerning the Canal Zone. He then informed the Committee that members of the indigenous population occupied several high posts and, as Panamanian citizens, sat in the National Assembly. Many people of indigenous origin were to be found both learning and teaching at all levels, and in the comarcas education was given in both Spanish and the mother tongue, while urban dwellers could learn indigenous languages. Their various mother tongues enabled members of the indigenous population to retain their cultural links, while integration among themselves and with the rest of the population was made possible through the use of Spanish. Furthermore, the mass media had programmes in the local languages and emphasis was laid on indigenous culture. Indigenous reservations were not areas of confinement but were designed

to help the indigenous population to develop; health and hygiene were taught and there was access to modern means of communication. The representative finally stated that the other points raised by members of the Committee would be dealt with in detail in Panama's next periodic report.

Mauritius

167. The fourth and fifth periodic reports of Mauritius (CERD/C/75/Add.8) were considered by the Committee after a brief introduction made by the representative of the reporting State.

168. The Committee congratulated the Government of Mauritius on its frank report and on its efforts to reply to questions raised by the Committee at the time of its consideration of that country's previous periodic report.

169. Members of the Committee observed that, although it appeared from the information provided that there was no racial discrimination in Mauritius, the possibility that grievances stemming from racial discrimination might arise should not be overlooked, since the population was ethnically a very complex one, economic power tended to be concentrated in one group, there were religious differences among the population and, in some instances, it seemed that it might be difficult to draw a line between cultural associations and those presenting elements of racial discrimination. The Committee therefore wished to have some information on legislation that Mauritius was determined to enact for the protection of certain groups within the ambit of article 1, paragraph 4, of the Convention and to continue to receive additional information on policies for a more equitable distribution of the island's resources. It was also of the view that Mauritius might wish to consider introducing appropriate legislation in order to establish safeguards should a situation of racial discrimination arise. Members of the Committee also referred to the information provided on the demographic composition of the population of Mauritius, which was based more on religious than ethnic considerations. They asked, in this connexion, whether, in addition to Hindus, Muslims and Christians, there were any Buddhists in the country; whether, among the peoples who had originally come from India there were Tamils; and whether, in presenting the composition of its population, the Government of Mauritius could use criteria other than religious faith.

170. With regard to article 2 of the Convention, it was noted that the Government of Mauritius had not found it necessary to ensure that public authorities and public institutions did not practise discrimination since different races coexisted peacefully in the country, and it was recalled that the provisions of the Convention should be given full legal effect by States Parties.

171. In connexion with article 3 of the Convention, the Committee noted that while Mauritius condemned apartheid, it had to maintain trade relations with South Africa for economic reasons, and the Committee hoped that in future Mauritius could become less dependent on South Africa and eventually break its economic ties with that country in order to comply with the Committee's recommendations relating to article 3 of the Convention. Additional information was requested, in that respect, on any moves to diversify trade relations in order to further reduce that dependence. It was also asked what proportion of over-all Mauritian trade was accounted for by trade with South Africa, whether Mauritius intended to join the Southern African Development Co-ordination Conference or any other regional economic

grouping as a possible solution to its economic problems and whether trade relations with South Africa prevented the Government of Mauritius from organizing campaigns against the system of apartheid.

172. With regard to article 4 of the Convention, the Committee hoped that the Government of Mauritius would consider the possibility of broadening the scope of its legislation with a view to implementing fully the provisions of that article. It was observed, in particular, that section 283 (1) of the Penal Code and section 33 of the Public Order Act of Mauritius did not totally meet the requirements of paragraph (a) of article 4 of the Convention and that the situation of private clubs, described in the report, which grouped members of a single community, seemed to be one of racial discrimination even though, in the particular circumstances of the country, the effects were not considered to be detrimental. Members of the Committee therefore wished to be kept informed about the activities of such clubs and expressed the view that in the light of article 4 (b) of the Convention, the Government of Mauritius may wish to consider whether those clubs should not be prohibited or dissolved.

173. With reference to article 5 of the Convention, further clarification was requested on the Civil Status Act of 1981, which prohibited religious marriages without civil marriages for all communities except the Muslim community and on the categorization of mixed marriages and the children of such marriages. It was noted that, according to the report, the right to work would be enhanced in Mauritius if the private sector could be persuaded to advertise vacancies to enable everyone to apply and that there might still be a tendency on the part of the employer to employ people belonging to his own group, and it was hoped that Mauritius would be able to complete its legislation in that area so as to cover the provisions of the Convention more fully. It was asked whether any particular group was most affected by unemployment, whether measures had been taken by the Government to alleviate the adverse effects of unemployment and how the state of emergency in Mauritius affected the rights of trade unions, the press and the principle of freedom of association.

174. Turning to article 6 of the Convention, members of the Committee noted that the provisions of the Convention could not be directly enforced by the courts, although redress could be obtained from the Supreme Court in case of a breach of section 16 of the Constitution. It was observed that such redress might be difficult in a developing country and it would be interesting to know whether there were any other forms of redress. It would also be useful to know to what extent the service provided under the Legal Aid Act of 1973 was being used and if any victims of racial discrimination had availed themselves of it.

175. As regards article 7 of the Convention, further information was requested on legislative and other measures to give effect to all its provisions and, in particular, about the teaching and publicizing of human rights and the existence of United Nations associations or human rights committees in Mauritius.

176. In replying to questions by the Committee, the representative of Mauritius drew attention to the provisions of sections 3 and 16 of the Mauritian Constitution, which revealed that the authors of the Constitution had taken account of the fact that racial discrimination could exist in the country and stated that, in the interests of political stability, any community in Mauritius could have an existence of its own if it so desired and that the policy of toleration that was

being followed acknowledged the right of population groups to regard themselves as different. As regards the distribution of the island's resources, the representative stated that there were wealthy people in all of the communities, although most of the land still belonged to the descendants of the French settlers who had settled in an island where there had been no indigenous inhabitants. The Mauritian Government had never tried to seize the land and distribute it among the population since it believed that such a measure could lead to economic instability and racial intolerance; however, the taxation system ensured redistribution of resources.

177. As regards the demographic composition of his country, the representative explained that there were many Buddhists among the inhabitants of Chinese origin and that the Tamils, even though they had a different language, practised Hinduism and were not distinguishable from the Indian community practising the same religion. Furthermore, Mauritians had to specify to which community they belonged only when a census was taken, but many people had declared their intention of refusing to indicate their community on that occasion and it was possible that, at the next census, Mauritians would no longer be required to give that specification.

178. With reference to article 3 of the Convention, the representative stated that in spite of his country's trade relations with South Africa, there had been no interference by South Africa in the domestic affairs of Mauritius, and the wish of the Mauritians was to diversify their production and trade relations so that they could break away from their commercial dependence on that country.

179. He then provided some clarification on information given in the report with regard to article 4 of the Convention and stated that his Government regarded section 33 of the Public Order Act as giving effect not only to article 4 (a) but also to article 4 (b) of the Convention, since it covered persons who incited to racial discrimination and, by extension, the organizations or associations created by such persons. He assured the Committee that the existence of private clubs in his country did not stem from any idea of racial superiority and expressed the view that a ban on such clubs would not prevent those who frequented them from meeting in their own houses.

180. In connexion with article 5 of the Convention, the representative stated that under the Civil Status Act, Muslims were free to chose between civil marriage, religious marriage having civil effect or an exclusively Muslim religious marriage. The exception made in the Civil Status Act in the case of Muslims was simply a matter of respect for the religious convictions of that community. Furthermore, he informed the Committee that there were not many marriages in Mauritius between persons from different communities; however it was for the parents to decide to which community a child born of an interracial marriage would belong.

181. With reference to article 6 of the Convention, the representative explained that in a small country like Mauritius, anybody could easily have access to the Supreme Court, thanks to the system of legal aid. However, any breach of section 283 of the Penal Code or section 33 of the Public Order Act constituted a criminal offence, and the trial took place before one of the nine district courts in Mauritius. If a district court considered that the case before it involved a question of interpretation of the Constitution or a question of discrimination, it could immediately refer the matter to the Supreme Court, without any cost to the

parties to the proceedings. Lastly, the Ombudsman could, if necessary, play the role of unofficial conciliator even if he did not have competence in matters of discrimination.

Austria

182. The fifth periodic report of Austria (CERD/C/75/Add.9) was considered by the Committee together with the introductory statement made by the representative of the reporting State, who pointed out that the report contained many references to previous ones, since there had been no new developments in Austria concerning the implementation of the Convention.

183. The Committee commended the Government of Austria on its excellent report, which displayed clarity in its presentation and furnished proof of that Government's desire to continue its dialogue with the Committee. One member of the Committee, however, observed that some articles of the Convention such as article 3, were not amenable to static implementation and that it was not sufficient in such cases to refer to what had been said previously. Another member remarked that the report contained no direct reply to the questions asked by the members of the Committee during the consideration of Austria's previous report.

184. It was recalled that when the four previous reports by Austria had been considered, some members of the Committee had asked questions regarding the Ethnic Advisory Councils and the status and rights of the Croatian, Hungarian, Slovene and Czech minorities living in Austria, in connexion with article 1, paragraph 4, and article 2 of the Convention, and with article 7 of State Treaty of 1955 as part of the constitutional system of Austria. However, the fifth periodic report made no reference to those points. Information was therefore requested on the current situation regarding the Ethnic Advisory Councils, their composition and their functioning. It was asked, in particular, whether it had been possible to convince the Croatian, Slovene and Czech minorities to agree with the establishment of their Councils or whether only the Hungarian Advisory Council was in existence at the present time, whether the interests of minorities were taken into account in the current educational reform of the country, and what policy was followed in kindergartens.

185. With reference to article 3 of the Convention, information was requested on Austria's implementation of the various resolutions of the United Nations and other international organizations designed to sever all relations, including trade relations, with South Africa and to promote activities to put an end to the régime of apartheid.

186. As regards article 4 of the Convention, further information was requested on legislative measures concerning directly the prohibition of organizations which incited racial discrimination. One member was of the view that the penal provisions referred to in the report did not adequately reflect the provisions of article 4 (a) and (b) of the Convention. He also wondered whether the interpretive declaration made by Austria with regard to that article was not being used as a bar against full compliance with it.

187. In connexion with article 5 of the Convention, members of the Committee wished to receive further information on the conditions under which the number of foreign workers in Austria was to be reduced. It was asked, in particular, whether they would be sent back to their countries of origin and, if so, whether any agreements

with those countries had been reached, or whether foreign workers were entitled to unemployment and other social benefits in Austria. Information was also requested on education for immigrant workers and their families, on the percentage of those attending schools and the dropout rate, and on the attempts to strengthen existing methods for the reception of refugees in Austria.

188. In connexion with article 6 of the Convention it was recognized that Austria had a comprehensive system of protection against racial discrimination. One member, however, requested clarification with regard to the manner in which the provisions of the Convention were enforced by the Courts. Reference was also made to the State Liability Act and it was asked whether the State was also held liable when one of its officials acted contrary to the law, but not in the performance of his duties, which legislative provision would be applicable to claim reparation from the individual responsible for an administrative act of racial discrimination and not only from the State or agency represented by the individual and what was the legislation governing discrimination on the part of groups or individuals which were not public officials or did not represent State institutions. Additional information was requested on the institution of the Ombudsman and on the role of the Constitutional Court in preventing racial discrimination. It was asked, in particular, how many cases of racial discrimination had been referred to those two institutions and what the findings had been, whether the role of the Ombudsman went beyond the investigation of complaints concerning racial discrimination and whether people, especially persons with little education or migrant workers, were in any way informed about or oriented towards the Ombudsman.

189. With regard to article 7 of the Convention, information was requested on specific measures that might have been taken to strengthen Austrian action to implement its provisions, such as programmes for education about racial discrimination and apartheid and publicity on United Nations activities, or on any possible obstacles encountered. It was asked, in particular, what the functions of the human rights centre referred to in the report would be once the centre was established, whether it would be responsible for preventing racial discrimination against Austrians alone or against foreigners as well and whether public servants, police and immigration officers and teachers received training to help them in their contacts with ethnic minorities.

190. In reply to questions by members of the Committee, the representative of Austria stated that the reason for the lack of information in the report with respect to the Ethnic Advisory Councils was that there had been no change in the situation described in the preceding report and that the establishment of advisory councils for ethnic groups other than the Hungarians was still under discussion at the federal and provincial levels with the representatives of those groups. In addition he informed the Committee that his Government was providing a financial subsidy to kindergartens for children of the Slovene ethnic group. Furthermore, he stated that article 7 of the State Treaty concerned not merely the prohibition of discrimination but also the granting of specific rights to ethnic groups - a function which was not even indirectly related to the Convention.

191. In connexion with article 4 of the Convention, he stated that the general policy of his Government was to prohibit the activities of an organization only when they were proved contrary to the law.

192. As regards article 6 of the Convention, the representative explained that the reason why the Convention did not form part of the internal legal order of his

country was that certain of its provisions could not be regarded as self-executing. With reference to questions concerning the State Liability Act, he made a distinction between civil cases and cases of State liability where officials were concerned, and explained that the State Liability Act, dealt with cases where officials committed acts of racial discrimination either within or outside the framework of their duties. In cases of the latter type, it was considered easier for a victim to lodge a claim against the State as such rather than against a particular official. Compensation in the case of acts committed by other groups or individuals came under the normal rules governing compensation in civil law. With regard to the activities of the Ombudsman, the representative informed the Committee that 3,500 complaints had been lodged since the institution had come into being some five years previously, but there had been no case involving racial discrimination. Similarly, no specific case of racial discrimination had come before the Constitutional Court but the Court had dealt with many cases concerning equity before the law in other fields; and there was a large body of case law in that respect. The public was familiar with the procedure for applying to the Constitutional Court and to the Ombudsman, and over a thousand cases had been brought before the Court in 1981.

193. With regard to article 7 of the Convention, he explained that the main activities of the proposed human rights centre would be in the fields of information and education; he also referred to educational activities for public officials, such as policemen and prison staff, in the field of human rights.

194. The representative of Austria finally stated that additional information on various points raised during the discussion would be provided in his Government's next periodic report.

Ethiopia

195. The third periodic report of Ethiopia (CERD/C/73/Add.2) was considered by the Committee together with the introductory statement made by the representative of the reporting State, who pointed out that further basic laws laying down the rights, obligations and duties of citizens and their relations with the State had been enacted, and the consolidation and strengthening of the various basic laws enacted since the Revolution had helped in developing democracy and local self-administration. In doing away with the feudalistic system, the Government had taken all necessary steps to guarantee an end to the oppression of Ethiopian nationalities, and by embarking upon its mission of socialist construction it was on the way to eradicating inequalities, injustices and exploitation.

196. The Committee thanked the Government of Ethiopia for its report which contained important information and showed Ethiopia's determination to fulfil its obligations under the Convention and to promote the equality of all human beings within a framework of non-discrimination and respect for human rights. Some members of the Committee expressed concern that Ethiopia had not yet adopted a Constitution. Although the report stated that a number of proclamations were considered basic laws, there was some confusion over their exact legal position, since the report referred to them sometimes as "an aggregate of legal norms" and sometimes as "prescriptions of a constitutional significance". The Committee expressed the hope that the Government would soon be in a position to provide information on the demographic composition of Ethiopia including, as far as possible, an indication of the size and composition of the different ethnic groups.

197. Attention was drawn in particular to information relating to the provisions of article 2 of the Convention. The Committee noted that the Government of Ethiopia, which had had to face an extremely low level of development, was committed to improving living conditions and was endeavouring to correct the disparities in economic opportunity that had existed before the Revolution. It was asked whether the Government had a special policy in its development strategy for the most backward areas in which a particular ethnic group or groups lived, in order to ensure their adequate development as stipulated in article 2, paragraph 2, of the Convention; whether the Government had any policy of national integration or had established any special commission to bring the various ethnic groups into the national mainstream while enabling them to retain their distinctive cultures; whether there was any language that could serve as a unifying factor; whether the definition of nationality for the purpose of granting regional autonomy was based on linguistic criteria; and whether, in this connexion, ethnic groups were still considered to have a right of self-determination; how many languages were taught in schools and what were the officially recognized languages at the national level. Information was also requested on the refugee situation in Ethiopia, on how the rights laid down in articles 2 and 5 of the Convention were guaranteed by legislation to protect refugees and their national and international status, and on any problems that might have arisen as a result of the Government's policy.

198. With regard to measures for the implementation of article 4 of the Convention, it was observed that the Committee had requested further details concerning the implementation of article 4 (a), (b) and (c), but unfortunately the present report did not contain the required information. It was asked whether the Government of Ethiopia had enacted special legislation in order to implement the provisions of article 4. Referring to article 480 of the Penal Code, it was pointed out that that article did not fully cover the requirements of article 4 (a), since it made no mention of any assistance to racist activities, and it did not meet the requirements of article 4 (b) at all.

199. With respect to article 5 of the Convention, questions were asked concerning the conditions for movement within the country and the procedures required for leaving the country; whether there were any agreements governing the emigration of Ethiopian workers, the working conditions of expatriates or the treatment of stateless persons; and if there was any provision for a minimum wage policy or for social security. Referring to the information provided on co-operatives, one member of the Committee asked for clarification on how a person who was not a member could exercise his profession, whether there was freedom of association or whether labour unions - as distinct from co-operatives - could be formed. A number of questions concerning the judicial organization of the country were also asked, in particular whether the right of defence existed under the old régime; whether the "Kebeles" had a single judge or a collegial system, and if they were competent to hear both civil and criminal matters; whether a person involved in a legal case had the option of bringing his case before either a local or a national tribunal.

200. With regard to article 7 of the Convention, it was noted that the national literacy campaign was the most striking development, and broadcasts in the major languages were particularly important. However, more details on the implementation of this article was requested in the next periodic report.

201. Replying to some of the questions raised by the members of the Committee, the representative of the reporting State noted that in his Government's view regional

autonomy must not be allowed to be divisive and Ethiopia's problems had to be solved within a national framework and that the trend was towards integration rather than separation. He also stated that the lack of demographic statistics and of a written constitution had to be seen in the context of the country's formative stage of development. Ethiopia had already asked for United Nations assistance in that regard. Similarly, the basic laws would lead to the establishment of a proper constitution. Some of those laws were weak and would not be incorporated into the Constitution, while others were being revised.

202. Replying to the questions concerning the labour legislation, he stated that during the discussion of the second periodic report it had been pointed out that the entire labour force of Ethiopia had been organized into the All-Ethiopian Trade Union, in close co-operation with international organizations such as the International Labour Organisation. He also said that the labour laws, which were constantly being revised, would take the provisions of the Convention into consideration.

203. The representative finally assured the Committee that future reports would provide more accurate and up-to-date information.

Ecuador

204. The seventh periodic report of Ecuador (CERD/C/91/Add.2) was introduced by the representative of the reporting State who pointed out, in particular, that the decision to incorporate the provisions of article 4 of the Convention into the Penal Code was a consequence of the dialogue initiated between the Committee and Ecuador with the submission of its first periodic report. Ecuador had acceded to all the international conventions on the protection of human rights and it was one of the few countries that had made the declaration provided for in article 14 of the Convention. He also pointed out that within the framework of the National Development Plan, the Government was endeavouring to improve the living conditions of the agricultural population and had decided to devote one third of State budget to education of its population.

205. The Committee congratulated Ecuador on the quality of its report, which contained the texts of the legislative provisions enacted to give effect to the Convention. Several members emphasized that Ecuador had made the declaration according to article 14 of the Convention.

206. With reference to article 2 of the Convention and in order to appreciate better the implementation of the provisions of the Convention in Ecuador, further information was requested concerning the ethnic composition of the population, since it was known only that the indigenous population amounted to 50 per cent. It was asked what was done to ensure that the indigenous population enjoyed human rights and fundamental freedoms under the same conditions as others and how it was protected in the courts; whether the various ethnic groups could receive instruction in their own language and whether the new Constitution of 1978 had introduced changes in that area. Members of the Committee requested more details on the teaching of quechua and on the use of quechua and other languages in administrative, judicial and other matters. In so far as Ecuador guaranteed the rights set forth in the international instruments, it was asked whether it transformed them into individual guarantees of which a person could avail himself directly against the State authorities; and whether the benefits of those

guarantees were being extended to foreigners. Referring to the implementation of the Government's agrarian reform mentioned in the report, the members of the Committee raised several questions, in particular, whether the land was first bought from the rich landowners before being redistributed; whether only arable land was involved; what the proportion was of people who had no land and to which group they belonged; how many indigenous families had benefited from an allocation of land and whether they could emigrate to the city in cases where they had settled on land allocated to them which did not suit them; whether the budget provided sufficient funds for water, irrigation and improvement of the quality of life of the rural population as well as what measures concerning infrastructure and agricultural equipment had been adopted in Ecuador in order to ensure the success of the agrarian reform. Additional information was also requested on priorities of the National Development Plan and on the measures taken under article 2, paragraph 2, of the Convention in favour of the most disadvantaged groups of the population to ensure their adequate development.

207. With reference to article 4 of the Convention, some members of the Committee took note of Decree No. 3194, which amended the Ecuadorian Penal Code with a view to giving effect to the provisions of this article. More details were asked for on the judicial guarantees surrounding protection against racial discrimination, and the protection of the basic rights of the citizen, since they were not specified in the report.

208. As regards article 5 of the Convention, members of the Committee drew attention to the provisions of the Constitution of 1978, which provided for the right of habeas corpus before the magistrate or President of the Council, who verified the legality of the order for the deprivation of freedom. It was asked whether the magistrate or the President of the Council, who were agents of the executive power, also exercised judicial functions, whether their decision was subject to judicial control and whether an administrative authority in Ecuador could ensure a decision taken by the judicial power.

209. With regard to article 6 of the Convention, several members of the Committee asked for clarification on how Ecuador's judicial organization was set up, how the rights of the defence were ensured, whether quechua could be used in the courts and what were the rules of penal, civil and administrative procedure.

210. Turning to article 7 of the Convention, the Committee commended the Ecuadorian Government for allocating one third of its national budget to education. However, more details were requested on the specific measures taken in the area of teaching, education, culture and information, in particular, on the role of the information media in the dissemination of other cultures and the principles of human rights and the way in which the population was informed of its rights, on what was being done to promote indigenous languages and studies and whether Ecuador was developing its exchanges with other Latin American countries. With regard to the indication in the report that education was aimed at instilling a spirit of tolerance in pupils, more information was requested on what was meant by "spirit of tolerance" and on the way in which it could be instilled.

211. Replying to questions raised by members of the Committee, the representative of Ecuador stated that in the economic area a new experiment was undertaken at the initiative of the Central Bank of Ecuador, which had decided to grant loans to indigenous farmers and had set up mobile units for the most remote regions. The National Development Bank also granted loans to disadvantaged farmers.

212. With reference to questions concerning articles 5 and 6 of the Convention, the representative stated that his Government, anxious to avoid abuses of power with respect to private individuals, had taken steps to make the person in charge of implementing the right of habeas corpus independent of all three powers, legislative, executive and judicial. That was why application for the remedy of habeas corpus was made to an elected official, either by the victim or his lawyer. The magistrate or President of the Council examined the legality of the order for the deprivation of freedom and heard the two parties, after which he could order the release of the detained person. With regard to legal protection, the representative said that under article 107 of the Constitution a person who did not have the means of paying a lawyer was entitled to the services of a public defence counsel (defensor público).

213. With reference to article 7 of the Convention, the representative stated that the educational programmes directed by teachers were broadcast by radio to isolated rural zones which did not have access to newspapers or television. Questionnaires made it possible to verify whether the subjects taught had been properly assimilated by the listeners. He assured the Committee that all other questions would be dealt with in the next report of Ecuador.

Kuwait

214. The seventh periodic report of Kuwait (CERD/C/91/Add.3) was considered by the Committee together with the introductory statement of the representative of the reporting State, who explained, in particular, the situation concerning foreign workers and their families in Kuwait. He stated that the Constitution guaranteed the possibility and choice of employment for everyone and prohibited forced labour, discrimination and exploitation, and that the existing laws and measures in his country were adequate to prevent any form of racial discrimination.

215. Members of the Committee observed that replies to some of the questions raised during the examination of the sixth periodic report had been provided orally by the representative of Kuwait but did not appear in the report, while others had not been answered at all.

216. With reference to articles 2 and 5 of the Convention, the Committee drew particular attention to the situation and the legal status of foreign workers, who constituted 85 per cent of a total number of workers in the country. Members of the Committee requested more information on the different conditions of work in the long-term and short-term categories; whether short-term workers relied on recruiting agencies for their working conditions and social benefits or the Government ensured that they were not exploited by those agencies; whether long-term workers were permitted to change jobs, buy and sell property, reside where they pleased, leave the country and return, have their families with them, marry locally and have their choice of spouse. With regard to trade union rights, it was asked whether there was a separate trade union for foreign workers or whether they were permitted to join a national trade union. It was also asked whether a distinction was made between temporary and long-term workers in the area of health, social security and other benefits.

217. In connexion with article 3 of the Convention, some members congratulated the Kuwaiti Government on its progressive policy regarding the struggle against apartheid. The Government was requested to keep the Committee informed of any

other campaigns or programmes organized in the struggle against racial discrimination and apartheid.

218. With respect to implementation of article 4 of the Convention, it was noted that, although the Constitution provided for absolute equality and the Islamic Sharia prohibited racial discrimination, there was no specific law declaring racial discrimination a crime and imposing penalty for dissemination of ideas based on racial superiority or hatred or for incitement to racial discrimination. Moreover, except where Kuwaiti law made provision for the Ministry of Social Affairs and Labour to dissolve a club or association in such a way as to comply with article 4 (b) of the Convention there was nothing in Kuwaiti legislation to prohibit organized and other propaganda activities promoting and inciting racial discrimination, or to make participation in such activities punishable by law. The members pointed out that existing legislation could not therefore be considered adequate to meet the requirements of article 4 (a) and (b) and the Committee must reiterate its position concerning the necessity to enact relevant legislation. Referring to paragraph 185 of the Committee's report to the General Assembly at its thirty-sixth session (A/36/18) concerning the question of the applicability of the Kuwaiti Penal Code to organizations which advocated fundamentalist ideologies, one member stated that it should not be assumed that fundamentalist ideologies were ipso facto discriminatory and that the Committee's concern should be to ascertain whether incitement or promotion of racial hatred and discrimination existed, regardless of ideology.

219. As regards article 6 of the Convention, the Committee expressed regret that no reply to the question raised earlier concerning legal means providing for compliance with the guarantees laid down in article 29 of the Constitution had been received. Noting that the constitutionality of legislation contrary to the principles contained in the Constitution could be challenged, it was asked whether the Constitutional Court had in fact ever exercised its right to rectify such legislation.

220. With reference to article 7 of the Convention, it was pointed out that the Kuwaiti educational policy was a liberal one and workers were free to enjoy their own religion, institutions and associations. However, members hoped that more details regarding the implementation of all the provisions of this article would be given in the next report of Kuwait.

221. Replying to the questions raised by members of the Committee, the representative of the reporting State expressed the hope that in future it would be possible to submit more detailed reports incorporating answers to the Committee's comments and questions. Commenting on the objective of equal treatment for nationals and non-nationals, he stated that although the principle of equal pay for equal work was respected in Kuwait, in practice it was found that the kinds of work undertaken by foreign workers were frequently not done at all by Kuwaitis and that, in practice, the circumstances referred to in the report, which permitted exceptions to the rule of non-discrimination between Kuwaitis and non-Kuwaitis, had never arisen. However, he agreed that the only distinction between foreign and national workers should be in relation to work permits. He also stated that there were no specific restrictions on workers' freedom to change employment, which was a matter to be arranged between the worker and the agency. Foreign workers had freedom of residence and were free to leave the country. Furthermore, they had the right to practise their religion, and to marry locally or to marry a Kuwaiti national if they so wished. The representative stated that the length of stay did

normally give foreign workers a certain status but that they were not allowed to purchase property or to set up a business without the involvement of a Kuwaiti national. He agreed that the question of foreign labour was one of prime concern in discussing Kuwait's compliance with the provisions of the Convention. Although he was not aware of any formal agreements with the countries of origin of foreign workers, arrangements had been made on a bilateral basis between Kuwait and other countries.

222. As regards the implementation of articles 4 and 6 of the Convention, the representative stated that there was no specific law declaring incitement to racial discrimination a punishable offence and agreed that a request should be made to Parliament to consider enacting relevant legislation. However, procedures for protection and remedies were available in so far as all workers had the right to submit complaints to the relevant authority within the Ministry of Social Affairs and Labour.

Iceland

223. The seventh periodic report of Iceland (CERD/C/91/Add.4) was considered by the Committee, together with the introductory statement made by the representative of the reporting State, who pointed out that in 1981 Iceland had recognized the Committee's competence, under article 14 of the Convention, to receive and consider communications from individuals within Icelandic jurisdiction claiming to be victims of a violation by Iceland of the rights set forth in the Convention. He also stated that the arrangement for the experimental establishment of an ombudsman in the Ministry of Justice was being continued, since experience had shown that it served a useful purpose.

