

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

**GENERAL ASSEMBLY**

OFFICIAL RECORDS: THIRTY-EIGHTH SESSION

SUPPLEMENT No. 18 (A/38/18)



**UNITED NATIONS**

New York, 1983

## 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.

[13 September 1983]

CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
Letter of transmittal .....		viii
I. INTRODUCTION .....	1 - 16	1
A. States parties to the Convention .....	1 - 2	1
B. Sessions .....	3	1
C. Membership of the Committee .....	4 - 6	1
D. Solemn declaration .....	7	1
E. Attendance .....	8	2
F. Officers of the Committee .....	9	2
G. Agenda .....	10 - 11	2
Twenty-seventh session .....	10	2
Twenty-eighth session .....	11	3
H. Co-operation with the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization .....	12 - 13	3
I. Participation of the Committee on the Elimination of Racial Discrimination at United Nations meetings .....	14 - 16	4
II. ACTION BY THE GENERAL ASSEMBLY AT ITS THIRTY-SEVENTH SESSION ON THE ANNUAL REPORT SUBMITTED BY THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION UNDER ARTICLE 9, PARAGRAPH 2, OF THE CONVENTION .....	17 - 22	5
III. MATTERS ARISING OUT OF THE ENTRY INTO FORCE OF ARTICLE 14 OF THE CONVENTION .....	23 - 60	7
Twenty-seventh session .....	25 - 46	7
Twenty-eighth session .....	47 - 60	11

CONTENTS (continued)

	<u>Paragraphs</u>	<u>Page</u>
IV. CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION .....	61 - 514	14
A. Status of submission of reports by States parties	61 - 75	14
Reports received by the Committee .....	61 - 66	14
Reports not yet received by the Committee .....	67	17
Action taken by the Committee to ensure submission of reports by States parties .....	68 - 75	20
B. Consideration of reports .....	76 - 511	24
Cyprus .....	82 - 96	25
Poland .....	97 - 108	27
Ukrainian Soviet Socialist Republic .....	109 - 123	29
United Republic of Cameroon .....	124 - 137	33
Morocco .....	138 - 147	35
Yugoslavia .....	148 - 161	37
United Kingdom of Great Britain and Northern Ireland .....	162 - 178	40
Byelorussian Soviet Socialist Republic .....	179 - 190	46
Haiti .....	191 - 200	49
Lesotho .....	201 - 206	52
Venezuela .....	207 - 216	53
Bahamas .....	217 - 228	56
Tunisia .....	229 - 237	59
Madagascar .....	238 - 250	61
Brazil .....	251 - 264	64
Chile .....	265 - 277	67
India .....	278 - 291	70

CONTENTS (continued)

	<u>Paragraphs</u>	<u>Page</u>
Islamic Republic of Iran .....	292 - 298	74
Federal Republic of Germany .....	299 - 311	75
France .....	312 - 326	80
United Republic of Tanzania .....	327 - 336	83
Fiji .....	337 - 347	85
Ghana .....	348 - 358	87
Pakistan .....	359 - 371	90
Iraq .....	372 - 384	93
Malta .....	385 - 389	95
Canada .....	390 - 407	96
Zambia .....	408 - 420	100
Solomon Islands .....	421 - 430	102
Sweden .....	431 - 441	104
Cuba .....	442 - 454	106
Nicaragua .....	455 - 464	109
China .....	465 - 475	111
Togo .....	476 - 486	114
Niger .....	487 - 497	115
Nigeria .....	498 - 511	117
C. Question of demographic composition .....	512 - 514	120
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 .....	515 - 524	121
A. African Territories .....		123
B. Pacific and Indian Ocean Territories .....		123

CONTENTS (continued)

	<u>Paragraphs</u>	<u>Page</u>
C. Atlantic Ocean and Caribbean Territories, including Gibraltar ...		124
VI. DECADE FOR ACTION TO COMBAT RACISM AND RACIAL DISCRIMINATION .....	525 - 538	125
VII. MEETINGS OF THE COMMITTEE IN 1984 AND 1985 .....	539 - 541	128
VIII. DECISION ADOPTED BY THE COMMITTEE AT ITS TWENTY-SEVENTH SESSION .....		129
1 (XXVII) Information supplied by Cyprus relating to conditions in Cyprus .....		129
ANNEXES		
I. A. STATES PARTIES TO THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION AS AT 29 JULY 1983 .....		132
B. STATES PARTIES WHICH HAVE MADE THE DECLARATION UNDER ARTICLE 14, PARAGRAPH 1, OF THE CONVENTION .....		136
II. MEMBERSHIP OF THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION .....		137
III. PROVISIONAL RULES OF PROCEDURE .....		138
XVIII. PROCEDURE FOR CONSIDERING COMMUNICATIONS FROM INDIVIDUALS OR GROUPS OF INDIVIDUALS UNDER ARTICLE 14 OF THE CONVENTION		
A. General provisions .....		138
B. Procedure for determining admissibility of communications .....		140
C. Consideration of communications on their merits .....		143
IV. SUBMISSION OF REPORTS AND ADDITIONAL INFORMATION BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION DURING THE YEAR UNDER REVIEW .....		145
A. Initial reports .....		145
B. Second periodic reports .....		146
C. Third periodic reports .....		148
D. Fourth periodic reports .....		150
E. Fifth periodic reports .....		152
F. Sixth periodic reports .....		153

CONTENTS (continued)

	<u>Page</u>
G. Seventh periodic reports .....	155
H. Additional information requested by the Committee .....	156
V. CONSIDERATION BY THE COMMITTEE AT ITS TWENTY-SEVENTH AND TWENTY-EIGHTH SESSIONS OF THE REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION .....	158
VI. ADDITIONAL COMMENTS OF STATES PARTIES ON GENERAL RECOMMENDATION VI ADOPTED BY THE COMMITTEE AT ITS 569TH MEETING, ON 15 MARCH 1982 ....	160
Byelorussian Soviet Socialist Republic .....	160
Union of Soviet Socialist Republics .....	160
VII. DOCUMENTS RECEIVED BY THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION AT ITS TWENTY-SEVENTH AND TWENTY-EIGHTH 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 .....	161
A. Documents submitted pursuant to the decision of the Trusteeship Council .....	161
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 .....	161
VIII. LIST OF DOCUMENTS ISSUED FOR THE TWENTY-SEVENTH AND TWENTY-EIGHTH SESSIONS OF THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION .....	163
A. Twenty-seventh session .....	163
B. Twenty-eighth session .....	165

LETTER OF TRANSMITTAL

29 July 1983

Sir,

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

The Committee on the Elimination of Racial Discrimination held two regular sessions in 1983 and, at its 649th meeting held today, unanimously adopted its 1983 report in fulfilment of its obligations under the Convention; it is submitted to you herewith for transmission to the General Assembly at its thirty-eighth session.

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 29 July 1983, the closing date of the twenty-eighth session of the Committee on the Elimination of Racial Discrimination, there were 120 States parties 1/ 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-eighth session, 10 of the 120 States parties to the Convention had made the declaration envisaged in article 14, paragraph 1, of the Convention. Article 14 of the Convention, therefore, entered into force on 3 December 1982, following the deposit with the Secretary-General of the tenth declaration recognizing the competence of the Committee to receive and consider communications from individuals or groups of individuals. A list of States parties to the Convention and those which have made the declaration under article 14 is contained in annex I.

### B. Sessions

3. The Committee on the Elimination of Racial Discrimination held two regular sessions in 1983. The twenty-seventh session (598th-625th meetings) was held from 7 to 25 March 1983; and the twenty-eighth session (626th-649th meetings) from 11 to 29 July 1983. Both sessions were held at United Nations Headquarters, New York.

### C. Membership of the Committee

4. At its twenty-seventh session, the Committee was informed that, in a letter dated 14 January 1983 addressed to the Chairman of the Committee, Mr. Yuli Bahnev had tendered his resignation from membership of the Committee, on account of the burden of his functions which prevented him from carrying out the duties pertaining to Committee membership.

5. Acting in accordance with article 8, paragraph 5 (b), of the Convention and rule 13 of its provisional rules of procedure, the Committee, at its 599th meeting, held on 8 March 1983, approved by secret ballot the appointment by the Government of Bulgaria of Mr. Matey Karasimeonov to serve as member of the Committee for the remainder of the term of Mr. Bahnev, which is due to expire on 19 January 1984.

6. With the exception of the changes mentioned above the membership of the Committee remained the same as during 1982 (see annex II).

### D. Solemn declaration

7. Upon assuming his duties as member of the Committee at the 599th meeting, held on 8 March 1983, Mr. Karasimeonov made the solemn declaration provided for under rule 14 of the provisional rules of procedure.

#### E. Attendance

8. All members except Mr. Nettel attended the twenty-seventh session. Messrs. Evrigenis, Fafowora and Brin Martínez attended part of the twenty-seventh session. All members of the Committee except Mr. Fafowora and Mr. Valencia Rodríguez attended the twenty-eighth session. Messrs. Aramburu, Brin Martínez, Evrigenis and Sherifis attended only part of that session.

#### F. Officers of the Committee

9. The officers, elected at the twenty-fifth session for a term of two years in accordance with article 10, paragraph 2, of the Convention, continued to serve at the twenty-seventh and twenty-eighth sessions. The officers of the Committee are the following:

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

#### G. Agenda

##### Twenty-seventh session

10. At its 599th meeting, on 8 March 1983, the Committee adopted the items listed on the provisional agenda, submitted by the Secretary-General, as the agenda of its twenty-seventh 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-seventh session, as amended, was as follows:

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

6. Matters arising out of the entry into force of article 14 of the Convention.
7. Decade for Action to Combat Racism and Racial Discrimination.
8. Meetings of the Committee in 1983 and 1984.

#### Twenty-eighth session

11. At its 626th meeting, on 11 July 1983, the Committee adopted the items listed on the provisional agenda submitted by the Secretary-General as the agenda of its twenty-eighth session. The agenda of the twenty-eighth session, as adopted, was as follows:

1. Adoption of the agenda.
2. Consideration of reports, comments and information submitted by States parties under article 9 of the Convention.
3. 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.
4. Matters arising out of the entry into force of article 14 of the Convention.
5. Decade for Action to Combat Racism and Racial Discrimination.
6. Meetings of the Committee in 1984 and 1985.
7. Report of the Committee to the General Assembly at its thirty-eighth 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

12. 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-seventh and twenty-eighth sessions of the Committee.

13. At the twenty-eighth session, the report of the ILO Committee of Experts on the Application of Conventions and Recommendations, submitted to the sixty-ninth 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, the 1957 Convention (No. 107) concerning indigenous and tribal populations, as well as other information in the report relevant to its activities.

I. Participation of the Committee on the Elimination of Racial Discrimination at United Nations meetings

14. In accordance with a decision of the Committee, at its 616th meeting, Mr. Lamptey represented the Committee at the second session of the Preparatory Sub-Committee for the Second World Conference to Combat Racism and Racial Discrimination held in New York from 21 to 25 March 1983 (see also paragraphs 525-538 below).
15. Following a decision taken by the Committee, at its 625th meeting, Mrs. Sadiq Ali represented the Committee at the United Nations Seminar on the Experience of Different Countries in the Implementation of International Standards on Human Rights, held at the United Nations Office at Geneva from 20 June to 1 July 1983.
16. At the same meeting, the Committee also designated Messrs. Inglés and Lamptey to represent it at the Second World Conference to Combat Racism and Racial Discrimination, to be held at Geneva from 1 to 12 August 1983.

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

17. The Committee considered this item at its 621st meeting (twenty-seventh session), held on 23 March 1983.

18. The Rapporteur of the Committee, Mr. Partsch, introduced the item by referring to the action taken by the Assembly which had led to the adoption of three resolutions (General Assembly resolutions 37/44, 37/45 and 37/46) on the International Convention on the Elimination of All Forms of Racial Discrimination and the activities of the Committee.

19. In his analysis of the debate in the Third Committee, he observed that, as in previous years, the report of the Committee had not received the required attention of the General Assembly due to the fact that the report had been considered in conjunction with items which concerned pressing political issues. He made reference to the introductory statement by the Assistant Secretary-General, Director of the Centre for Human Rights, who correlated the work of the Committee with one of the main factors contributing to the increase in the number of ratifications. Many delegations had stressed the usefulness of the Committee's work and had expressed the hope that as a result of the World Conference the number of ratifications would increase even further. Some delegations, while expressing reservations about the financial implications of holding a session at Manila, had stressed the importance for the Committee to hold sessions in third world countries. The participation of the Committee in the World Conference and the separate studies carried out on two articles of the Convention had been considered as a positive contribution to the Decade. A request had also been made for the organization of seminars for national civil servants responsible for the drafting of States' reports under article 9 of the Convention.

20. Turning to the adoption of the three resolutions by the Third Committee, the Rapporteur pointed out that with regard to general recommendation VI of the Committee, delegations had acknowledged the difficulties faced by the Committee and the Secretary-General had been requested, in General Assembly resolution 37/44, to submit a report to the Assembly at its next session, analysing the observations that States parties had been requested to make on the subject. Both this resolution and General Assembly resolution 37/45 on the status of the Convention had been adopted by consensus. He noted, however, that paragraph 5 of the latter resolution, by which the Assembly invited States parties to consider the possibility of making the declaration under article 14 of the Convention, had been adopted by 75 votes to 1, with 47 abstentions.