224. The Committee expressed appreciation of the report and the efforts made by Iceland to amplify its dialogue with the Committee. Iceland was among the countries most sincerely dedicated to the promotion of tolerance and understanding among ethnic groups and nations, and the declaration made by Iceland under article 14 of the Convention was commendable.

225. With reference to article 3 of the Convention, while the Committee welcomed the efforts made by the Nordic countries in respect of relations with South Africa, some members observed that the maintenance of relations between Iceland and South Africa, however insignificant, meant that the principles of the Convention and of United Nations resolutions were not fully respected, and urged the Government to endeavour to cease its trade relations with South Africa completely.

226. With regard to article 4 of the Convention, the Committee welcomed the adoption by the Alting (Parliament) of a new provision in the Penal Code in implementation of this article. One member pointed out, however, that while the maximum term of imprisonment was stipulated, there was no indication of the minimum or maximum fine to be imposed. The Committee would welcome information on that point. More details were also requested on the results of the experimental establishment of an ombudsman, with some examples of the functions of the official concerned and of the reasons for the Government's decision to continue the project.

227. In connexion with article 7 of the Convention, the Committee noted with appreciation the replies given by the Government of Iceland to questions on educational system raised by the Committee during the consideration of the sixth report of Iceland. Members also observed that the co-operation among members of

the World Federation of United Nations Associations in the Nordic countries in the teaching of human rights and elimination of racial discrimination was well known and that the experience of the Nordic countries should be borne in mind when similar curricula were introduced in schools in other countries. Referring to the outline of instructional material given in the report, one member of the Committee said that he had some doubts about the conjunction of the words "the great discoveries" and "the white settlement" in the description of the sixth-grade materials, and requested some clarification on the matter. Another member pointed out, moreover, that, far from showing the white man bringing a superior civilization to other countries, modern educational material took quite a different view and indeed referred to the danger of the destruction of indigenous cultures; he asked whether the material used in Iceland was outmoded or in line with present cultural knowledge. Clarification was also requested on the word "primitive", mentioned in paragraph 15 of the report, and on its continued use. Members of the Committee asked for some information on the role of the press, radio and television in combating racial discrimination and on the further steps taken to ensure that the history and culture of other countries, particularly developing countries, were accurately presented in school text books.

228. Replying to questions of the Committee, the representative of Iceland noted the Committee's remarks that Iceland was not fully observing United Nations resolutions on the relations with South Africa, and wondered whether many countries observed those resolutions as scrupulously as Iceland. He stated, nevertheless, that the views of members would be conveyed to the Icelandic Government. With reference to article 4 of the Convention, he was not in a position to reply to the questions raised concerning fines and maximum sentences, but further information on that point would be given in Iceland's next periodic report, which would also enlarge upon the question of the ombudsman. Turning to the questions concerning article 7 of the Convention, the representative said that he had noted the Committee's remarks on the press, radio and on educational material and agreed that the term "white settlement" used for sixth-grade materials was perhaps not the most appropriate, but historical substance was the most important element and what children were in fact being taught was very progressive. He stressed that the curriculum for the first to fourth grades was established, while that for the fifth to ninth grades was still in an experimental phase. Icelandic terms were not easily rendered in other languages, and it was therefore difficult to discuss the use of the word "primitive", but the representative assured the Committee that he would convey the Committee's concern to specialists in the Ministry of Culture and Education.

Republic of Korea

229. The second periodic report of the Republic of Korea (CERD/C/86/Add.1) was considered by the Committee, together with the introductory statement made by the representative of the reporting State, who informed the Committee that on 4 January 1982 his Government had lifted the curfew, thus strengthening the fundamental rights of the population.

230. Members of the Committee drew attention to part I, section A of the report, which stated that the Constitution sought "to harmonize the national security, law and order and efficiency with the people's desire for democratization, while guaranteeing basic human rights to the greatest possible extent", and asked whether the words "to the greatest possible extent" meant that the guarantee was not comprehensive. With reference to part I, section B of the report, setting out the

text of the provision contained in article 5 (1) of the Constitution, they also asked whether it meant that treaties had the same effect as the Constitution or laws constituting domestic legislation, whether that article gave a victim of racial discrimination the right to bring suit before the courts or whether other appropriate provisions should be made, since States were obliged to adopt special measures to give effect to those provisions of the Convention which were not self-executing.

231. In connexion with article 2 of the Convention, inquiry was made whether any measures had been taken in favour of certain social groups whose development had not followed that of the rest of society and who required protection in order fully to enjoy human rights and fundamental freedoms. With regard to part I, section C of the report, further details were requested on the homogeneity of the population from the point of view of ethnic origins, and also on the rights of foreigners.

232. With regard to article 4 of the Convention, the Committee noted that article 3 of the 1980 Constitution, which condemned and prohibited racial discrimination, and paragraph 1 of article 260 of the Penal Code, which imposed penalties, did not suffice to give effect to that article, in particular to all aspects of subparagraphs (a) and (b), as had been stated during the discussion of the initial report. The Committee emphasized the need for the Republic of Korea to adopt special legislation to implement those provisions.

233. The Committee requested additional information on the implementation of article 5 of the Convention, in particular concerning the right to leave the country freely and to return and on questions concerning the principle of equal pay for equal work, requested during the discussion of the initial report.

234. With reference to article 6 of the Convention, members of the Committee expressed their regret that the report did not mention the protection enjoyed by citizens and the possibilities of appeal available to them as well as measures taken to implement article 6, in particular, to permit victims of racial discrimination to seek damages.

235. Turning to article 7 of the Convention, information was requested on measures taken by the Government in the field of teaching, education and culture with a view to combating racial prejudice, promoting tolerance and understanding among the various groups of the population, and disseminating the principles laid down in the Charter and the Convention, namely, how education on United Nations activities in the field of human rights, especially with regard to racial discrimination, was carried out in schools.

236. In reply to some questions raised by members of the Committee, the representative of the reporting State said that international treaties had the same effects as domestic legislation in the Republic of Korea, that there were no ethnic minorities in his country, that foreigners residing therein enjoyed civil rights and that Koreans were free to leave the country and return. The Government had taken measures to help certain sectors of the population; in particular, a campaign had been launched to improve the standard of living of both the rural population and the inhabitants of the coastal regions, who derived their living mainly from fishing.

237. The representative also stated that workers' rights were laid down in the new Constitution, which contained 29 articles governing the rights and duties of

citizens. It provided that all citizens had the right to work and ensured special protection for working women and children. The workers also had the right to independent association, collective bargaining and collective action. In that connexion, he reiterated that in January 1982, following abrogation of the martial law proclaimed one year previously, the Government had abolished the curfew that had been in force for 30 years. It had also abolished the press censorship.

Hungary

238. The seventh periodic report of Hungary (CERD/C/91/Add.5) was considered by the Committee together with the introductory statement of the representative of the reporting State, who reiterated his Government's determination to pursue with the Committee the constructive dialogue which had been established and reaffirmed Hungary's deep commitment to the objectives of the Convention.

239. The Committee expressed appreciation for the report, which testified to the fruitful and encouraging co-operation of the Hungarian Government with the Committee, provided appropriate replies to questions raised by members during the consideration of previous reports and complied with the Committee's guidelines. It was noted with satisfaction that the Convention formed part of the Hungarian internal law and that detailed information was given on the demographic composition of the population. However, one member expressed concern at the substantial decrease in the number of national minorities in the country, and another member noted that the Slovenian and Serbian minorities mentioned in the third report of Hungary were no longer included in the seventh periodic report. An explanation was requested as to why the criterion of mother tongue had been chosen to determine the category to which the various ethnic groups belonged and how the concept of mother tongue had been defined for the purposes of the 1980 census. It was also observed that article 61 of Act I of 1972, which prohibited discrimination only on grounds of sex, religion or nationality, placed a limitation on the definition of racial discrimination as contained in article 1, paragraph 1, of the Convention.

240. With regard to the implementation of article 2 of the Convention, questions were asked concerning the functions of the Presidium, the Council of Ministers and the Office of the Procurator-General of the Republic and the method of ensuring respect for the legislation in force. It was asked in particular, by whom and according to what procedure the type of initiative mentioned in article 2, paragraph 1 (c) of the Convention could be taken; how a conflict arising, for instance, between the Parliament and the Presidium was resolved and what was the procedure followed; whether there was some form of legal control of constitutionality and whether there was any legal control over administrative procedure. With regard to the gypsy population in Hungary, a member of the Committee observed that gypsy housing was concentrated in certain rural localities of the country. He wondered whether that practice had been abolished and whether they now lived side by side with other Hungarians. Regarding article 157 of the Penal Code, some members pointed out that the Hungarian Government's interpretation of the phrase "an act prohibited by international law", as referring to the Convention, was not in adequate conformity with article 2, paragraph 1 (d) of the Convention and that the qualification regarding intent to ensure that a racial group would gain or maintain domination over another removed that article of the Penal Code, from the purview of the Convention.

241. Several members noted that most of the provisions of article 4 of the Convention were given effect to by articles 148, 155, 156 and 157 of the Penal

Code. Some members observed, however, that article 148 provided inadequate coverage of article 4 (a), since it declared punishable an act liable to incite others to hatred, which was only one of many possible motives for racial discrimination, and did not meet the requirement concerning dissemination of ideas based on racial superiority or hatred, while in article 156 of the Penal Code the reference to "serious bodily or mental injury" placed a limitation on article 4 (a), which punished all acts of violence or incitement to such acts. It was also pointed out that there was no law corresponding to the requirement in article 4 (a) in respect of assistance to racist activities, while Law-Decrees No. 35 of 1970 and No. 10 of 1979 covered only organizations promoting racial discrimination and did not deal with other propaganda activities.

242. In connexion with article 5 of the Convention, the Committee noted that most of the rights enumerated therein had been analysed in depth and were based on the principle of legal equality. An explanation was requested as to what was meant in article 54 of the Constitution by the expression "the interests of a socialist society"; what the situation was with regard to the right to freedom of movement and residence within the State, the right to leave any country, including one's own, and return to one's country, the right to nationality, the right to form and join trade unions and the right of association. Referring to article 67 of the Constitution, one member asked whether the qualifications for the granting of asylum in Hungary to foreigners were exhaustive or illustrative.

243. With regard to article 6 of the Convention, it was observed that any person who was a victim of racial discrimination could initiate legal action before the competent judiciary bodies in order to claim damage and that in civil matters judges had considerable power of adjudication. An explanation was requested as to whether in the event the Public Ministry refused to institute criminal proceedings for any reason whatever, the victim could himself bring a criminal action and whether, when the guilty person was a State official, the proceedings were instituted against the official or against the State. It was also asked if the term "social interest" meant an economic interest or also covered a moral interest, such as respect for human life. Referring to article 73 (3) of the Civil Code, one member requested some examples of the kind of rights that might be considered inoperative because of the factor of consent.

244. With reference to article 7 of the Convention, the Committee commended Hungary for its imaginative and progressive approach to education aimed at promoting the struggle against racial discrimination, and noted with interest the statement that the Hungarian Government considered the cultivation of national cultures to be inseparable from the cultures of the respective mother countries of the nationalities. Some members wished to have more details about education and school curricula in order to understand how they ensured respect for human rights and the promotion of tolerance and friendship among nations as well as how young persons were educated to combat prejudices which led to racial discrimination.

245. Replying to questions raised by members of the Committee, the representative of Hungary stated that information on the demographic composition had been based on 1980 census data and that the right to use one's mother tongue was guaranteed by article 61 of the Constitution. The Slovene and Serbian groups had not been mentioned in the demographic information because their numbers were so small, however, figures could be provided to the Committee in the next report. Concerning the gypsy population, he explained that it would be wrong to say that the gypsies were concentrated in certain areas since the district councils were responsible for

providing adequate housing for them. As a whole, the policy of the Government was aimed at integration of the gypsies into Hungarian society. As regards the functions of the Presidential Council and Parliament, the representative stated that the Council was elected by Parliament and acted between sessions of Parliament. It was therefore part of the supreme body and no conflict existed between the legislative and executive branches. With respect to the question of the judicial system in Hungary, he explained that the power of the administrative organs was limited to applying the law, which was enacted by Parliament and enforced by independent courts. Touching upon the phrase in the report "an act prohibited by international law", he said that inclusion of article 157 in the new Penal Code had been a direct result of Hungary's accession to the Convention and that the Hungarian legislation was in full conformity with both the spirit and letter of the Convention. He also could not agree with the opinion that article 157 of the Penal Code failed to cover adequately the provisions of article 4 of the Convention.

246. With reference to questions asked under article 5 of the Convention, the representative of Hungary was of the opinion that matters such as the possibility of travelling freely, choosing one's residence, leaving the country, the right to a nationality, and trade union matters, though referred to in the Convention, were of a more general nature, and that those problems did not exist in his country. He also explained that the interest of a socialist society was to ensure the functioning of the socialist State.

247. Referring to questions regarding the implementation of article 7 of the Convention, the representative said that matters concerning racism, apartheid, and the fight for self-determination were an integral part of the teaching of contemporary history, especially at the secondary level. In addition, the National Solidarity Committee conducted frequent seminars on those subjects.

248. He finally assured the Committee that its comments would be taken into account and the questions duly answered in the next report.

Jordan

249. The third and fourth periodic reports of Jordan, covering the period of 1978 to 1981 submitted in one document (CERD/C/74/Add.2), were considered by the Committee in the presence of the representative of the reporting State.

250. Members of the Committee expressed their appreciation of the various steps taken by Jordan to comply with the provisions of the Convention and congratulated the Government on its progressive role in the fight against apartheid and on measures to give effect to the objectives of the Programme of the Decade for Action to Combat Racism and Racial Discrimination.

251. With reference to article 2 of the Convention, it was observed that Jordan was a multiracial society composed mainly of Arabs with some small minorities and, although it was recognized that there was full equality among races in the country, members of the Committee requested detailed information concerning those groups. They asked whether the ethnic groups resident in Jordan were permitted to have their own schools and cultural organizations or whether they felt themselves to be so much part of the Arab race that the need for separate identity did not arise.

252. With regard to article 4 of the Convention, some members pointed out that the Government of Jordan should study the constitutional provisions in the light of its obligations under the Convention and should consider introducing specific legislation to make racial discrimination punishable by law, since article 4 did not refer merely to States parties where racial discrimination existed. Its provisions called specifically for the enactment of legislation not only to fight against racial discrimination in individual countries where it existed but also to avoid any recrudescence of the phenomenon in countries where it had been fought and eliminated or where it did not - but might - exist.

253. In connexion with article 5 of the Convention, information was requested on the exercise of the rights enumerated therein in accordance with the constitutional provisions ensuring equality before the law. Referring to article 15 (a) and (b) of the Constitution, further clarification was required concerning the interpretation of the phrase "within the limits of the law", with specific examples of its application. With respect to article 16 (b) of the Constitution, the Committee requested that the relevant text setting out the type of societies and political parties which Jordanians were entitled to establish, should be provided in the next periodic report. In compliance with article 6 of the Convention, it was noted that Jordanian citizens could submit complaints before a court of law if they were victims of racial discrimination; the Committee asked, however, whether foreigners residing in Jordan also enjoyed the same right.

254. Referring to the measures adopted by the Government in conformity with article 7 of the Convention, members of the Committee asked whether the teaching of material about racism included the study of other civilizations and cultures, whether there was extracurricular teaching or dissemination of information through the media on the evils of racism and apartheid, whether instruction was given on the provisions of the Charter of the United Nations and international conventions, and whether teaching at university level on methods of combating and preventing racial discrimination took the form of special studies or was part of general university education.

255. Replying to some questions raised by members of the Committee, the representative of Jordan said that since the minorities in his country were extremely small, they were integrated into Jordanian society and had no specific schools. Teaching of their national languages took place in their own institutions and clubs. Regarding the implementation of articles 4 and 5 of the Convention, the representative stated that he would refer the relevant questions to his Government and that his country's future reports would also contain more information on article 15 (a) and (b) and article 16 (b) of the Constitution, as well as on the possibilities open to foreigners of bringing cases of alleged discrimination before the Jordanian courts.

Norway

256. The sixth periodic report of Norway (CERD/C/76/Add.2) was considered by the Committee, together with the introductory statement made by the representative of the reporting State, who pointed out that the report dealt mainly with measures concerning the Sami people, immigrants living in Norway, and measures relevant to the implementation of article 7 of the Convention. He also provided further information concerning the Norwegian Supreme Court's final judgement with regard to the Alta case, which had been given at the end of February 1982, as well as detailed information on the anti-apartheid policy of Norway at the national and

international level. The representative stressed that his Government abided strictly by the embargo on arms sales to South Africa and participated actively in the action programme adopted by the Nordic countries for the prohibition or discouragement of economic and other relations with South Africa.

257. The Committee was of the view that the report of Norway was in all respects an exemplary report and showed how fruitful the dialogue between a State party and the Committee could be. The Government of Norway was commended especially for the prompt and responsible manner in which it was giving effect to the provisions of the Convention at the national and international level and for its specific answers to questions put by the members of the Committee on the occasion of the previous report.

258. Members of the Committee drew particular attention to measures taken in Norway with regard to immigrants in the light of the provisions of articles 2 and 5 of the Convention. It was observed that the statistical data relating to the composition of the population in Norway did not indicate precisely their status, and it was asked whether they were migrant workers or persons who had intended to stay in Norway and whether the figures concerning the non-Norwegian population included Samis. In addition, information was requested on measures taken to implement the principle of the Norwegian immigration policy concerning a strict regulation of immigration, on special measures that would be necessary during a transition period in order to give immigrants a real opportunity to exercise their rights; on training and special programmes, in particular on human rights issues, for personnel dealing with refugees and immigrants; on the appointment, composition, role and sphere of activity of the Council for Immigration Questions, on the administrative co-ordination of activities concerning immigrants under one Ministry in the course of 1982, on the appointment of a committee to propose measures as to what the State as employer could do to employ disadvantaged groups, including immigrants; on the employment of foreign workers following the repeal of the so-called 25-per-cent rule, which limited the number of foreign workers within a tariff area; and on special measures to promote wider intercultural understanding between immigrants and the Norwegian population.

259. Furthermore, it was noted from the report that nationals of Nordic countries could request Norwegian nationality after three years' residence in Norway and other foreign nationals after seven years and it was observed that, while those provisions were understandable in view of Norway's close relations with the other Nordic countries, it was not certain that the retention of those provisions was in keeping with the obligations laid down by the Convention. As regards the Sami population, it was asked how many Samis there had been at the end of the Second World War and whether there had been more or fewer of them than at the present time, whether representatives of the Samis sat in the Storting (Parliament) or in local bodies and why the Norwegian Lapp Council was composed of members appointed by the King rather than of members elected by the Sami people. One member of the Committee also wished to know whether special measures had been taken to protect the national culture of Vietnamese refugees, whether they were encouraged to set up their own cultural associations and whether it was the policy of the Norwegian Government to integrate them into Norwegian cultural life. Another member wished to receive further information on the efforts made by the Norwegian Government to give gypsies full economic, social and cultural rights.

260. In connexion with article 3 of the Convention, one member of the Committee recalled that, during the consideration by the Committee of the fifth periodic

report of Norway, the question was asked why the measures relating to investments in South Africa had been confined to new investments and not applied to existing ones, and why the same applied to trade.

261. With reference to article 4 of the Convention, it was noted that articles 135 (a) and 349 (a) of the Norwegian Penal Code provided that acts such as insults, incitement to hatred and persecution on grounds of religious belief, race, colour or national or ethnic origin were punishable, but the mere dissemination of ideas was not and it was observed that that provision was restrictive and did not comply fully with the provisions of paragraph (a) of article 4 of the Convention. As regards the implementation of paragraph (b) of that article, information was requested on the legislative provision that expressly banned organizations engaging in racial discrimination in Norway.

262. In replying to questions by members of the Committee, the representative of Norway stated that the figures provided with regard to foreign nationals living in his country concerned those who had retained their nationality or origin and that Samis were not included since they were Norwegian citizens. He also stated that Norway's policy with regard to immigrants was indeed to take special measures for their benefit, with the aim to ensure that they were integrated with the same rights and duties as other citizens, but that those special measures were supposed to be of a transitional nature. Furthermore, the Norwegian Government considered that, in the context of the training of personnel having responsibility for immigrants and refugees, dissemination of information on different cultures and traditions was essential for everybody and it was therefore making a major effort to educate and inform not only government employees and officials, but also refugees, immigrants and Norwegians in general, through special courses and pamphlets. The mandate of the Council for Immigration Questions would probably be extended in 1982 and broadened so as to cover, in particular, questions concerning refugees. Besides, no final decision had been taken for 1982 on the administrative co-ordination of activities concerning immigrants. The Committee which had been appointed to suggest what the Government could do, in its capacity as an employer, had made no specific proposal but, other qualifications being equal, consideration would be given in particular to granting preference to candidates from disadvantaged groups and immigrants. As regards the participation of the Sami peoples in local Governments, the representative explained that it was in keeping with their number in the various counties of Norway. It was also likely that some members of the Storting were of Sami origin since there was reason to believe that, in regions where they were in the majority, the Samis must have elected candidates of Sami origin. The members of the Norwegian Lapp Council were appointed by the King on the proposal of Sami organizations, according to the Norwegian practice in the matter; however, the question of setting up a special body for the Samis, whose members would be elected by universal suffrage, was under consideration. The Norwegian Government's policy towards Vietnamese refugees was also based on the principle of integration combined with protection of the cultural heritage.

263. With regard to article 4 of the Convention, the representative pointed out that the insertion of articles 135 (a) and 349 (a) in the Norwegian Penal Code, aimed precisely at implementing its provisions and provided some details concerning the applicability in Norway of penal provisions relating to paragraph (b) of article 4 of the Convention.

264. The representative of Norway assured the members of the Committee that his Government would deal with their questions in greater detail in its next periodic report.

Greece

265. The sixth periodic report of Greece (CERD/C/76/Add.1) was introduced by the representative of the reporting State who stated that the report was intended to provide replies to questions asked in connexion with previous reports. He pointed out, in particular, that, according to the 1975 Constitution, the Convention was an integral part of the domestic Greek law and prevailed over any contrary provision of ordinary law, except for the provisions of article 5 of the Constitution which related to racial non-discrimination. The representative also drew attention to the process in the Greek legal system whereby the constitutionality of any domestic law could be reviewed by courts at all levels; accordingly, if a rule was contrary to the Convention, it could be declared unconstitutional. Submitting further information on article 5 of the Convention, he drew the attention of the Committee to the abrogation of Act No. 330 of 1976 concerning the activities of labour unions and occupational associations and indicated that new legislation had been adopted in June 1982 which extended the provisions governing the freedom of labour unions and occupational associations to all workers, whether of Greek or foreign nationality.

266. The Committee commended the Government of Greece for the contents and the form of its report which had been prepared in accordance with the general guidelines of the Committee. It was also noted with satisfaction that efforts had been made to harmonize the legislation with the provisions of the Convention.

267. With reference to the primacy of international over domestic law under the Greek Constitution of 1975, it was asked whether, when an international convention before Parliament would involve a change in the Constitution, it was necessary to ratify that convention by the same majority as was necessary to amend the Constitution. In connexion with article 5, paragraph 2, of the Constitution establishing the principle of non-discrimination, a question was asked as to the meaning of the provision stating that exceptions would be permitted only in cases provided for by international law. Turning to article 28, paragraph 1 of the Constitution, members of the Committee inquired whether that provision meant that aliens, whose Governments were not parties to the Convention or had no reciprocal arrangement with the Government of Greece, were prevented from invoking the provisions of the Convention. Referring to the fact that courts at all levels could review the constitutionality of a law, clarification was requested on the situation that would result from a court decision finding a law to be unconstitutional; whether, for example, that law would not be applied.

268. Noting that recent information on the demographic composition of Greece had not been furnished, a member requested such information in the next periodic report.

269. Regarding article 1 of the Convention, a member of the Committee asked how the concept of racial discrimination was construed in Greece in view of the fact that the Constitution referred to distinctions based on "nationality, race, language, religion or political belief", whereas article 1 of the Convention referred to "race, colour, descent or national or ethnic origin".

270. With regard to articles 2 and 5 of the Convention, several questions were asked concerning the status of the Moslem minority in Greece. Noting the assurances given in the report that the Government guaranteed the Moslem minority the enjoyment of the widest ranging rights, a member asked whether the Government had adopted any specific measures in the social and economic spheres and, if so,

what the objectives of those measures were and whether they were time-limited so as not to entail the maintenance of unequal or separate rights to which article 2, paragraph 2, of the Convention referred. Another member inquired whether there were also Moslems of non-Turkish origin and whether the relevant provisions of the Treaty of Lausanne also applied to them. With reference to the freedom of minorities to use their own languages, it was asked where that freedom could be exercised, for example, in court and before the administrative authorities, and under what conditions. With reference to article 5 (d) of the Convention, a member wondered whether the power of the State to deprive citizens of property in the public interest also applied to Islamic religious foundations or waqf; to what extent the autonomy of waqf was restricted by the provisions of article 17 of the Constitution, what kind of supervision was exercised by the State under article 13 of the Constitution and whether that supervision infringed the social, economic and cultural rights of the ministers of religion. It was also asked whether the schools mentioned in the report were adequate to meet the needs of the minority population in western Thrace; whether there were schools which were privately funded by the communities of that group; and whether the institutions of higher education, vocational training and Greek universities were open to students from that minority group without any sort of racial discrimination. More detailed information was requested regarding the enjoyment of the right to equal participation in cultural activities by the various ethnic and religious groups in the country.

271. In connexion with article 3 of the Convention, the Committee noted with satisfaction the position of the Greek Government regarding apartheid and its support for Namibian independence. A member commended, in particular, the steps that had been taken to ensure that public opinion had a better understanding of the issue.

272. With respect to article 4 of the Convention, more information was requested as to the measures taken to implement its provisions. Noting the statement in the report that the prosecutor might take action whenever an activity endangered public order and social peace, a member wondered why the prosecutor was not bound to take action in such cases if the Convention was an integral part of domestic Greek law. Noting that Act No. 927 provided for the punishment of intentional incitement to acts that might engender discrimination, hatred or violence against persons or groups of persons solely on account of their racial or national origin, another member wondered whether the qualification of the incitement by intention did not restrict the application of article 4 of the Convention since the intent to commit an act was difficult to prove.

273. With reference to article 5 of the Convention, a member of the Committee expressed satisfaction with the information provided in the report in connexion with that article. Noting that the exercise of the right to vote was compulsory, according to the Greek Constitution, some members pointed out that that right was a personal right which individuals should be free to exercise or not. With respect to the right to freedom of movement it was asked whether the word "Greek" in article 5, paragraph 4 of the Greek Constitution referred to any Greek citizen regardless of ethnic background and whether every Greek citizen could return to his country without restriction. With regard to the right to nationality, more information was requested concerning the legal conditions and procedures for withdrawal of Greek nationality and as to whether deprivation of nationality was carried out by an administrative tribunal or a court of justice. Turning to freedom of association a member wondered why it was necessary to have equal numbers

of foreigners and Greeks on the governing councils of foreigners' associations and how the Greeks were appointed or elected to them. Noting the fact that in some special cases separate wage scales for foreign seamen were set by bilateral agreements between the Greek Shipowners Union and the seamen's unions of third countries, members requested clarification regarding the protection afforded to foreign workers. With reference to article 5 (f) of the Convention, more information was requested concerning the implementation of the right of access to public places.

274. Turning to article 6 of the Convention and the right to compensation, members took note of article 105 of the Civil Code and requested more information on the special provisions relating to the responsibility of Ministers. Referring to the question of effective remedies, a member asked where a victim of discrimination would turn to seek implementation of his rights under the Convention. It was asked, in particular, why prosecution under that Act was contingent on the lodging of a complaint and the hope was expressed that this provision would be modified so that the Public Prosecutor could take action irrespective of the lodging of such complaint.

275. Referring to the implementation of article 7, it was asked whether there were any provisions whereby pupils in primary schools could learn about measures taken to eliminate racial discrimination in Greece and whether there were educational programmes at all levels to disseminate information on the cultural identity and development of the various ethnic groups which lived in the country, especially the Turkish minority.