21. Two controversial issues had prevented the Third Committee from adopting by consensus resolution 37/46 on the Committee's report. One of those issues (para. 7) referred to the Israeli policy on the implementation of the principles of the Convention which had been raised during the consideration of the report of Israel by the Committee - the opinion of some Committee members had been attributed to the Committee as a whole. The second controversial issue (paras. 3, 5 and 12) concerned the question of whether or not the Committee, according to article 3 of the Convention, was authorized to request information on the foreign policy of States parties with respect to the racist régime of South Africa. Discussions had

been focused in particular on paragraph 12, which had had to be put to a separate vote. The Rapporteur added that resolution 37/46 testifies, in its paragraphs 6 and 8, to the importance of implementing the principles and provisions of the Convention in order to protect ethnic minorities, indigenous populations and migrant workers and their families.

22. The Committee took note of the information contained in the relevant summary records of the Third Committee in connection with the latter's consideration of its annual report submitted to the General Assembly at its thirty-seventh session. 3/

III. MATTERS ARISING OUT OF THE ENTRY INTO FORCE  
OF ARTICLE 14 OF THE CONVENTION

23. Article 14 of the Convention entered into force on 3 December 1982, following the deposit with the Secretary-General of the tenth declaration made by a State party recognizing the competence of the Committee to receive and consider communications from individuals or groups of individuals under that article.

24. The Committee considered this item at its 622nd to 625th meetings (twenty-seventh session), held on 23, 24 and 25 March 1983, and at its 644th to 646th meetings (twenty-eighth session), on 25 and 26 July 1983. For its discussion at the twenty-seventh session, the Committee had before it the preliminary draft provisional rules of procedure (CERD/C/27/CRP.3) submitted by the Secretary-General. In that document the rules had been grouped into three main categories: (A) General provisions (rules 79-84) dealing with the gathering of information by the Secretary-General on cases brought before the Committee; (B) Procedure for determining admissibility of communications (rules 85-92); and (C) Consideration of communications on their merits (rules 93-96). In drawing up the preliminary draft provisional rules of procedure, the Secretary-General had taken into consideration, inter alia, the relevant provisional rules of procedure of the Human Rights Committee as well as its practice. For its discussion at the twenty-eighth session, the Committee had before it the revised draft provisional rules of procedure (CERD/C/28/CRP.1) containing the text of rules 79 to 92 as adopted by the Committee at its twenty-seventh session, with the exception of the words in brackets in subparagraphs (a) and (b) of rule 90 which had been deferred for adoption; the text of paragraphs 1 to 4 of rule 93 as adopted by the Committee; and an amendment proposed to paragraph 6 of rule 93 during the twenty-seventh session. The texts of rules 94 to 96 which had not been discussed during the twenty-seventh session remained the same as the earlier draft.

Twenty-seventh session

25. At the twenty-seventh session, while pointing out that the main task facing the Committee was to adopt the rules of procedure in order to enable it to discharge its functions under article 14, the Chairman proposed that the Committee should hold a general discussion on the provisions of article 14 and the preliminary draft provisional rules of procedure. He made this suggestion to afford the Committee an opportunity to examine the differences between article 14 of the Convention and the relevant articles of the Optional Protocol to the International Covenant on Civil and Political Rights. In his opinion, article 14 gave the Committee a greater competence than that given to the Human Rights Committee under the relevant articles of the Optional Protocol. In particular, he pointed out that article 14 empowered the Committee to make suggestions and recommendations rather than simply to transmit its views. The Committee, however, adopted the proposal made by Mr. Partsch and seconded by Messrs. Apiou, Dechezelles and Sherifis to consider forthwith the preliminary draft provisional rules of procedure on a rule-by-rule basis.

A. General provisions (rules 79 to 84)

26. This part was considered and adopted by the Committee at its 622nd meeting (twenty-seventh session), on 25 March 1983.

27. In considering rule 79 and the competence of the Committee, the question was raised whether the Committee would remain competent to consider communications in the hypothetical case if one of the 10 States parties which had made a declaration withdrew its declaration. The Committee agreed not to deal with that contingency, which might never arise, and adopted that rule with the word "competent" replacing the word "empowered" and with a linguistic change affecting only the French version.

28. Rule 80 was adopted without change. In replying to a question put forward by one member as to who could submit communications to the Committee, the Chairman stated that article 14, paragraph 1, made no distinction between nationals and non-nationals but merely referred to individuals or groups of individuals within a State party's jurisdiction.

29. In connection with rule 81, members of the Committee raised questions regarding the certified copies of the national registers of petitions. They were informed by the Chairman and the representative of the Secretary-General that: (a) copies of the registers of petitions emanating from national legal bodies would be certified by the States parties concerned; (b) the Secretary-General was enjoined from publicly disclosing the contents of the certified copies of registers filed with him; however, transmitting the information to the Committee, which would consider the relevant information in closed meetings, did not constitute public disclosure; and (c) the Secretary-General would request clarifications from the States parties concerned in cases where the information contained in one register filed with him was incomplete, unclear or could be misleading.

30. Rule 82 was adopted without debate.

31. Mr. Partsch, introducing several amendments to rule 83, said that that rule was one which presented the most difficulties, since in view of the confidentiality required under article 14, paragraph 6 (a), the Secretariat must take over certain functions that normally would fall to the Committee. His amendments were as follows: (a) to add the words "or States parties" in paragraph 1 (b); (b) to add the words, "including pertinent documents" at the end of paragraph 1 (f); and (c) to insert a new subparagraph (g), reading: "The extent to which the same matter is being examined under another procedure of international investigation or settlement".

32. Mr. Devetak was of the opinion that paragraph 1 (d) of rule 83 would work to the disadvantage of oppressed people, who were unlikely to be well versed in legal matters and would not know which provision or provisions of the Convention had been violated.

33. The Committee adopted rule 83 with the amendments proposed by Mr. Partsch and rule 84 without discussion.

B. Procedure for determining admissibility of communications  
(rules 85 to 92 with the exception of relevant parts of  
subparagraphs (a) and (b) of rule 90)

34. This part was considered, and adopted, by the Committee at its 623rd and 624th meetings (twenty-seventh session), on 24 March 1983, with the exception of some words in subparagraphs (a) and (b) of rule 90.



35. The Committee adopted rules 85, 86 and 87 with only a linguistic change made to the French version of rule 87. Rule 88 was adopted by the Committee with the following insertion at the end of paragraph 2: "without the participation of the member concerned". Rule 89 was adopted with no change. It was noted that this rule went further than rule 88.

36. The Committee discussed in some detail the provisions of rule 90. Regarding subparagraph (a), Mr. Aramburu proposed that the words "emanates from" be changed to "refers to", since there might be some cases in which the victims of an act of discrimination might encounter difficulties in confronting their own Government directly and might prefer to have recourse to the Committee through a third party. In those cases the victims would be subject to the jurisdiction of a given State, but the complaint could be lodged on their behalf by another person domiciled in another country.

37. As far as the second part of subparagraph (b) was concerned, Mr. Devetak stated that that wording would allow citizens of other countries to act on behalf of the victim. It was, therefore, prudent to add that, in cases where the petition was submitted by a person or persons other than the victim, such persons should be citizens of the same country as the victim. Mrs. Sadiq Ali and Messrs. Ghoneim and Shahi were in favour of deleting that part of subparagraph (b) on the grounds that the Committee would otherwise assume a political role which could make it the target of attacks from various groups, for which reasons many States may be reluctant to make the declaration under article 14. Messrs. Aramburu, Dechezelles, Partsch and Valencia Rodríguez, on the other hand, were in favour of keeping the present wording to enable the Committee to examine communications submitted by others. Mr. Devetak pointed out that, though he supported the deletion of that part of subparagraph (b), he preferred to state at the end of the sentence that the individual(s) representing the victims should be subject to the same jurisdiction as the victim, in order to have a more humanitarian approach. Mr. Partsch emphasized that Mr. Devetak's amendment if adopted would exclude precisely those organizations which sought to promote human rights and which did so objectively and without political bias and, on the contrary, would benefit organizations which acted from political motives.

38. Mr. Devetak's amendment to subparagraph (b) was rejected by 5 votes to 4, with 5 abstentions. The Chairman then put to a vote the proposal to delete the last part of subparagraph (b). The motion was carried by 5 votes to 5, with 3 abstentions. Invoking rule 47 of the rules of procedure, Mr. Shahi requested that Mr. Devetak's amendment be reconsidered; the motion was adopted by 8 votes to 2, with 3 abstentions.

39. Mr. Devetak proposed a new amendment to replace the last part of subparagraph (b), but he withdrew it in view of the general feeling that, given the importance of the matter, the Committee should not take any decision in haste. The Committee then decided that the relevant part of the text presented by the Secretary-General should be placed in square brackets as well as the words "refers to" in subparagraph (a) and that the decision should be deferred to the Committee's next session:

40. Rule 90 as a whole, with the exception of the relevant parts of subparagraphs (a) and (b) which were deferred to the twenty-eighth session, was adopted at the 624th meeting, on 24 March 1983, with the following changes:

(i) a linguistic change was made to the French version of the first part of

subparagraph (b); (ii) the words "not incompatible" in subparagraph (c) were changed to the word "compatible"; (iii) the Spanish text of subparagraph (e) was brought into line with article 14, paragraph 7 (a), of the Convention; and (iv) the sentence "except in the case of duly verified exceptional circumstances" was added at the end of subparagraph (f) in order to cover those cases in which victims of racial discrimination might be unable to submit their communications within the specified time-limit.

41. The Committee adopted rule 91 with the insertion of the words "including information relating to the exhaustion of domestic remedies" at the end of the first sentence of paragraph 3 and the deletion of the second sentence of that paragraph.

42. In dealing with rule 92, Mr. Ghoneim, supported by Mr. Dechezelles, proposed to delete the words "if the communication has already been transmitted to it" at the end of paragraph 1 of rule 92. Mr. Partsch proposed to delete the words "or on behalf of" in paragraph 2 of that rule. Messrs. Karasimeonov and Devetak proposed that the word "author" should be replaced by "petitioner" throughout the text of the rules of procedure in order to conform as closely as possible with the wording of article 14 of the Convention. In this context, Mr. Devetak explained that in legal terms the petitioner himself remained the legal entity, making a claim, whether or not a lawyer or other representative submitted communications on behalf of the alleged victim. Rule 92 was adopted with the proposed amendments.

C. Consideration of communications on their merits  
(paragraphs 1 to 4 of rule 93)

43. At its 624th and 625th meetings (twenty-seventh session), on 24 and 25 March 1983, the Committee began consideration of part C of the preliminary draft provisional rules of procedure. It examined and adopted the text of paragraphs 1 to 4 of rule 93 with some amendments. Paragraphs 5 and 6 of rule 93 were discussed and amendments were proposed to both of them.

44. In considering rule 93, the Committee agreed: (a) to delete the square brackets in rule 93, paragraph 1, thus maintaining the words "without revealing the identity of the individual(s) unless he has given his express consent"; (b) to make a linguistic change in the Spanish version of rule 93, paragraph 2; (c) to replace paragraph 3 by the following text proposed by Messrs. Dechezelles and Karasimeonov:

"In the course of its consideration, the Committee may inform the State party of its views on the desirability, because of urgency, of taking interim measures to avoid possible irreparable damage to the person or persons who claim to be victim(s) of the alleged violation. In doing so, the Committee shall inform the State party concerned that such expression of its views on interim measures does not prejudice either its final opinion on the merits of the communication or its eventual suggestions and recommendations";

and (d) to retain the word "may" instead of "shall" in paragraph 4.

45. Turning to paragraph 5 of rule 93, Mr. Shahi raised the question of how the travel expenses of the petitioner or the representative of the State party would be defrayed if the Committee requested their presence. Mr. Starushenko pointed out that since only a minority of States had made the declaration under article 14 of

the Convention, it would be illogical that all the States Members of the United Nations should bear the costs resulting from the implementation of that article. Mr. Partsch proposed that, since paragraph 5 would have financial implications, a reference should be made to rule 25 of the rules of procedure. In Mr. Karasimeonov's view the authors of the Convention had not considered the presence of representatives of the State party necessary; in making such a request, the Committee would exceed its mandate. The Chairman drew the attention of the Committee to the fact that States parties were already invited to send representatives when their annual reports were considered by the Committee; the only problem would be how the travel expenses would be defrayed in the case where a petitioner would be unable to pay them himself but the interests of justice required his appearance before the Committee.

46. Regarding paragraph 6, Mr. Aramburu proposed (a) to delete the words "pursuant to this rule"; and (b) to add the following sentence at the end of the paragraph: "However, before the Committee considers revoking that decision, the explanations or statements concerned shall be transmitted to the petitioner(s) so that he (they) may submit additional information or observations within the time-limit set by the Committee".

#### Twenty-eighth session

47. At its 644th to 646th meetings (twenty-eighth session), held on 25 and 26 July 1983, the Committee reconsidered the words in brackets in subparagraphs (a) and (b) of rule 90 which had been deferred from its previous session. It also considered paragraphs 5 and 6 of rule 93 and rules 94 and 96.

#### D. Procedure for determining admissibility of communications (subparagraphs (a) and (b) of rule 90)

48. The remaining parts of rule 90 which had been deferred for adoption from the twenty-seventh session, i.e. the words [emanate from] in subparagraph (a) and the last part of subparagraph (b), were considered by the Committee at its 644th and 645th meetings.

49. Mr. Partsch, supported by Messrs. Dechezelles, Lamptey and Brin Martínez, proposed the adoption of the last part of subparagraph (b) as proposed by the Secretariat. Mr. Ghoneim stated that, although he did not oppose the retention of the last part of subparagraph (b), he wished to indicate that the first clause of that same subparagraph amply covered any situation. He feared that by accepting communications from third persons the Committee might discourage States parties from adhering to the Convention.

50. Mr. Nettel pointed out that the deletion of the second part of subparagraph (b) might well prevent the Committee from considering some of the most serious cases of racial discrimination in which individuals were prevented by their Governments from making complaints. He would favour the retention of the second part of subparagraph (b) which could make it possible to accept petitions from third persons in exceptional circumstances if, in the opinion of the Committee, the author of the communication presented satisfying evidence that he was acting on the victim's behalf.

51. Mr. Lamprey and Mr. Sherifis suggested the inclusion of the words "in exceptional cases" in the second part of subparagraph (b). Mr. Shahi formally proposed, in a spirit of compromise, the insertion of those three words. That amendment, he said, would provide an assurance to States that might be considering making a declaration under article 14 of the Convention that the Committee would act with the greatest objectivity and a high sense of responsibility in admitting such communications.

52. At its 645th meeting (twenty-eighth session), on 25 July 1983, the Committee adopted by consensus the remaining parts of rule 90, retaining the words "emanates from" in subparagraph (a) and the last part of subparagraph (b), with the insertion of the words "in exceptional cases".

E. Consideration of communications on their merits (paragraphs 5 and 6 of rule 93, rules 94 to 96)

53. At its 645th meeting (twenty-eighth session) on 25 July 1983, the Committee reconsidered paragraphs 5 and 6 of rule 93. In connection with paragraph 5, Mr. Nettel pointed out that that paragraph could give rise to substantial financial implications. Mr. Partsch proposed that the word "request" be replaced by "invite". Mr. Nettel said that he would not object to the adoption of paragraph 5 with the amendment proposed by Mr. Partsch, on the understanding that no additional costs would be incurred by States parties to the Convention or by Member States as a whole. Messrs. Shahi, Ghoneim and Karasimeonov were of the opinion that the Committee would not need a specific rule of procedure in order to invite a petitioner to be present at its meetings. In the same context, Mr. Shahi pointed out that Mr. Partsch's amendment could imply that access to the Committee would be limited to those petitioners who had the financial means to appear before it or who were willing to be financed by organizations which might well be politically motivated. Mr. Dechezelles stated that he was in favour of retaining paragraph 5 because the human element was of particular importance to him. In considering communications, the Committee would have the option of speaking directly with the petitioners.

54. At the same meeting, the Committee adopted paragraph 5 of rule 93, with the change of the word "request" to "invite", by 10 votes to none, with 4 abstentions.

55. Also at the same meeting, paragraph 6 of rule 93 was adopted by consensus by the Committee.

56. In considering rule 94 the Committee agreed: (a) to delete the word "written" in paragraph 1; (b) to change the word "requested" in paragraph 4 to "invited"; and (c) to insert an additional paragraph between paragraphs 1 and 2 at the proposal of Mr. Dechezelles, as amended by the Committee, to read as follows:

"The Committee or the working group set up to consider a communication may at any time in the course of the examination obtain, through the intermediary of the Secretary-General, any documentation that may assist in the disposal of the case, from United Nations bodies or the specialized agencies".

57. Rule 94 was adopted by the Committee by consensus at its 646th meeting (twenty-eighth session), on 26 July 1983.

58. At Mr. Nettel's proposal the Committee decided to replace the text of rule 95 by the wording contained in paragraph 8 of article 14 of the Convention. The Committee adopted rule 95 by consensus at its 646th meeting (twenty-eighth session).

59. Rule 96 was adopted by the Committee at its 646th meeting by 11 votes to 1, with 1 abstention. Messrs. Devetak and Karasimeonov were of the opinion that that provision was not necessary in view of the already existing rule 32 which provided for the issuing of press communiqués after private meetings.

60. At its 646th meeting (twenty-eighth session), on 26 July 1983, the Committee adopted by consensus the provisional rules of procedure for considering communications from individuals or groups of individuals under article 14 of the Convention, with the amendments and modifications described above. For the text of those rules as adopted by the Committee, see annex III to the present report.

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

Reports received by the Committee

61. From the establishment of the Committee on the Elimination of Racial Discrimination until the closing date of its twenty-eighth session (29 July 1983), a total of 595 reports under article 9, paragraph 1, of the Convention were due from States parties as follows: 115 initial reports, 107 second periodic reports, 100 third periodic reports, 90 fourth periodic reports, 79 fifth periodic reports, 65 sixth periodic reports and 39 seventh periodic reports.

62. By the end of the twenty-eighth session, a total of 535 reports 4/ had been received by the Committee as follows: 108 initial reports, 97 second periodic reports, 89 third periodic reports, 81 fourth periodic reports, 71 fifth periodic reports, 55 sixth periodic reports and 34 seventh periodic reports.

63. 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.

64. During the year under review (that is, between the closing dates of the Committee's twenty-sixth and twenty-eighth sessions), 59 reports were received by the Committee consisting of 5 initial reports, 3 second periodic reports, 6 third periodic reports, 8 fourth periodic reports, 11 fifth periodic reports, 17 sixth periodic reports and 9 seventh periodic reports. No supplementary reports were received during the year.

65. 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
China	Initial reports	28 January 1983	22 February 1983	-
Colombia	"	2 October 1982	11 May 1983	1
Saint Vincent and the Grenadines	"	9 December 1982	18 March 1983	-
Solomon Islands	"	17 March 1983	2 February 1983	-
Togo	"	1 October 1973	21 March 1983	15
Nicaragua	Second periodic reports	17 March 1981	3 February 1983	4
Togo	"	1 October 1975	21 March 1983	11
Zambia	"	5 March 1975	22 December 1982	14
Bahamas	Third periodic reports	5 August 1980	25 August 1982	4
Botswana	"	22 March 1979	29 April 1983	9
Luxembourg	"	1 June 1983	22 June 1983	-
Nicaragua	"	17 March 1983	3 February 1983	-
Togo	"	1 October 1977	21 March 1983	7
Zambia	"	5 March 1977	22 December 1982	10
Australia	Fourth periodic reports	30 October 1982	30 March 1983	-
Bahamas	"	5 August 1982	25 August 1982	-
Botswana	"	22 March 1981	29 April 1983	5
Central African Republic	"	14 April 1978	21 April 1983	10
Mali	"	15 August 1981	14 February 1983	3
Rwanda	"	16 May 1982	5 May 1983	2
Togo	"	1 October 1979	21 March 1983	5
Zambia	"	5 March 1979	22 December 1982	8

State party	Type of report	Date on which the report was due	Date on which that report was submitted	Number of reminders sent
Bolivia	Fifth periodic reports	21 October 1979	27 June 1983	7
Botswana	"	22 March 1983	29 April 1983	1
Central African Republic	"	14 April 1980	21 April 1983	6
Democratic Yemen	"	19 November 1981	10 June 1983	3
Fiji	"	11 January 1982	25 October 1982	2
Peru	"	30 October 1980	31 December 1982	4
Togo	"	1 October 1981	21 March 1983	1
Trinidad and Tobago	"	4 November 1982	9 March 1983	-
United Republic of Tanzania	"	26 November 1981	1 October 1982	1
Zambia	"	5 March 1981	22 December 1982	4
Algeria	Sixth periodic reports	15 March 1983	27 April 1983	1
Bolivia	"	21 October 1981	27 June 1983	3
Canada	"	12 November 1981	4 January 1983	1
Central African Republic	"	14 April 1982	21 April 1983	2
Chile	"	20 November 1982	28 September 1982	-
Cuba	"	16 March 1983	15 February 1983	-
Democratic Yemen	"	19 November 1983	10 June 1983	-
France	"	28 August 1982	30 August 1982	-
Iraq	"	15 February 1981	3 January 1983	4
Lesotho	"	4 December 1982	2 September 1982	-
Malta	"	26 June 1982	7 January 1983 12 April 1983 18 May 1983	1
Morocco	"	17 January 1982	29 October 1982	2
Niger	"	5 January 1980	17 February 1983	6



State party	Type of report	Date on which the report was due	Date on which that report was submitted	Number of reminders sent
Peru	Sixth periodic report	30 October 1982	31 December 1982	-
Sweden	"	5 January 1983	7 February 1983	-
Tonga	"	17 March 1983	19 May 1983	-
Zambia	"	5 March 1983	22 December 1982	-
Bolivia	Seventh periodic reports	21 October 1983	27 June 1983	-
Germany, Federal Republic of	"	14 June 1982	22 September 1982	-
Iran (Islamic Republic of)	"	5 January 1982	30 September 1982	1
Madagascar	"	8 March 1982	8 September 1982	-
Niger	"	5 January 1982	17 February 1983	2
Nigeria	"	5 January 1982	12 November 1982	2
Pakistan	"	5 January 1982	31 December 1982	2
Syrian Arab Republic	"	20 May 1982	8 July 1983	2
Tunisia	"	5 January 1982	7 September 1982	1

66. As the information in table 1 shows, only 8 of the 59 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 nearly 10 years. In the case of 38 of the reports received during the year, 1 to 15 reminders had been sent to the States parties concerned before their reports were submitted.

#### Reports not yet received by the Committee

67. By the closing date of the twenty-eighth session of the Committee, 62 reports expected from 39 States parties before that date had not yet been received, including 7 initial reports, 10 second periodic reports, 11 third periodic reports, 9 fourth periodic reports, 8 fifth periodic reports, 11 sixth periodic reports, 6 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-eighth 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>
Sierra Leone	Fourth report	5 January 1976	13
	Fifth report	5 January 1978	9
	Sixth report	5 January 1980	7
	Seventh report	5 January 1982	3
	Supplementary	31 March 1975	-
Swaziland	Fourth report	6 May 1976	14
	Fifth report	6 May 1978	10
	Sixth report	6 May 1980	6
	Seventh report	6 May 1982	2
Liberia	Initial report	5 December 1977	10
	Second report	5 December 1979	6
	Third report	5 December 1981	2
Guyana	Initial report	17 March 1978	10
	Second report	17 March 1980	6
	Third report	17 March 1982	2
Somalia	Second report	27 September 1978	9
	Third report	27 September 1980	5
	Fourth report	27 September 1982	1
Lao People's Democratic Republic	Third report	24 March 1979	9
	Fourth report	24 March 1981	5
	Fifth report	24 March 1983	1
Libyan Arab Jamahiriya	Sixth report	5 January 1980	7
	Seventh report	5 January 1982	3
	Supplementary	30 July 1979	-
Guinea	Second report	13 April 1980	6
	Third report	13 April 1982	2
Jamaica	Fifth report	5 July 1980	5
	Sixth report	5 July 1982	1
Belgium	Third report	6 September 1980	2
	Fourth report	6 September 1982	1

<u>State party</u>	<u>Type of report</u>	<u>Date on which the report was due</u>	<u>Number of reminders sent</u>
Chad	Second report	16 September 1980	5
	Third report	16 September 1982	1
El Salvador	Initial report	30 December 1980	5
	Second report	30 December 1982	1
Italy	Third report	4 February 1981	-
	Fourth report	4 February 1983	-
Senegal	Fifth report	18 May 1981	3
	Sixth report	18 May 1983	-
Zaire	Third report	21 May 1981	4
	Fourth report	21 May 1983	-
Upper Volta	Fourth report	18 August 1981	3
Uganda	Initial report	21 December 1981	3
Bulgaria	Seventh report	5 January 1982	2
Gambia	Second report	28 January 1982	3
Ivory Coast	Fifth report	4 February 1982	3
Nepal	Sixth report	1 March 1982	3
Bangladesh	Second report	11 July 1982	2
Cape Verde	Second report	2 November 1982	1
Burundi	Third report	26 November 1982	1
Lebanon	Sixth report	12 December 1982	1
Denmark	Sixth report	8 January 1983	1
Netherlands	Sixth report	9 January 1983	1
Iraq	Seventh report	15 February 1983	-
Papua New Guinea	Initial report	26 February 1983	1
Sri Lanka	Initial report	20 March 1983	1

<u>State party</u>	<u>Type of report</u>	<u>Date on which the report was due</u>	<u>Number of reminders sent</u>
Gabon	Second report	30 March 1983	-
Seychelles	Third report	6 April 1983	-
Austria	Sixth report	8 June 1983	-
Mauritius	Sixth report	29 June 1983	-
Jordan	Fifth report	30 June 1983	-
Viet Nam	Initial report	9 July 1983	-
Greece	Seventh report	19 July 1983	-
United Arab Emirates	Fifth report	21 July 1983	-
Ethiopia	Fourth report	25 July 1983	-

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

68. At its 625th meeting (twenty-seventh session), the Committee reviewed the question of delays and non-submission of reports by States parties in accordance with their obligations under article 9 of the Convention and the developments that had taken place since the last Committee session on that issue.

69. In that context, the Committee was informed at that same meeting that the comments received from Cyprus, France, Italy, Mexico, the Republic of Korea and Yugoslavia in response to the Committee's general recommendation VI had been incorporated in the report of the Committee to the General Assembly at its thirty-seventh session. 5/ The additional comments received from the Byelorussian SSR and the USSR are reproduced in annex VI of the present report.

70. For its part, the General Assembly, at its thirty-seventh session, adopted resolution 37/44 on 3 December 1983. By that resolution the Assembly took note of decision 1 (XXV) of the Committee on the Elimination of Racial Discrimination [i.e., general recommendation VI]; appealed to all States parties to the Convention to fulfil their obligations under article 9 and to submit their reports within the appropriate time; requested the Secretary-General to invite the views and observations of States parties to the Convention on the causes of the situation described in general recommendation VI of the Committee and to submit an analysis of the replies received in a report to the General Assembly at its thirty-eighth session, together with such suggestions as he might wish to make with a view to improving the situation. The Assembly also requested the Secretary-General, in preparing his report, to consider the situation described in general recommendation VI in the overall framework of reporting obligations that Member States have under the various human rights instruments in order to be able to take into account similar and related problems which may have arisen in compliance with such obligations; and further requested him to submit his report, together with the records of the General Assembly's consideration thereof, to the 9th meeting of the States parties to the Convention, to be held in 1984.