276. The representative of Greece replied to a number of questions raised by members. With regard to the relationship between national legislation and international law, he said that international legislation had priority, but that did not mean that if Parliament voted to ratify an international convention which was in opposition to the Constitution, the Constitution would be automatically revised. The revision procedure was separate and was governed by the Constitution itself. With regard to article 5, paragraph 2, of the Constitution, which provided that exceptions could be permitted in cases provided for by international law, he pointed out that such exceptions referred to enemies in times of armed conflict or to cases of extradition. In reply to another question, he said that the term "race" was inadequate to render the Greek text in the 1975 Constitution, which also included national origin and colour. As to questions concerning the examination of the constitutionality of laws by courts, the representative stated that once a legislative text contained a regulation of any type, including presidential decrees, judges were authorized to make findings of unconstitutionality under it which render the text inapplicable. As to questions concerning the Moslem minority of western Thrace, he said that the Treaty of Lausanne was still in force and that the minority was treated by the Greek Government with due respect for all provisions of that Treaty. Minorities were able to exercise all social, cultural and educational rights including equal access to higher education. The Moslem ethnic minority had over 200 members in local governments, 2 members of Parliament, and owned its own newspapers and periodicals. With regard to religious institutions, he stated that the Greek Government respected the obligations assumed under the Treaty of Lausanne as well as the general international rules of law concerning property; although the Moslem minority benefited from regulations provided in the Treaty of Lausanne, that did not mean that Greek nationals of whatever religious conviction did not receive equal and non-discriminatory treatment as provided for in the Constitution and the relevant international

instruments. Turning to questions concerning the Act No. 927 of 1979, he pointed out that this law provided for the penalization of cases of racial discrimination, thus including cases of refusal of services for reasons of race. With regard to the question of associations, he said that in order for an association to be formed, its objective must be legal and an association with the objective of propagating racist ideas would not be allowed to be formed; if however, such objectives managed to escape detection at the time of its formation, the authorities could immediately pronounce the dissolution of such association. As to the question regarding the obligation to exercise the right to vote, he said that such an obligation existed in many countries and the fact that it was reflected in the Constitution indicated that the legislators wished to ensure the most extensive and effective exercise of universal suffrage. The representative finally assured the Committee that in its next periodic report, the Greek Government would give careful attention to all the questions raised by the members of the Committee.

Spain

277. The seventh periodic report of Spain (CERD/C/91/Add.6) was considered by the Committee together with the statement of the representative of the reporting State who referred to articles of the Spanish Constitution guaranteeing that no discrimination, including for reasons of race, would exist in Spain. He also pointed out to the measures taken by the Government regarding the gypsy community and referred, in particular, to the role of the Interministerial Commission which was the main body devoted to the studying of the problems of that community. He finally added that he had received instructions from his Government to inform the Committee that it would study the questions raised by the Committee and attempt to answer them as fully as possible in its next report.

278. Members of the Committee commended the report of the Government of Spain and noted with satisfaction the legal protection against racial discrimination granted in the Constitution after the recent political transformation in Spain. A member pointed out that the Constitution contained several truly exemplary provisions which reflected the profound desire of the new democratic régime to uphold international law. Another member expressed the opinion that the report should have made some reference to the dangers still threatening the new democracy in Spain.

279. Information was requested concerning the demographic composition with a view to evaluating the relationship between the various cultural and linguistic groups in Spain.

280. A member of the Committee noted that article 14 of the Spanish Constitution only referred to discrimination on the basis of race and wondered what was the Spanish Government's perception of the question of racial discrimination in the sense of article 1 of the Convention.

281. Much of the discussion evolved around the Government's policy and practice concerning the protection and promotion of minorities and, in that respect, questions were asked pertaining to articles 2 and 5 of the Convention. Information was requested about the legal and constitutional status of the various population groups and the development of minority languages in the administration, the courts and the educational system. With respect to the Basques, it was asked whether the Government considered them to be simply a linguistic minority, while a member felt that the report should have acknowledged that the Basques constituted a separate

ethnic group. Referring to the efforts of the Government to integrate refugee minorities, another member inquired whether refugees were free to pursue their own cultural activities with a view to preserving their cultural identity. Information was requested concerning the level of income and education as well as the mortality rates among the minority groups.

282. With reference to the gypsies, members of the Committee noted that it was not clear from the report whether the plans announced by the Government for the improvement of their situation had actually been implemented and more information was requested in this respect. Referring to the Interministerial Commission established to consider the problems of the gypsy community, a member wondered whether it would be possible for the next periodic report of Spain to include a summary of the report sent by the Chairman of that Commission to the Council of Ministers, or a review of the implementation of the recommendations contained in that report. Noting that gypsies comprised 0.8 per cent of the population of Spain, another member expressed the hope that the Spanish Government would make special efforts to increase gypsy representation in government services to that level. With respect to article 11, paragraph 2, of the Constitution, providing that no person of Spanish origin could be deprived of Spanish nationality, it was asked whether that provision was fully consistent with the obligations assumed under the Convention and whether it represented an adequate safeguard for the gypsy community, which, according to the report, was considered to be an ethnic minority not of Spanish origin. It was also asked whether the Romany language was taught in schools.

283. With regard to article 3 of the Convention, members noted with satisfaction the condemnation of racial segregation and apartheid contained in the report. In this connexion, more information was requested about the current state of diplomatic, political and other relations between Spain and the racist régime of South Africa.

284. Turning to the implementation of article 4 of the Convention, the Committee referred to the new Penal Code submitted to the Parliament and inquired what were the prospects for the enactment of that Code in the near future. The opinion was expressed that the new Penal Code should go much further in covering article 4 of the Convention and it was hoped that the next report of Spain would contain the text of the new Code. One member requested clarification concerning the scope of the term "unlawful organizations" used in article 600.5(a) of the bill for the new Penal Code as opposed to the term "illegal" used in article 173 of the Code, which also prohibited certain organizations; he wondered why racist organizations were not simply included under the latter article.

285. With respect to article 5 of the Convention, a member wondered whether the general safeguard clause for the rule of non-discrimination in article 14 of the Constitution should be implemented by specific laws for the various rights and freedoms. Noting a statement in the report to the effect that the right to withhold admission in certain premises had traditionally been considered the counterpart to freedom of choice, it was pointed out that this appeared to leave room for violations of article 5(f) of the Convention.

286. As to article 6 of the Convention, it was asked whether a victim of racial discrimination could obtain redress when such discrimination was practised by individuals, as was the case when it was practised by the authorities.

287. The representative of Spain provided some replies to the questions asked by the Committee. He pointed out that the issues concerning the Basques and the Catalans were dealt with in various legal texts, for example, article 3 of the Constitution, which referred to the most broadly spoken language in the country and other languages which would be official in the areas where they were spoken. The Basques and the Catalans, he stated, were not treated as separate races and, therefore, did not fall within the scope of the Convention. He finally said that he would transmit the views expressed during the discussion to his Government so that full replies could be made available when his country's next periodic report was considered.

Philippines

288. The seventh periodic report of the Philippines (CERD/C/91/Add.7 and Add.12) was considered by the Committee together with the introductory statement of the representative of the reporting State who elaborating on certain points of the report, stated that the Philippines participated actively in the international efforts to eliminate apartheid and had offered to host the Second World Conference to Combat Racism and Racial Discrimination in 1983. He also referred to the 1973 Constitution and to several Decrees which provided the legislative foundation for the application of the Convention as well as to measures that had been taken for the protection and promotion of minorities. He finally pointed out to the statement in the report on the lifting of martial law in the Philippines on 17 July 1981.

289. Members of the Committee expressed their satisfaction at the invitation of the Philippines to host the Second World Conference to Combat Racism and Racial Discrimination and commended the Government for being in the forefront in the fight against apartheid. It was pointed out that, although the situation in that country was very complex, the Philippine Government was taking a number of measures in various fields to implement the Convention. Welcoming the lifting of martial law, a member asked whether the Philippine Government was considering the ratification of the International Covenant on Civil and Political Rights, which was closely connected to the Convention.

290. Many questions were asked about minorities in the Philippines and in this connexion members referred to articles 2 and 5 of the Convention. Noting a contradiction in the report, a member pointed out to the assertion that there was no racial discrimination in the Philippines and to the reference that certain measures had been taken regarding minorities: he wondered, therefore, for what reasons such measures and provisions had come into being if no discrimination against those minorities existed. Members inquired about the legal definition of linguistic and ethnic groups and the difference between a cultural and a linguistic minority and requested information about the ethnic component of the Moslem population. It was asked what concrete results had been produced by the various presidential decrees, particularly with regard to the development of the linguistic and cultural identities of various ethnic groups; whether the presidential decrees had been implemented concerning, among other things, the acknowledgement of Moslem holidays and the establishment of a centre for Islamic research; and whether the trading rights of Muslim traders were limited in any way because they belonged to a minority group. Further information was requested on the composition and effectiveness of the Commission on National Integration; on the operation of the Presidential Assistance on National Minorities and of the Ministry of Moslem Affairs; and on the results that had been achieved by measures aimed at integrating

the various cultural and other minorities into Philippine society. Referring to the statement in the report that the autonomous regions, in addition to the special appropriations, were entitled to a yearly income of at least one thirteenth of 1 per cent of the total national internal revenue collections, a member wondered whether that amount was considered adequate.

291. Concerning the implementation of article 3 of the Convention, the Committee expressed its satisfaction with the measures taken by the Government in the struggle against apartheid.

292. Much of the discussion focused on the implementation of article 4 of the Convention. Referring to the statement in the report that there was no need to declare punishable any act, practice, organization or institution which had as their basis racial discrimination since they did not exist, several members of the Committee pointed out that this statement contradicted the information contained in the fifth periodic report of the Philippines regarding Presidential Decree 1350-A which fully implemented article 4 of the Convention; the Decree stated that any violation of its provisions as well as of article 4, paragraphs (a), (b), and (c), of the Convention was thereby declared contrary to law and the violator would, on conviction, suffer severe penalty. In this connexion, it was asked, whether Presidential Decree 1350-A had actually been implemented and whether it remained in force after the lifting of martial law. With regard to the statement in the report that the provisions of the Convention would be implemented by way of internal laws or administrative regulations only in those instances where existing constitution or penal safeguards became inadequate or non-existent, a member pointed out that specific legislation had to be enacted to prevent cases of racial discrimination in the future. With reference to another statement in the report to the effect that nazism, fascism, neo-fascism and related ideologies were not practised nor did they overtly exist in the Philippines, clarification was requested regarding the meaning of the word "overtly", and it was asked whether that implied that such ideologies existed covertly in that country.

293. As to article 5 of the Convention, information was requested on whether general elections had been scheduled to be held since the lifting of martial law. Moreover, the Government was again asked to provide information on cases which had been brought to the attention of the office of the ombudsman.

294. The representative of the Philippines replied to a number of questions raised by the Committee and with regard to a possible ratification by the Philippines of the International Covenant on Civil and Political Rights, he stated that now that martial law, which had suspended the work of the legislature, had been lifted, the question of ratification of that Covenant would come before the legislature. In reply to questions raised concerning article 2 of the Convention, he said that the Commission on National Integration had originally been established for Moslems, while the Presidential Assistance on National Minorities (PANAMIN) dealt with other minorities which did not share the same beliefs and cultural practices as the majority of the population. With regard to the autonomous regions, he explained that Metropolitan Manila was autonomous in that it was entitled to pass certain resolutions applicable to it, while regions IX and XII included provinces where Filipinos of Moslem faith lived. With regard to comments made in connexion with the small amount of 1/13th of one per cent of the total national internal revenue which is granted to the autonomous regions, he explained that the Government also appropriated one per cent of its own resources to each of the 13 regions. Moreover, he drew attention to the significant increase in the contributions by the

national service agencies to Regions IX and XII. As to how the distinction was made between the different ethnic and linguistic groups, he pointed out that the difficulty in answering that question stemmed from the fact that it was the Filipinos themselves who had historically been the victims of racial discrimination. Moreover, the Filipino people was the product of many races, and no distinction was made between them; there were no racially pure Filipinos, almost all of whom were of Malayo-Polynesian stock. With respect to cultural minorities, he said that since 88 per cent of Filipinos were Catholic and 5 per cent Moslems, it could be said that the Moslems represented a cultural minority, while the Christians were the cultural majority. However, he pointed out that the law prohibited anyone from being questioned about their religion. The expression "cultural minority" also reflected the level of education of the people concerned. As to Moslem traders, he said that they benefited from the special provisions of Presidential Decree No. 93. In fact, the Filipinos of the Sulu Sea, who were Moslems, traditionally traded freely with other peoples of the area, who were also Moslems, without being subject to any taxation.

295. With regard to the implementation of article 3 of the Convention, he stressed that his country faithfully applied United Nations resolutions concerning South Africa, had no relations, whether political or commercial with South Africa and no South African national could obtain a Philippine visa unless that person renounced the policy of apartheid in writing. Responding to comments made in connexion with article 4 of the Convention, he pointed out that Presidential Decree No. 1350-A had been enacted to strengthen existing safeguards and to make explicit to the public that racial discrimination was a crime in the Philippines; it had been adopted, following ratification of the Convention, to punish any instance of possible racial discrimination. Therefore, there was no contradiction between the enactment of the Decree and the fact that there was no racial discrimination in the Philippines. Replying to the question as to what happened to the Decree after martial law had been lifted, he explained that the decree suspending martial law indicated that all laws and decrees would continue to be enforced unless provision was made to the contrary. In reply to another question, he said that fascism, neo-fascism and related ideologies based on religious intolerance, hatred and terror did not overtly exist in the Philippines, Presidential Decree 1350-A was intended to serve as a preventive measure to prohibit any covert organization of which the Government was not aware. Referring to the question concerning elections, he pointed out that elections had been held approximately one month earlier for the regional legislative bodies, presidential and provincial elections had been held approximately two years earlier, village-level legislative elections had been held in recent weeks and national legislative elections were planned for 1984. As to questions concerning the functions of an ombudsman, he drew attention to the two institutions, the Sandiganbayan and Tanodbayan, which together fulfilled those functions. Although that matter did not actually concern racial discrimination, those bodies helped to ensure protection of civil and political rights, for example by offering remedies in the event of failure of justice and by helping to deter the Government from any abuse of power.

Argentina

296. The seventh periodic report of Argentina (CERD/C/91/Add.8) was introduced by the representative of the reporting State who stated, in particular, that the report had been prepared to reflect social and legal developments over the past two years in order to supplement the information provided in previous reports and to

respond to the concerns expressed by members of the Committee during their discussion of the sixth periodic report. The report contained detailed information on the situation of the aboriginal communities, the subject which had elicited the most comments by members. In reply to questions concerning the existence of multiracial or integrationist associations in Argentina, the representative stated that a great many such organizations existed and, by way of example, read out a list of some 40 civic, fraternal, cultural and other organizations. He stated that racial and religious hatred constitute aggravating circumstances in the case of offences against the person and against liberty under the Penal Code of Argentina. Although no case of racial discrimination had occurred, the Supreme Court had recently handed down a judgement annulling an administrative act which it had found to be discriminatory. The case, which affected the religious and educational rights of a foreigner, illustrated by analogy the remedies available to all inhabitants for the enforcement of their rights.

297. The Committee commended the Government of Argentina for the comprehensive and detailed report it had submitted. With regard to the policy adopted by the Government toward indigenous populations, reference was made to the history of Argentina as a country of settlement for immigrants from Western and Central Europe, which had resulted in the displacement of the indigenous peoples. The Government was praised for its programme of land distribution to the indigenous peoples, although the problems posed by the existence of latifundia and by the size of the national territory and its federal structure were pointed out. Some members remarked that, while the report contained a wealth of detail on the various regions, it was difficult to understand the precise legal and constitutional position of the indigenous peoples and what their rights were, particularly in view of their grouping in reservations. Questions were also asked concerning the socio-economic position of those groups, their cultural and linguistic development and their participation in all levels of political and public life in Argentina. Information was also requested concerning the composition and functioning of the governmental bodies established to deal with the question, and the extent of participation by the indigenous peoples in their decision-making, as well as on the results of the measures adopted. The Government of Argentina was invited to include such information in its next periodic report to the Committee.

298. Concerning article 3, satisfaction was expressed at the measures already taken against apartheid. Additional information was requested concerning diplomatic, economic and other relations still existing between Argentina and South Africa.

299. In connexion with article 4, several members observed that the provisions of the Penal Code mentioned in the report did not satisfy the obligations laid down in that article. It was pointed out that article 4 required the enactment of specific legislation by States parties declaring an offence punishable by law the dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination and acts of racial violence as well as prohibiting organizations and activities promoting racial discrimination. Legislation simply declaring racial hatred an aggravating circumstance for other types of crime was therefore insufficient. The Committee expressed the hope that the governmental Commission which was working on a reform of the Penal Code would recommend the adoption of appropriate legislation in order to satisfy the obligations undertaken by Argentina under article 4 of the Convention. The Government was invited to inform the Committee in its next report of steps taken in this direction.

300. With respect to article 5, the members pointed out that the relevant section of the report referred mainly to constitutional provisions and requested information regarding any specific legislative provisions in implementation of the rights to freedom of thought, conscience and religion, freedom of opinion and expression, and freedom of peaceful assembly.

301. Information was also requested with respect to article 6 regarding the availability of remedies against governmental acts. It was recalled that, during the Committee's consideration of the sixth report of Argentina, the representative had stated that there were no special remedies and that they were unnecessary. However, the seventh report made mention of remedies against arrest and incarceration. It was asked what remedies were available to victims of racial discrimination not involving arrest.

302. Additional information was also requested concerning the implementation of article 7, in particular on whether there was any instruction in civics in primary schools for the benefit of the majority of children who did not go on to secondary schools.

303. The representative of Argentina stated that it was impossible at this stage to reply to all the questions raised about the report, which had been prepared by an interministerial commission. The requests for information would, however, be conveyed to the Government of Argentina with an indication of the desire expressed by the Committee for greater conciseness and the inclusion of a general overview in future reports. Referring to his Government's policy toward indigenous peoples, the representative pointed out that it was very difficult to promote development without integration and the danger was ever-present of segregating people on the pretext of autonomy. He indicated that the indigenous reservations were not ghettos or prisons but farm unit areas provided with services to develop their potential. People from the reservations could attend school in any part of the country, and had the same right to travel as anyone else. As to the concern expressed about the participation of indigenous peoples in development projects which affected them, noteworthy progress had been achieved, as shown by the formation of associations on the part of communities and groups, and the participation of their natural leaders (chiefs, mayors, teachers and the like) in the different stages of project activities. Together with indigenous groups, immigration flows had long held the attention of Argentine authorities. Argentina was now host to 5,000 Laotian families among other nationals. The representative of Argentina further assured the Committee that minorities enjoyed the same rights as other inhabitants of Argentina under articles 14 and 15 of the Constitution. With reference to article 3, he stated that Argentina not only condemned apartheid but had also placed a ban on sporting or cultural activities with South Africa and had reduced its diplomatic ties to trade attaché level.

304. In reply to the comments regarding implementation of article 4 of the Convention, the representative stated that international agreements had the force of supreme law in Argentina under article 31 of the Constitution. Since the Convention contained no penalties for infringement, the relevant provisions of domestic legislation, as described in the report, were applied. Regarding the promotion of notions of racial superiority, there were a number of measures prohibiting publication of racist propaganda and specific provisions to deal with specific situations. With reference to article 5, he stated that the Argentine legislature had, since 1853, incorporated in all its laws and jurisprudence provisions expressing the principle of equality in accordance with

article 5 (d) (vii), (viii) and (ix) of the Convention. Regarding the concern expressed as to the legal remedies available to victims of discrimination, in connexion with article 6, he stated that the court case already described showed that the requirements of that article had been met and that all inhabitants, including minorities and foreigners, had access alike to the courts for redress.

Uruguay

305. The seventh periodic report of Uruguay (CERD/C/91/Add.9) was introduced by the representative of the reporting State, who stated that Uruguay had consistently co-operated with the Committee since ratifying the Convention and reaffirmed the desire of his Government for a fruitful dialogue on the struggle against racial discrimination. He pointed out that the report and the situation of Uruguay had to be viewed in the context of its social reality. Referring to the history of the country, he affirmed that no racial discrimination was practised in Uruguay. No laws or policies existed that could be described as discriminatory on national or ethnic grounds: the legal system was proper to a society where no manifestation of racial conflict occurred. He referred in this connexion to articles 8, 72 and 332 of the Constitution and to a number of provisions in the Penal Code.

306. Several members voiced disappointment with the report. Criticism was expressed concerning both the quality of the information provided and the lack of implementation of the provisions of the Convention. It was pointed out that, although Uruguay might be free of racial discrimination at present, it should not be assumed that the danger would not arise in future. Recent world history had shown that racial discrimination could break out with unexpected force, and the Convention had been designed not only to combat existing discrimination, but also to prevent the recurrence of such situations. The Committee had therefore always held that even those fortunate countries which did not have racial discrimination should do their utmost to develop rules which would help them avoid anything of the sort happening in the future. When States ratified the Convention but did not implement its preventive provisions, the Committee had always held that they were in breach of the Convention.

307. With regard in particular to article 3 of the Convention, information was requested concerning the relationship of the Government of Uruguay with the racist régime in South Africa.

308. With respect to article 4, it was pointed out that in its successive reports the Government of Uruguay had often indicated that a draft bill had been elaborated to amend the Penal Code in pursuance of article 4 of the Convention, but that such a bill had never been adopted. While the Government contended that it was not its concern but that of the legislature to adopt the bill, it was emphasized that it was the State's responsibility to comply with its international obligations. In this connexion, it was pointed out that although the report stated that article 4 (a) and (b) was fully complied with in existing penal laws, legislative Decree No. 10279 did not cover all cases contemplated by that article. The very fact that the Government had thought it necessary to draft a bill amending the Penal Code showed that existing legislation did not meet the requirements of the Convention. The Government was asked to provide the Committee with the text of the bill so that the Committee could ascertain how it would bring the Penal Code into line with article 4. The Committee expressed the hope that the Uruguayan Legislature would be able to adopt the bill in accordance with Uruguay's obligations as a State party.

309. With reference to article 5, members rejected the Government's contention in its report that questions relating to the status of trade unions and the right to strike did not fall within the scope of the issue of racial discrimination. They expressed the view that those matters fall within the purview of article 5 and that in asking questions about them, the Committee had engaged in the proper exercise of its competence.

310. In connexion with article 6 of the Convention, several members observed that the report did not contain information concerning the availability of recourse procedures to victims of racial discrimination in order to obtain reparation for damages or the re-establishment of the previous situation. It was remarked that anti-discriminatory provisions would remain a dead letter if they were not supplemented by adequate recourse procedures. Information was requested in the next report concerning the system for the protection of individuals against racial discrimination.

311. With regard to article 7, it was emphasized that the problem of racism was largely one of education, and information was requested on what the Government was doing through education to instruct the people in tolerance and give them an understanding of the valuable qualities of all ethnic groups.

312. In reply to some of the questions, the representative of Uruguay assured the Committee that there was simply no racial problem in his country. The difficulty was that the legislators called on to draft legislation in respect of racial discrimination could find no relationship between such legislation and the social situation. The fact that the bill designed to amend the Penal Code had not yet been adopted should be viewed in that context. It certainly did not mean that Uruguay was shirking its international obligations under the Convention. As far as racial discrimination was concerned, Uruguay had absolutely nothing to hide.

313. The representative agreed with members of the Committee that measures should be adopted to prevent any adverse change. It was for that reason that the Uruguayan authorities had drafted the bill designed to amend the Penal Code. The Committee could rest assured that any attempt to form an organization to promote racial hatred would be punished. There existed specific provisions to punish attempts, even by small groups, to incite racial discrimination.

314. In respect of petty discrimination on grounds of nationality, for instance, there were remedies available to any individual. Those remedies were of a general nature because such instances of discrimination did not occur in Uruguay. If they did, however, the courts could, under current legislation, entertain a claim for damages. An administrative action based on racial discrimination could be nullified, and public officials responsible for such action would be punished and could even be dismissed.

315. Uruguay maintained diplomatic relations with South Africa at the level of chargé d'affaires. Its trade with South Africa, however, had steadily declined in recent years and currently represented less than 0.5 per cent of Uruguay's foreign trade.

316. In conclusion, the representative stated that Uruguay remained fully committed to its obligations under the Convention and was prepared to continue its co-operation with the Committee.

Romania

317. The sixth periodic report of Romania (CERD/C/76/Add.3) was introduced by the representative of the reporting State, who indicated that during the period covered by the report, no new legislative measures directly related to provisions of the Convention had been adopted. However, even before acceding to the Convention, Romania had been constantly seeking to eliminate all forms of racial discrimination. The exercise of basic rights and fundamental freedoms in the political, economic, social, cultural and other areas of public life was recognized and guaranteed without distinction as to race, descent or national origin. Article 17 of the constitution embodied the elements required for the implementation of all the provisions of the Convention. The report gave an overview of Romanian legislation related to the provisions of the Convention and illustrated how they were implemented, taking into account the questions asked by members of the Committee during its consideration of the fifth periodic report.

318. Several members of the Committee congratulated the representative of Romania for the excellent report submitted, which testified to his Government's commitment to eliminate all forms of racial discrimination. The report was commended for providing information not only on legislation to implement the provisions of the Convention but also on how that legislation was put into practice. It was felt that that was very important, since some countries had laws to combat racism, but those laws were not applied. It was stated that Romania's experience in maintaining good relations between all national groups should be thoroughly studied by other countries. The report was also praised for giving detailed answers to questions raised when previous reports had been considered in the Committee.

319. Some members pointed out, however, that it would make the Committee's task easier if reporting countries adhered strictly to the guidelines on the form and content of periodic reports, and the hope was expressed that Romania would do so in its next report.

320. With regard to articles 2 and 5 of the Convention, satisfaction was expressed with the Government's achievements in ensuring equality of treatment for all ethnic groups living in Romania. Members noted that ethnic groups were afforded special facilities in the cultural sphere and that they participated equally in the government of the country through elected legislative and other bodies at all levels. The Government was asked to provide information on how the candidates for parliament were selected, in order to ensure that the various national groups were properly represented. Additional information was requested on the opportunities afforded to the different ethnic minorities for the use of their languages in written and oral form, in administrative and court proceedings and in all other areas of public life. The point was also made that the various ethnic groups living in Romania were bound to have ties with people of the same ethnic stock in their so-called mother nations, and further information was requested on the development of such links, especially in border areas. Concerning the provisions regarding marriage, it was noted that the report indicated that marriage could in no circumstances be forbidden on grounds of race or religion and it was asked whether it could be forbidden on grounds of nationality.

321. With respect to article 3, it was remarked that no information had been provided in the report on the measures taken by the Government to oppose apartheid and segregation, or on any relations with the South African régime. The hope was

expressed that the next periodic report would shed more light on the Government's activities to combat racism on the international front.

322. Concerning article 4 (a) and (b), a number of members referred to the inadequacy of the provisions of Romania's legislation to meet the corresponding obligations. It was pointed out that the important matter of punishing incitement to racial discrimination was not covered. Although article 17 of the Constitution established complete equality of all citizens without distinction, it did not provide for any penalties for acts of racial discrimination. Acts of racial discrimination were not mentioned in the Criminal Code, nor was the provision of assistance to, or financing of, such activities declared punishable by law. While it was likely that the laws of Romania, like those of most other countries, provided for the punishment of those who instigated the commission of an offence, it would be helpful if the Government could indicate to the Committee whether that was in fact the case. It was also pointed out that there was nothing in the report to indicate that the Government had declared unlawful or prohibited associations which promoted racial discrimination. With regard to article 4 (c) of the Convention, which was met by article 247 of the Criminal Code punishing discriminatory acts by a public official, the question was asked whether the State could be considered liable for the official's actions and required to pay damages.

323. With regard to the Press Act mentioned on page 5 of the report, the point was made that the Act could be seen as an attempt to control information, implying censorship and the punishment of journalists. Clarification was sought concerning the use of certain concepts in the report in connexion with article 4. It was asked why, in article 317 of the Criminal Code, nationalistic-chauvinistic propaganda and incitement to racial or national hatred were treated in the same way, and why mysticism, which appeared to be linked in the report with the idea of "backward mentality", should be seen as an evil to be combated.

324. With reference to article 6 of the Convention, it was asked what remedies were available to members of ethnic groups in the event that their rights were violated. While very few cases, if any, may have occurred in Romania, it would be interesting none the less to know what formal possibilities were available to an individual.

325. As far as article 7 of the Convention was concerned, it was remarked that the right to education regardless of descent was clearly guaranteed in practice, with all citizens being given full freedom of choice to study in whatever language they wished. The involvement of the press in preventing racial discrimination was also encouraging.

326. The representative of Romania assured the Committee that he would refer to his Government the questions which could not be satisfied at the meeting for reply in the next periodic report. He reiterated his Government's position that the legislation in force adequately covered the provisions of the Convention as far as their aims were concerned. The essential factor in that connexion was the will on the part of the Government to promote the objectives of the Convention.