71. Following the request of the General Assembly, the Secretary-General, by a note verbale of 25 January 1983, drew the attention of all States parties to the Convention to Assembly resolution 37/44 and to general recommendation VI of the Committee, and invited them to submit to him, if possible by 30 April 1983, their views and observations on the causes of the situation described in general recommendation VI. The report of the Secretary-General will be submitted, as requested, to the Assembly at its thirty-eighth session and thereafter to the 9th meeting of the States parties to the Convention which will be held in January 1984.

72. In view of the above-mentioned developments, the Committee decided, at its 625th meeting (twenty-seventh session): (a) to await the results of the action to be taken by the General Assembly at its thirty-seventh session; (b) to request the Secretary-General, in accordance with rule 66, paragraph 1, of its provisional rules of procedure, to continue sending appropriate reminders to States parties whose reports were due before the closing date of its twenty-seventh session, but had not been yet received, requesting them to submit their reports by 30 June 1983; and (c) not to send reminders to the Governments of Bulgaria, Italy, Jamaica, New Zealand, Tonga and the Upper Volta, taking into consideration the information furnished by those States parties in connection with the preparation and submission of their respective reports.

73. At its 643rd meeting (twenty-eighth session), the Committee addressed again the issue of delays and non-submission of reports by States parties under article 9 of the Convention. In accordance with rule 66, paragraph 1, of the provisional rules of procedure, and taking into account the number of reminders already sent to each of the States parties concerned, the reports which were still due and the dates on which their next periodic reports should be submitted, the Committee decided that further reminders should be sent by the Secretary-General to the States parties concerned as follows:

(a) A fifteenth reminder to the Government of Swaziland, requesting it to submit its fourth, fifth, sixth and seventh periodic reports, in one document, by 31 December 1983;

(b) A fourteenth 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 1983, and to include therein the supplementary information requested by the Committee;

(c) An eleventh reminder to the Government of Liberia, requesting it to submit its initial, second and third periodic reports together with its fourth periodic report, which is due on 5 December 1983, in one consolidated document, by 31 December 1983;

(d) An eleventh reminder to the Government of Guyana, requesting it to submit its initial, second and third periodic reports, in one document, by 31 December 1983;

(e) A tenth reminder to the Government of Somalia, requesting it to submit its second, third and fourth periodic reports, in one document, by 31 December 1983;

(f) A tenth reminder to the Government of the Lao People's Democratic Republic, requesting it to submit its third, fourth and fifth periodic reports, in one document, by 31 December 1983;

(g) An eighth 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 1983, and to include therein the supplementary information requested by the Committee at its nineteenth session;

(h) A seventh reminder to the Government of Guinea, requesting it to submit its second and third periodic reports, in one document, by 31 December 1983;

(i) A sixth reminder to the Government of El Salvador, requesting it to submit its initial and second periodic reports, in one document, by 31 December 1983;

(j) A sixth reminder to the Government of Chad, requesting it to submit its second and third periodic reports, in one document, by 31 December 1983;

(k) A sixth reminder to the Government of Jamaica, requesting it to submit its fifth and sixth periodic reports, in one document, by 31 December 1983;

(l) A fifth reminder to the Government of Zaire, requesting it to submit its third and fourth periodic reports, in one document, by 31 December 1983;

(m) A fourth reminder to the Government of Senegal, requesting it to submit its fifth and sixth periodic reports, in one document, by 31 December 1983;

(n) A fourth reminder to the Government of the Upper Volta, requesting it to submit its fourth periodic report together with its fifth periodic report, which is due on 18 August 1983, in one consolidated document, by 31 December 1983;

(o) A fourth reminder to the Government of Uganda, requesting it to submit its initial report together with its second periodic report, which is due on 21 December 1983, in one consolidated document, by 31 December 1983;

(p) A fourth reminder to the Government of the Gambia, requesting it to submit its second periodic report by 31 December 1983;

(q) A fourth reminder to the Government of the Ivory Coast, requesting it to submit its fifth periodic report by 31 December 1983;

(r) A fourth reminder to the Government of Nepal, requesting it to submit its sixth periodic report by 31 December 1983;

(s) A third reminder to the Government of Belgium, requesting it to submit its third and fourth periodic reports, in one document, by 31 December 1983;

(t) A third reminder to the Government of Bangladesh, requesting it to submit its second periodic report by 31 December 1983;

(u) A third reminder to the Government of Bulgaria, requesting it to submit its seventh periodic report by 31 December 1983;

(v) A second reminder to the Government of Cape Verde, requesting it to submit its second periodic report by 31 December 1983;

(w) A second reminder to the Government of Burundi, requesting it to submit its third periodic report by 31 December 1983;

(x) A second reminder to the Governments of Denmark, Lebanon, and the Netherlands, requesting them to submit their sixth periodic reports by 31 December 1983;

(y) A second reminder to the Governments of Papua New Guinea and Sri Lanka, requesting them to submit their initial reports by 31 December 1983;

(z) A first reminder to the Government of Italy, requesti.g it to submit its third and fourth periodic reports, in one document, by 31 December 1983;

(aa) A first reminder to the Government of Viet Nam, requesting it to submit its initial report by 31 December 1983;

(bb) A first reminder to the Government of Gabon, requesting it to submit its second periodic report by 31 December 1983;

(cc) A first reminder to the Government of Seychelles, requesting it to submit its third periodic report by 31 December 1983;

(dd) A first reminder to the Government of Ethiopia, requesting it to submit its fourth periodic report by 31 December 1983;

(ee) A first reminder to the Governments of Jordan and the United Arab Emirates, requesting them to submit their fifth periodic reports by 31 December 1983;

(ff) A first reminder to the Governments of Austria and Mauritius, requesting them to submit their sixth periodic reports by 31 December 1983;

(gg) A first reminder to the Governments of Greece and Iraq, requesting them to submit their seventh periodic reports by 31 December 1983.

74. 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." 6/

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.

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

"The Committee attaches great importance to these reports. It is unanimously of the view that, being a principal source of information, these reports provide the Committee with an essential element for discharging one of its most important responsibilities, namely, reporting to the General Assembly of the United Nations under article 9, paragraph 2, of the Convention." 7/

#### B. Consideration of reports

76. At its twenty-seventh and twenty-eighth sessions, the Committee examined the reports submitted by 36 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 V below.

77. The Committee devoted 36 of the 52 meetings it held in 1983 to the discharge of its obligations under article 9 of the Convention.

78. At the outset of the twenty-eighth session (627th meeting) one member, recalling that one of the main functions of the Committee was the consideration of reports from States parties as defined in article 9 of the Convention and in accordance with the rules of procedure of the Committee, pointed out that his Government had received a protest in relation to a statement he had made at the preceding session in connection with the periodic report of a particular State party. Although his Government had responded to that complaint in the appropriate manner, the member felt that such action by States parties could have a detrimental effect on the Committee's work. He therefore proposed that the present report of the Committee to the General Assembly should reflect the view that States parties must respect and encourage the impartiality and independence of members and should not interfere in their work. The Chairman of the Committee stated that article 8 of the Convention specified that members of the Committee should be experts of high moral standing and acknowledged impartiality and that they served in their personal capacity. Moreover, the rules of procedure of the Committee provided that members had to make a solemn declaration that they would discharge their duties faithfully, impartially and conscientiously.

79. At the request of another member, the Committee decided by consensus that the strong views the Committee held with respect to the independence and objectivity of its members should be conveyed to the General Assembly in the present report.

80. 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-seventh and twenty-eighth sessions, all of the States parties whose reports were considered by the Committee sent representatives to participate in the examination of their respective reports. The Committee noted with satisfaction that several States had sent qualified experts in order to participate in the work of the Committee and, in particular, to answer questions raised in the Committee in connection with their reports.



81. The following paragraphs, arranged on a country-by-country basis according to the sequence followed by the Committee at its twenty-seventh and twenty-eighth 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.

### Cyprus

82. The seventh periodic report of Cyprus (CERD/C/91/Add.16) was introduced by the representative of the reporting State. He referred in particular to the occupation of a considerable part of the national territory of Cyprus by Turkish armed forces and to the fact that his Government was unable to meet its obligations stipulated by the Convention in the areas which were not under its control. He stated that the action of Turkey against Cyprus was based on ethnic discrimination and paralleled South African apartheid, that inhuman acts against the indigenous Cypriots of the territory under the illegal Turkish military occupation continued to occur, and that the Turkish occupational authorities had started distributing the refugees' properties to Turkish settlers.

83. Members of the Committee commended the Government of Cyprus for its excellent report, which depicted the complex situation in that country. One member, however, felt disappointed that questions raised during the consideration of previous reports had not yet been answered.

84. Much of the discussion revolved around the situation in Cyprus caused by the occupation of part of its territory and about how it had prevented the Government from implementing the Convention in that part of the national territory occupied by foreign military forces. In this connection, one member of the Committee, giving testimony of the situation as a Greek Cypriot, said that he had personally been deprived, on the basis of ethnic discrimination, of his rights to freedom of movement and residence. It was pointed out that general principles of international law obliged foreign military forces to respect the legal order of an occupied country, which would include international commitments made under the Convention. Members of the Committee expressed concern at the fact that since the previous report nothing had changed and that racial discrimination was being practised in the part of the territory not under the control of the Government. They expressed the hope that the situation would be rectified to allow full implementation of the Convention in all the country.

85. Referring to information contained in the report of Cyprus about the enforcement of the provisions of the Convention, one member of the Committee observed that it was not entirely clear whether the provisions of the Convention could be invoked in the courts of Cyprus or whether it was necessary to promulgate legislation incorporating these provisions.

86. With regard to article 2, members asked for more information regarding the integration into the Greek community of Armenians, Latins and Maronites, which represented 2 per cent of the total population. They asked whether the integration of these minorities into the Greek community had been political or cultural in nature and whether or not those minorities had lost their cultural identity.

87. Commenting on how the Government of Cyprus was implementing article 3, several members emphasized the valuable contribution that Cyprus had made in the international arena in the struggle against apartheid and racial discrimination.

88. So far as the implementation of article 4 was concerned, members of the Committee pointed out that the country's domestic legislation was not totally in keeping with the requirements of article 4. Even if racial discrimination did not exist, it was important to comply with the provisions of article 4 in order to prevent situations of tension among ethnic communities. It was stated that Cyprus would strengthen its position if it enacted legislation fully in accordance with article 4. Some doubts were raised concerning the extent to which seditious intentions (art. 47 of the Criminal Code of Cyprus) could be dealt with, even partly, under article 4 of the Convention. In this connection, it was requested that that matter be clarified by the Government.

89. Information was also requested relating to the implementation of articles 5 and 6. As regards article 5, the information asked for concerned the procedural prerequisites required in order to obtain medical treatment and admittance to government hospitals and clinics. In connection with article 6 and the fact that no case of racial discrimination had been reported, it was pointed out that this could perhaps be due to deficiencies in the domestic legislation. One member, referring to information submitted at a previous occasion, emphasized that the periodic reports of Cyprus should deal with such cases each time they occurred.

90. In relation to article 7, while satisfaction was expressed with the steps taken by the Government, it was felt that the general public in Cyprus lacked awareness of the provisions of the Convention. Specific information was requested regarding whether or not children of the Greek-speaking community learned Turkish history and culture in their schools.

91. The representative of Cyprus replied to some of the questions raised. With regard to comments made about ethnic minorities, he stated that the treaty leading to independence for Cyprus had provided for the establishment of two distinct communities, the Greek Cypriots and the Turkish Cypriots, but it had made no precise reference to other minorities. At a later point in time, realizing that specific arrangements were needed for the Armenians, Maronites and Latins, it had been decided that each of these three minorities should determine by referendum to which community it wished to belong. All three groups had opted, in 1960, for the Greek Cypriot community. That action did not mean, however, that they had been Hellenized, but that they belonged to the Greek Cypriot community for reasons of political organization. As far as culture was concerned, each group had all the privileges of an ethnic minority in a democratic State, including their own organization, schools and the right to receive education in their own language.

92. On the question of implementing the provisions of the Convention at the national level, he said that any convention to which Cyprus was a party was also a law of the land and any individual could invoke before the courts any article of those conventions in the same way he could invoke any other law.

93. Regarding the procedural prerequisites needed for admission to hospitals and clinics, he assured the members of the Committee that those were simply formalities, such as production of identification or personal papers.

94. Turning to the question of enacting special domestic legislation for the implementation of article 4 of the Convention, he said that his Government would take into account all the suggestions made. He also assured the Committee that the other observations made during the discussion would be taken into consideration in preparing the next periodic report of Cyprus.

95. At its 616th meeting, on 18 March 1983, the Committee considered a draft proposal relating to information provided by Cyprus in its seventh periodic report about the foreign occupation of part of its territory, submitted by Messrs. Apiou, Aramburu, Brin Martínez, Dechezelles, Devetak, Evrigenis, Fafowora, Karasimeonov, Mrs. Sadiq Ali and Messrs. Sherifis, Starushenko and Valencia-Rodríguez. The sponsors amended the fourth preambular paragraph in the hope that the draft proposal could be adopted by consensus. Several members, though welcoming the amendment read by Mr. Valencia-Rodríguez in introducing the draft proposal, suggested further amendments to the two operative paragraphs of the draft. In view of those proposals, the Committee decided to postpone its decision in order to allow time for further consultations among the sponsors.

96. At its 618th meeting, on 21 March 1983, the Committee adopted by consensus the draft proposal with the revised fourth preambular paragraph suggested by the sponsors at the 616th meeting. Messrs. Lamptey and Shahi stated that they wished to dissociate themselves from the consensus on the draft proposal as the operative paragraphs dealt with matters which fell outside the scope of the Committee's competence. For the text as adopted, see chapter VIII, decision 1 (XXVII).

#### Poland

97. The seventh periodic report of Poland (CERD/C/91/Add.19) was considered by the Committee after having been introduced by the representative of the reporting State who emphasized that in spite of the turbulent period his country had undergone, none of the exceptional measures applied violated the principle of non-discrimination on racial grounds. He also drew the attention of the Committee to the forthcoming fortieth anniversary of the Warsaw ghetto uprising which would serve to remind people of the tragic consequences of officially professed racial policies.

98. Members of the Committee welcomed the statement made by the representative of Poland that the exceptional measures taken by the Government had not violated the legal provisions relating to racial discrimination. One member pointed out, however, that in its next report the Polish Government should give more details concerning the situation which existed before the exceptional measures were promulgated and the present situation, particularly with regard to exercise of the rights referred to in article 5 of the Convention. Another member, while acknowledging that the curtailing of certain rights in Poland by the recent state of emergency had had no effect on the rights of citizens to protection against racial discrimination, emphasized the fact that the Convention could best be implemented in a climate of widespread respect for human rights.

99. Commenting on the references to legal texts made in the report concerning the implementation of articles of the Convention, several members suggested that in future reports the relevant legal texts should be cited in the body of the report in their entirety.

100. Attention was drawn by the Committee to the implementation of article 5 of the Convention. More information was requested with respect to legal aid and the conditions in which the right of defence was exercised. Concerning the right of persons who did not speak Polish and had to appear before a court, the question was raised whether the translator provided during court proceedings worked with a legal counsel so that the person concerned could obtain relevant legal advice, or whether a lawyer who knew the language was provided. Regarding the rights to freedom of movement and to leave any country, including one's own, and to return to one's own country, information was asked in order to evaluate the scope of the restrictions imposed over those rights. Several members observed that a passport could be refused not only according to the relevant article of the Law on Passports but also on grounds of specific important State or public reasons for which no reference to any text was given. Despite the assurance that the reason for the refusal to grant a passport must be stated and the assurance that the applicant had the right to appeal the decision, it was found strange that there were provisions under which a person could be deprived of his citizenship. With respect to the banning of a specific trade union and the right of association, information was requested as to whether any such trade unions which might be set up in the future would also be banned. In connection with questions about the implementation of article 5, one member of the Committee felt that the limitations referred to in the report were quite proper in view of the exceptional circumstances which Poland was facing. He pointed out, furthermore, that article 4 of the Covenant on Civil and Political Rights recognized that in time of public emergency, States may limit the rights of citizens.

101. With regard to article 6 of the Convention, it was pointed out that the enumeration of rights in the report, though important, lost its significance unless more detailed information was provided concerning the domestic machinery for their implementation. In this context, a member asked whether the term "State organs" referred to administrative or juridical entities. Another member, noting that victims of "improper treatment" could complain to State organs and obtain compensation, expressed the opinion that compensation should be followed by rescinding of the discriminatory act and asked whether such a victim could appeal to any competent body. It was assumed in this connection that "improper treatment" meant discriminatory treatment based on racial or national rights.

102. More information was requested concerning the implementation of article 7 and the protection of national minorities, particularly Byelorussians and Ukrainians. The question was asked what the term "freedom of choice" meant for ethnic communities in regard to choosing a language in primary and secondary schools, by whom (pupils or parents) was such choice exercised and whether the same facilities were provided in schools in mixed communities.

103. Another member, referring to acts of violence motivated by ethnic prejudice and manifestations of chauvinism in Poland, asked whether the opposition movement had in any way harmed members of the national minorities during the state of emergency.

104. Replying to questions posed by the members of the Committee, the representative of Poland stated that the present report had been prepared to comply with the request of the Committee at previous meetings that problems pertaining to racial discrimination should be presented in the context of individuals' rights. Yet, criticism had been raised by Committee members of the social situation at large. He then informed the Committee of an isolated incident of racial

discrimination which had occurred on 10 September 1981, when a group of young people had attacked a gypsy camp. The perpetrators had been convicted and sentenced. One of them had been found not guilty of charges of incitement to national strife. Although the incident had been widely reported in the Polish press, it had been in no way connected with the actions of any political groups in that country.

105. With regard to questions concerning article 5, he said that limitations on freedom of movement and residence had been imposed for economic and social rather than political reasons. They had resulted from the rapid process of industrialization and had been necessary to prevent the population of Warsaw from increasing too rapidly. There had been some specific instances of restricting settlement in sensitive areas, but the Polish Government considered that to be normal. In so far as the deprivation of Polish citizenship was concerned, he pointed out that such action could not be taken with regard to a citizen residing in Poland. No Polish citizens living abroad had been deprived of their nationality since 1949, except by their own request. Furthermore, he added, such instances were not due to racial discrimination.

106. Answering questions relating to article 6, he explained that the term "State organs" referred only to administrative organs; the terms "improper" or "incorrect treatment" were understood to include racial discrimination since there were no specific references to racial discrimination in the Polish legislation.

107. As to the questions raised in connection with article 7, he said that there were a number of Polish schools in which courses were taught in Byelorussian, Ukrainian and sometimes in Latvian. In secondary schools, students could choose to attend a school where those languages were taught and to learn a third language in addition to the two normally required. The question was one of parallel choice, for Poland had no official concept of bilingualism. He pointed out that the exceptional measures imposed under martial law had applied equally to all citizens and after a time national minorities had been allowed to resume any cultural activities unrelated to the exceptional measures.

108. In concluding, the representative of Poland said that those questions he had been unable to answer would be forwarded to his Government to be taken into consideration when preparing its next periodic report. The next report, he added, would also provide further information on legal rights of minorities and on the subject of minorities in general.

#### Ukrainian Soviet Socialist Republic

109. The seventh periodic report of the Ukrainian Soviet Socialist Republic (CERD/C/91/Add.20) was introduced by the representative of the reporting State who said that his country was engaged in a process of improving its legislation to bring it into line with the provisions of the new Constitution of 1978 and that the contents of the new laws, along with previous legislation, provided a legal guarantee of the constitutional principle of equal rights for all citizens of different races and nationalities. The report described important new legislation enacted during 1981-1982 relevant to the subject of the Convention and provided answers to main questions raised by members of the Committee during the consideration of the sixth periodic report of the Ukrainian Soviet Socialist Republic in 1980.

110. The Committee expressed satisfaction with the report, which contained ample information on various measures taken for the implementation of the Convention and provided appropriate details on the economic, social and cultural rights and on the situation of minority and ethnic groups in the country. It was suggested, however, that the next report should be prepared in accordance with the guidelines of the Committee.

111. Some members raised questions concerning the relationship between international treaties and the Ukrainian national law. They asked whether internal legislation enacted on the basis of international treaties took precedence, what would happen if a new law contravening the provisions of a treaty was enacted and whether the courts would be able to implement the provisions of the treaty irrespective of the subsequent national law.

112. With regard to article 2 of the Convention, members of the Committee expressed interest in obtaining more detailed information on the national minorities in the country. They asked, in particular, what types of investments were made in certain areas to improve the standard of living of relatively disadvantaged population groups; if cultural agreements had been concluded with the countries from which those national groups originated and if members of the national groups were encouraged to visit their countries of origin; what policy was followed to ensure that such groups maintained their national, ethnic and cultural identities and, in particular, how they were helped to learn and maintain their languages; whether tests for admission to institutions of higher learning were given in the Ukrainian or the Russian language; whether restrictions existed or preference was given on the basis of language for admission to higher posts or university education and if minority and ethnic groups were in any way prevented or discouraged from remaining in the regions which they had traditionally occupied.

113. With reference to article 3 of the Convention, the Committee noted with satisfaction that the Ukrainian SSR provided political, moral and material support to the national liberation movements of the peoples of southern Africa and financial assistance for the victims of the policy of apartheid and racial discrimination in that area.

114. Regarding article 4 of the Convention, one member considered it important to note that not only criminal liability was provided for under the Ukrainian legislation, but also that the commission of one of the offences in question by an individual belonging to an organized group specially established for the purpose constituted an aggravating circumstance, pursuant to article 41, paragraph 2, of the Criminal Code. Referring to article 66 of the Criminal Code, however, some members wondered whether it covered the prohibition of illegal organizations and requested additional information.

115. With reference to article 5 of the Convention, it was stated that achievements of harmony among more than one hundred nationalities of the Ukrainian SSR were possible on the basis of social and economic changes of the society. It was observed that candidates to legislative bodies were selected by various political organizations. Information was requested on how that process was carried out in practice; whether voters, at a preliminary stage, could reject a candidate because they considered that he did not serve their interests adequately; whether all organizations presented candidates and if a citizen who was not a member of the Communist Party, and wished to stand for election, would encounter any obstacles and if he could invoke any provisions of national legislation in such a case;

whether, once the nominations had been made by the Party, trade unions and other organizations, they were final or whether they were screened further; and whether the voters had to vote for an entire slate of candidates or could choose among the individuals listed on that slate. Further clarification was requested on the right to travel abroad and, in particular, the actual texts of Decree No. 801 of the Council of Ministers of the USSR, which governed entry into and exit from the Ukrainian SSR, were requested. It was also asked whether, for citizens who applied to leave permanently, the settlement of outstanding material and property obligations entailed as serious a condition as the relinquishing of all rights to their property. In view of the fact that the Constitution of the Ukrainian SSR mandated the establishment of a new socio-economic order, some members wished to obtain additional information on the country's socio-economic policies and on the Ukrainian SSR's experience in providing education in the native language of its citizens. Questions were also asked concerning the freedoms of religion and speech and the right to form and join trade unions.

116. With regard to the implementation of article 6 of the Convention, it was noted that the Civil Code of the country allowed a defamatory statement to be published if the person publishing the information was able to prove that it was accurate. However, in the view of one member, if such a defamatory statement alluded to the national origin of the person under attack, the statement would constitute a form of racial discrimination. In that connection he asked whether that type of racial discrimination was covered under the provisions of Ukrainian law. Another member of the Committee asked whether a person denied a right by the administrative authorities because of his ethnic or racial origin or nationality could secure an annulment of the administrative action and whether, if such an individual appealed to a higher administrative authority and that authority did not respond or rejected the appeal, the individual could appeal to a judicial body to obtain an annulment of the action which had affected him. One member sought clarification as to the role of the prosecutor, who in his opinion is generally a government official, in protecting a person's rights and how a government official could be impartial in such a situation.

117. The representative of the Ukrainian SSR replied to some questions raised by the Committee. As to whether the provisions of international agreements, whether concluded by the Ukrainian SSR or the USSR, were binding in the Ukrainian courts, he said that the Ukrainian SSR strictly applied the principle of pacta sunt servanda, and that if it signed an international agreement, it fulfilled all, and not just some, of the obligations that that entailed. He referred to article 428 of the Code of Civil Procedure, which applied if an international agreement established rules other than those contained in Ukrainian legislation.

118. Responding to the question on how investments to raise the standard of living were distributed among the various national groups, the representative said that his Government was committed to the fulfilment of the material needs of the population. The State was constantly increasing its allocations for improvements in health care, education and other services provided to the population free of charge.

119. On the question of the requirements for admission to higher educational institutions, the representative stated that citizens of the Ukrainian SSR could choose to take the entrance examination in either Ukrainian or Russian, and naturally citizens of other Union Republics could take the examination in Russian. In accordance with the provisions of the Convention and of domestic legislation, no

distinction or race, colour, or national or ethnic origin was made in respect of admission to higher educational institutions. National groups and minorities did have links with their countries of origin and could study in their own languages.

120. With reference to the electoral process, the representative stated that under article 6 of the law on elections to local Soviets of People's Deputies, citizens of other Union Republics in the territory of the Ukrainian SSR had the same electoral rights as citizens of the Ukrainian SSR. Elections were organized by electoral commissions which included representatives of public organizations, work collectives and meetings of servicemen. Under article 10 of that law, public organizations, work collectives and other bodies had the right to nominate candidates, but that did not impede the enjoyment of electoral rights by all citizens regardless of their party affiliation. Non-party members often belonged to other organizations, such as trade-union organizations or professional associations, both of which had the right to propose candidates. Under article 96 of the Constitution deputies were accountable to their constituents and to the work collectives and public organizations which had nominated them and if they did not justify the confidence of their constituents they could be recalled at any time by decision of a majority of the electors.

121. As to the right to leave the country, the representative said that the legislation and normative acts of the Ukrainian SSR were in accordance with the provisions of the relevant international agreements to which the Ukrainian SSR was a party, particularly the International Covenant on Civil and Political Rights. In practice, the State bodies of the Republic did not go beyond the limitations of the rights set forth in article 12, paragraph 3, of the Covenant. Individuals who had outstanding contractual or financial obligations could be denied permission to leave the country, as could individuals involved in court proceedings or serving penalties; individuals with family responsibilities might be denied permission to leave on humanitarian grounds. In the context of article 5 of the Convention, there was no legislation or practice in the Ukrainian SSR relating to the right to leave the country which allowed the possibility of any discrimination on the basis of race, colour, or national or ethnic origin.