327. With reference to the electoral process, he said that candidates for elections were selected at electoral meetings held in all voting districts established in accordance with the law. The participants in such meetings were free to propose several candidates, from among which the final choice was made. That arrangement

reflected the broadening and deepening of socialist democracy in Romania. With regard to the grounds on which marriages could be prohibited, he reassured the Committee that nationality could not be an impediment to marriage. As to the references in the report to mysticism and obscurantism, he said that they must be viewed within the broader context of Romanian law and Government policy, which respected and guaranteed the freedoms of conscience and of religion of all citizens. Wherever the term "mysticism" appeared the author had specifically in mind the sometimes harmful influences and consequences which a certain attitude could have for economic and social development. As used in the report, mysticism denoted an attitude of hostility to reason and progress and to the progressive instruction of the masses. Perhaps obscurantism was a more appropriate term. He wished to stress that his Government's education policy aimed at promoting the sentiments of human solidarity, tolerance and friendship, in accordance with the traditions of the Romanian people.

328. His Government would give consideration to including in its future reports more detailed information on its active participation in international efforts to combat apartheid, racism and racial discrimination. It would continue to endeavour, through its ongoing dialogue with the Committee, to promote the values embodied in the Convention.

Israel

329. The second periodic report of Israel (CERD/C/86/Add.2) was introduced by the representative of the reporting State, who elaborated on certain points. He informed the Committee that, within the framework of progressive enactment of basic laws, most of which were declaratory of existing rights, the bill for the Basic Law on Human Rights was still under consideration in the Israeli parliament and its adoption would provide a statutory basis for rights already enforced by judicial decisions and administrative practice.

330. Most members of the Committee observed that, in the light of current world events, it was pointless to discuss with the Government of Israel the implementation of the substantive provisions of the Convention, since the policy of the State of Israel defied even the basic principles and objectives of the Convention as contained in its preamble. Nevertheless, some members of the Committee referred in general to questions which they had asked during the consideration of the previous report.

331. It was pointed out that the Government of Israel had neither implemented nor respected the principles of international law, including the principle of non-use of force, or any of the United Nations resolutions and decisions. It was felt therefore, that, before asking the Government what measures it had taken to implement the various articles of the Convention, it should be asked whether it really adhered to the basic principles of the Convention, and that any formal discussion of legal provisions which could disguise the real situation would be inappropriate. In that connexion, attention was drawn to the statement adopted by the Human Rights Committee on 30 July 1982, regarding the present situation in Lebanon.

332. The Committee pointed out that most of the questions asked in relation to the initial report of Israel had not been answered in the second periodic report, although the Israeli representative had tried to reply to some of those questions

during the discussion of that report. In order to pursue its dialogue with Israel, the Committee needed more information about the real situation in that State. Attention was drawn to the practice of the Committee to request that the answers given orally by representatives of States during the consideration of reports be explained in greater detail in the next periodic report. A member suggested that a statement be adopted by the Committee to the effect that, in view of the incomplete and unsatisfactory nature of the report and of the policy conducted by Israel in Lebanon in violation of the Convention, the Committee refused to discuss the second periodic report of Israel.

333. A member of the Committee raised again the question of Defence (Emergency) Regulations.

334. Most of the discussion evolved around the situation of the Arab population in Israel and members requested replies to questions that had already been asked, but not answered, during the consideration of Israel's previous report. It was pointed out by some members that the right of self-determination of the Arab people had been denied and that a virtually colonial régime had been imposed by Israel on the occupied territories and people. Noting that although some progress had been made in integrating the Arab population in certain fields, that population still remained unable to participate in the decision-making process in all areas of public life, and it was asked whether specific legislation had been adopted, according to article 2 of the Convention, to ensure the Arab population equal enjoyment or exercise of human rights and fundamental freedoms.

335. With respect to article 3 of the Convention, information was requested regarding the relations of Israel with South Africa.

336. With reference to article 4 of the Convention, the Committee noted the statement in the report to the effect that any special legislation enacted to implement that article would only be declaratory because relevant provisions already existed in the Penal Law, and it was pointed out in that connexion that the texts quoted in the report did not fully cover article 4 and the Government was invited to analyse that article in depth so as to implement it in every contingency by adopting the relevant legislation.

337. With respect to article 5, paragraph (c), of the Convention, detailed information was requested on the representation of the Arabs in the Knesset. It was asked, for example, why the Druze population, being less numerous, was better represented than the Arabs. As to article 5, paragraph (d), of the Convention, members inquired about the Law of Return and the Nationality Law of 1952, as amended in 1980. In that connexion, it was asked which States were referred to in section 2A of the Prevention of Infiltration Law of 1954; and whether the Law of Return might not be applied to Palestinians and to their descendants who had lived in Palestine but who could now be said to be living in the Diaspora. A member also inquired about the possibility of marriage between people of different religions and wondered whether the law prohibiting adoption, unless the adopter was of the same religion as the adopted person, was not discriminatory and had thus to be abolished. Information was requested concerning the confiscation of Arab lands and land redistribution. With reference to article 5, paragraph (e), of the Convention, information was requested regarding comparisons in connexion with the right to work and the percentage of Arabs unemployed as compared to Jews, regarding the differences in the housing allotted, for example, to Arabs and to oriental

Jews, and on the percentage of the budget earmarked for the education of the Arab population as compared to that for the Jewish population.

338. As regards article 6 of the Convention, information was requested concerning the remedies available to victims of racial discrimination.

339. The representative of Israel replied to a number of questions raised by the Committee. He was of the opinion that some of the comments made did not come within the framework of the Convention and expressed the conviction that the Israeli legal system was protecting human rights within the context not only of the preamble but also of the specific articles of the Convention. Regarding the situation in Lebanon, he wished to point out that that situation had not been caused by Israeli involvement, but had been brought about by the involvement of other entities during the last seven or eight years. He stated that, since his Government has submitted a very extensive initial report, the second periodic report contained information only on those questions which had either not been dealt with in the initial report or not answered during the very lengthy discussion of that report.

340. In reply to questions regarding representation at the Knesset, the representative said that the reason why only five members, or 5 per cent, of the Knesset had been elected from the Arab community, could be partly explained by the fact that a large proportion of the Arab population was under the voting age of eighteen. Although 5 per cent was a reasonable figure in view of the circumstances, it was hoped that Arab representation in the Knesset would increase. In reply to other questions, he stated that marriage was regulated by the same legal system as under the British Mandate. Each religious community had its own legal system for marriage and divorce and there were a number of Sharia courts presided over by Muslim judges in order to serve the Islamic population. Any marriage which had been legally contracted was recognized in Israel. With respect to nationality, he pointed out that dual nationality was possible under Israeli law. The Nationality Law of 1952, which had been amended in 1980, did not extend the right to nationality to a national of one of the States mentioned in the Prevention of Infiltration Law of 1954. Since those States, with the exception of Egypt, were still in a state of war with Israel, it would not be logical to grant their nationals Israeli citizenship. Lastly, he said that his Government would include and update the relevant information from the initial report in its third periodic report.

Sudan

341. The initial, second and third periodic reports of the Sudan submitted in one document (CERD/C/87/Add.1) were introduced by the representative of the reporting State. She said that part I of the report generally explained the policy of her Government in eliminating racial discrimination in all its forms and the legal framework within which racial discrimination as defined in the Convention was prohibited and eliminated. It also contained information on the demographic composition of the Sudan and on steps taken to solve the cultural, religious and racial conflicts in the country. Part II of the report showed how articles 2 to 7 of the Convention were reflected in the domestic legislation and administrative policy of the country. Promotion of racial understanding and tolerance had been the fundamental policy of all Governments in the Sudan since its independence.

342. Members of the Committee congratulated the Government of the Sudan for the excellent report submitted and for its commitment to the elimination of all forms of racial discrimination, as well as its efforts to solve religious, racial and cultural conflicts within the country and to implement the principles and provisions of the Convention. Nevertheless, it stated that it would have been preferable if the report had contained more specific legal documentation.

343. With reference to the provisions of article 2, several questions were asked, in particular, concerning the results of the Government's policy of regionalization. More detailed information was requested on the situation in the south as far as racial discrimination was concerned and what was being done to remedy existing disparities. It was also asked whether there was any statutory legislation on the redistribution of resources between the centre and the regions, bearing in mind the provisions of paragraph 1 (e) of article 2 of the Convention. Information was sought concerning the financing of the regions and the powers devolving on them, so that the Committee could see whether the system of regionalization could indeed overcome the former disparities which existed in the country. Details were requested in particular concerning the competence of the regions to adopt measures in the fields of education, culture and health, and about the relationship between the functions of regional and national organs. It was also pointed out that it would have been easier for the Committee to assess the situation in the Sudan, if the report had contained information on the country's demographic composition. If census data were not available, it would be useful to have some indication as to the country's linguistic and other groups. An important question was whether the political system allowed for equality among the various groups, and more detailed information was requested concerning the precise functioning of the political system. It was remarked that it would be useful for the Committee to see the text of the Addis Ababa Accord of 1972, which had ended the civil war, and the Regional Government Act, 1980, referred to in the report. Information was requested on how the Government was tackling the refugee problem in terms of the treatment, rehabilitation and resettlement of refugees. One member observed that the information regarding the implementation of article 2 of the Convention failed to mention any inquiry designed to find out whether there were in fact any laws institutionalizing racial discrimination.

344. In connexion with article 3 of the Convention, satisfaction was expressed at the information provided in the report and on the implementation measures adopted by the Government.

345. With reference to article 4 of the Convention, the Government was invited to furnish the text of the relevant provisions of the Penal Code of 1974, so that the Committee could determine whether they fulfilled the requirements of that article. In this connexion it was stressed that the Convention itself did not fix penalties for infringement, so that additional legislative measures were required to eliminate all forms of racial discrimination. The statement in the report that the Sudan had never witnessed any form of racial discrimination seemed to contradict the previous admission that cultural, racial and religious conflicts had indeed existed in the country. Furthermore, the assertion that all acts of racial discrimination were punishable under the Penal Code appeared to be contradicted by the later statement that there were no penal internal enactments made to implement the provisions of article 4 (a) and (b). One member expressed puzzlement at the assertion that the provisions of the Convention were guaranteed by the Penal Code, which was adopted in 1974, three years before the Convention itself entered into

force in the Sudan. He asked whether there was some misunderstandings on that point or whether the Penal Code actually foresaw the provisions of the Convention. The hope was expressed that the next report would correct the misunderstandings which seemed to emerge from the current one and that the Sudan would emphasize the implementation of article 4 of the Convention.

346. With reference to article 5, questions were raised concerning the constitutional provisions relating to work. Further clarification was requested in connexion with the military or civic necessity that would permit forced labour. Information was also sought on the implication of the view of work as a duty and it was asked whether certain constraints could be imposed upon a citizen who did not want a particular job. Regarding the relevant provisions in the Code of Criminal Procedure, further clarification of the term "independent legal advice" was requested. It was also noted that the principles of Islamic law were applicable for Moslems, while non-Moslems were governed by their own personal law, and it was asked whether that was the case only in civil law or whether that separation was maintained throughout the legal system. A question was also asked as to whether instruction was available in the various languages.

347. The Government of the Sudan was invited to include in its next report the relevant provisions of the Code of Civil Procedure of 1974, so that the Committee could determine whether they fulfilled the requirements of article 6 of the Convention, as well as the text of elements in the judicial system providing for compensation in the case of racial discrimination. It was remarked that the reason given in the report for the lack of cases brought before judicial organs of the State did not appear to be adequate since the Government's opposition to racial discrimination did not necessarily exclude its practice by individual citizens. More information was requested on the organization of the administration and the courts of the Sudan and the remedies available to citizens in both civil and criminal cases, including such matters as legal assistance and the rights of defence.

348. Detailed information was sought on whether the Government had any organized programmes to promote understanding among ethnic groups, on the kind of instruction included in school curricula, and, in general, on the measures taken to give effect to the provisions of article 7.

349. Replying to some of the questions asked, the representative of the Sudan referred to the process of decentralization since the adoption of the Regional Government Act, 1980, and stated that by May 1982, all the regions had been in a position to constitute their parliaments and the regional governors had all been elected. As to the powers and role of the regional administrations in relation to the central Government, she said that the latter retained responsibility for defence, foreign affairs, telecommunications and railways, while the former had control in the fields of education, health, intraregional transport, social welfare and economic development. Since the Addis Ababa Accord of 1972, the south had been enjoying equal opportunity in the political, economic, social and other spheres. The regions had the power to adopt legislation for regional application, while the national Parliament was responsible for adopting laws for the country as a whole. Admittedly, there could be a problem of co-ordination. Since 1972, the regional administration of the southern provinces had been focusing on the need to prevent overlapping and dual legislation. It was still too early in that legislative experiment for the Sudan to be able to predict the outcome. Concerning the

application of Islamic law for Moslems and personal law for non-Moslems, she stated that the principles of Islamic law were applied for Moslems only in matters relating to the family. There were special courts to administer Islamic law, as well as special courts to administer customary law for the various tribes, depending on their place of origin. As far as Christians were concerned, the courts applied the law of the denomination in question. Concerning financial allocations for the development of the south, she was not aware of any legislation governing the financial aspects of decentralization. She knew, however, that the central Government was currently extending financial assistance to the regions, although, by law, they could generate their own resources.

350. Concerning the existence of large communities of immigrants from various African and other countries residing in the Sudan, she stated they were not subject to any discrimination. Her Government would be requested to provide information on such communities in its fourth periodic report. Various international bodies had already received from the Sudan a number of reports concerning the treatment of refugees. Her Government was doing much more than was required under the relevant international norms. In addition to accommodating refugees in camps, it was giving those who so desired an opportunity to settle in the Sudan and become assimilated into Sudanese society.

351. In conclusion, the representative assured the Committee that she would forward all the questions and comments to her Government, so that it could respond fully in the fourth periodic report. In particular, the texts of the relevant provisions of the Penal Code and the Code of Civil Procedure would be made available as requested.

Mongolia

352. The seventh periodic report of Mongolia (CERD/C/91/Add.10) was considered by the Committee together with the introductory statement of the representative of the reporting State who drew attention, in particular, to a draft bill on public education which had been published on 10 July 1982 and was now open for the consideration of the entire nation. Debate on it would continue until 25 August and the views expressed thereon would be taken into consideration by the legislators. Article 4 of the draft bill proclaimed non-discrimination in education on account of sex, race, nationality, religion, social origin or position to be the primary principle of public educational policy. Another important provision was the right to receive education in one's native language. The draft bill would be transmitted to the Committee after its adoption. He finally stated that, since the submission of the previous report, there had been no violations of legislative acts prohibiting discrimination and, in judicial practice, no cases involving discrimination on grounds of race had been brought up.

353. It was pointed out by a member that the report was of good quality and it gave a precise idea of the problems faced by Mongolia and of its socio-economic system although it had certain deficiencies in terms of methodology.

354. Many questions were asked regarding the implementation of article 4 of the Convention, particularly in connexion with the Criminal Code of Mongolia. With regard to acts of sabotage and the crimes of agitation or propaganda against the Mongolian People's Republic referred to in articles 48 (b) and 49 of the Criminal Code respectively, members requested further explanation as well as the transmission of the relevant legislative texts. Additional information was

requested on the interpretation given to article 53 of the Criminal Code. Regarding a statement in the report as to ways in which ideas inciting racial discord might be disseminated, the Government was requested to transmit the legislation that applied to that subject. With reference to article 93 of the Penal Code, which declared a crime acts affronting a person's honour or dignity on grounds of nationality or race, it was asked whether acts which affected honour on different grounds would also be considered a crime.

355. With respect to article 5 of the Convention, clarification was requested as to the meaning of the freedom of anti-religious propaganda. It was asked how often it was necessary for Mongolian citizens to travel abroad for the purposes of medical treatment, since the report stated that there was only one doctor for every 470 persons; why some manual and non-manual workers were given sanatoria passes for conscientiously fulfilling their labour obligations and whether that corresponded to the right of equal pay for equal work; and whether workers were able to establish free trade unions. In that connexion, it was also asked whether trade unions in Mongolia were not a social institution but carried out official functions. Noting that the percentage of the population that received secondary education was rather low, a member asked how the secondary education was organized, and, in particular, what the conditions of entrance into secondary schools were.

356. As to article 6 of the Convention, further information was requested concerning the remedies available to citizens, including the right of defence and how it was exercised. With reference to the processing of the application of citizens who wished to visit relatives or friends living abroad and concerning travel abroad for medical treatment, it was asked what remedies were available to a citizen if the local police authorities refused to grant his request.

357. The representative of Mongolia replied to a number of questions raised by members of the Committee. In reply to some questions concerning article 4 of the Convention, he stated that, according to article 93 of the Criminal Code, insulting behaviour was considered a criminal act and offenders were tried accordingly; depending on the degree of malicious intent specific provisions would apply to specific cases ranging from the imposition of a monetary penalty to confinement. He assured the Committee that his Government would supply in its next report the texts of articles of the Criminal Code which had been requested.

358. Turning to questions raised with respect to article 5 of the Convention, he said that, with respect to the travelling of Mongolian citizens abroad, the authorities made sure that Mongolians were assured accommodation in the foreign countries they wished to visit before they travel. Precautions were also taken to secure them medical assistance should they need it. Freedom of religion was assured by the Criminal Code in that any obstruction to the performance of religious rights was punishable under the Code. In 1953 a special religious seminary had been established. As to questions concerning trade unions, he said that, according to the latest data, they had 380,000 members, of which 50 per cent were engaged in material production, 30 per cent were office employees and professional staff and 20 per cent were agricultural workers. The Labour Code stipulated the rights and duties of trade unions, whose functions included intervention in labour disputes, including extensive legal and other protection to workers. Among the advantages and privileges offered to manual workers were money incentives, diplomas, certificates of appreciation, improved housing and passes to sanatoria. As to education, he pointed out that the percentage of the population

attending secondary school was not low. The figure of 2,372 students for every 10,000 persons in the country included both primary school and secondary school. Partial secondary education was currently compulsory and students had to finish at least eight classes after which they were free to pursue studies at higher educational institutions or to be taught a specific trade. According to the programme adopted in 1981, all children should obtain 100 per cent secondary education by the end of 1985. Primary education comprised only four classes and had been free and compulsory since the 1950s.

Mexico

359. The fourth periodic report of Mexico (CERD/C/88/Add.1) was considered by the Committee after a brief introductory statement by the representative of the reporting State, who explained that the report merely supplemented previous reports, clarified some points and answered the questions asked by members of the Committee.

360. The Committee commended the report of Mexico for the comprehensive information contained in it and for reflecting a constructive dialogue by providing replies to questions which had been asked during the consideration of the previous report. Some members pointed out that the analysis of the constitutional provisions contained in the report attested to the equality of Mexican citizens and attention was drawn to the fact that Mexico had acceded to all the international conventions dealing with human rights. A member noted that, although extensive information was included in the report, certain provisions of the legislation cited were at times omitted and extraneous information was included in the discussion of specific articles.

361. Updated information was requested regarding the demographic composition of Mexican society, including data on the indigenous people. With respect to article 2 of the Convention the Committee inquired about the policy of the Government to ensure the enjoyment of basic civil rights and freedoms by indigenous populations and ethnic minorities. In that connexion, it was also asked how the Government's programmes for the indigenous peoples referred to in previous reports had developed and what results had been achieved.

362. With regard to article 3 of the Convention, it was pointed out that it was clear from the report that the Government of Mexico had taken concrete steps to condemn all forms of racial discrimination and, in that connexion, updated information was requested regarding the state of relations of the Mexican Government with South Africa.

363. Referring to article 4 of the Convention, the Committee made extensive comments on the Mexican Constitution, the Penal Code and the Press Law. The Committee agreed that it was clear from the report that racial discrimination and unequal treatment were inconsistent with the Mexican legal system. Some members pointed out, however, that the legislation described in the report was not adequate, at least in connexion with the implementation of paragraph (a) of article 4. Legislation relating to paragraph (b) could be considered sufficient if the provisions concerning illegal organizations also made the very subject of such organizations and activities illegal. No special penalties were provided to implement the provisions of article 4 (c), although the acts referred to in that article were, in general, declared illegal and the remedy of amparo could apply in that respect. With reference to article 364 of the Penal Code, the opinion was

expressed that that provision was not sufficient to make violation of constitutional guarantees a criminal offence and that it could not cover all the offences envisaged in paragraph (a) of article 4 of the Convention. Moreover, in order for articles 164 and 164 bis of the Penal Code to cover organizations and associations promoting and inciting racial discrimination, it was first necessary for racial discrimination to be declared an offence punishable by law. A member expressed the opinion that the Press Law adequately satisfied the provisions of article 4 with regard to the dissemination of ideas based on racial superiority and that, although articles 164 and 164 bis of the Penal Code could conceivably be invoked in cases of incitement to racial discrimination, it was essential that the act of incitement itself be declared an offence beforehand. Another member thought that articles 164 and 164 bis of the Mexican Penal Code could be considered as implementing provisions of article 4, although perhaps somewhat obliquely. Finally, the hope was expressed that the Mexican Government would provide further explanations concerning its existing legislative provisions in the next report or enact new legislation to fill the gaps to which attention had been drawn.

364. In connexion with the Mexican report, the Committee held a brief discussion concerning the interpretation of article 4 of the Convention. Most members suggested that article 4 constituted a mandatory requirement for States parties to enact specific legislation while the other articles of the Convention left it to the discretion of the States parties to take the measures which they deemed appropriate in order to comply with specific provisions. In that connexion, it was pointed out that article 4 had the force of jus cogens. Moreover, it involved the question whether the freedom of speech and association could or could not be limited. A member expressed the opinion that the mere fact that a State became party to the Convention fulfilled its obligation to condemn racist propaganda. Other members viewed the implementation of article 4 more as a process which could not be finalized in one stroke and felt that public opinion ought to be educated and prepared for the enactment of legislation designed to give effect to the provisions of that article.

365. Turning to article 5 of the Convention, the question was asked how the requirement that deputies and senators - besides the President - of the Republic ought to be Mexican citizens by birth was reconciled with the right of everyone to stand in an election according to paragraph (c) of the article, and what the level of participation of the indigenous population was in elections at all levels. Information was requested concerning the economic, social, cultural and educational level of the different sectors of society, especially of the various ethnic groups; the results of agrarian reform; the benefits, social services and health care; the benefits of education, the literacy rates and the percentage of school attendance, especially for secondary school. With regard to paragraph (f) of article 5, it was observed that no penalty seemed to be provided in Mexican law in cases in which an individual was excluded from a place or service that was privately owned.

366. With respect to article 6 of the Convention and the role of the Supreme Court of Justice in declaring a law or provision of a law unconstitutional, it was pointed out that the requirement that such a decision should be upheld in five consecutive judgements seemed quite stringent, since the circumstances were unlikely to be the same on each occasion. As to the right of petition, it was noted that amparo proceedings could be instituted against any public official or employee who failed to reply to such a petition.

367. In connexion with article 7 of the Convention, more detailed information was requested. It was asked, in particular, how the curriculum in primary schools sought to inculcate an appropriate attitude toward racial discrimination and how that effort was pursued at the secondary level.

368. The representative of Mexico replied to some of the questions raised. With regard to comments made concerning the implementation of article 4 of the Convention, he pointed out that, according to the Constitution, any international instrument to which Mexico acceded automatically became the law of the land and had the same force as the provisions of the Constitution. Thus the Convention could be invoked before the courts and it would take precedence over any provision that was not consistent with its terms. He stressed that the term amparo covered a whole set of judicial procedures intended to ensure effective enjoyment of constitutional guarantees and could be invoked by any individual who believed that such guarantees were denied by the laws or actions of the authorities; such laws or actions had to be suspended as soon as the proceedings were instituted, especially in cases involving a violation of human rights or a denial of individual freedom; and public officials guilty of abuse of power were liable to punishment.

369. In reply to questions concerning the implementation of article 5 of the Convention, he said that, given the financial resources of Mexico, the Government had to concentrate on such basic needs as health and education. However, provision existed for social security, such as limited unemployment benefits, workman's compensation insurance and maternity benefits and child-care centres. Social security had also been extended to those marginal populations who did not work sufficiently to be made eligible for collective social security and could not afford to contribute to an individual scheme; marginal workers were asked to do community work so that social security would not be seen as a charity. In reply to other questions, he said that special attention was paid to the needs of the rural communities in an effort to involve them fully in the nation's progress and cultural life. Efforts were made to teach Spanish to those populations and there was no discrimination in the curricula taught in the cities and in the villages. State-provided education was free at all levels. Regarding the education of the indigenous population, he said that there were many educational programmes designed for them and that radio and television facilities were being used in providing instruction. Besides, employers had an obligation to provide schooling for uneducated workers, as well as training in various skills.

German Democratic Republic

370. The fifth periodic report of the German Democratic Republic (CERD/C/89/Add.1) was introduced by the representative of the reporting State, who stated that the report supplemented the information already given in his country's previous reports. It contained the legislative measures taken in the period under discussion and confirmed the fundamental attitude of the German Democratic Republic in the struggle against racism and racial discrimination. Answers were also given to questions raised during the consideration of the fourth report. In particular, the report provided information on measures taken for the protection of the Sorb minority, who enjoyed equal rights and full respect as it cultivated its rich cultural traditions. Detailed information had been included on such questions as the rights of foreign workers, the labour code, the remedies, the provisions of the Penal Code, and the work of lawyers. His country considered that measures against racism and racial discrimination were a binding commitment in its domestic and foreign policies, and had taken an active role in support of the struggle of liberation movements and in promoting the relevant activities of the United Nations.

371. Members of the Committee congratulated the representative of the German Democratic Republic on his Government's report and on the measures taken against racism and racial discrimination. The view was expressed, however, that the Committee required more information on experience acquired at the legal and administrative levels in implementing the Convention.

372. With respect to the provisions of article 2 of the Convention, it was stated that the position of the Sorbs provided an excellent example of how an ethnic minority should be treated in society. Appreciation was expressed for the information on the educational opportunities in the Sorb language and the promotion of Sorb culture. Additional information was requested on the level of economic development in Sorb areas, and, if such areas were underdeveloped, whether there were any special measures to improve the situation. Information was also sought on the political representation of Sorbs at the national level; on whether the Sorb language could be used in written submissions to a court and if a written reply could be received in that language; and concerning the use of the Sorb language in district and national administration. With respect to foreign workers in the German Democratic Republic, it was stated that the report showed that they were treated on the same footing as domestic labour and that there was no discrimination against them. With reference, however, to the statement in the report that foreign workers were guaranteed the right to participation in cultural life, information was requested on the ways and means of providing cultural activities, how they were organized and what they included.

373. In connexion with article 3 of the Convention, one member said that it was clear from the statement of the representative of the reporting State that effective measures were being taken to combat racial discrimination at the international level. In future reports, the German Democratic Republic might usefully indicate specific measures taken at the international level to avoid the spread of racism, so that the States parties might learn from one another's experiences.

374. With respect to article 4 of the Convention, it was requested that the Government provide the text of the relevant articles of the Penal Code so that a more precise assessment of the situation might be made. It was stated that the Penal Code should fully reflect article 4 of the Convention, and therefore acts of violence or incitement to such acts should be specifically mentioned in article 106 of the Code, which should also refer not only to racial discrimination but to incitement to hatred on the basis of ethnic or national origin. One member pointed out that although for the purpose of the Penal Code, the various forms of racial discrimination, as described in article 4 (a) of the Convention, were included under acts of racial incitement, he failed to see how the courts could deal with such a broad interpretation of the article. The terms "instigation to" and "aiding and abetting in" apparently covered all the acts listed under article 4 (a), (b) and (c) of the Convention. Moreover, in its preambular part, article 4 of the Convention referred to the principles embodied in the Universal Declaration of Human Rights and was accordingly intended to cover injuries done, not only to a race or to a group, but to a specific individual because of his race, colour or ethnic origin. Any act of discrimination carried out by a person in authority, no matter how highly placed, must likewise be designated an offence punishable by law. In short, it was not good enough to include a broad range of offences under the term "incitement to racial hatred". Each offence had to be precisely described with regard to each of its constituent elements; they could not all be lumped together. Another member, however, expressed the view that article 4 of the

Convention was adequately reflected in article 106 and other relevant articles of the Penal Code. While he agreed that those articles could be strengthened and improved upon, such an exercise remained the sovereign right of the German Democratic Republic.

375. With reference to article 5 of the Convention, one member pointed out that a number of questions raised during the consideration of the fourth periodic report of the German Democratic Republic had not been answered. The report was silent on the role of political parties, the possibilities of deposition, freedom of movement, the working conditions of foreign journalists, Jewish schools and the position of rabbis, the right to strike and the Labour Code. There were thus gaps in the dialogue between the Committee and the reporting State.

376. With respect to article 6 of the Convention, more information was requested regarding implementation of that article. It was pointed out in this respect that article 6 required the provision of specific remedies safeguarding the implementation of the fundamental rights and freedoms set forth in the Convention. It was asked specifically what remedies were available to claimants whose rights had been breached, and it was pointed out that such remedies should take into account the role of the administrative authorities and the legislators.