122. In reply to questions concerning the implementation of article 6 of the Convention, the representative stated that during the reporting period there had been no cases of criminal proceedings against citizens for acts of racial discrimination. Nevertheless, the legislation of the Ukrainian SSR provided protection for citizens if their rights were violated by actions carried out by officials, notably under articles 164 to 172 of the Criminal Code. Moreover, article 7 of the Civil Code provided for the possibility of demanding the retraction of statements defamatory to the honour and reputation of an individual through the courts. Article 125 of the Criminal Code provided for punishment in the form of imprisonment for the deliberate dissemination of slander and article 126 provided for punishment by means of corrective labour or fines for deliberate insults to individuals. The laws made provision for securing moral and material reparation for damage caused.

123. Regarding the role of the prosecutor, he said that the public prosecutor was not a representative of the Government. Under article 162 of the Constitution his functions were to supervise the observance of laws by all State and local bodies, officials and citizens. Under article 165 of the Constitution, the agencies of the public prosecutor exercised their powers independently of any local bodies.



## United Republic of Cameroon

124. The fifth and sixth periodic reports of the United Republic of Cameroon, submitted in one document (CERD/C/90/Add.1 and Add.5), were considered by the Committee together with the introductory statement made by the representative of the reporting State, who highlighted some points of the reports and provided the Committee with some additional information.

125. Members of the Committee noted with satisfaction that the report of the United Republic of Cameroon showed some improvement over the earlier ones and that it reflected the country's distinguished record in the world-wide struggle for the elimination of racial discrimination. It was noted with interest that the Government had set itself a massive task in undertaking to revise all juridical texts and institutions. Members expressed the hope that a full report would be submitted to the Committee as soon as the work was completed, together with the texts of decrees and laws enacted to implement the provisions of the Convention. Noting the description of the United Republic of Cameroon as a microcosm of Africa, members of the Committee requested more information on the demographic and ethnic composition of the population for an appreciation of the complex situation in a republic encompassing Muslims and Christians, French-speaking and English-speaking groups in various parts of the country. Finally, the Government was invited in its next periodic report to follow the Committee's guidelines so as to enable it to focus on whether the requirements of the Convention were being squarely met.

126. With regard to the implementation of articles 2 and 5 of the Convention, more information was asked for concerning the Government's socio-economic policies, including details of how it had used its oil wealth to develop the country and to what extent that had been a factor in maintaining the regional, ethnic and cultural balance; how the various ethnic groups were being brought into the national mainstream; what steps were being taken to protect the more backward ethnic groups; what was being done to lessen disparities between the regions; what was the level of representation of the different ethnic groups at the local and national levels; and whether the different ethnic groups in the country had the educational opportunities necessary to obtain the intellectual aptitude required. Some members also wondered whether refugees from other African countries constituted a major problem and, if so, how the problem was being tackled. More information was requested regarding aliens in the category of migrant workers, in particular, if there were any agreements with other countries concerning such workers; whether the public posts which were open to all, aliens and Cameroonians, included military and high political posts, and whether aliens were allowed to form their own cultural associations.

127. Clarification was sought concerning the implementation of article 5, paragraphs (a), (d) and (e), of the Convention. It was noted that the main basis for the United Republic of Cameroon's legal system was French law, but it had taken from British law the system of the Attorney-General. In this connection, some members asked how that synthesis of the two legal systems had been effected and requested detailed information concerning its judicial organization and court procedures as well as the relevant texts.

128. Referring to the measures adopted by the Government concerning the economic, social and cultural rights, questions were asked on whether the peasants were able to ensure the economic and social well-being of their families, what steps had been taken to reduce unemployment and to promote industrialization with particular

reference to small-scale industries, and whether the Government guaranteed the proper marketing of agricultural output. It was also important to have information about the literacy rate, on the Government's efforts to make health centres generally available, especially in remote areas, and on the provision of pensions or retirement funds for the elderly. Finally, further clarification was requested on how trade union rights and the freedom of the press, guaranteed by the Constitution, were implemented in practice.

129. Members of the Committee observed that article 152 of the Cameroonian Penal Code did not fully cover the requirements of article 4 of the Convention. Moreover, article 241 of the Penal Code, which provided penalties for "any person who commits an offence as defined in article 152, against a race or religion to which some citizens or residents belong", was very restrictive in relation to article 4, in so far as it related not to groups but only to individuals. Furthermore, the report had not made it clear under what norms the members and leaders of associations with an exclusively tribal and clannish character could be punished and whether any penalties had been imposed if any such organizations were discovered.

130. In connection with article 6 of the Convention, further details were requested on what means of recourse were available to citizens when their rights were violated by racist or discriminatory actions, and whether those claiming injury on the basis of racial discrimination had recourse to the courts and could seek compensation.

131. With regard to article 7, members of the Committee requested more information concerning cultural and educational activities to combat racial prejudice: for example, what was the situation with regard to the different dialects spoken by the various groups, what place did they have in government policy so far as schools were concerned in the various regions, and were there any regions in which some ethnic groups were somewhat neglected. Information should also be provided concerning measures being taken to promote public awareness of the provisions of the Convention, the Universal Declaration of Human Rights and the United Nations Charter. It was also asked what was the Government doing to disseminate information concerning other countries and civilizations and what role did the media play in those efforts, whether the Government had signed cultural co-operation agreements with other countries and whether it intended to establish a human rights commission as other countries in the region were planning to do.

132. In reply to a number of questions raised, the representative of the United Republic of Cameroon indicated that the Government was currently revising its legal system, which reflected the dual English and French colonial heritage; as soon as the work was completed, the results would be communicated to the Committee. He also said that his Government would endeavour to follow the Committee's general guidelines and would provide extensive quotations from the articles of the Penal Code relating to various restrictions. The representative was unable to furnish any quantitative data with regard to the distribution of ethnic and linguistic groups at the local level. However, his Government was working to achieve a balanced development of all regions and to ensure that the rights of all groups within each region were protected.

133. In the field of education, his Government was endeavouring to eradicate prejudices by teaching both French and English and by providing educational and information programmes in both languages on the radio. A similar effort was

being made in the universities, where students could choose their language of instruction. Those efforts had helped to eliminate prejudice and discrimination. The educational system in the United Republic of Cameroon was designated to help all citizens attain their career goals. As a result of a literacy campaign some 70 per cent of the population was literate, a remarkable achievement in view of the Government's limited resources. Secondary education was directed towards enabling students to earn a living. Whereas during the 1960s and 1970s higher education had been very general in scope, various schools were currently being established to provide vocational training. They included a national polytechnic institute and a national agricultural school.

134. Regarding the question of refugees, he stated that his country had experienced refugee problems but, with the help of the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Committee of the Red Cross (ICRC), those problems had been overcome. As far as refugees from Guinea were concerned, some had decided to stay in his country, while, with the help of UNHCR, the majority had been repatriated. With respect to agreements concerning migrant workers, he said that there was such an agreement between his country and Gabon but could not say with any certainty whether similar arrangements existed with other countries.

135. In reply to other questions, the representative said that each year the Government sponsored a week-long cultural festival which was organized at local and national levels. The promotion of local languages, of which there were many, was conducted largely through the mass media. Each province had its own radio station, and all programmes except for national news were broadcast in local languages. Efforts to promote traditional culture, while intended for everyone, were directed especially towards young people so that they might keep in touch with that culture.

136. The Cameroonian Government conducted a number of activities to inform citizens about racial discrimination. Each year, prior to Human Rights Day, provincial radio stations broadcast programmes prepared by the Ministry of Information and Culture which dealt with the situation in South Africa.

137. Lastly, he assured the Committee that more extensive information would be provided in the next periodic report, which would follow the guidelines of the Committee, and that his Government would include the relevant texts which the Committee had requested.

#### Morocco

138. The Committee examined the sixth periodic report of Morocco (CERD/C/90/Add.6) together with the introductory statement made by the representative of the reporting State. He spelled out his Government's position against racism and stated in particular that such a struggle was a fundamental tenet of Islam, which had always defended Moroccan society by teaching tolerance, justice and respect for the physical and moral integrity of the person.

139. The Committee thanked the Government of Morocco for its clear and detailed report and the very useful information it contained on refugees and their status; the requirements for acquiring Moroccan nationality; the rights and freedoms accorded to aliens and the status of the Jewish community. Several members noted with satisfaction that the Government of Morocco had answered questions which, strictly speaking, did not fall within the purview of the Convention. The

Committee noted, however, that the report did not follow the guidelines and that it had shortcomings in relation to articles 4 and 6 of the Convention.

140. In relation to articles 1 and 2 of the Convention, the Committee commended the good relations between Arab and Jewish communities in Morocco. One member of the Committee observed that about 200,000 Jews had been living in Morocco in 1947 and only about 55,000 in 1967, and asked how many of those who had left the country had responded to the King's appeal to return. Another member clarified that, with the creation of the State of Israel in 1948, many Jews living in Arab countries had been encouraged and even forced to leave those countries by Jewish organizations. He added that Jews, as a religious minority, did not fall within the scope of the Convention. Still another member, within the same context, stated that, according to the report, the adoption of laws in favour, or to the detriment, of Jews would constitute discrimination between Moroccans. That statement, however, was not in keeping with article 1, paragraph 4, and article 2, paragraph 2, of the Convention.

141. Turning to the implementation of article 4, the Committee expressed the hope that the next report would provide information on the specific obligations which the Moroccan Government had accepted under that article and how those obligations were to be put into effect.

142. With regard to article 5 of the Convention, the Committee noted that the provisions of Moroccan law governing the acquisition and loss of Moroccan nationality were exemplary. In relation to migrant workers, the size of that population was requested and whether there were any regulations to protect their working conditions and human rights. Also, it was asked whether any people of Negro stock had migrated to Morocco and what was their status. Concerning political asylum, one member asked whether Morocco had a consistent policy or whether cases were dealt with on an ad hoc basis. It was observed that, although aliens could belong to trade unions of their choice, only persons of Moroccan nationality could be elected as staff representatives in trade union elections. One member, noting that the personal status of aliens was subject to the principle of the personality of the law and that there were broad exceptions to the application of that principle from the standpoint of private law, requested further clarifications. Commenting on the programme for the socio-economic development of the Sahara region and the set-up of communal councils, additional information was requested in the next report on the activities and operation of the communal system; any changes or adjustments which had been deemed necessary since its establishment in 1976; how candidates for election to the communal councils were elected, and whether they could stand as individuals or private citizens or must belong to a party or other political civic group. One member expressed interest in being informed about the criteria followed by the Government in distributing the land recovered after Morocco's independence and another member showed interest in learning how Morocco guaranteed its nomads the rights of article 5, particularly in the promotion of their cultural activities.

143. The Committee requested specific information on the implementation of article 6. One member, however, was of the opinion that the possibility existed for individuals to have full recourse against acts of discrimination at the civil, criminal and administrative levels; the Supreme Court had an administrative Chamber which could punish acts of discrimination and not simply accord financial compensation but also annul administrative actions.

144. The need for more information about the implementation of article 7 was also noted by the Committee. In this context, questions were posed about what was being done in Morocco to familiarize citizens with the provisions of the Convention and other human rights instruments; whether specific target groups such as law enforcement officers and teachers receive instruction on human rights; whether Morocco introduced into its educational system any information about other cultures, in particular Negro cultures south of the Sahara; and whether it had signed any cultural agreements with other African countries in order to promote the understanding of different cultures and civilizations.

145. Responding to questions raised by members of the Committee, the representative of Morocco said that questions regarding the implementation of articles 4 and 6 of the Convention would be forwarded to his Government.

146. Turning to questions posed about the implementation of article 2 and about minorities, he said that under present laws in Morocco there was no need for such special measures, which could lead to discrimination.

147. As to the questions raised concerning articles 5 and 7, he stated that Morocco granted freedom of association and worship to all aliens, but certain measures regarding them could not be incorporated into national law. Young children in Morocco were taught the objectives of the United Nations, while more in-depth courses were given at the secondary and higher levels. Morocco regarded itself as a bridge between Europe and Africa and great importance was attached to black cultural and spiritual values. The black population in Morocco was fully integrated into its society; there were no records of how or when it had arrived in the country. His Government, however, would provide further information on the subject. Concerning the recovery of land owned by aliens, he explained that at the time of independence the best land was in the hands of foreigners. Between 1956 and 1965, there had been nine years of difficult negotiations, which had resulted in the Government taking control of the foreign-owned land and distributing it to the people who worked it. The indigenous people to whom that land had been given had received assistance, and the people from whom it had been taken had been and still were being compensated. In relation to Communal Councils, he clarified that candidates for election could be put up by a political party or a professional association or stand as individuals. The sole requirements were that he or she should be a Moroccan citizen, be above a certain age and have no criminal record. As for the appeal to Jews to return to Morocco made by the King, the important point was not the exact number of persons who had responded but the fact that the appeal had been made. The questions raised concerning trade union elections would be forwarded to his Government. In connection with questions about cultural activities among minority groups, he indicated that religious assemblies attended by Jews from all over the world had been held in Morocco; for the speakers of non-Arabic languages, other than Jews, there were radio broadcasts in the three main dialects. The Government was attempting to settle the nomads in urban areas so that health and education facilities could be provided for them.

#### Yugoslavia

148. The Committee considered the seventh periodic report of Yugoslavia (CERD/C/91/Add.22) together with the introductory statement made by the representative of the reporting State, who pointed out that the report contained replies to questions asked in connection with the sixth periodic report. Data on the demographic composition of the population of Yugoslavia based on the 1981

census was provided in the report as well as an account of the work to achieve full equality for all nationalities at all levels of the Yugoslav system of self-management. During the period under review, he said, his Government had concentrated on implementing existing legislation more fully by strengthening the concept of self-management, which it considered a basic pre-condition for the promotion of individual rights and the achievement of full equality. The Federal Chamber of the Assembly had proposed to the Chamber of Republics and Provinces that it should develop specific activities to promote the achievement of equal rights for all citizens. The Federal Executive Council had been asked to devise ways of promoting and protecting constitutional rights and freedoms and to submit its proposals to the Assembly. He concluded by stressing the strict adherence of Yugoslavia to its obligations under the Convention and the efforts deployed by his Government at the international level, particularly within the United Nations, to reduce racial discrimination and support the struggle against apartheid.