377. It was also pointed out that certain questions relating to article 7 of the Convention asked during the consideration of the fourth periodic report had not been answered. Information was requested on what was being done to promote understanding among human beings in pursuance of that article.

378. In reply, the representative of the German Democratic Republic assured the Committee that his delegation would take due account of the views expressed by members of the Committee in preparing future reports. Under article 6, paragraph 5, of the Constitution, militarist and revanchist propaganda in all its forms, warmongering and the manifestation of hatred against creeds and nations were punishable as crimes. Persons who incited against the constitutional foundation of the socialist State and social order of the German Democratic Republic by discriminating against other citizens, by threatening or inciting to commit crimes against the State or by offering to assist in the commission of such crimes, by glorifying fascism or militarism or by inciting to racial hatred were liable to imprisonment ranging from one to eight years. The Penal Code punished defamation of or libellous statements against persons of a different nationality or race. Any person with Fascist, racist, militarist or revanchist traits was also liable to punishment.

379. The representative stated that the Sorb minority enjoyed full representation in the People's Chamber, and had available a broad range of educational facilities. The rights of the Sorbs were protected in legal proceedings, and included the right to use their own language in their home districts. There were a number of Sorb lawyers practising in the German Democratic Republic. Foreign workers were admitted to the country only under bilateral agreements and for training. Their rights were fully guaranteed under such agreements, which excluded any possibility of discrimination. Different national customs were fully respected, and there was every opportunity for such workers to pursue their own cultural traditions.

380. He also pointed out that there were five political parties in the German Democratic Republic which had joined together in a democratic bloc in order to

develop democratic initiatives. The parties were entirely independent and equal, each was represented by its own parliamentary group in the People's Chamber and elsewhere. With regard to the free movement of citizens of the German Democratic Republic, he stated that there were, as in any country, regulations governing exit and entry designed to protect the interests of the State and of the individual. Such regulations were based on the principle of equality, and there was no discrimination whatsoever in such matters.

381. There were several thousand accredited foreign correspondents in the country, whose rights and duties were defined by government decree, and they received the support of the Ministry of Foreign Affairs. The only limitations placed on foreign correspondents were that they should perform their duties in accordance with generally accepted norms of international law and the legal order of the Republic, and that they should not abuse their position for other purposes. There were several Jewish temples and communities in the German Democratic Republic. They had the right to impart religious instruction, and Jews could marry in church and have their children baptized. Those Jews who had survived the Nazi régime enjoyed special privileges, in common with all other survivors of the Nazi era.

Czechoslovakia

382. The seventh periodic report of Czechoslovakia (CERD/C/91/Add.14) was introduced by the representative of the reporting State, who indicated that, in order to avoid unnecessary duplication, the report centred primarily on the issues in which the members of the Committee had expressed special interest: the position of nationalities, the status of the gypsy population and questions concerning foreign workers in Czechoslovakia. Over the years his Government had been making systematic efforts to prevent the occurrence of discrimination by taking appropriate legislative and administrative measures, as well as measures affecting the activities of relevant organizations and the education of young people. In that respect, Czechoslovakia had achieved some remarkable results.

383. Members of the Committee expressed satisfaction with the information provided in the report and its frankness, even when dealing with sensitive questions. Commenting on the format of the report, members agreed that, after the submission of the initial report, it was legitimate for States parties either to submit reports in accordance with the revised guidelines, which would include a summary of the contents of their previous reports, or to concentrate on providing answers to specific questions asked by the Committee during the discussion of their previous reports, as Czechoslovakia had done.

384. Several comments and observations were made with respect to the implementation of article 2 of the Convention, particularly concerning the gypsy population in Czechoslovakia. Members expressed their satisfaction with the details provided by the Government. Nevertheless, some members voiced surprise at the statement in the report that there were no gypsies resisting integration, given the traditional desire of the gypsy population to be different and to enjoy unrestricted freedom. They requested an explanation of the word "re-education", used in that context, and of the measures taken to bring about such re-education in so far as the word conveyed the idea of a system of education which imposed a way of life upon a group of people against their will.

385. Another member noted that the Government had found it necessary formally to ban an association of citizens of gypsy descent in 1973 and to make it a criminal

offence under Public Law 74 for any person to persist in living a nomadic life, and asked whether the Law was still in force and whether there were any gypsy representatives serving in bodies dealing with the integration of minorities. Statistics were also requested on the number of gypsies benefiting from the specific programmes described in section 1 (c) of the report; the number of children who had benefited from the pre-school education programme set up by the Government; the number of gypsies who had been provided with suitable housing; and the number of gypsy citizens recruited for military service who had taken advantage of supplemental educational activities. Information was also asked on the percentage of young gypsies who had been able to receive higher education and better their status. In the view of one member, the difficulties of the gypsy population in Czechoslovakia might well be caused by the fact that the Constitution did not treat them as an ethnic group with its own constitutional status. Although their historical and social circumstances created complications, some effort might be made to improve their legal position as a group. It was, however, doubted whether such recommendation was covered by the Committee's competence.

386. With reference to ethnic minorities, appreciation was expressed in connexion with the information provided. It was noted that Czechoslovakia had submitted the relevant constitutional text in its fifth report and had shown how those provisions had been implemented in its sixth report. However, no information had been given on what specific laws had been enacted. It would be useful, with reference to the participation of ethnic groups in representative bodies, to know how the numerical strength of the various ethnic groups had been determined. With reference to the educational and cultural rights of minorities, it would be helpful to have up-to-date educational statistics, since the figures given in the sixth periodic report had shown surprisingly low percentages of school enrolment among minorities, particularly at the secondary level. It was asked to what extent the representatives of ethnic groups were able to direct the education given in the schools, whether any kindergarten education was provided in minority languages and what the administrative and legal provisions governing the official use of minority languages were. It would be instructive to have the text of the legislation governing the composition, legal status and mandates of national and district bodies dealing with the problems of ethnic minorities which had been established and to know how many members of ethnic groups served on them.

387. With regard to the information supplied on the rights of the German minority, it was remarked that it seemed strange that of the 60,000 citizens of German origin, only 2,000 were school-age children, so that the Government considered it impracticable to provide instruction for them in their own language.

388. With reference to article 4 of the Convention, one member pointed out that the relevant provisions of the Czechoslovakian Penal Code did not cover certain forms of racial discrimination which were mentioned in article 4. In that connexion, he stressed the importance of providing the full text of relevant legislation in the periodic reports rather than paraphrasing them, as had been done in previous reports. With the exception of article 196, paragraph 2, and article 221, paragraph 2 (b), of the Czechoslovakian Penal Code - which dealt with threats of violent acts or bodily injury against a specific person - all the other crimes mentioned pertained only to defamation or other hostile acts directed against a nation or race in general. The dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, insult and injury directed against an individual, and discrimination by public authorities were not declared offences punishable by law, as required under article 4 of the Convention. He realized that

such acts could be punished under Czechoslovak law in pursuance of the principle of equality enshrined in the Czechoslovak Constitution. Nevertheless, specific penal sanctions should be provided for each offence.

389. With reference to article 5 of the Convention, it was observed that the report stated that marriages between foreigners and Czechoslovak citizens were possible in principle, provided that the competent authorities of both sides agreed, and that foreign workers married to Czechoslovak citizens acquired a specific status by that act of marriage and were thereafter no longer considered as foreign workers. It was asked whether there was any recourse for the persons involved if the competent authorities of both sides did not agree to their marriage, and what their actual legal status was after marriage.

390. In connexion with article 6 of the Convention, one member noted that the report, in reply to a question previously asked, indicated that there was apparently no separation of powers between ordinary courts and special administrative courts. He asked whether that meant that a Czechoslovak citizen could appeal against an administrative decision to an independent court and, if so, it would be interesting for the Committee to have the legal provisions which made that possible. It was also asked whether it was possible for individual citizens in Czechoslovakia to seek redress in the national courts directly or only through a public prosecutor. It was further remarked that the Committee would have a more complete picture of the situation in Czechoslovakia if information were made available on the outcome of any claims or complaints submitted to the courts by minorities since the entry into force of the International Convention and the degree to which relevant court rulings had been publicized.

391. Further information was requested with regard to the measures carried out by the Government in implementation of article 7 of the Convention.

392. In reply to a number of questions, the representative of Czechoslovakia stated that, according to the most recent statistics, there were currently 28,500 foreign nationals working in Czechoslovakia on the basis of bilateral agreements. Of that number, 14,700 were from Viet Nam, 7,600 from the Polish People's Republic, 4,400 from Cuba, 800 from Mongolia, 100 from Laos, 400 from Bulgaria, 400 from Hungary and 100 from Cyprus.

393. With regard to questions asked concerning the situation of the gypsy population, he said that the number of gypsies was currently 303,000, a 13 per cent increase since 1971. The term "re-education" of the gypsies referred specifically to their voluntary integration and no compulsion whatsoever was involved. The process of voluntary integration was a complex one which had to take into account the traditions and ways of the gypsy population. The very fact that many gypsies had abandoned their nomadic way of life was a favourable development. The Government was very active in implementing programmes for gypsy young people. Efforts to increase the number of gypsy children enrolled in kindergartens had been particularly successful, and the number of gypsy children who completed compulsory schooling was also increasing steadily. In addition to formal education, recreational camps and other programmes were organized for gypsy children and young people with the aim of furthering their cultural, social and intellectual development. Gypsies who performed military service often obtained training and qualification which was useful to them when entering the labour force. With regard to housing for gypsies, National Committees in the Czechoslovak Socialist Republic had made available to gypsies in one year some 1,500 apartments and 196 houses, and

the number of substandard units had been reduced. Attention to the housing problems of gypsies was part of the over-all effort to promote their integration, for which the Government allocated substantial resources, amounting to more than 40 million koruny in 1979.

394. Replying to the question about the German minority, he said that the relatively small number of German children was attributable in part to the age structure of the German minority as well as to other factors. The children of persons of German origin also possessed Czechoslovak nationality and some assimilation of the German population had taken place. Moreover, the German minority was scattered throughout the national territory and many of the children born after the Second World War were the offspring of mixed marriages.

395. Turning to action in the international sphere to combat racism and racial discrimination, he said that his Government viewed with great concern the existence of racial discrimination and apartheid in the world, and was particularly disturbed by the policies of South Africa and Israel. In 1963 his Government had severed all relations with the racist régime of South Africa and it fully complied with all resolutions of the General Assembly and the Security Council on apartheid and racial discrimination. It took the same position with regard to Israel.

Egypt

396. The seventh periodic report of Egypt (CERD/C/91/Add.15) was considered by the Committee together with the introductory statement of the representative of the reporting State who stated that the seventh report had tried to provide replies to questions asked during the consideration of the previous periodic report of his country. He mentioned the efforts of his Government in the struggle against apartheid in southern Africa and pointed out that Egypt maintained no relations whatsoever with the racist régime. Providing some additional information, he said that Egyptian universities, and in particular the El-Azhar University, had been opened to foreigners, especially from Arab, Moslem, African and other countries, and no racial incidents had occurred in that respect. The representative also mentioned that Egypt had recently ratified the International Covenants on Human Rights and the International Convention on the Suppression and Punishment of the Crime of Apartheid.

397. The Committee commended the Egyptian Government for the wealth of information on the status of aliens contained in its report. In that connexion, it was asked whether under the states of emergency which could be declared for local districts, aliens could be treated in a particular way. The Committee requested more information regarding the referendum which included the declaration of Egyptian human rights; what was the nature of those rights; and whether the result of the referendum was binding for the Government or simply informative. The Committee also inquired about the status of international conventions, especially of the International Convention on the Elimination of All Forms of Racial Discrimination, in the Egyptian legal system.

398. With respect to article 3 of the Convention, more detailed information was requested regarding the efforts of the Government to promote the fight against apartheid in South Africa and to implement United Nations resolutions and decisions in that respect.

399. Turning to article 4 of the Convention, the Committee inquired about the status of the proposal mentioned in a previous report to introduce a new penal code which would take greater account of article 4. In that connexion, it was asked whether the new legislation referred to in the sixth report formed part of the new draft penal code; and whether the Government, in its next periodic report, could include information on that draft or reproduce the actual text of it. Referring to article 1 of Legislative Act No. 156 of 1981, a member noted that, although it represented a genuine attempt to fulfil the provisions of article 4, it was not broad enough to cover all aspects of that article, particularly with respect to incitement to racial discrimination. The Committee finally requested precise information as to how exactly article 4 of the Convention was implemented in Egypt.

400. With reference to article 5 of the Convention, and, particularly, the obligation of political parties to commit themselves to the maintenance of national unity, social harmony, the democratic socialist system, it was asked how a candidate for political office, who as such had no political power or position, could be forced to make such a commitment and whether such a requirement could not interfere with the electoral process. Concerning the freedom of association it was asked whether the regulations governing the ratio of Egyptian nationals to foreigners in associations applied to non-profit organizations. A member requested clarification as to the implementation of the provision according to which associations might be banned if they posed a threat to national unity, social harmony or the integrity of the nation. Referring to Legislative Act No. 156 of 1981, another member wondered what had motivated the addition of the reference to "religious cover" and whether there was any special reason to suspect religious organizations, in particular, of illegal political activities.

401. Regarding article 6 of the Convention, reference was made to the position of the public prosecutor and clarification was requested as to whether the prosecutor alone had the right to initiate proceedings against public officials in the case of abuse of authority, or whether a victim could also initiate action.

402. With respect to article 7 of the Convention, the Government was requested to provide further information, in particular on the use of school curricula and the mass media to educate Egyptian citizens and combat racial prejudice.

403. The representative of Egypt replied to some of the questions raised by the Committee. Referring to the status of the Convention in the Egyptian legal system, he said that, according to the principles set forth in the Constitution, the Convention was considered as part of applicable law and any law which went beyond or violated its provisions would be annulled by the constitutional court. In reply to questions concerning the referendum, he explained that the guarantees of human rights in the Constitution were based on the human rights principles as internationally accepted and promulgated. Replying to another question, he pointed out that, as an African, and non-aligned country, Egypt considered itself affected by any form of racial discrimination, particularly the apartheid system in South Africa, and attached great importance to the international struggle against such discrimination. As to questions raised on article 5 of the Convention, he clarified the meaning of the restrictions concerning associations and indicated that such associations ought not to disturb public order and morality, according to constitutional requirements for the protection of the equal public rights of all citizens. The representative assured the Committee that their comments would be relayed to his Government and addressed in Egypt's next periodic report.

Finland

404. The sixth periodic report of Finland (CERD/C/76/Add.4) was introduced by the representative of the reporting State who elaborated on certain points of the report and submitted detailed information regarding the implementation of article 3 of the Convention and the status of refugees living in Finland. With regard to article 3 of the Convention, he stressed that Finland continued to propagate the application of increased international pressure against the system of apartheid, including sanctions by the United Nations Security Council in accordance with Chapter VII of the Charter. For its part, long before the mandatory arms embargo, Finland had voluntarily refrained from exporting arms to South Africa according to the Security Council recommendation to that effect, and had acted together with other Nordic countries in accordance with the Joint Nordic Programme of Action against South Africa. Since 1973 it had annually given humanitarian assistance to the victims of the policy of apartheid through the various United Nations funds and annually assisted the South African liberation movements through the OAU Liberation Committee. It had also decided to contribute to the Programme of Co-operation of the Independent Countries of Southern Africa in order to lessen their economic dependence on South Africa. Referring to the situation of refugees, he described the administrative set-up dealing with it as well as the measures taken by the Government to facilitate their integration into society, particularly in terms of education and housing.

405. The Government of Finland was commended for its stand in the struggle against racial discrimination and, in particular, the racist régime in South Africa.

406. The Committee welcomed the efforts made by Finland with respect to the Sami population, in particular in the socio-economic field, and it was noted with satisfaction that the term "Lapp" had finally been replaced by the word "Sami" which had no derogatory connotations. It was asked how far the drafting work to renew the Reindeer Breeding Act had reached, and information was requested concerning the efforts of the working group for drafting educational legislation mentioned in the report and what had happened to their proposals.

407. With respect to the education of the gypsy population, it was asked why it had been necessary to renew the provisions of the Penal Code relating to discrimination and incitement to discrimination in 1974. In that connexion, the Government was requested to provide the text of the new law in its next report. While complimenting Finland on the measures it had taken with respect to gypsies and the Samis, a member wondered whether the special protection given to such people might not lead to segregation and the maintenance of an inferior standard of living by removing any incentive they might have to integrate with the rest of society.

408. Noting that no mention of the Swedish minority had been made in the reports of Finland, some members wondered whether there were any regulations governing the use of Swedish in Finland, in the administration, in education or in judicial proceedings. If there were such regulations, it was asked why they had not been mentioned in the report. If no such regulations existed, the reason was asked for their absence.

409. With regard to article 4 of the Convention, a member noted that since articles 6 (a) and (b) of chapter 16 of the Penal Code, as contained in the initial report, seemed to cover the most basic acts of racial discrimination, he was puzzled by the statement that such discrimination was also likely to occur.

410. As to article 5 of the Convention, it was asked whether there was a policy of favouring naturalization in Finland and what were the obstacles which might prevent the issuance of a passport. Referring to the fifth periodic report of Finland (CERD/C/50/Add.3), a member wondered why the Sailor's Act of June 1978 (No. 423/78) should contain a provision stating that the employer should treat his employees impartially so that no one was discriminated against and why it was at all necessary to have a special law for seafarers.

411. With reference to article 6 of the Convention, further information was requested on the ombudsman, specifically as to how he was selected and how he could have an effect. In particular, it would be useful if the contents of the ombudsman's report to the Government were made available to the Committee.

412. The representative of Finland replied to some of the questions raised by the Committee. With respect to the Sami population, he said that the Working Group entrusted with the drafting of educational legislation for that population had submitted its proposal in 1981, but the proposal had in all probability not yet been acted upon. Referring to the comment made that over-protection of Samis and gypsies could lead to segregation rather than integration, he suggested that a distinction should be made between discrimination on account of one's racial background and favourable treatment intended to bring about equality before the law and that special assistance should indeed be accorded to minorities which had hitherto been underprivileged. Replying to questions concerning the Swedish minority, he noted that, although that minority had remained more or less constant at the figure of 300,000, the proportion had fallen to between 6 and 7 per cent of the total population and he pointed out that Swedish was one of the two official languages of Finland.

413. As to the question of seafarer's legislation, he said that the selection of that particular sector of the Finnish economy for legislation had to be seen in light of an exceptional international recruiting process which was at times reacted against by the protectors of the interests of Finnish workers who tended to advocate the recruitment of Finnish seafarers on Finnish vessels. In answer to the question as to what obstacles might prevent the issuance of a passport, he cited the examples of criminal cases in which police clearance would have to be sought before a defendant could leave the country, and the case of young boys about to enter military service; if the timing was not correct, the police would not issue the clearance required for securing a passport. He noted, however, that those instances had nothing to do with discrimination as defined in the Convention. Regarding the acquisition of Finnish citizenship, he explained that there was no clear policy favouring naturalization, but his country welcomed people who wished to obtain Finnish citizenship and had no reason to object to that. In conclusion, he assured the Committee of his Government's full co-operation and said that he would communicate all comments and questions made by members of the Committee to his Government for consideration when the next report was prepared.

Holy See

414. The seventh periodic report of the Holy See (CERD/C/91/Add.17) was considered by the Committee together with the introductory statement of the representative who suggested that the report ought to be considered in the light of the unique character of the Holy See, deriving from its mission, which was essentially religious and universal in scope. The Holy See was, nevertheless, committed to promoting respect for fundamental human rights of all peoples, especially those

touching on these rights flowing from the equality and dignity of all men without distinction and, in so doing, it focused mainly on education and the formation of world public opinion. The representative also referred to an address of the Pope to the bishops of South Africa in which he emphasized the interrelationship between human rights and peace.

415. The Committee paid tribute to the efforts of the Holy See in joining States in the combat against racial discrimination and special reference was made to its contribution in the educational field. Attention was drawn to a publication of the Vatican within the framework of the Decade for Action to Combat Racism and Racial Discrimination and to statements made by the Pope which demonstrated that the Holy See was prepared, whenever necessary, to issue specific condemnations of racial discrimination and injustice.

416. The Committee noted the particular nature of the report under consideration owing to the specific character of the Holy See as a subject of international law, namely, the fact that it was not a State and did not have citizens or a territory in the traditional sense, since Vatican City was essentially an annex to the Church's spiritual power. The Committee, however, repeated its position to the effect that it had always endeavoured to examine the reports of the Holy See in the same way it examined the reports of States and had consequently put forward a number of specific questions. While oral replies to some of those questions had been provided, it was usual practice for parties to the Convention to include and even to amplify those replies in their next report.

417. The Committee requested information regarding the position of the Holy See with respect to liberation movements. Moreover, it was asked whether any moral or religious sanctions existed to implement article 4 of the Convention, whether information on human rights was included in the curricula of ecclesiastical schools, and whether racial segregation existed in Catholic schools.

418. Noting the spiritual influence of the Holy See on the attitudes of many people in many countries, the Committee requested information on how the Church used that influence in shaping the attitudes of church members with regard to the main moral and political issues facing the contemporary world, especially the question of peace, the gap between the rich and the poor and racial and ethnic discrimination. In particular, the Committee would welcome information in future reports on the activities not only of the South African bishops but also those of other countries. Noting that religious fanaticism could lead to divisions between peoples of different ethnic origin or religions, a member requested information on the current activities of the Catholic Church to promote fraternity and understanding between nations, ethnic groups and different religions.

419. The representative of the Holy See assured members that their suggestions and comments had been duly noted and would doubtless be reflected in the following report and expressed the hope that the Holy See's collaboration with the Committee would continue in the same spirit of mutual understanding and commitment to the provisions of the Convention.

Union of Soviet Socialist Republics

420. The seventh periodic report of the Union of Soviet Socialist Republics (CERD/C/91/Add.18) was introduced by the representative of the reporting State who said that during the 60 years of its existence the Soviet Union had made great

progress in promoting the all-round development of nations and nationalities. Not only had de jure and de facto equality of all nations and nationalities been guaranteed, but the problem of equalizing the levels of economic development of the Soviet republics had also essentially been solved. The report described important new legislation enacted during 1980-1981 in order to implement provisions of the Convention and provided answers to questions raised by members of the Committee during the consideration of the sixth periodic report of the Soviet Union. Furthermore, in accordance with the wishes of the Committee, the texts of the relevant legislative provisions were included to the fullest possible extent, particularly concerning the legal position of aliens in the USSR and the autonomous regions and their relationship with the central Government. The Soviet Union actively supported the implementation by all States parties of the obligations assumed under the Convention as well as the decisions and recommendations of international organizations concerning the struggle against racism and apartheid.

421. Members of the Committee congratulated the Soviet Union for having taken steps during the previous 60 years to eliminate racial discrimination and to guarantee the equality of its nations and nationalities. Some members noted that this experience was of interest to other States. It was appreciated that the reporting State conformed to the revised guidelines of the Committee in its report, that contained a wealth of material. They particularly praised the effort made to provide the Committee, in reply to its requests, with specific information on the criminal legislation, on the judicial system and on administrative matters in the Soviet Union. One member stated that he could only accept with reservations the statement to the effect that the Great October Socialist Revolution had eliminated racism and racial discrimination in the Soviet Union; in view of the large number of nationalities, it seemed difficult to believe that no racial differences or prejudices existed anywhere. Another member welcomed the information concerning the establishment of four new autonomous regions, and asked whether those regions had in fact been established in order to enable the people living there to achieve full ethnic equality. He therefore requested that the texts of the relevant provisions should be included in the next periodic report. Further information was requested on the criteria for granting regional autonomy. It was also asked what was the status of the Convention under the new 1977 Constitution, in the legal system of both the Union republics and the autonomous republics and whether the provisions of the Convention were binding on legislators and directly applicable by administrative authorities and the judiciary.

422. Further information was requested regarding the legal position of aliens, since their status as reported went beyond article 1, paragraph 2, of the Convention. In this connexion, it was asked whether the Act concerning the Legal Position of Aliens dealt with the principle of political asylum and with political refugees and, if so, whether its provisions applied only to aliens associated with a socialist group and what were the special conditions to be fulfilled. It was pointed out that the sixth periodic report had been discussed shortly after the entry into force of the new Soviet Constitution at a time when consequential legislation had been in preparation. Although reference had been made to some of that legislation in the seventh periodic report, the importance of including the actual texts of such legislation was stressed, so that members of the Committee could understand the situation in the Soviet Union and other States parties could learn about how the Soviet Union was tackling any problems it encountered. The Government was therefore requested to supply the texts for the Decree of the Presidium of the Supreme Soviet of the USSR of 18 May 1981, and of the Act of

24 June 1981 concerning the Legal Position of Aliens, as well as of any other relevant legislation introduced since the consideration of the sixth periodic report.

423. With respect to the implementation of article 2 of the Convention, specific information was requested particularly with regard to the more backward minorities among the Soviet nationalities. The next report should show how adequate steps had been taken for the advancement of such minorities, giving statistics on their economic, social and educational progress. Information was requested on what the official language policy of the Soviet Union was on whether bilingualism was expected of the Russians as well as the other nationalities, on the institutional measures adopted and eventually included in the five-year plan to promote the development of under-developed regions inhabited by different national and ethnic groups. Referring to the statistics on the Soviet population, one member drew attention to the fact that the breakdown by nationality of each Union republic did not include any Germans, even for the Kazakh SSR, despite the indication on page 13 of the report that the majority of the 1,936,000 persons of German nationality in the USSR lived in Kazakhstan.

424. With respect to article 3 of the Convention, members commended the Government of the Soviet Union on its policy of opposition to racism and apartheid and of support for the liberation movements recognized by the United Nations.

425. In connexion with article 4 of the Convention, it was pointed out that although the report sought to answer many of the questions raised during the discussion of the previous report, the information on the implementation of that article was insufficient. Article 36 of the Soviet Constitution and article 11 of the Act on Criminal Liability for Crimes Against the State did not completely satisfy all the requirements of article 4. Only propaganda designed to incite racial hatred and the establishment of privileges was covered; no mention was made of actual acts of racial discrimination as such. A cursory examination of article 74 of the Code of Criminal Procedure of the RSFSR showed that it contained no provision penalizing the dissemination of ideas based on racial superiority or hatred, in accordance with the first clause of article 4 (a) of the Convention. As for the implementation of the third and fourth clauses of article 4 (a), it could be assumed that the Soviet Government had general laws against acts of violence or incitement to such acts and also against complicity in criminal activities. If so, the next report of the USSR should provide the Committee with specific information on such legal provisions. It was also remarked that the report provided no information on the implementation of article 4 (b) of the Convention, which required States parties to prohibit organizations and propaganda activities that promoted and incited racial discrimination. If such organizations and activities were unlawful and unconstitutional in the USSR, the next report should refer to specific penal provisions, including any which had been enacted under the new Constitution. The Committee had withheld questions regarding the conformity of Soviet law with article 4 while the Soviet Constitution was being revised, and now awaited information on the subject.

426. With regard to article 5, more extracts from Soviet legislation pertaining to the implementation of that article were requested; in particular, the text of the Act of 25 June 1980 amending and supplementing the Fundamental Principles of Legislation concerning the Judicial System of the USSR in the Union and autonomous republics. A clarification was also requested concerning the expression "payment of pensions under advantageous conditions and at advantageous rates" in the first

paragraph on page 10 of the report. One member remarked that he found it astonishing that, in connexion with article 5, paragraph (d), only freedom of conscience and the activities of religious associations were mentioned; he would not have expected a reference to guarantee for religious education in schools.

427. With reference to the implementation of article 6 of the Convention, the Government was requested to furnish the text of the Decree of the Presidium of the Supreme Soviet of the USSR of 18 May 1981. In this connexion, it was remarked that the Decree applied to only a very few officials, and it was asked whether the victim of damage caused by, for example, a local housing construction official, would be able to obtain compensation, whether victims of racial discrimination in the Soviet Union could secure compensation from offenders who were private citizens since the legal provisions described in the report referred only to offences by public officials and bodies. In general, it was asked whether there were further provisions of Soviet legislation dealing with compensation for damage caused to a citizen in other areas than the ones provided for in the above-mentioned Decree. Finally, clarification was requested of the term "legally safeguarded interests" in the report.

428. With regard to the implementation of article 7, it was pointed out that the development of all the cultural, educational, scientific and other aspects of life had been very important for the Soviet society. It was, however, remarked that the abundant information provided on the theatre in the Soviet Union was outside the Committee's competence. The kind of information the Committee needed was, for example, whether the text of the Universal Declaration of Human Rights was available to everyone in the Soviet Union, and whether the Declaration and the human rights instruments of the United Nations were a subject of study in Soviet schools. One member asked whether all nations and nationalities had really "voluntarily" chosen Russian as the lingua franca for communications and co-operation between nationalities, even if they were probably not forced to learn Russian. It was, of course, necessary to integrate the country linguistically, but it was also important to ensure the full equality of other languages.

429. In reply to a number of questions raised, the representative of the USSR indicated that the reference in the report to payment of pension benefits under advantageous conditions related to incentives to attract workers to areas where working conditions were difficult, that the Soviet Union provided special pension privileges by lowering the pensionable age and the number of years necessary for eligibility and by increasing the amount of the pensions. In reply to a question regarding the concept of "legally safeguarded interests", he stated that those interests which were particularly significant for the development of society or of individual citizens were protected above all.

430. Regarding the comment on the nationality problem, he said that the aim of the Soviet Government since the October Revolution had been full equality for all nationalities. The multinational society of the Soviet Union was constantly developing, and as new problems arose the legal machinery was constantly being refined. Moreover, there was a pervasive moral climate in the State which, together with explicit policy requirements, reinforced the legal norms and made racial and national discrimination impossible.

431. With reference to requests made for further information regarding the implementation of article 4 of the Convention, he stated that Soviet legislation took full account of that article, since in the Soviet legal system all provisions

of the international agreements to which the USSR was a party were binding on the entire Union and its constituent republics, in accordance with the law governing participation in international treaties and the law governing the constitutional division of power between the Union and the republics. Moreover, article 11 of the Act on Criminal Liability for Crimes Against the State, of 25 December 1958, guarantee the implementation of article 4 throughout the country, and new legislation was constantly being enacted. In addition, Soviet standards of morality and political upbringing had produced among ordinary citizens an ingrained intolerance of any manifestation of racial discrimination.

432. As to why so many people stated in the census that Russian was their national language, he said that the vast amount of construction work going on in the USSR had generated a dynamic movement of people from one region to another, and with the interaction of more than 150 nationalities the advantages of a common language became obvious, and Russian was becoming progressively the adopted language of many national communities. However, there was no single State language in the USSR and the Constitution guaranteed the right of all Soviet peoples to use their native language. In the schools of the republics, two languages were taught - the national language and Russian. There were people of German origin in the USSR, who lived particularly in Kazakhstan and Uzbekistan and in Moscow and Leningrad. He could not say exactly how many lived in Kazakhstan but would transmit the question to the Central Statistical Office with a view to ensuring a more exhaustive reply for the next report.

433. Concerning the question as to what percentage of the population knew about the United Nations and the Universal Declaration of Human Rights, he affirmed that the Declaration was accessible in all public libraries to all Soviet citizens. The leading Soviet encyclopaedia also contained a detailed presentation of the Declaration. Schools taught the history of the United Nations and its main areas of activity in connexion with social studies.

434. The formerly backward peoples would receive extensive coverage in the next report. In the new Constitution, the right of foreigners to refuge in the USSR was granted to persons who defended the rights of workers, the cause of peace or the freedom of their people, who participated in revolutionary movements or who advocated progressive political, scientific, sociological and other creative activities. Such right of refuge gave the lie to the assertion that the USSR was interested only in granting political asylum to persons espousing the communist ideology.

Costa Rica

435. The seventh periodic report of Costa Rica (CERD/C/91/Add.11 and 13) was introduced by the representative of the reporting State, who stressed his Government's respect for human rights and commitment to achieving the goals of the Convention. The representative stated that his country had enacted legislation prohibiting trade with South Africa, that over the past 30 years, the various Governments had made special efforts to eliminate racial discrimination in all its forms, and that those efforts stemmed from the belief that there could be no toleration of discrimination in a democratic society. The role of the National Commission for Minorities (CONAI) was to defend the rights of the original inhabitants of the territory.

436. Members of the Committee commended the Government for its continuing protection of human rights in general and for its achievements in implementation of the Convention in particular. The report was praised for following the guidelines established by the Committee and for replying to questions raised by Committee members at previous meetings.

437. With reference to the provisions of article 2, paragraph 1, of the Convention, it was pointed out that the provisions of the current Penal Code did not go far enough. Fuller information was requested on the procedure for repealing administrative or legislative measures that were contrary to the provisions of the Convention. With regard to article 2, paragraph 2, of the Convention, it was remarked that the report failed to give specific details concerning measures to achieve the integration of the indigenous communities. It was asked whether the Costa Rican Government believed that those communities should be protected from outside influence. Recalling that, at previous sessions, members of the Committee had voiced concern that measures to protect the indigenous communities might turn them into museum pieces, one member asked what was the basic philosophy behind the establishment of the National Indigenous Affairs Commission. Noting that approximate distances between the Social Security Office medical centres and the indigenous reserves exceeded 150 kilometres in some cases, a member asked how those distances compared with the national average. It was asked why housing had been presented by the indigenous communities as one of the least urgent problems, whether they were satisfied with their housing and how their housing conditions compared with those of other communities.

438. With regard to racial minority groups, it was asked whether the National Indigenous Affairs Commission catered to the interests of black people and, if it did not, to what extent the Commission's area of concern could be extended to them. Regret was expressed at the fact that the only data on the demographic composition of the population were those of the 1950 census. The point was made that the Negro population was larger than the indigenous population and that the discriminatory Decree-Law No. 31 of 10 December 1934 had been repealed. More information was requested about the general situation of Negroes in Costa Rica.

439. In connexion with article 4 of the Convention, it was stressed that the information provided did not state whether it was possible to penalize racial discrimination where the conduct of the person or group of persons perpetrating the act was not specifically mentioned in the provisions of the laws. Article 371 of the Penal Code did not completely cover article 4 of the Convention, and the hope was expressed that Costa Rica would bring its Penal Code into line with the Convention.

440. With regard to article 5, the Government was commended for the number of legislative, judicial and administrative measures which served to implement the provisions of that article. Information was requested on the voting age in Costa Rica.

441. With reference to article 6 of the Convention, it was noted that according to report fair compensation could be obtained for damage and injury caused by a punishable offence by applying the Civil Compensation Act. The question was asked whether there was any recourse available to citizens to correct an arbitrary decision on censorship by the Ministry of Justice.

442. In connexion with article 7, it was requested that the next report should provide information on school curricula designed to eliminate racial discrimination.

443. In reply to the questions posed by Committee members, the representative of Costa Rica said that the National Indigenous Affairs Commission had been established on the initiative of indigenous groups, who considered their position weak and believed that unity was imperative. Under the auspices of the Government, the Commission dealt exclusively with the affairs of the indigenous communities. The question of the Negro population was another matter altogether. Most of the Negroes lived on the Atlantic coast. They participated actively in the political system and were represented in the Legislative Assembly and at various levels of local government.

444. The representative pointed out that one of the concerns of the National Indigenous Affairs Commission was to protect the land rights of the indigenous communities. Legislation provided for the maintenance of reserves with a view to promoting the material and spiritual well-being of the indigenous communities in their own environment. Members of the communities were not required to remain on the reserves. There were, however, restrictions on the sale of land, which belonged to the communities as a whole. He also pointed out that the approximate distances between the Costa Rica Social Security Office medical centres and the indigenous reserves indicated in the report referred to rural areas; that the average distance in urban areas was shorter, and that in many of the very remote areas, there were local clinics available.

445. As to the question of housing, the representative said that the indigenous communities themselves had presented housing as one of the least urgent problems and that they accorded higher priority to health services and land rights and felt capable of attending to their housing needs by themselves.

446. His delegation recognized that Costa Rica had made little progress in enacting legislation specifically to punish racial discrimination offences. There was little pressure for legislation in matters about which there were no complaints. His delegation realized, however, that Costa Rica had assumed certain obligations under the Convention and would continue urging the authorities to promote legislation in the area of racial discrimination. The Office of Censorship had been established because of the Catholic Church's desire to maintain certain moral values. In recent years, with the relaxation of standards, the Office had become less influential.

447. In conclusion, he stated that Costa Rica remained committed to its obligations under the Convention. In cases where internal legislation was deficient in respect of the provisions of the Convention, such legislation would be brought into line with the superior law of the Convention. In the meantime, the provisions of the Convention would themselves be applied if internal legislation proved inadequate in specific instances.

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

448. The Committee considered this item at its 567th meeting (twenty-fifth session), on 12 March 1982, and at its 594th meeting (twenty-sixth session), on 17 August 1982.

449. The action taken by the Trusteeship Council at its forty-eighth session, in 1981, 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 1980 session, in conformity with article 15 of the Convention and General Assembly resolution 2106 B (XX) of 21 December 1965, was discussed in the annual report of the Committee on the Elimination of Racial Discrimination submitted to the Assembly at its thirty-sixth session. 16/ 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 1981 were contained in paragraph 497 of its report to the Assembly.

450. In its resolution 36/12 of 28 October 1981, the General Assembly, inter alia, took note with appreciation of the report of the Committee on its twenty-third and twenty-fourth sessions; commended the Committee for paying greater attention to the question of the elimination of the policy of apartheid in South Africa and Namibia, as well as to the elimination of acts and practices of racial discrimination in Trust and Non-Self-Governing Territories and in all other Territories to which General Assembly resolution 1514 (XV) of 14 December 1960 applies; and called upon the United Nations bodies concerned to ensure that the Committee is supplied with all relevant information on all the Territories to which Assembly resolution 1514 (XV) applies and urged the administering Powers to co-operate with these bodies by providing all necessary information in order to enable the Committee to discharge fully its responsibilities under article 15 of the Convention.

451. At its twenty-fifth session, the Committee was informed by the Secretary-General of the action taken by the Special Committee in 1981 in connexion with article 15 of the Convention. At its 1200th meeting, on 19 August 1981, the Special Committee, having regard to the information requested of it under article 15 of the Convention and in General Assembly resolution 35/40 of 25 November 1980, decided to request the administering Powers concerned to include the required information in their annual reports to the Secretary-General transmitted under Article 73 e of the Charter. 17/ The Secretary-General was informed by the Chairman of the Special Committee that no petitions falling under the terms of article 15 of the Convention were received by the Special Committee during 1981.

452. At its twenty-sixth session, the Committee was informed by the Secretary-General of the action taken by the Trusteeship Council at its forty-ninth (1982) session in connexion with article 15 of the Convention. The Trusteeship Council, at its 1535th meeting, on 28 May 1982, considered the item on the agenda of its forty-ninth session entitled "Co-operation with the Committee on the Elimination of Racial Discrimination" together with the item concerning the "Decade for Action to Combat Racism and Racial Discrimination". The Council decided to take note of the statements made by two of its members (T/PV.1535). No further

action concerning the opinions and recommendations of the Committee referred to above was taken by the Trusteeship Council.

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

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

(a) African Territories

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

(b) Pacific and Indian Ocean Territories

Mr. Bahnev, Mr. Evrigenis, Mr. Valencia Rodríguez, with Mr. Nettel as Convener;

(c) Atlantic Ocean and Caribbean Territories, including Gibraltar

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

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

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

456. The reports of the three working groups mentioned above were considered by the Committee at its 594th meeting, on 17 August 1982, and were adopted paragraph by paragraph, with some amendments.

457. The opinions and recommendations of the Committee based on its consideration of copies of reports and other information submitted to it in 1982 under article 15 of the Convention, as adopted by the Committee at its 594th meeting, on 17 August 1982, 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) of 14 December 1960 applies, transmitted to it by the Trusteeship Council and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in accordance with the provisions of paragraph 2 of article 15 of the International Convention on the Elimination of All Forms of Racial Discrimination,

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

General

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

A. AFRICAN TERRITORIES 18/

1. Namibia

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

(2) Pending the attainment by Namibia of its full and legitimate sovereignty, the Committee reiterates its request to the United Nations, which is already involved in the search for an equitable, peaceful and internationally acceptable settlement under its auspices, to use every possible means to prevent the South African régime from pursuing its policy of apartheid and to ensure the speedy exercise by the people of Namibia of their right to self-determination and the attainment of independence of the Territory of Namibia, including Walvis Bay.

(3) The Committee strongly deplores the fact that the South African régime continues to defy the decisions and resolutions of the United Nations, in particular Security Council resolution 439 (1978) of 13 November 1978, by further intensifying its efforts to enhance the executive and legislative powers of the illegal local administration to convey the impression that the Territory had become internally self-governing, and determined to ignore completely the claims of the vast majority of the population, which are demanding the total abolition of apartheid and the exercise of their right to self-determination leading to genuine majority rule.

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

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

2. Western Sahara

The Committee, taking into account the situation in the Western Sahara, welcomes and supports the efforts made by the Organization of African Unity and its Implementation Committee with a view to promoting a just and definitive solution to the question; endorses the resolutions of the United Nations reaffirming the inalienable right of the people of the Western Sahara to self-determination in full co-operation with the Organization of African Unity.

B. PACIFIC AND INDIAN OCEAN TERRITORIES 19/

The Committee notes that the economic and administrative set-up in the Pacific and Indian Ocean territories, in particular the presence of a considerable number of non-indigenous persons, as well as the composition of the indigenous population might lead to situations where racial discrimination could occur for various reasons. The Committee therefore finds the absolute lack of pertinent information all the more deplorable.

C. ATLANTIC OCEAN AND CARIBBEAN TERRITORIES, INCLUDING GIBRALTAR 20/

1. British Virgin Islands

The Committee notes that in the field of public service, efforts have been made to replace expatriate workers by local employees. However, since a

large percentage of the general labour force continues to be filled by non-locals, the Committee recommends that the Territorial Government should intensify its training of the locals to replace expatriates.

2. Bermuda

The Committee once again expresses its wish to be provided with information regarding constitutional provisions, new laws and measures which embody the principle of non-discrimination and the protection and exercise of human rights. In addition, the Committee would like to be informed of measures taken by the administering Power to effectively expedite the process of its Bermudanization in public service and the labour force.

3. Turks and Caicos Islands

The Committee emphasizes the need to provide the necessary assistance to the training of qualified local personnel in the skills essential to the development of the various sectors of the society of the Territory.

4. Cayman Islands

The Committee takes note of the information contained in the working paper and, in particular, the Government's policy, which has resulted in the employment of a growing number of Caymanians. The Committee expressed the wish to be given information on additional measures for the advancement of this process, and on any other specific measures for the protection and enjoyment of human rights.

5. St. Helena

The Committee once again reiterates its expression of serious concern that trade between the Territory and South Africa continues, and expresses the hope that the administering Power would promptly take the appropriate measures in compliance with the pertinent resolutions of the United Nations.

6. The United States Virgin Islands

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

VI. DECADE FOR ACTION TO COMBAT RACISM AND RACIAL DISCRIMINATION

458. 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 551st, 557th, 558th, 572nd and 573rd meetings (twenty-fifth session), on 2, 5, 8, 17 and 18 March 1982, and at its 589th to 592nd meetings (twenty-sixth session), on 13 and 16 August 1982.

459. At the 551st meeting (twenty-fifth session), the Chairman of the Committee recalled that the Economic and Social Council, by its decision 1981/203 of 25 November 1981, had invited the Committee to designate one of its members to participate as an observer in the work of the Preparatory Sub-Committee for the Second World Conference to Combat Racism and Racial Discrimination, to be held in New York from 15 to 26 March 1982. He therefore invited members of the Committee to undertake consultations with a view to enabling the Committee to take a decision on the appointment of an observer. At the 557th meeting, the representative of the Secretary-General informed the Committee of the financial implications of such an appointment. At its 558th meeting, the Committee decided to designate Mr. Bahnev to represent it in the Preparatory Sub-Committee for the Conference.

460. At its 572nd and 573rd meetings, attention of the Committee was drawn to the two studies to be prepared on the implementation of articles 4 and 7 of the Convention as the Committee's contribution to the Second World Conference to Combat Racism and Racial Discrimination. The Chairman of the Committee recalled, in particular, that in paragraphs 11 and 12 of resolution 36/12 the General Assembly had taken note with appreciation of the Committee's plans to participate in the preparations and the work of the Second World Conference to Combat Racism and Racial Discrimination and had requested the Committee to explore the possibility of preparing also for the Conference, in addition to studies on the implementation of articles 4 and 7 of the Convention, a study on the implementation of subparagraph (e) of article 5 in conjunction with paragraph 2 of article 2.

461. With regard to the study on the implementation of article 4 of the Convention entrusted to him as Special Rapporteur of the Committee, the Chairman informed the Committee of the progress made in the preparation of his draft and stated that a preliminary draft would be submitted to it at its twenty-sixth session and that, basing himself on the comments made during that session, he intended to revise his draft and submit it to the Committee at its twenty-seventh session in the spring of 1983.

462. With reference to the study on the implementation of article 7 of the Convention, the representative of the Secretary-General informed the Committee that Mr. Ténékidès, former member of the Committee who had been designated as Special Rapporteur for that study, was preparing a preliminary report for submission to the Committee at its twenty-sixth session, so that a final version could be prepared for approval by the Committee at its twenty-seventh session and subsequent submission to the Second World Conference to Combat Racism and Racial Discrimination in 1983.

463. As regards the proposed study on the implementation of subparagraph (e) of article 5 in conjunction with paragraph 2 of article 2 of the Convention, referred

to in paragraph 12 of General Assembly resolution 36/12, Mr. Devetak submitted to the Committee an informal draft proposal containing an outline of the proposed study prepared by him, in order to enable the Committee to decide whether it was prepared to undertake such a project.

464. Several members of the Committee, while appreciating Mr. Devetak's efforts to draw attention to the need for such a study, to which they had in principle no objection, observed that it would be extremely difficult for the Committee to undertake that study in time for the Second World Conference to Combat Racism and Racial Discrimination. A new study would involve financial implications and assistance from the Secretariat, and the Committee could not take a decision on a new study until the ongoing studies had been concluded. It was also recalled in this connexion that the Preparatory Sub-Committee for the Second World Conference was currently meeting in New York and that one of its main tasks was to prepare the agenda for the World Conference. The value of preparing another study would be diminished if it did not form the subject of a separate agenda item at the Conference and it was not advisable to transmit to the Conference a document which none of the participants was likely to have the time to read, in view of the substantial amount of documentation which the Conference will have before it. This view was not shared by Mr. Devetak, who observed that all the activities under consideration were within the context of the Declaration and the Programme of Action already adopted at the first World Conference to Combat Racism and Racial Discrimination. The second Conference would have to take stock of what had been done to implement the suggestions contained in the Declaration and the Programme of Action and there was therefore no need to wait to see whether the Preparatory Committee would place the question on the agenda for the Second World Conference.

465. Some other members of the Committee expressed the opinion that the proposed study was worth carrying out either for the Second World Conference or for another, subsequent occasion.

466. Members of the Committee agreed in principle that the preparation of studies on the implementation of each of the main articles of the Convention would be very useful for the Committee itself, for States parties and for students and scholars in the fields of human rights and racial discrimination. However, some members were of the view that such a project would have to be a long-term one, not only because of the budgetary constraints but also because it was impossible to study all the articles of the Convention concurrently. In this connexion, Mr. Starushenko suggested that the Committee could prepare a programme of studies to be conducted on the various articles of the Convention, but it should ascertain why it was proposed to start with subparagraph (e) of article 5 rather than some other provision. He also expressed the view that the possibility that a particular member of the Committee might assume responsibility for a particular study should not be ruled out. Mrs. Sadiq Ali was of the view that the Committee could consider Mr. Devetak's proposal, as well as other issues raised, during its next session. Other members of the Committee, however, emphasized that at its previous session the Committee had already explored the possibility of placing the matter raised by Mr. Devetak on its agenda, but had not done so, since there had not been a consensus.

467. With regard to the contents of the proposed study, members of the Committee expressed their appreciation for the constructive work carried out by Mr. Devetak, which was considered an important contribution to the Committee's activities. However, the Chairman, speaking in his personal capacity, observed that if the

Committee was to request a study on measures taken to ensure the protection of certain groups mentioned in paragraph 2 of article 2, it would be necessary to carry out a general study of all special measures taken on behalf of those groups and not simply a study of measures taken to implement subparagraph (e) of article 5. He pointed out, in this connexion, that paragraph 2 of article 2 referred to the "social, economic, cultural and other fields" and he considered, therefore, that Mr. Devetak's proposal required further consideration. Mr. Dechezelles shared this view and expressed the opinion that the articles of the Convention should be studied in their entirety, in particular, article 5, which was general in scope, whereas paragraph 2 of article 2 was exceptional in character, since it requested States parties to take measures when the circumstances so warranted. Moreover, Mr. Dechezelles and Mr. Partsch observed that the study should have a sound basis with the order and wording of the text matching that of article 5 of the Convention. Mr. Nettel stated that, in his view, the study should cover not only articles 5 (e) and 2, paragraph 2, but also article 1, paragraphs 2 and 3. Referring to the part of the draft proposal of Mr. Devetak concerning the right to form and join trade unions, Mr. Shahi stated that he found it difficult to envisage circumstances where a trade union would be formed on a basis of ethnicity, since employment was not necessarily exclusively confined to one ethnic group. While it was desirable that members of an ethnic group might join trade unions, he was not sure to what extent it was practicable for them to form trade unions of their own.

468. Mr. Devetak argued, on the other hand, that, if the study was to deal with the implementation of subparagraph (e) of article 5 of the Convention in conjunction with paragraph 2 of article 2, it was because that subparagraph underlined the principle which was important for ensuring not only de jure equality but also de facto equality in a given society and was designed to allow the various ethnic, racial and national groups the same social development. The reference to article 2 in the opening phrase of article 5 clearly showed that article 2 set out the principles to be followed in order to comply with the obligations enumerated in article 5. Those principles dealt with the special and concrete measures which States should take "when the circumstances so warrant" to ensure the development and protection of certain racial groups. In his view paragraph 2 of article 2 was particularly important, since it applied to the protection of groups of persons and not of the individual, which would appear to be a unique case in the international instruments on human rights.

469. In summarizing the debate, the Chairman of the Committee stated that the discussion which had taken place in the Committee constituted an adequate response to the request made to it by the General Assembly in its resolution 36/12 to explore the possibility of conducting a study on the implementation of subparagraph (e) of article 5 in conjunction with paragraph 2 of article 2 of the Convention. The discussions had shown that there had not been a consensus on the matter in the Committee; however, the Committee might revert to this question at a subsequent session.

470. At its 589th and 590th meetings (twenty-sixth session) the Committee heard the reports of three members who had participated in activities undertaken in accordance with the Programme for the Decade. Mr. Brin Martinez reported on his participation in the Seminar on Recourse Procedures and Other Forms of Protection Available to Victims of Racial Discrimination and Activities to be Undertaken at the National and Regional Levels, held at Managua, Nicaragua, from 14 to 21 December 1981. He pointed out that the most important aspect of the Seminar, as it related to the Convention, concerned the problem of the marginal

economic, social and cultural situation of indigenous populations, migrant workers and minorities. The subject matter of article 6 of the Convention was directly touched upon during the discussions on recourse procedures in individual countries within the region as well as within the framework of specialized agencies and the United Nations human rights bodies. In that connexion, he had stressed during the Seminar the need for all States to ratify the Convention and to make the declaration provided for in article 14, paragraph 1, of the Convention. With respect to the conclusions reached, he drew attention, inter alia, to the statement concerning the inadequacy of legal provisions establishing formal equality and to the need for drastic structural changes in the economic, social, cultural and political fields in order to eliminate discrimination against indigenous populations.

471. The Committee expressed its appreciation to Mr. Brin Martinez for his report and discussed the perspective that the Seminar could give to the Committee's work. In this connexion, it was suggested that the Committee should consider ways of improving the situation of indigenous peoples; that it should take into account the need for proper co-ordination between legal measures provided for by the Convention and the socio-economic measures mentioned in the conclusions of the Seminar; and that it should stress the full scope of article 5 of the Convention.

472. Mrs. Sadiq Ali reported on her participation in the Seminar on Recourse Procedures and Other Forms of Protection Available to Victims of Racial Discrimination and Activities to be undertaken at the National and Regional Levels, held in Bangkok, Thailand, from 2 to 13 August 1982, and made some preliminary comments, as she had been obliged to leave before the conclusion of the Seminar in order to take part at the Committee's twenty-sixth session. She informed the Committee that the first two items of the agenda of the Seminar, had dealt with the review of problems of racial discrimination or prejudice, as they affected disadvantaged groups and minorities, and with measures adopted by Governments to combat discrimination. As representative of the Committee, she had presented a background paper entitled "The universal relevance of the International Convention on the Elimination of All Forms of Racial Discrimination", after which three participants had announced that their countries had ratified the Convention. The third item of the agenda dealt specifically with the availability of recourse procedures and legal assistance. She pointed out that, although the only references made to the Convention had been general references and no mention had been made up to that point of article 6 of the Convention, the Seminar had been important in providing a common platform for discussing the problem of racism in a region which was ethnically and racially heterogeneous.

473. The Committee expressed its appreciation to Mrs. Sadiq Ali for her preliminary report. Members emphasized the importance of publicizing the Convention and its system of monitoring and of bringing them to the attention of participants at relevant international seminars. It was noted that, since the struggle against racial discrimination needed the support of public opinion, efforts should be made for the Convention to be better publicized, if not directly by the Committee, then by the United Nations itself and the Governments of States parties to it.

474. Mr. Bahnev reported on his participation in and the results of the first session of the Preparatory Sub-Committee for the Second World Conference to Combat Racism and Racial Discrimination (E/1982/26), and referred to the points of particular interest to the Committee's work. He informed the Committee that the Preparatory Sub-Committee had concluded that the Conference's main purpose should

be to formulate ways and means and specific measures aimed at ensuring the full and universal implementation of United Nations resolutions and decisions on racism, racial discrimination and apartheid. Items 9, 10 and 12 of the agenda of the World Conference were of special interest to the Committee which was expected to assist in the preparation of their consideration; the studies of the Committee on the implementation of articles 4 and 7 of the Convention and the study of the Committee's work submitted to the First World Conference were included in the pre-session documentation of the Second World Conference.

475. The Committee expressed its appreciation to Mr. Bahnev for his report, commended on the programme of work of the Second World Conference and made a number of suggestions concerning its own contribution to the work of the Conference. With reference to the recommendation of the Preparatory Sub-Committee that the broadest participation of States, organizations and national liberation movements fighting against racial discrimination should be assured at the Conference, it was suggested that such participation was worth supporting by the Committee. The hope was expressed that discussions at the Conference would be based on the Convention and limited to technical matters relating to the struggle against racial discrimination without resulting in political and ideological controversies. In that connexion, it was stated that the Committee could formulate specific recommendations concerning measures to be adopted by States to combat racial discrimination. Members pointed out that, since the Committee was striving for universal implementation of the Convention, the work of the Committee in that regard should be given the widest possible publicity during the Conference. Moreover, the Committee should seek the support of the Conference in its effort to have more States parties accept the optional provisions of article 14 of the Convention. Finally, the Committee agreed to designate Mr. Bahnev to represent it at the second session of the Preparatory Sub-Committee for the Second World Conference to Combat Racism and Racial Discrimination, to be held for one week in March 1983 in accordance with Economic and Social Council resolution 1982/32.

476. With reference to the study on the implementation of article 7 of the Convention, the representative of the Secretary-General informed the Committee that Mr. Ténékidès, former member of the Committee designated as Special Rapporteur for that study, would not be able to submit his preliminary draft at the twenty-sixth session, but would transmit it to the Secretariat shortly thereafter. Mr. Ténékidès had requested the Secretariat to circulate that draft to members of the Committee with the request that they send their comments directly to him. A revised draft of the study would then be presented by the Special Rapporteur to the Committee at its twenty-seventh session with a view to its approval and transmission to the Second World Conference.

477. At its 591st and 592nd meetings (twenty-sixth session), the Committee discussed the preliminary draft of the study on the implementation of article 4 of the Convention prepared by Mr. Ingles, who had been designated as Special Rapporteur for that study. The Committee expressed its appreciation to the Special Rapporteur for his work and made a number of comments and suggestions on the draft. The Special Rapporteur responded to some of those comments and provided further clarifications. It was agreed that further comments would be submitted by members in writing directly to the Special Rapporteur by 15 November 1982, in order to enable him to prepare and transmit to the Secretariat a revised version of his study by 15 January 1983 at the latest. The revised version of the study would be considered and approved by the Committee at its twenty-seventh session for transmission to the Second World Conference.

VII. MEETINGS OF THE COMMITTEE IN 1983 AND 1984

478. The Committee considered this item at its 574th meeting (twenty-fifth session), on 19 March 1982, and at its 593rd and 595th meetings (twenty-sixth session), on 17 and 19 August 1982.

479. In connexion with the meetings of the Committee to be held in 1983, it may be recalled that at its 544th meeting (twenty-fourth session), on 17 August 1981, the Committee had decided tentatively that its twenty-seventh session would be held from 7 to 25 March 1983 either in New York or in Geneva, and that its twenty-eighth session should be held at United Nations Headquarters, New York, from 1 to 19 August 1983. 21/

480. At the twenty-fifth session, the members of the Committee, who intervened in connexion with the dates and the venue of the Committee's future sessions, expressed the wish that appropriate steps should be taken by the Secretariat in order to reverse the practice followed thus far by the Committee so that, beginning with 1983 or 1984, the Committee would meet in New York for its spring sessions and at Geneva for its summer sessions. For lack of quorum in the Committee, however, it was not possible for the Committee to take a decision on this matter at its twenty-fifth session.