149. The Committee congratulated the Government of Yugoslavia for having attempted to answer questions raised in connection with its previous report and for the comprehensive information concerning the self-management system. It also praised the perfect regularity with which Yugoslavia submitted its periodic reports and thanked the Yugoslav Government for having sent a high-ranking official to maintain the dialogue with the Committee. The Committee also commended the approach taken by the Yugoslav authorities to solve the problems arising from the multi-ethnic composition of its population. Such approach could serve as a model for other countries and for the international community.

150. Commenting on the ethnic breakdown of the Yugoslav population according to their national or nationality affiliation, members of the Committee requested clarification as to the precise meaning of the terms "nation" and "nationality" as well as to the composition of the group that termed itself "Yugoslav" and to how those citizens would fit into the self-management system, based along national lines. Concerning the Moslems, which appeared to be the third largest group, it was asked why they were classified as a national group and not a religious one and whether the approximately 100,000 Turks, classified separately, were Moslems or not. In that connection, and assuming that the national affiliations were based on the declarations of the people themselves, one member pointed out that by respecting the wishes of particular national groups Yugoslavia had shown practical political wisdom: demographic breakdown by religious denomination was often unavoidable. The question why Austrians and Germans were not classified under one single heading was also posed and more information was requested regarding the Albanians and the gypsies.

151. In respect of the implementation of the Convention, one member asked whether the Convention was incorporated into Yugoslav law and applied directly by the courts.

152. The Committee praised the consistent policy of Yugoslavia with regard to South Africa and its outstanding record in the struggle against apartheid in implementing article 3. Several members, however, pointed out that more details could have been provided in the report since the implementation of article 3 of the Convention was a continuous process.

153. The Committee observed that Yugoslavia had allocated resources and special funds to the insufficiently developed republics and autonomous provinces in order to eliminate economic and social imbalances. In that context, it was pointed out that, in order to counteract the dissidence in the Autonomous Province of Kosovo,

the Yugoslav policy had been to concentrate on the economic development of that province by giving it the lion's share of the funds for insufficiently developed regions, both in terms of federal funds and supplementary resources. That had been a wise and realistic approach that would eventually strengthen national solidarity. One member felt, however, that in addition to describing the financial aspects, more information might have been provided about the actual utilization of the resources in the province of Kosovo in order to understand the development process in that province. Questions were posed as to the criteria used (economic or ethnic) in establishing a "republic" and "autonomous province"; the relationship between the autonomous provinces and the Federal Government; whether the role of the Federal Government was more important in the autonomous provinces or in the republics and whether there were any differences between the rights of the republics and those of the autonomous provinces.

154. In considering the Socialist self-management system, members pointed out that the system was of course related to the Convention in the sense that it gave due representation to various ethnic groups and prevented discrimination against them. Any information about cases of racial discrimination and alleged grievances and any action taken within the context of the self-management system should be provided. Information would also be welcomed concerning Yugoslavia's successes and failures in the execution of its policy of self-management. In respect of the way decisions were adopted, members requested whether the delegations of republics and provinces voted individually or by groups in the Federal Chamber of Republics and Provinces; how the decisions taken by self-management entities were co-ordinated at the national level; who allocated the funds needed to implement decisions and how the balance of power was maintained between the various entities and between the regions and the Federal Government. One member also wished to know how many high-level government officials were locally recruited, rather than from federal government circles.

155. More information was requested in respect of article 6 of the Convention, particularly concerning the remedies available to Yugoslav citizens at the judicial and administrative levels in the event of the provisions of the Convention not being observed.

156. The representative of Yugoslavia replied to questions raised. In so far as the ethnic composition of the Yugoslav population was concerned, he said that the term "Moslem" referred to a nation of Slavic origin and not to a religious category. He explained that Yugoslavia consisted of six nations - Montenegrins, Croats, Slovenes, Serbs, Moslems and Macedonians. All other national groups were called nationalities or "national minorities". Moslems belonged in general to the Moslem religion but were distinct from Turks. Those who had declared themselves as Turks, though they might be practising Moslems, were not considered to be part of the Moslem nation but to be members of a separate nationality. Since Austrians and Germans had declared themselves to be members of separate nationalities, they were considered as such. Under the Constitution, most Yugoslav nations had their own republic. Bosnia-Herzegovina, however, was populated by three nations - Moslems, Serbs and Croats. The inhabitants of Montenegro also included Albanians; other Albanians lived in the Autonomous Province of Kosovo and in the Socialist Republic of Macedonia. According to the Constitution, all nations and nationalities were equal. However, given their large number, the Albanians (1.7 million) and the Hungarians (about 426,000) enjoyed some special rights with respect to language.

157. If there were some prejudices with respect to national groups, particularly against the gypsies, means were available to combat them and special action was being taken to improve their economic and social situation. Touching upon the cultural agreements between Yugoslavia and Albania, he stressed the need for all nationalities to have contact with the culture of the country of their origin. He pointed out, however, that the use of Albanian textbooks in Albanian-language schools in Yugoslavia had posed some problems, in particular in the presentation of some subjects such as history, which amounted to indoctrination. He added that the demographic structure of the various republics and provinces as well as more detailed information, in particular with respect to gypsies, would be given in the next periodic report of Yugoslavia.

158. Explaining the Yugoslav policy to overcome economic disparities in the development of regions, he stated that three republics - Bosnia-Herzegovina, Macedonia and Montenegro - and one autonomous province - Kosovo - were considered to be economically insufficiently developed. The Autonomous Province of Kosovo, one of the most underdeveloped areas of the country, had witnessed the fastest rate of growth since the Second World War. Kosovo was an autonomous community within the Republic of Serbia and formed a constituent part of the Yugoslav Federation. It had its own parliament, government, judicial system and supreme courts. According to the Serbian Constitution, only questions of joint interest, such as national defence and citizenship, were regulated by the Assembly of Serbia. He stressed that there was no discrimination against the Albanian nationality. Non-discrimination was one of the fundamental principles of the Yugoslav Constitution; tolerance of any discrimination would run counter to the very basis on which his country was founded. The incidents in Kosovo had been the result of the activities of organized groups which intended to change the constitutional system, attack the integrity of Yugoslavia and incite national hatred. Some members of those groups had been sentenced by the courts and the situation had returned to normal.

159. Referring to differences between a republic and an autonomous province, he said that the former was considered by the Constitution to be a state and the latter not. There were certain differences with respect to the number of representatives in the federal chambers, though provinces had the right to veto federal decisions, especially with respect to economic matters. As far as the criteria for the formation of provinces were concerned, he stated that Vojvodina had always been a separate entity before the formation of Yugoslavia. Kosovo had been established after the Second World War.

160. Concerning the questions raised about the Yugoslav self-management system, he assured the members of the Committee that the next report would contain more information regarding the relationship between the management bodies and workers' councils, the socio-political communities and the organs of self-management.

161. With regard to the implementation of article 6 of the Convention, he said that that article was fully implemented under the Yugoslav legal system, since the Convention had become part of the national legislation and could be invoked directly before the courts.

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

162. The seventh periodic report of the United Kingdom (CERD/C/91/Add.24) was introduced by the representative of the reporting State. He informed the Committee



about a new Nationality Act, new immigration rules and about the series of public disorders which had occurred in several parts of England in the summer of 1981. While, with the possible exception of the disturbances in Brixton, they did not seem to have been racially motivated, they had had serious implications for community relations and especially race relations. The Home Secretary has appointed Lord Scarman to conduct an inquiry into the causes of the Brixton disorders and make recommendations. His report focused primarily on policing matters and recognized the importance of relations between ethnic minorities and a predominantly white police force. To follow up Lord Scarman's recommendations, a new bill had been introduced in Parliament. The Government was also endeavouring to improve the training of policemen and to make changes in the procedure for handling complaints against the police. He added that his Government had set up a joint working party to study ways to promote good race relations through the involvement of local authorities.

163. Members of the Committee commended the report of the United Kingdom not only for the comprehensive information it contained, but also for the lucidity and frankness with which it had described the problems encountered. Appreciation was also expressed for the regularity of the United Kingdom in submitting its periodic reports and for having sent a high-ranking official to maintain the dialogue with the Committee. The report showed that the Government was fully aware of its responsibilities under the Convention and had the courage to recognize the existence of racism and racial discrimination. Although it provided information on measures contemplated by the British Government to eliminate racial conflicts, the report was more problem-oriented than solution-oriented.

164. Members of the Committee expressed concern about the exceptions made under the Race Relations Act of 1976. One member, noting that the Act did not apply to personal and intimate relationships, said that it introduced a dangerous degree of flexibility which almost amounted to authorizing discrimination. In that connection, it was pointed out that the exemption relating to the private disposal of premises was of even greater concern for it appeared to be one way of perpetuating segregated neighbourhoods, a practice that was directly against the Convention. One member felt that the restrictions imposed on the eligibility of overseas students were unfair and more information was asked regarding the current situation. Another member, while not agreeing that the exemptions to the Act promoted racial discrimination, requested that the next report contain some examples of the effects of such exemptions. Special concern was expressed by the Committee that the Race Relations Act had not been extended to Northern Ireland because of the absence of racial problems there and that the legislation dealt only with discrimination on religious and political grounds. In this context, it was asked whether the Irish people were regarded as constituting a separate ethnic and racial group, and it was observed that racial and religious problems in Northern Ireland were inextricably linked; the Committee asked whether any change could be expected soon within the obligations arising under the Convention.

165. In the context of the implementation of article 2, the Committee analysed the racial disorders which had occurred in some English localities in 1981, the behaviour of certain members of the police as well as the measures that were being adopted or implemented by the British authorities as a result of those events. The Committee requested additional information on the Government's response to Lord Scarman's recommendations on policing the police and ways of ensuring a more positive role by the police in maintaining racial harmony. More information was also asked for concerning the recommendations of the Home Secretary to reduce

racially-motivated crimes. Several members posed the question whether any action had been taken against the members of the police force who had been guilty of racist behaviour. One member, referring to explanations given for the events, stated that such racial disorders, whether sporadic or orchestrated, violated the right to security of persons and might have been motivated in order to undermine the confidence of minority groups as a whole. On the subject of recruitment of members of ethnic minorities in the police, the hope was expressed that the next periodic report would indicate a significant increase in the number of members of the ethnic minorities recruited and forming part of the police force. The question was also posed whether the screening procedures in the police force were applied only to potential recruits of minority ethnic groups. As far as the responsibility of local authorities in dealing with race relation problems was concerned, it was asked which aspects of the basic rights of individuals were currently the concern of local authorities. Also more information was asked for regarding: the provision of funds to local authorities to meet special needs of immigrants; the representation of minority groups in the local authority associations; and the projects making up the Urban Programme in the Inner City areas.

166. With regard to article 3 and the information furnished about the Code of Conduct of companies with interests in South Africa, members of the Committee, in general, commended such initiative. It was pointed out that, though the Code was voluntary, the information it contained would enable vigilant anti-apartheid groups in Great Britain to mould public opinion and perhaps influence government policy. Yet, one member observed that the Code virtually legalized co-operation with South Africa and, in this context, it was asked whether such co-operation was increasing or decreasing. Several members regretted that the United Kingdom, a member of the International Monetary Fund (IMF), had not supported the resolution adopted by the General Assembly concerning the collaboration between IMF and South Africa and had done nothing to prevent the granting of loans by IMF to that country.

167. Commenting on the fact that the United Kingdom legislation did not fully comply with article 4 of the Convention and analysing the actual situation under section 5 A of the Public Order Act of 1936, members of the Committee found it disturbing that, in spite of previous criticisms expressed by the Committee, the Government had not yet reached an opinion regarding changes in section 5 A of the Public Order Act. The delay, it was said, could probably be explained by the interpretative declaration regarding discretion over enactment of legislation that the United Kingdom had made upon signing the Convention. The Committee, however, had taken the position that the interpretative declaration did not have the same legal effect as a reservation and was therefore irrelevant; and its categorical position was that the implementation of article 4 was not open to discretion but was mandatory, whether or not racial discrimination actually existed.

168. As far as the implementation of article 5 was concerned, the Committee found it unusual that the British Nationality Act 1981 provided for three categories of citizenship. In this connection, a number of specific questions were posed by members. Confirmation was requested as to whether those persons of New Commonwealth and Pakistan (NCWP) origin born in the United Kingdom would be entitled to full British citizenship including the right to vote, and clarification was asked about the status of the remainder of the NCWP population, since the other two categories of citizenship provided under the Act did not confer the right to abode within the United Kingdom. Members wished to know how many former British subjects had been denied the right to live in the United Kingdom and how many children of the people in the British Overseas category who had opted for British

citizenship at the time of independence were likely to become stateless. Clarifications were also asked for about the immigration controls and whether those had affected other subgroups more severely than those from Pakistan and Bangladesh and whether the Lomé Convention had liberalized controls and the same immigration rules applied to the people of Caribbean ethnic origin as to the people originating from NCWP. One member was also interested to know which non-white subgroup of NCPW was considered the most racially disadvantaged and whether the United Kingdom Government was discussing immigration problems with the relevant Commonwealth countries. Finally, members expressed the hope that the next periodic report would contain information on how the commendable programmes in education, training and employment launched by the authorities had benefited disadvantaged communities and helped to improve their socio-economic situation.