481. At the twenty-sixth session, the Committee considered again the question of the venue of its future sessions. In doing so, it also took into consideration the fact that in accordance with Economic and Social Council resolution 1982/32, the Second World Conference to Combat Racism and Racial Discrimination would be scheduled from 1 to 12 August 1983 in Manila, the Philippines, subject to the approval of the General Assembly at its forthcoming thirty-seventh session. Bearing in mind the Committee's participation in the activities undertaken in accordance with the Programme for the Decade to Combat Racism and Racial Discrimination and its contribution to the preparations for the Second World Conference, members of the Committee expressed a wish that arrangements should be made for the Committee to hold its twenty-eighth (summer 1983) session also in Manila in conjunction with the Second World Conference. It was also suggested that the dates of the twenty-eighth session of the Committee should be modified in order not to overlap with the World Conference. As far as the Committee's sessions in 1984 were concerned, the Committee approved the suggestion made at its twenty-fifth session that efforts should be made to enable the Committee to meet at United Nations Headquarters, New York, for its spring session and at the United Nations Office at Geneva in summer and that that pattern of meetings should be maintained for the Committee's future meetings.

482. The representative of the Secretary-General informed the Committee of the consultations undertaken with the appropriate services within the Secretariat in connexion with the wishes expressed by the Committee concerning the dates and the venue of its meetings in 1983 and 1984 and the suggestions made thereon by the Department of Conference Services.

483. Taking into account the above-mentioned information, the following decisions were taken by the Committee at its twenty-sixth session in connexion with the dates and the venue of its sessions to be held in 1983 and 1984:

Twenty-seventh session

The Committee decided that its twenty-seventh session should be held at United Nations Headquarters, New York, from 7 to 25 March 1983;

Twenty-eighth session

The Committee agreed that its twenty-eighth session should also be held at United Nations Headquarters from 11 to 29 July 1983, unless an invitation is extended to the Committee by the Government of the Philippines to hold its twenty-eighth session in Manila prior to, and in conjunction with, the Second World Conference to Combat Racism and Racial Discrimination;

Twenty-ninth session

The Committee decided that its twenty-ninth session should be held at United Nations Headquarters, New York, from 5 to 23 March 1984;

Thirtieth session

The Committee has decided that its thirtieth session should be held at Geneva from 6 to 24 August 1984.

484. At its 595th meeting, on 19 August 1982, the Committee considered a draft decision proposed by Mr. Lamptey in connexion with the venue of its twenty-eighth session. The draft decision, as amended during the discussion, was adopted by the Committee unanimously. For the text, see chapter IX, section B, decision 1 (XXVI).

VIII. QUESTION OF DOCUMENTATION OF THE COMMITTEE

485. At the twenty-fifth session, some members of the Committee drew attention to the continuing problem concerning availability of its summary records in provisional and final forms. They recalled, in this connexion, that at its twenty-fourth session the Committee had noted with regret that none of the provisional summary records of its meetings had been made available to members of the Committee during the consideration and adoption of its annual report to the General Assembly at that session, nor had the Committee received, by the end of the twenty-fourth session, the final versions of the records of its twenty-second and twenty-third sessions, held in August 1980 and March/April 1981 respectively. They recalled also that the Committee had drawn the attention of the General Assembly and the appropriate services of the Secretariat to this unsatisfactory state of affairs and had expressed the hope that urgent measures would be taken to remedy the situation as soon as possible. 22/ The Committee requested the Secretary-General, through the Chairman of the Committee, to provide it with information in this respect.

486. The representative of the Secretary-General informed the Committee that, at the request of the Chairman, a communication concerning the backlog in the preparation of the Committee's summary records had been addressed, on 28 August 1981, to the Department of Conference Services. In the reply to that letter, dated 25 September 1981, the Department of Conference Services had explained that when the Committee met in New York in August, its meetings coincided with the receipt by the Department of a large volume of the preparatory documentation for the General Assembly. As a result, records of meetings which had taken place had to be given second priority to material urgently needed in order to enable forthcoming meetings to be held. Moreover, with the increasing stringency of budgetary restrictions, the situation might be expected to become worse. Indeed, the Department had tried to discourage the Committee from meeting in New York in August because of its inability to provide satisfactory service to the Committee and to a number of Headquarters-based bodies which met at that time in order to complete their work for the General Assembly. While assuring the Committee of its best intentions and its hope that circumstances might permit it to provide the Committee with prompt and speedy preparation of its summary records, the Department had indicated that it would be unrealistic to give an absolute assurance on that point with respect to the August meetings of the Committee at New York.

487. Commenting on the information provided, Mr. Ghoneim pointed out that the purpose of holding the August session of the Committee in New York was to make the Committee's report available in time for the General Assembly and that it was his understanding that that arrangement had been based on the advice of the Department of Conference Services itself. In addition, he observed that the Committee's concern was more for provisional summary records than for their final versions since provisional records were absolutely essential for discussion of the Committee's annual reports with the Rapporteur of the Committee. These views were shared, in particular, by Mr. Bahnev and Mr. Partsch, who emphasized that summary records formed the basis for the report to the General Assembly which constituted one of the few sanctions for its work. Mr. Dechezelles also pointed out that the delay in receiving provisional summary records made it difficult for members of the Committee to correct statements attributed to them which had been made a long time before. Mr. Valencia Rodriguez observed that also the final versions of documents of the Committee were essential both as a record and for use by the Committee when

examining aspects of racial discrimination. Members of the Committee agreed that the Committee should consider what measures might be taken in order to improve the situation, since the problem in respect of availability of those documents at the appropriate time seriously hindered the work of the Committee. In this connexion, Mr. Nettel suggested that the Committee should bear in mind the possibility of meeting in Geneva in August and in New York in March and discuss this possibility under the agenda item concerning its future meetings.

488. In providing information on the question of availability of summary records, the representative of the Secretary-General also drew the Committee's attention to General Assembly resolution 36/117, part C of which dealt with control and limitation of documentation for treaty bodies. He recalled that, in part C of that resolution, the General Assembly invited the officers of treaty bodies to consult with the Chairman of the Committee on Conferences on possible measures to control and limit documentation; urged all treaty bodies, as a matter of priority, to review their requirements for documentation in all languages and for meeting records, with a view to adopting immediate measures to restrict substantially the present volume of documentation; and requested all bodies to inform the General Assembly at its thirty-seventh session, through the Committee on Conferences, about the practical measures they had taken.

489. A letter from the Secretary-General dated 24 February 1982 had drawn the attention of all heads of department to the problems facing the Secretariat in connexion with the volume of documentation and the delay in its reproduction. It was stated in that letter that since the Committee on the Elimination of Racial Discrimination depended upon the conference-servicing facilities of the United Nations for the processing of its documentation, it may be hoped that, in the general interest, its documentation would be subject to the same rules and regulations as those applicable in the case of organs and subsidiary organs of the United Nations. The Secretary-General requested that the matter be presented in this light to the Committee for its consideration.

490. In connexion with this question, Mr. Ghoneim stated that, in his view, compared with other United Nations bodies, the documentation of the Committee on the Elimination of Racial Discrimination was minimal and recalled that, under article 10 of the Convention, the Secretary-General was bound to provide the Committee with necessary services. This view was shared by Mr. Nettel who, supported by Mr. Bahnev, suggested that the Chairman might wish to inform the Secretary-General and the General Assembly that the Committee did not regard its documentation excessive, that what documentation was produced was necessary for its work, and that the Committee did not find itself in a position to report any practical measures taken with regard to the suggested restriction of the volume of its documentation.

491. At the twenty-sixth session, the Chairman read out to the Committee the text of a letter, dated 20 April 1982, addressed to him by the Acting Chairman of the Committee on Conferences concerning the implementation of General Assembly resolution 36/117 C on control and limitation of documentation for treaty bodies 23/ and inviting him to consult with the Bureau of the Committee on Conferences, or to correspond with it, in that regard.

492. Members of the Committee referred to the discussion that had taken place at the Committee's 567th meeting (twenty-fifth session), on 12 March 1982, in connexion with questions raised in General Assembly resolution 36/117 C, as well

as on other issues relating to its documentation. It was pointed out that any increase in the volume of documentation that may have occurred in the Committee might be partly due to the increase in the number of States parties to the Convention, and partly to the desire, expressed by States parties at the thirty-sixth session of the General Assembly, that replies given by their representatives at Committee meetings be more fully reflected in the Committee's annual reports. It was reiterated once again that the Committee did not consider its documentation excessive, and the Chairman stated in his concluding remarks that he would be guided by the discussions that had taken place in the Committee, and requested that the views expressed in the Committee be reflected in the annual report in reply to the request addressed to the Committee in General Assembly resolution 36/117 C.

IX. DECISIONS ADOPTED BY THE COMMITTEE AT ITS TWENTY-FIFTH
AND TWENTY-SIXTH SESSIONS

A. Twenty-fifth session

1 (XXV). General Recommendation VI 24/

The Committee on the Elimination of Racial Discrimination,

Recognizing the fact that an impressive number of States has ratified, or acceded to, the International Convention on the Elimination of All Forms of Racial Discrimination,

Bearing in mind, however, that ratification alone does not enable the control system set up by the Convention to function effectively,

Recalling that article 9 of the Convention obliges States parties to submit initial and periodic reports on the measures that give effect to the provisions of the Convention,

Stating that at present no less than 89 reports are overdue from 62 States, that 42 of those reports are overdue from 15 States, each with two or more outstanding reports, and that four initial reports which were due between 1973 and 1978 have not been received,

Noting with regret that neither reminders sent through the Secretary-General to States parties nor the inclusion of the relevant information in the annual reports to the General Assembly has had the desired effect, in all cases,

Invites the General Assembly:

- (a) To take note of the situation;
- (b) To use its authority in order to ensure that the Committee could more effectively fulfil its obligations under the Convention.

569th meeting
15 March 1982

2 (XXV). Additional guidelines for the implementation
of article 7 of the Convention 25/

The Committee on the Elimination of Racial Discrimination,

Recalling its revised general guidelines concerning the form and contents of reports relating to article 7 of the Convention (CERD/C/70) as well as its General Recommendation V adopted on 13 April 1977,

Having considered the various proposals, particularly those submitted by the United Nations Educational, Scientific and Cultural Organization in document CERD/C/69/Add.1,

Wishes to draw the attention of the States parties to the following suggestions:

1. The reports should provide as much information as possible on each of the main subjects mentioned in article 7 under the following separate headings:

- (1) Education and teaching,
- (2) Culture,
- (3) Information.

2. Within these broad parameters, the information provided should reflect the measures taken by the States parties:

- (a) To combat prejudices which lead to racial discrimination,
- (b) To promote understanding, tolerance and friendship among nations and racial and ethnic groups.

I. Education and teaching

3. This part should describe legislative and administrative measures, including some general information on the educational system, taken in the field of education and teaching to combat racial prejudices which lead to racial discrimination.

4. It should indicate whether any steps have been taken to include in school curricula and in the training of teachers and other professionals, programmes and subjects to help promote human rights issues which would lead to better understanding, tolerance and friendship among nations and racial or ethnic groups.

5. It should also provide information on whether the purposes and principles of the instruments mentioned in the Committee's general guidelines (CERD/C/70, art. 7, letter C) are included in education and teaching.

II. Culture

6. Information should be provided in this part of the report on the role of institutions or associations working to develop national culture and traditions, to combat racial prejudices and to promote intra-national and intra-cultural understanding, tolerance and friendship among nations and racial or ethnic groups.

7. Information should also be included on the work of solidarity committees or United Nations Associations to combat racism and racial discrimination and the observance by States parties of Human Rights Days or campaigns against racism and apartheid.

III. Information

8. This part should provide information:

(a) On the role of State media in the dissemination of information to combat racial prejudices which lead to racial discrimination and to inculcate better understanding of the purposes and principles of the above-mentioned instruments;

(b) On the role of the mass information media, i.e. the press, radio and television, in the publicizing of human rights and disseminating information on the purposes and principles of the above-mentioned human rights instruments.

571st meeting
17 March 1982

B. Twenty-sixth session

1 (XXVI). Question of venue of the twenty-eighth session 26/

The Committee on the Elimination of Racial Discrimination,

Having considered the agenda item entitled "Decade for Action to Combat Racism and Racial Discrimination" and the contribution of the Committee to the Second World Conference to Combat Racism and Racial Discrimination, as well as the agenda item entitled "Meetings of the Committee in 1983 and 1984",

Bearing in mind General Assembly resolution 35/40 of 25 November 1980 in which the Assembly, among other things, requested the Secretary-General to make appropriate arrangements for the Committee to hold, as part of the activities within the Programme for the Decade, one session in a developing country, and Assembly resolution 36/12 of 28 October 1981 in which the Assembly reiterated the same request,

Taking note of Economic and Social Council resolution 1982/32 of 5 May 1982 in which the Council, among other things, requested the Secretary-General to consult with the Government of the Philippines concerning arrangements for holding the Second World Conference to Combat Racism and Racial Discrimination at Manila from 1 to 12 August 1983, on the basis of the financial formula contained in General Assembly resolution 31/78 of 13 December 1976,

Convinced that the holding of the twenty-eighth session of the Committee on the Elimination of Racial Discrimination at Manila, in conjunction with the Second World Conference to Combat Racism and Racial Discrimination, will be of immense value to the World Conference itself and will also represent a useful and significant contribution of the Committee to the attainment of the goals and objectives of the Decade,

1. Requests the Secretary-General, in consultation with the Government of the Philippines, to explore the possibility of arranging for the twenty-eighth

session of the Committee to be held at Manila from 11 to 29 July 1983, immediately prior to the holding of the World Conference;

2. Recommends that the General Assembly consider extending the same formula under Assembly resolution 31/78 of 13 December 1976 to cover also the expenses of the holding of the twenty-eighth session of the Committee at Manila with a view to enabling the Government of the Philippines to act as host to the session.

595th meeting
19 August 1982

Notes

1/ See Official Records of the International Convention on the Elimination of All Forms of Racial Discrimination, Eighth Meeting of States parties, Decisions (CERD/SP/16).

2/ Elected on 15 January 1982.

3/ Re-elected on 15 January 1982.

4/ For action taken by the Committee on this item, see paras. 5 and 6 above.

5/ See paras. 7-8 above.

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

7/ For details of the Committee's consideration of the item entitled "Implementation of article 7 of the Convention" at its twenty-fifth session, see chapter III below.

8/ See also chapter VI below.

9/ For the discussion of these documents at the twenty-third session of the Committee see Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 18 (A/36/18), chap. III, paras. 36-49.

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

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

12/ A list of these States is reproduced in table 2 above.

13/ For further details, see A/36/18, chap. IV, paras. 59 and 61.

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

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

16/ Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 18 (A/36/18), paras. 488-497.

17/ Ibid., Supplement No. 23 (A/36/23) (Part I), chap. I, sect. J, paras. 103-105.

18/ Adopted at the 594th meeting, on 17 August 1982. With regard to these Territories, the following documents were submitted to the Committee:

A/AC.109/695	(Western Sahara);
A/AC.109/699	(Namibia);
A/AC.109/702	(Activities of foreign economic and other interests in Namibia);
A/AC.109/704	(Military activities and arrangements by colonial Powers in Namibia).

19/ Adopted at the 594th meeting, on 17 August 1982. With regard to these Territories, the following documents were submitted to the Committee:

A/36/23 (Part VII)	Chap. XXVII (Tokelau);
A/36/23 (Part VII)	Chap. XXVIII (American Samoa);
A/AC.109/679 and Add.1	(Report of the United Nations visiting mission to American Samoa, 1981);
A/AC.109/680	(Report of the United Nations visiting mission to Tokelau, 1981);
A/AC.109/684	(Pitcairn);
A/AC.109/689	(Tokelau);
A/AC.109/691	(American Samoa);
A/AC.109/693	(Cocos (Keeling) Islands);
A/AC.109/694	(Guam);
A/AC.109/698	(Military activities and arrangements by colonial Powers in Guam);
A/AC.109/700	(Trust Territory of the Pacific Islands);
T/L.1228 and Add.1-3	(Outline of conditions in the Trust Territory of the Pacific Islands);
T/1837	Report of the Government of the United States of America on the administration of the Trust Territory of the Pacific Islands for the period from 1 October 1980 to 30 September 1981.

20/ Adopted at the 594th meeting, on 17 August 1982. With regard to these Territories, the following documents were submitted to the Committee:

A/36/23 (Part V)	Chap. XXIV (Falkland Islands (Malvinas));
A/AC.109/670	(Falkland Islands (Malvinas));
A/AC.109/682	(British Virgin Islands);
A/AC.109/683	(Bermuda);
A/AC.109/685	(Turks and Caicos Islands);
A/AC.109/686	(Montserrat);
A/AC.109/688	(Cayman Islands);
A/AC.109/690	(Activities of foreign economic and other interests in Bermuda);

A/AC.109/692 (St. Helena);
A/AC.109/696 (Military activities and arrangements by colonial Powers in Bermuda, Turks and Caicos Islands and United States Virgin Islands);
A/AC.109/697 (United States Virgin Islands);
A/AC.109/701 (Activities of foreign economic and other interests in Turks and Caicos Islands);
A/AC.109/702 (Activities of foreign economic and other interests in Cayman Islands).

21/ See Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 18 (A/36/18), chap. VII, para. 519.

22/ See Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 18 (A/36/18), para. 23.

23/ See also paras. 488-490 above.

24/ See chap. IV, para. 45, above.

25/ See chap. III, paras. 33-37, above.

26/ See chap. VII, para. 484, above.

ANNEX I

States parties to the International Convention on the
Elimination of All Forms of Racial Discrimination as
at 20 August 1982

<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
Cape Verde	3 October 1979 <u>a/</u>	2 November 1979
Central African Republic	16 March 1971	15 April 1971
Chad	17 August 1977 <u>a/</u>	16 September 1977
Chile	20 October 1971	19 November 1971
China	29 December 1981 <u>a/</u>	28 January 1982
Colombia	2 September 1981	2 October 1981
Costa Rica <u>c/</u>	16 January 1967	4 January 1969
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
El Salvador	30 November 1979 <u>a/</u>	30 December 1979
Ethiopia	23 June 1976 <u>a/</u>	23 July 1976
Fiji	11 January 1973 <u>b/</u>	11 January 1973 <u>b/</u>
Finland	14 July 1970	13 August 1970
France <u>c/</u>	28 July 1971 <u>a/</u>	27 August 1971
Gabon	29 February 1980	30 March 1980

<u>State</u>	<u>Date of receipt of the instrument of ratification or accession</u>	<u>Entry into force</u>
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
Guinea	14 March 1977	13 April 1977
Guyana	15 February 1977	17 March 1977
Haiti	19 December 1972	18 January 1973
Holy See	1 May 1969	31 May 1969
Hungary	4 May 1967	4 January 1969
Iceland <u>c/</u>	13 March 1967	4 January 1969
India	3 December 1968	4 January 1969
Iran	29 August 1968	4 January 1969
Iraq	14 January 1970	13 February 1970
Israel	3 January 1979	2 February 1979
Italy <u>c/</u>	5 January 1976	4 February 1976
Ivory Coast	4 January 1973 <u>a/</u>	3 February 1973
Jamaica	4 June 1971	4 July 1971
Jordan	30 May 1974 <u>a/</u>	29 June 1974
Kuwait	15 October 1968 <u>a/</u>	4 January 1969
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

Date of receipt of the
instrument of ratification
or accession

Entry into force

<u>State</u>	<u>Date of receipt of the instrument of ratification or accession</u>	<u>Entry into force</u>
Pakistan	21 September 1966	4 January 1969
Panama	16 August 1967	4 January 1969
Papua New Guinea	27 January 1982 <u>a/</u>	26 February 1982
Peru	29 September 1971	29 October 1971
Philippines	15 September 1967	4 January 1969
Poland	5 December 1968	4 January 1969
Qatar	22 July 1976 <u>a/</u>	21 August 1976
Republic of Korea	5 December 1978	4 January 1979
Romania	15 September 1970 <u>a/</u>	15 October 1970
Rwanda	16 April 1975 <u>a/</u>	16 May 1975
Saint Vincent and the Grenadines	9 November 1981 <u>a/</u>	9 December 1981
Senegal	19 April 1972	19 May 1972
Seychelles	7 March 1978 <u>a/</u>	6 April 1978
Sierra Leone	2 August 1967	4 January 1969
Solomon Islands	17 March 1982 <u>b/</u>	17 March 1982 <u>b/</u>
Somalia	26 August 1975	25 September 1975
Spain	13 September 1968 <u>a/</u>	4 January 1969
Sri Lanka	18 February 1982 <u>a/</u>	20 March 1982
Sudan	21 March 1977 <u>a/</u>	20 April 1977
Swaziland	7 April 1969 <u>a/</u>	7 May 1969
Sweden <u>c/</u>	6 December 1971	5 January 1972
Syrian Arab Republic	21 April 1969 <u>a/</u>	21 May 1969
Togo	1 September 1972 <u>a/</u>	1 October 1972
Tonga	16 February 1972 <u>a/</u>	17 March 1972
Trinidad and Tobago	4 October 1973	3 November 1973
Tunisia	13 January 1967	4 January 1969
Uganda	21 November 1980 <u>a/</u>	21 December 1980
Ukrainian Soviet Socialist Republic	7 March 1969	6 April 1969
Union of Soviet Socialist Republics	4 February 1969	6 March 1969
United Arab Emirates	20 June 1974 <u>a/</u>	20 July 1974
United Kingdom of Great Britain and Northern Ireland	7 March 1969	6 April 1969
United Republic of 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

<u>State</u>	<u>Date of receipt of the instrument of ratification or accession</u>	<u>Entry into force</u>
Uruguay <u>c/</u>	30 August 1968	4 January 1969
Venezuela	10 October 1967	4 January 1969
Viet Nam	9 June 1982 <u>a/</u>	9 July 1982
Yugoslavia	2 October 1967	4 January 1969
Zaire	21 April 1976 <u>a/</u>	21 May 1976
Zambia	4 February 1972	5 March 1972

Notes

- a/ Accession.
- b/ Date of receipt of notification of succession.
- c/ Made the declaration under art. 14, para. 1, of the Convention.

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

(21 August 1981 to 20 August 1982)

A. Initial reports

<u>State party</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s) sent, if any</u>
Cape Verde	2 November 1980	3 July 1981	(1) 28 April 1981
El Salvador	30 December 1980	NOT YET RECEIVED	(1) 28 April 1981 (2) 9 October 1981 (3) 15 April 1982
Guyana	17 March 1978	NOT YET RECEIVED	(1) 21 April 1978 (2) 15 September 1978 (3) 25 April 1979 (4) 28 September 1979 (5) 28 April 1980 (6) 10 October 1980 (7) 28 April 1981 (8) 9 October 1981 (9) 22 March 1982 <u>b/</u>
Liberia	5 December 1977	NOT YET RECEIVED	(1) 21 April 1978 (2) 15 September 1978 (3) 25 April 1979 (4) 28 September 1979 (5) 28 April 1980 (6) 10 October 1980 (7) 28 April 1981 (8) 9 October 1981 (9) 22 March 1982 <u>b/</u>
Sudan	20 April 1978	23 March 1982	(1) 15 September 1978 (2) 25 April 1979 (3) 28 September 1979 (4) 28 April 1980 (5) 10 October 1980 (6) 28 April 1981 (7) 9 October 1981
Togo	1 October 1973	NOT YET RECEIVED	(1) 30 April 1974 (2) 20 September 1974 (3) 20 May 1975 (4) 1 October 1975

<u>State party</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s) sent, if any</u>
			(5) 30 April 1976 (6) 27 August 1976 (7) 27 April 1977 (8) 26 September 1977 (9) 25 April 1979 (10) 28 September 1979 (11) 28 April 1980 (12) 10 October 1980 (13) 28 April 1981 (14) 9 October 1981 (15) 22 March 1982 <u>b/</u>
Uganda	21 December 1981	NOT YET RECEIVED	(1) 15 April 1982

B. Second periodic reports

Bangladesh	11 July 1982	NOT YET RECEIVED	-
Chad	16 September 1980	NOT YET RECEIVED	(1) 28 April 1981 (2) 9 October 1981 (3) 15 April 1982
Gambia	28 January 1982	NOT YET RECEIVED	(1) 15 April 1982
Guinea	13 April 1980	NOT YET RECEIVED	(1) 10 October 1980 (2) 28 April 1981 (3) 9 October 1981 (4) 15 April 1982
Guyana	17 March 1980	NOT YET RECEIVED	(1) 28 April 1980 (2) 10 October 1980 (3) 28 April 1981 (4) 9 October 1981 (5) 22 March 1982 <u>b/</u>
Israel	2 February 1982	16 March 1982	-
Liberia	5 December 1979	NOT YET RECEIVED	(1) 28 April 1980 (2) 10 October 1980 (3) 28 April 1981 (4) 9 October 1981 (5) 22 March 1982 <u>b/</u>
Nicaragua	17 March 1981	NOT YET RECEIVED	(1) 28 April 1981 (2) 9 October 1981 (3) 15 April 1982
Republic of Korea	4 January 1982	13 January 1982	-

<u>State party</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s) sent, if any</u>
Somalia	27 September 1978	NOT YET RECEIVED	(1) 25 April 1979 (2) 28 September 1979 (3) 28 April 1980 (4) 10 October 1980 (5) 28 April 1981 (6) 9 October 1981 (7) 15 April 1982
Sudan	20 April 1980	23 March 1982	(1) 10 October 1980 (2) 28 April 1981 (3) 9 October 1981
Togo	1 October 1975	NOT YET RECEIVED	(1) 30 April 1976 (2) 27 August 1976 (3) 27 April 1977 (4) 26 September 1977 (5) 25 April 1979 (6) 28 September 1979 (7) 28 April 1980 (8) 10 October 1980 (9) 28 April 1981 (10) 9 October 1981 (11) 22 March 1982 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 (8) 28 September 1979 (9) 28 April 1980 (10) 10 October 1980 (11) 28 April 1981 (12) 9 October 1981 (13) 15 April 1982

C. Third periodic reports

Bahamas	5 August 1980	NOT YET RECEIVED	(1) 10 October 1980 (2) 28 April 1981 (3) 9 October 1981 (4) 15 April 1982
Barbados	10 December 1977	17 July 1981	(1) 21 April 1978 (2) 15 September 1978 (3) 28 September 1979 (4) 28 April 1980 (5) 10 October 1980 (6) 28 April 1981

<u>State party</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s) sent, if any</u>
Belgium	6 September 1980	NOT YET RECEIVED	(1) 28 April 1981
Botswana	22 March 1979	NOT YET RECEIVED	(1) 25 April 1979 (2) 28 September 1979 (3) 28 April 1980 (4) 10 October 1980 (5) 28 April 1981 (6) 9 October 1981 (7) 15 April 1982
Ethiopia	25 July 1981	27 October 1981	(1) 9 October 1981
Guinea	13 April 1982	NOT YET RECEIVED	-
Guyana	17 March 1982	NOT YET RECEIVED	(1) 22 March 1982 b/
Italy	4 February 1981	NOT YET RECEIVED	-
Jordan	30 June 1979	15 January 1982	(1) 28 September 1979 (2) 28 April 1980 (3) 10 October 1980 (4) 28 April 1981 (5) 9 October 1981
Lao People's Democratic Republic	24 March 1979	NOT YET RECEIVED	(1) 25 April 1979 (2) 28 September 1979 (3) 28 April 1980 (4) 10 October 1980 (5) 28 April 1981 (6) 9 October 1981 (7) 15 April 1982
Liberia	5 December 1981	NOT YET RECEIVED	(1) 22 March 1982 b/
Qatar	22 August 1981	5 August 1981	-
Somalia	27 September 1980	NOT YET RECEIVED	(1) 28 April 1981 (2) 9 October 1981 (3) 15 April 1982
Sudan	20 April 1982	23 March 1982	-
Togo	1 October 1977	NOT YET RECEIVED	(1) 25 April 1979 (2) 28 September 1979 (3) 28 April 1980 (4) 10 October 1980 (5) 28 April 1981 (6) 9 October 1981 (7) 22 March 1982 b/

<u>State party</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s) sent, if any</u>
Zaire	21 May 1981	NOT YET RECEIVED	(1) 9 October 1981 (2) 15 April 1982
Zambia	5 March 1977	NOT YET RECEIVED	(1) 27 April 1977 (2) 26 August 1977 (3) 25 April 1979 (4) 28 September 1979 (5) 28 April 1980 (6) 10 October 1980 (7) 28 April 1981 (8) 9 October 1981 (9) 15 April 1982

D. Fourth periodic reports

Bahamas	5 August 1982	NOT YET RECEIVED	-
Barbados	10 December 1979	17 July 1981	(1) 28 April 1980 (2) 10 October 1980 (3) 28 April 1981 (4) 9 October 1981 (5) 15 April 1982
Botswana	22 March 1981	NOT YET RECEIVED	(1) 15 September 1978 (2) 9 October 1981 (3) 15 April 1982
Central African Republic	14 April 1978	NOT YET RECEIVED	(1) 15 September 1978 (2) 25 April 1979 (3) 28 September 1979 (4) 28 April 1980 (5) 10 October 1980 (6) 28 April 1981 (7) 9 October 1981 (8) 15 April 1982
Jordan	30 June 1981	15 January 1982	(1) 9 October 1981
Lao People's Democratic Republic	24 March 1981	NOT YET RECEIVED	(1) 28 April 1981 (2) 9 October 1981 (3) 15 April 1982
Mali	15 August 1981	NOT YET RECEIVED	(1) 9 October 1981 (2) 15 April 1982
Mauritius	29 June 1979	27 August 1981	(1) 28 September 1979 (2) 28 April 1980 (3) 10 October 1980 (4) 28 April 1981 (5) 9 October 1981 (6) 15 April 1982

<u>State party</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s) sent, if any</u>
Mexico	22 March 1982	13 April 1982	-
Rwanda	16 May 1982	NOT YET RECEIVED	-
Sierra Leone	5 January 1976	NOT YET RECEIVED	(1) 30 April 1976 (2) 27 August 1976 (3) 27 April 1977 (4) 27 August 1977 (5) 25 April 1979 (6) 28 September 1979 (7) 28 April 1980 (8) 10 October 1980 (9) 28 April 1981 (10) 9 October 1981 (11) 15 April 1982
Swaziland	6 May 1976	NOT YET RECEIVED	(1) 27 August 1976 (2) 27 April 1977 (3) 26 August 1977 (4) 21 April 1978 (5) 15 September 1978 (6) 25 April 1979 (7) 28 September 1979 (8) 28 April 1980 (9) 10 October 1980 (10) 28 April 1981 (11) 9 October 1981 (12) 15 April 1982
Togo	1 October 1979	NOT YET RECEIVED	(1) 28 April 1980 (2) 10 October 1980 (3) 28 April 1981 (4) 9 October 1981 (5) 22 March 1982 <u>b/</u>
Upper Volta	18 August 1981	NOT YET RECEIVED	(1) 9 October 1981 (2) 15 April 1982
Zambia	5 March 1979	NOT YET RECEIVED	(1) 25 April 1979 (2) 28 September 1979 (3) 28 April 1980 (4) 10 October 1980 (5) 28 April 1981 (6) 9 October 1981 (7) 15 April 1982

E. Fifth periodic reports

Austria	8 June 1981	20 October 1981	-
Barbados	10 December 1981	17 July 1981	-

<u>State party</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s) sent, if any</u>
Bolivia	21 October 1979	NOT YET RECEIVED	(1) 28 April 1980 (2) 10 October 1980 (3) 28 April 1981 (4) 9 October 1981 (5) 15 April 1982
Central African Republic	14 April 1980	NOT YET RECEIVED	(1) 10 October 1980 (2) 28 April 1981 (3) 9 October 1981 (4) 15 April 1982
Democratic Yemen	19 November 1981	NOT YET RECEIVED	(1) 15 April 1982
Fiji	11 January 1982	NOT YET RECEIVED	(1) 15 April 1982
German Democratic Republic	26 April 1982	3 May 1982	-
Haiti	18 January 1982	27 July 1982	(1) 15 April 1982
Ivory Coast	4 February 1982	NOT YET RECEIVED	(1) 15 April 1982
Jamaica	5 July 1980	NOT YET RECEIVED	(1) 10 October 1980 (2) 28 April 1981 (3) 9 October 1981 (4) 15 April 1982
Lesotho	4 December 1980	23 July 1982	(1) 28 April 1981 (2) 9 October 1981 (3) 15 April 1982
Mauritius	29 June 1981	27 August 1981	-
New Zealand	22 December 1981	NOT YET RECEIVED	(1) 15 April 1982
Peru	30 October 1980	NOT YET RECEIVED	(1) 28 April 1981 (2) 9 October 1981 (3) 15 April 1982
Senegal	18 May 1981	NOT YET RECEIVED	(1) 9 October 1981 (2) 15 April 1982
Sierra Leone	5 January 1978	NOT YET RECEIVED	(1) 25 April 1979 (2) 28 September 1979 (3) 28 April 1980 (4) 10 October 1980 (5) 28 April 1981 (6) 9 October 1981 (7) 15 April 1982

<u>State party</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s) sent, if any</u>
Swaziland	6 May 1978	NOT YET RECEIVED	(1) 15 September 1978 (2) 25 April 1979 (3) 28 September 1979 (4) 28 April 1980 (5) 10 October 1980 (6) 28 April 1981 (7) 9 October 1981 (8) 15 April 1982
Togo	1 October 1981	NOT YET RECEIVED	(1) 22 March 1982 <u>b/</u>
United Republic of Cameroon	24 July 1980	30 June 1982	(1) 10 October 1980 (2) 28 April 1981 (3) 9 October 1981 (4) 15 April 1982
United Republic of Tanzania	26 November 1981	NOT YET RECEIVED	(1) 15 April 1982
Zambia	5 March 1981	NOT YET RECEIVED	(1) 28 April 1981 (2) 9 October 1981 (3) 15 April 1982

F. Sixth periodic reports

Bolivia	21 October 1981	NOT YET RECEIVED	(1) 15 April 1982
Canada	12 November 1981	NOT YET RECEIVED	-
Central African Republic	14 April 1982	NOT YET RECEIVED	(1) 9 October 1981 (2) 15 April 1982
Ecuador	5 January 1980	2 December 1981	(1) 28 April 1980 (2) 10 October 1980 (3) 28 April 1981 (4) 9 October 1981 (5) 15 April 1982
Finland	16 August 1981	19 May 1982	-
Ghana	5 January 1980	8 July 1982	(1) 28 April 1980 (2) 10 October 1980 (3) 28 April 1981 (4) 9 October 1981 (5) 15 April 1982
Iraq	15 February 1981	NOT YET RECEIVED	(1) 28 April 1981 (2) 9 October 1981 (3) 15 April 1982

<u>State party</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s) sent, if any</u>
Jamaica	5 July 1982	NOT YET RECEIVED	-
Libyan Arab Jamahiriya	5 January 1980	NOT YET RECEIVED	(1) 28 April 1980 (2) 10 October 1980 (3) 28 April 1981 (4) 9 October 1981 (5) 15 April 1982
Malta	26 June 1982	NOT YET RECEIVED	-
Morocco	17 January 1982	NOT YET RECEIVED	(1) 15 April 1982
Nepal	1 March 1982	NOT YET RECEIVED	(1) 15 April 1982
Niger	5 January 1980	NOT YET RECEIVED	(1) 28 April 1980 (2) 10 October 1980 (3) 28 April 1981 (4) 9 October 1981 (5) 15 April 1982
Norway	6 September 1981	20 January 1982	-
Romania	14 October 1981	10 March 1982	-
Sierra Leone	5 January 1980	NOT YET RECEIVED	(1) 28 April 1980 (2) 10 October 1980 (3) 28 April 1981 (4) 9 October 1981 (5) 15 April 1982
Swaziland	6 May 1980	NOT YET RECEIVED	(1) 10 October 1980 (2) 28 April 1981 (3) 9 October 1981 (4) 15 April 1982
United Republic of Cameroon	24 July 1982	30 June 1982	-

G. Seventh periodic reports

Argentina	5 January 1982	12 February 1982	-
Brazil	5 January 1982	12 August 1982	(1) 15 April 1982
Bulgaria	5 January 1982	NOT YET RECEIVED	(1) 15 April 1982
Byelorussian Soviet Socialist Republic	7 May 1982	16 July 1982	(1) 15 April 1982

<u>State party</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s) sent, if any</u>
Costa Rica	5 January 1982	20 April 1982 14 May 1982	(1) 15 April 1982
Cyprus	5 January 1982	21 May 1982	(1) 15 April 1982
Czechoslovakia	5 January 1982	21 May 1982	(1) 15 April 1982
Ecuador	5 January 1982	2 December 1981	-
Egypt	5 January 1982	24 May 1982	(1) 15 April 1982
Germany, Federal Republic of	14 June 1982	NOT YET RECEIVED	-
Ghana	5 January 1982	8 July 1982	(1) 15 April 1982
Holy See	1 June 1982	24 June 1982	-
Hungary	5 January 1982	19 January 1982	-
Iceland	5 January 1982	4 January 1982	-
India	5 January 1982	16 August 1982	(1) 15 April 1982
Iran	5 January 1982	NOT YET RECEIVED	(1) 15 April 1982
Kuwait	5 January 1982	20 November 1981	(1) 15 April 1982
Libyan Arab Jamahiriya	5 January 1982	NOT YET RECEIVED	(1) 15 April 1982
Madagascar	8 March 1982	NOT YET RECEIVED	-
Mongolia	4 September 1982	12 April 1982	-
Niger	5 January 1982	NOT YET RECEIVED	(1) 15 April 1982
Nigeria	5 January 1982	NOT YET RECEIVED	(1) 15 April 1982
Pakistan	5 January 1982	NOT YET RECEIVED	(1) 15 April 1982
Panama	5 January 1982	13 August 1981	-
Philippines	5 January 1982	29 January 1982 2 April 1982	-
Poland	5 January 1982	5 July 1982	(1) 15 April 1982
Sierra Leone	5 January 1982	NOT YET RECEIVED	(1) 15 April 1982
Spain	5 January 1982	29 January 1982	-

<u>State party</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s) sent, if any</u>
Swaziland	6 May 1982	NOT YET RECEIVED	(1) 15 April 1982
Syrian Arab Republic	20 May 1982	NOT YET RECEIVED	(1) 15 April 1982
Tunisia	5 January 1982	NOT YET RECEIVED	(1) 15 April 1982
Ukrainian Soviet Socialist Republic	5 April 1982	5 July 1982	-
Union of Soviet Socialist Republics	5 March 1982	22 June 1982	-
United Kingdom of Great Britain and Northern Ireland	5 April 1982	20 July 1982	-
Uruguay	5 January 1982	10 February 1982	-
Venezuela	5 January 1982	19 August 1982	(1) 15 April 1982
Yugoslavia	5 January 1982	15 July 1982	(1) 15 April 1982

¶ Additional information requested by the Committee

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

Notes

a/ For the reminders to be sent to the States parties concerned, in accordance with the request of the Committee at its twenty-sixth session and rule 66 of the provisional rules of procedure, see chap. IV, para. 50, above.

b/ In accordance with a decision of the Committee at its twenty-fifth session, the Chairman of the Committee in letters dated 22 March 1982 drew the attention of the Governments of Togo, Liberia and Guyana to the requirements of art. 9 of the Convention and requested them to submit their overdue reports in one consolidated document by 30 June 1982 for consideration by the Committee at its twenty-sixth session.

ANNEX III

Consideration by the Committee at its twenty-fifth and
twenty-sixth 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
Gambia	x							550	2 March 1982
Gabon	x							550	2 March 1982
Tonga				x	x			551	2 March 1982
Malta				x	x			552	3 March 1982
United Arab Emirates				x				552	3 March 1982
Fiji				x				553	3 March 1982
Nepal				x	x			553	3 March 1982
Haiti			x	x				554	4 March 1982
Australia			x					555-556	4-5 March 1982
Cape Verde	x							557	5 March 1982
Barbados		x	x	x				557	5 March 1982
Qatar			x					557	5 March 1982
Panama						x	x	558-559	8 March 1982
Mauritius				x	x			559-560	8-9 March 1982
Austria					x			560-561	8-9 March 1982
Ethiopia			x					561	9 March 1982
Ecuador						x	x	562	10 March 1982
Kuwait							x	563	10 March 1982
Iceland							x	563	10 March 1982
Republic of Korea		x						564	11 March 1982
Hungary							x	564-565	11 March 1982
Jordan			x	x				565	11 March 1982
Norway						x		565-566	11-12 March 1982
Greece						x		576-577	3 August 1982
Spain							x	577	3 August 1982

State party	Type of report						Meetings at which considered	Date of meetings
Philippines						x	577-578	3-4 August 1982
Argentina						x	578-579	4 August 1982
Uruguay						x	579	4 August 1982
Romania						x	579-580	4-5 August 1982
Israel		x					580	5 August 1982
Sudan	x	x	x				580-581	5 August 1982
Mongolia						x	581	5 August 1982
Mexico				x			582-583	6 August 1982
German Democratic Republic					x		583	6 August 1982
Czechoslovakia						x	584	9 August 1982
Egypt						x	584-585	9 August 1982
Finland						x	585	9 August 1982
Holy See						x	586	10 August 1982
Union of Soviet Socialist Republics						x	586-587	10 August 1982
Costa Rica						x	587	10 August 1982

Comments of States parties on General Recommendation VI
adopted by the Committee at its 569th meeting, on
15 March 1982 a/

CYPRUS

[Original: English]

[22 July 1982]

1. ... The Government of the Republic of Cyprus agrees fully with the content of the decision of the Committee on the Elimination of Racial Discrimination adopted on 15 March 1982 during its twenty-fifth session.
2. The situation described in the preamble of the aforesaid decision in terms of numbers of reports overdue is indeed alarming. No doubt the Committee does a very useful job and should in any way be assisted in exercising more effectively its work, the authority of the United Nations General Assembly could and should be used in this direction.
3. In this respect it might be noted that the Government of the Republic of Cyprus has fully complied with its obligations under article 9, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination.

FRANCE

[Original: French]

[21 May 1982]

The French Government approves this decision, and its delegation will not fail to raise the matter under the relevant agenda item at the next session of the General Assembly; the French delegation will point out that measures should perhaps be envisaged but that it would not seem possible for them to be more than recommendations to States parties as a whole, otherwise the authority of the General Assembly, in going beyond making such recommendations, might be challenged.

ITALY

[Original: Italian]

[3 June 1982]

1. The Italian Government has examined with particular interest General Recommendation VI of the Committee on the Elimination of Racial Discrimination, in which the Committee invited the General Assembly to take note of the delays with which many States parties to the Convention on the Elimination of All Forms of Racial Discrimination transmit reports on the implementation of the Convention in their respective countries. This move by the Committee not only confirms the sense

of responsibility with which the Committee performs its tasks and reports annually to the General Assembly, but it also draws the attention of States parties to article 9, paragraph 2, of the Convention, which provides for general recommendations by the Committee to be reported to the General Assembly "together with comments, if any, from States Parties".

2. In view of the Italian Government, the delays referred to by the Committee in the submission of reports by States parties are highly regrettable, particularly since racial discrimination is an object of constant concern to all the intergovernmental bodies of the United Nations which are competent in the field of human rights, and that concern has found its most significant expression in the proclamation, in General Assembly resolution 3057 (XXVIII), of the Decade for Action to Combat Racism and Racial Discrimination. At the same time, the Italian Government considers that the situation reported by the Committee can and should be overcome through a review of its causes and of measures which might be taken to ensure that the reports of States parties not only fulfil an obligation assumed on the ratification of the Convention and form a useful dialogue between States parties and the Committee, but that they also act as an incentive towards constant efforts to improve national situations.

3. The causes of the delays which have been pointed out by the Committee are considered to be threefold:

(a) The difficulties which may be faced by small countries, above all in preparing the first analytical report on racial discrimination in accordance with the Committee's general guidelines;

(b) The excessively short interval (two years) between States parties' first reports and succeeding reports;

(c) The simultaneous preparation of four other, very complicated, reports by those States which have also ratified the International Covenants on Human Rights.

This is the case with Italy, for example, which has not yet been able to submit the third report on racial discrimination because in the meantime the Interministerial Committee on Human Rights - an ad hoc institution for preparing the reports called for under conventions ratified by Italy - has had to prepare the first report on civil and political rights and the first report on economic rights, and is now engaged in preparing the first report on social rights, which is already well advanced. In addition, there is the danger that the present situation of simultaneous preparation over relatively short periods of five reports on racial discrimination and human rights may become worse in the light of the entry into force of the Convention on the Elimination of All Forms of Discrimination against Women and the preparation, still in progress, of the final text of the draft convention on torture and the draft convention on the rights of the child.

4. The Italian Government, before indicating the steps which it thinks might be considered as a means of eliminating, or helping to eliminate the causes of the delays mentioned above, feels it appropriate to point out that delays in the submission of national reports also occur with the four reports on the International Covenants on Human Rights. The various aspects of the "reporting system" should therefore be examined as a whole by the General Assembly after adequate preparatory work, in which all the organs responsible for the implementation of the system should participate. For this purpose, the next

session of the Assembly might consider the desirability of convening a short meeting of the Chairmen of the Committee on the Elimination of Racial Discrimination, the Human Rights Committee and the Sessional Working Group of the Economic and Social Council which considers the reports on economic, social and cultural rights. For the same purpose, the comments of States parties to the Convention on the Elimination of All Forms of Racial Discrimination should be communicated by the Secretariat to the Human Rights Committee and the Economic and Social Council Working Group.

5. On that basis, attention is drawn to the following measures which, in the opinion of the Italian Government, might be considered in order to improve the present overall situation of the "reporting system" for States parties to the human rights conventions so far adopted by the United Nations:

(a) The difficulties which small countries may face in preparing their reports could be overcome, after it has been ascertained that they occur in connection with the reports on the International Covenants on Human Rights as well, by organizing short missions of three experts, appointed in each case by the Committee on the Elimination of Racial Discrimination, the Human Rights Committee and the Economic and Social Council working group, following a calculation of the financial implications.

(b) In general, States parties which have presented their first report (assuming it has been found to be comprehensive) should merely be asked to "update" it periodically for the purposes of each succeeding report.

(c) The excessively short interval between the reports on racial discrimination subsequent to the first report could be modified by a General Assembly resolution containing an amendment to article 9, paragraph 1, of the Convention.

This amendment should take account of the intervals laid down by the Human Rights Committee for the reports on civil and political rights (five years) and by the Economic and Social Council for the reports on economic, social and cultural rights (six years for the three reports in question); and it should be based on an overall timetable providing, for example, for two reports (or. updatings) for each of the five kinds of reports in any one decade.

6. The suggestions made in the preceding paragraph take into account the state of ratification of the Convention on Racial Discrimination and the International Covenants, to which there are new accessions every year. The proposed timetable would both lighten the task required of States parties in preparing reports and enable the bodies responsible for examining them to cope with an increasing volume of work.

7. The Italian Government hopes that when the Secretary-General brings General Recommendation VI to the attention of the General Assembly, he will include in his report, in extenso, the comments made by States parties to the Convention on the Elimination of All Forms of Racial Discrimination.

MEXICO

[Original: Spanish]

[28 April 1982]

1. The Government of Mexico shares the concern of the Committee on the Elimination of Racial Discrimination that a considerable number of States parties to the International Convention in question have not discharged their obligations under article 9 of the Convention.
2. The Government of Mexico considers that the act of ratification demonstrates the good faith of the State and its willingness to perform the Convention and confers on it the legal obligation to carry it out internally. The performance and application of the international instrument mentioned above should be reflected in the contents of the initial and periodic reports which make it possible for the established monitoring system to function effectively.
3. In regard to the request to Governments for comments on the situation arising from article 9 of the Convention, it may be stated that failure to submit reports does not relieve States parties from the obligation to do so, nevertheless, as an extraordinary measure and for the purpose of safeguarding the monitoring of racial discrimination matters, the following distinction can be made.
4. States parties which have not yet submitted their initial report should be urged once again to fulfil as soon as possible their obligation to do so, however, the Government of Mexico considers that those States which are in arrears in the submission of two or more periodic reports might submit one of them, which would exempt them from submitting the remainder, provided that the one report covered the entire period during which they had been in breach of their obligation.
5. Also, bearing in mind that by its very nature legislation proceeds slowly, once legislation has been adopted on the matter, and if the provisions are appropriate, as is hoped, there should be no need for constant amendment of the new provisions; it might therefore be advisable to consider the possibility of increasing the interval between the submission of reports to five years from two, once the initial report has been furnished.

REPUBLIC OF KOREA

[Original: English]

[3 May 1982]

1. The Secretary-General of the United Nations should send a formal letter of reminder to the States parties to the International Convention on the Elimination of All Forms of Racial Discrimination which are behind in the submission of their periodic reports according to article 9 of the Convention.
2. In spite of the letter of the Secretary-General, if there are many States which have not submitted reports to the Secretary-General, the Committee on the Elimination of Racial Discrimination should adopt a resolution requesting the States concerned to present their reports as soon as possible.

YUGOSLAVIA

[Original: English]

[30 June 1982]

1. Expressing its appreciation for the work of the Committee on the Elimination of Racial Discrimination, the Government of the Socialist Federal Republic of Yugoslavia supports its efforts to provide conditions, by promoting dialogue with the States parties to the Convention, for an as effective as possible implementation of the principles and provisions of the Convention.

2. The Government of the Socialist Federal Republic of Yugoslavia shares the opinion of the Committee that regular reporting by the States parties to the Convention, in compliance with article 9, is an essential precondition for its successful work. It is therefore necessary to draw the States parties' attention to the need of regular reporting to the Committee.

3. At the same time, the Yugoslav Government considers that the Committee should examine reasons for not submitting reports by certain States and point to the ways and means of eliminating the causes thereof, since it appears that notices are not sufficient in order to solve this problem.

4. Proceeding from its own practice, the Government of the Socialist Federal Republic of Yugoslavia considers that only by means of open dialogue with the Committee, consisting of prominent experts in the field, the noble principles and goals of the Convention on the Elimination of All Forms of Racial Discrimination can be realized both on national and international levels.

Notes

a/ See chap. IV, part A. para. 45, above.

ANNEX V

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

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

1. Outline of conditions in the Trust Territory of the Pacific Islands: working paper prepared by the Secretariat (T/L.1228 and Add.1-3)
2. Report of the Government of the United States of America on the administration of the Trust Territory of the Pacific Islands for the period from 1 October 1980 to 30 September 1981 (T/1837)

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

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

1. The Special Committee did not submit copies of petitions in 1981 and 1982 under the terms of article 15 of the Convention.

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

Falkland Islands (Malvinas)	A/36/23 (Part V) chapter XXIV
Tokelau	A/36/23 (Part VII) chapter XXVII
American Samoa	A/36/23 (Part VII) chapter XXVIII
Falkland Islands (Malvinas)	A/AC.109/670
Report of the United Nations visiting mission to American Samoa, 1981	A/AC.109/679 and Add.1
Report of the United Nations visiting mission to Tokelau, 1981	A/AC.109/680
British Virgin Islands	A/AC.109/682
Bermuda	A/AC.109/683

Pitcairn	A/AC.109/684
Turks and Caicos Islands	A/AC.109/685
Montserrat	A/AC.109/686
Cayman Islands	A/AC.109/688
Tokelau	A/AC.109/689
Activities of foreign economic and other interests in Bermuda	A/AC.109/690
American Samoa	A/AC.109/691
St. Helena	A/AC.109/692
Cocos (Keeling) Islands	A/AC.109/693
Guam	A/AC.109/694
Western Sahara	A/AC.109/695
Military activities and arrangements by colonial Powers in Bermuda, Turks and Caicos Islands and United States Virgin Islands	A/AC.109/696
United States Virgin Islands	A/AC.109/697
Military activities and arrangements by colonial Powers in Guam	A/AC.109/698
Namibia	A/AC.109/699
Trust Territory of the Pacific Islands	A/AC.109/700
Activities of foreign economic and other interests in Turks and Caicos Islands	A/AC.109/701
Activities of foreign economic and other interests in Namibia	A/AC.109/702
Activities of foreign economic and other interests in Cayman Islands	A/AC.109/703
Military activities and arrangements by colonial Powers in Namibia	A/AC.109/704

Notes

a/ See chap. V, paras. 453-457, above.

ANNEX VI

List of documents issued for the twenty-fifth and twenty-sixth sessions
of the Committee on the Elimination of Racial Discrimination

A. Twenty-fifth session

Documents issued in the general series

CERD/C/47/Add.4	Third periodic report of Jordan
CERD/C/48/Add.12	Fourth periodic report of Barbados
CERD/C/48/Add.13	Fourth periodic report of Mauritius
CERD/C/61/Add.5	Initial report of Cape Verde
CERD/C/66/Add.35	Sixth periodic report of Panama
CERD/C/66/Add.36	Sixth periodic report of Ecuador
CERD/C/70/Add.1	Additional guidelines for the implementation of article 7 of the Convention
CERD/C/73/Add.1	Third periodic report of Qatar
CERD/C/73/Add.2	Third periodic report of Ethiopia
CERD/C/74/Add.2	Fourth periodic report of Jordan
CERD/C/75/Add.7	Fifth periodic report of Barbados
CERD/C/75/Add.8	Fifth periodic report of Mauritius
CERD/C/75/Add.9	Fifth periodic report of Austria
CERD/C/76/Add.1	Sixth periodic report of Greece
CERD/C/76/Add.2	Sixth periodic report of Norway
CERD/C/76/Add.3	Sixth periodic report of Romania
CERD/C/84	Provisional agenda and annotations of the twenty-fifth session of the Committee; note by the Secretary- General
CERD/C/85	Initial reports of States parties due in 1982; note by the Secretary- General

CERD/C/86	Second periodic reports of States parties due in 1982; note by the Secretary-General
CERD/C/86/Add.1	Second periodic report of the Republic of Korea
CERD/C/86/Add.2	Second periodic report of Israel
CERD/C/87	Third periodic reports of States parties due in 1982; note by the Secretary-General
CERD/C/88	Fourth periodic reports of States parties due in 1982; note by the Secretary-General
CERD/C/89	Fifth periodic reports of States parties due in 1982; note by the Secretary-General
CERD/C/90	Sixth periodic reports of States parties due in 1982; note by the Secretary-General
CERD/C/91	Seventh periodic reports of States parties due in 1982; note by the Secretary-General
CERD/C/91/Add.1	Seventh periodic report of Panama
CERD/C/91/Add.2	Seventh periodic report of Ecuador
CERD/C/91/Add.3	Seventh periodic report of Kuwait
CERD/C/91/Add.4	Seventh periodic report of Iceland
CERD/C/91/Add.5	Seventh periodic report of Hungary
CERD/C/91/Add.6	Seventh periodic report of Spain
CERD/C/91/Add.7	Seventh periodic report of the Philippines
CERD/C/91/Add.8	Seventh periodic report of Argentina
CERD/C/91/Add.9	Seventh periodic report of Uruguay

CERD/C/92	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/93	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/94	Decision adopted by the Committee at its 569th meeting on 15 March 1982: General Recommendation VI
CERD/C/SR.549-574	Summary records of the twenty-fifth session of the Committee

B. Twenty-sixth session

Documents issued in the general series

CERD/C/15/Add.4	Initial report of the Sudan
CERD/C/62/Add.2	Second periodic report of the Sudan
CERD/C/65/Add.7	Fifth periodic report of the United Republic of Cameroon
CERD/C/66/Add.37	Sixth periodic report of Ghana
CERD/C/76/Add.4	Sixth periodic report of Finland
CERD/C/87/Add.1 and Corr.1 (E/S/R only)	Third periodic report of the Sudan
CERD/C/88/Add.1	Fourth periodic report of Mexico
CERD/C/89/Add.1	Fifth periodic report of the German Democratic Republic
CERD/C/90/Add.1	Sixth periodic report of the United Republic of Cameroon
CERD/C/91/Add.10	Seventh periodic report of Mongolia
CERD/C/91/Add.11 and Add.13	Seventh periodic report of Costa Rica

CERD/C/91/Add.12	Seventh periodic report of the Philippines
CERD/C/91/Add.14	Seventh periodic report of Czechoslovakia
CERD/C/91/Add.15	Seventh periodic report of Egypt
CERD/C/91/Add.16	Seventh periodic report of Cyprus
CERD/C/91/Add.17	Seventh periodic report of the Holy See
CERD/C/91/Add.18	Seventh periodic report of the Union of Soviet Socialist Republics
CERD/C/91/Add.19	Seventh periodic report of Poland
CERD/C/91/Add.20	Seventh periodic report of the Ukrainian Soviet Socialist Republic
CERD/C/91/Add.21	Seventh periodic report of Ghana
CERD/C/91/Add.22	Seventh periodic report of Yugoslavia
CERD/C/91/Add.23	Seventh periodic report of the Byelorussian Soviet Socialist Republic
CERD/C/91/Add.24	Seventh periodic report of the United Kingdom
CERD/C/95	Provisional agenda and annotations of the twenty-sixth session of the Committee: note by the Secretary-General
CERD/C/96	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/97 and Add.1	Comments of States parties on General Recommendation VI adopted by the Committee at its 569th meeting on 15 March 1982

CERD/C/98

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.575-597

Summary records of the twenty-sixth session of the Committee