169. During the discussion of article 6, members of the Committee expressed the hope that future reports would include more information on the Commission for Racial Equality, particularly about its competence, role, membership, procedures, and activities and initiatives that it had undertaken under the 1976 Race Relations Act. Members were interested to know whether the Commission had made any recommendations to Parliament to revise exceptions made under the Act. Of interest was also the Commission's locus standi before the British Courts in instances where action under the Convention was not necessary but it was possible under British legislation. Additional information could also be provided relating to any plans the Government might have to assess the work of the Commission as well as on whether an independent evaluation had been carried out to ascertain the views of minority groups regarding the functions of the Commission. One member drew the Committee's attention to the fact that incitement to racial hatred was a criminal offence which could be investigated by the Attorney-General, while other racial crimes considered to be civil offences were taken up by the Commission. It was stressed that since the enforcement of the laws on racial discrimination was the responsibility of the Commission it was to be assumed that steps had been taken to ensure that the Commission could act completely independent from the Government. A clarification was requested regarding whether the independent appellate authorities responsible for considering cases of refusal made to immigrants were administrative or judicial.

170. Turning to the activities carried out by the United Kingdom in implementing article 7, the Committee took note that the Government had actively supported the organization of the Festival of India and deployed efforts to train young people in aspects of racial tolerance. The establishment of a Committee of Enquiry into the education of children from ethnic minority groups was also a positive step. In this context, additional information was requested about what was being done in respect of the university education of those children in order to ensure them equal opportunities with others. Members also showed interest in knowing what efforts were being made to introduce different languages into schools with pupils from ethnic minority groups. The next periodic report should also include details on how local authorities were responding to the Central Government's recommendations and how respect for religious and moral values of other races was taught in British schools.

171. In respect of the information contained in the report about dependent territories, several members expressed surprise that, with the exception of Bermuda, nothing substantial had been reported about the implementation of the Convention in the other dependent territories. Such information, it was pointed out, would be of interest and would facilitate the work of the Committee. One

member felt disappointed that no mention had been made in the report of the recent conflict which had endangered the peace and security of the Latin American continent and of the current situation in the Falkland Islands (Malvinas), in particular of the Argentinian inhabitants in the Islands since the conflict. He, therefore, requested details of the British Government's intentions regarding the future of the Islands.

172. In reply to the questions posed by members of the Committee in relation to the Race Relations Act, the representative of the United Kingdom said that legislative measures had been enacted to ensure that the principles of the Convention applied in Northern Ireland and human rights there were more protected than in any other part of the United Kingdom. Discrimination in Northern Ireland could best be dealt with by legislative references to political or religious discrimination. So far, there had been no demand in Northern Ireland for new legislation regarding racial discrimination; if that happened, or if an immigrant population developed, the United Kingdom would seek a legislative remedy, following its interpretation of the phrase "legislation as required by circumstances" in article 2, paragraph 1 (d), of the Convention. Regarding the exceptions to the Race Relations Act, especially in personal or intimate relationships, he stressed the fact that his Government considered those exceptions to be necessary in the interest of striking a balance between individual freedoms and government restrictions. The Commission for Racial Equality, an independent body entrusted with examining the legislation, would be making proposals later in the year, but he did not know whether it would be removing the exceptions to the Act. He specified that no complaints had yet been lodged concerning the effects of the exceptions to the Race Relations Act and that the Government had renewed foreign students' eligibility for grants. Referring to the recent civil disorders in the United Kingdom, he informed the Committee that individuals who had taken part in those disorders and committed criminal offences had been punished. While in Brixton most offenders had been black, in other cities criminal acts had been perpetrated by both blacks and whites, but the disorders had been directed against the police and had not been the result of racial antagonism. He indicated that one way of obviating abuses of racist behaviour in the police force was the recruitment of ethnic minorities to the police service. There had been a 35 per cent increase, since the time of the report, to a total of 459 ethnic minority officers recruited by the end of 1982 and the official policy was to keep that momentum. In that connection, he confirmed that the screening of potential recruits to the police force, which was aimed at preventing the recruitment of individuals prone to racial discrimination, was universally applied. Regarding the policies of local authorities in dispensing services, he pointed out that a number of local authorities were employing specialist race-relations advisers on services relevant to the local ethnic groups. As for the Government's response to Lord Scarman's report on the 1981 disorders, the authorities were seeking to provide special economic assistance to the areas involved in order to attack the roots of the disorders.

173. In relation to article 3 of the Convention and the European Economic Community (EEC) Code of Conduct for companies with interests in South Africa, he indicated that the United Kingdom interpreted article 3 as applying in the territory of States parties to the Convention and had taken the necessary action under the Race Relations Act. The United Kingdom vote on the General Assembly resolution regarding the IMF loan to South Africa did not concern the implementation of the Convention and was therefore not of concern to the Committee.

174. Explaining the declaration made by the United Kingdom on acceding to the Convention in connection with article 4, he said that his Government saw the need to prevent the heinous crime of incitement to racial hatred, but distinguished between that and forms of writing or speaking that did not constitute incitement. Both the Public Order Act and the provisions regarding incitement were, however, being reviewed. The review had been going on for a rather long time, but the issues were complex and radical to a democratic society. He would none the less report the concern of the Committee to his Government.

175. Turning to questions raised about the implementation of article 5, he informed the Committee that the decline in growth for all subgroups of NCWP other than those from Pakistan and Bangladesh had several explanations. The increase of the Pakistan and Bangladesh subgroups had been largely a natural increase of the population rather than an increase due to immigration. A historical factor was involved since immigrants from those areas had traditionally come alone to Great Britain, being unable to afford to bring their families; the families had arrived in the latter part of the decade, thus raising the population figures. The same pattern did not hold for other countries of immigration. The population of Caribbean origin also showed a natural increase. At no stage had separate immigration provisions ever been applied to the Caribbean ethnic group and the Lomé Convention was not relevant in their case. As to the question whether one could distinguish varying degrees of racial disadvantage among the various subgroups, it could be said that the Asian community in particular was unfamiliar with the language. Regarding nationality legislation, the Government intended to assess the British Nationality Act 1981 after observing how it worked in practice and would report on that matter in its next report to the Committee. As for the number of those denied the right to live in the United Kingdom under the new British Nationality Act, there had been none. The Act did not affect any entitlement to immigration prior to January 1983; it had simply tried to rationalize the categories of those with entitlement and those without. The Government would, of course, be reviewing the provision regarding the citizenship of descendants. With respect to the residents of the United Kingdom who were of Pakistani origin, he observed that some were citizens of the United Kingdom, but that others had deliberately retained their Commonwealth citizenship. All individuals, however, who met residence requirements as Commonwealth citizens were eligible to vote in Commonwealth elections.

176. With regard to article 6 of the Convention, the Commission for Racial Equality did indeed have a point of view with respect to its role; that viewpoint was spelled out in the Commission's reports. The Commission's role was reviewed by the Home Office and by a select committee of Parliament, a select committee review had been conducted just over a year previously and had produced some criticism of the Commission. The Commission was currently reorganizing its administrative structure in the light of that report. In addition to such official review procedures, letters on the subject of the Commission were often sent by representatives of minority groups to the Home Office. He informed the Committee that under the Immigration Rules persons denied entry into the United Kingdom or deported from it could make an appeal to an adjudicator who was an administrative person but not a judge. The decision of that individual could be appealed to an administrative tribunal, which was subject to a judicial review from the High Court.

177. The objectives of article 7 of the Convention had been particularly promoted by the Festival of India, which had increased awareness among United Kingdom citizens of India and its culture. In that same context, he pointed out that

programmes had been set up to educate people of British ethnic background in the cultures and mores of the different ethnic communities living alongside them. As for the terms of reference of the review being conducted by the Committee of Inquiry into the education of children from ethnic minority groups, he pointed out that it had been limited to primary and secondary education. In many areas of the country, especially those having strong immigrant populations, "access courses" were offered by local education authorities to facilitate entry into specific academic programmes.

178. Turning to the question raised about dependent territories, he indicated that he would inform the territories of the interest expressed by the Committee and see that more information was provided on the subject in the eighth report. With regard to the remarks made on the Falkland Islands, those appeared to relate to the political future of the Islands and thus were not pertinent to the mandate of the Committee. However, any specific questions pertaining to the implementation of the Convention would be forwarded to the Falkland Islands authorities. He wished, however, to draw the Committee's attention to article 1, paragraph 2, of the Convention, which he considered to be applicable in the present instance.

#### Byelorussian Soviet Socialist Republic

179. The seventh periodic report of the Byelorussian SSR (CERD/C/91/Add.23) was introduced by the representative of the State party, who pointed out that the report had been drawn up in accordance with the Committee's guidelines and took due account of the results of the Committee's consideration of the sixth periodic report. The representative stressed that the adoption of the new Constitution of 1978 had made it necessary to continue to develop and improve the legislation and to adopt, among others, the Act on the judicial system of the Byelorussian SSR and the Act on elections to district (urban) people's courts of the Byelorussian SSR, which would further strengthen the legal guarantees of national and racial equality. The Byelorussian SSR had continued, in the United Nations and other international organizations, consistently to support the elimination of all forms of racial discrimination and apartheid, as well as ideologies based on racial supremacy and hatred. It had also actively participated in carrying out the Programme of the Decade for Action to Combat Racism and Racial Discrimination and the programme of activities to be undertaken during the second half of the Decade.

180. The members of the Committee congratulated the Government of the Byelorussian SSR on its efforts to maintain strong relations with the Committee and commended its involvement in the struggle against racism and racial discrimination.

181. With reference to articles 2 and 5 of the Convention, it was noted that the emphasis placed by the Byelorussian SSR on meeting the socio-economic needs of the population as a factor in the elimination of racial discrimination should also be taken into account in developing countries. It was requested that in the next report the relatively backward areas with mixed ethnic groups be identified and that reference should be made to the special programmes undertaken in those areas to protect the rights of the people and to raise their standard of living with a view to their integration into the national mainstream. Several questions were put concerning the demographic composition of the Byelorussian SSR, in particular with regard to the Jewish population, which was considered to be sufficient to warrant the existence of special minority institutions. That raised the question of what exactly was meant by the term "native language"; whether any such languages were recognized; and whether "native language" meant the languages which were spoken by

a certain minimum number of people. Referring to article 159 of the Constitution which provided that "judicial proceedings in the Byelorussian Soviet Socialist Republic shall be conducted in Byelorussian, Russian or the language spoken by the majority of the people in the locality", it was asked whether that was the definition of "native language" or whether the term covered any language spoken by a considerable majority of the population and whether such a language was considered as one in which education should be given. In connection with another provision of the same article that persons participating in court proceedings who did not know the language in which the proceedings were being conducted had the right to become fully acquainted with the materials in the case, it was asked what criteria were used to determine if a person knew a language or not, whether the criteria were set out in legislation and whether it was the judge or the person himself who decided on his linguistic competence.

182. It was pointed out by several members that the Byelorussian SSR had opposed all manifestations of racial discrimination wherever they occurred and had fulfilled the obligations it had assumed under article 3 of the Convention. Its bilateral and multilateral activities of a moral and material nature had bolstered the world-wide struggle against racism and apartheid and its support of Security Council decisions and United Nations resolutions had contributed to the isolation of the South African apartheid régime.

183 As to article 4 of the Convention, attention was drawn to article 71 of the Criminal Code which provided that any propaganda or agitation aimed at inciting racial or national enmity or discord was punishable. Some members wondered whether that article fully covered all the requirements under article 4 (a) and (b), especially in view of the emphasis in those paragraphs on the punishment of any incitement to racial discrimination and on the prohibition of organizations promoting or inciting racial discrimination. Another member pointed out that, although provisions along those lines were not formally included in article 71, the whole spirit of the anti-racist legislation allowed for no uncertainty as to whether article 4 was fully implemented. It was nevertheless necessary in all countries to prohibit explicitly such activities and organizations and to bring national legislation into line with the requirements of the Convention.

184. With regard to article 5 of the Convention, it was pointed out from the report that much had been done to ensure the social and economic equality of all nationalities and ethnic groups in the Byelorussian SSR. To that end, it had been necessary to change the economic and political structure of the country, through a constructive policy of eliminating the vestiges of the past and ensuring the harmonious interaction of all ethnic groups. More detailed information was required, however, about the implementation of article 5 (e) (v) and (vi), and particularly about the specialized language training programme and measures to ensure the participation in cultural activities of all ethnic groups. It was observed that article 48 of the Constitution, which provided for freedom of speech, of the press and of assembly, contained a very important restriction because that freedom could be exercised in accordance with the interests of the people and in order to strengthen and develop the socialist system. Several questions were asked concerning political and cultural rights in the Byelorussian SSR, in particular, how were issues relating to freedom of movement and residence of citizens resolved, and what restrictions could be placed on freedom of movement and residence within the country or outside; whether it was possible to engage in religious proselytism; and whether the religious education was not in fact subject to certain specific conditions. Some additional information was requested on the provisions of the Act

on Elections to the Supreme Soviet of the Byelorussian Soviet Socialist Republic, and on the practical application of sanctions under those provisions. It was asked what were the guarantees that judges were independent and competent, and if there was a statute embodying measures to ensure that they were. With regard to the Jewish population of the Republic, it was asked whether the Jews could preserve their mother tongue - Hebrew or Yiddish - and whether they had a reasonable chance to learn and be taught in those languages and to enjoy the benefits of their culture.

185. In connection with article 6 of the Convention, reference was made to the provisions of the Constitution dealing with the compensation of damages, caused by the unlawful acts of State and of officials and guaranteeing the right of citizens to lodge a complaint against the actions of officials and of the State or public bodies, and questions were asked as to whether those provisions were also applicable to the damage caused by individuals; what were the exact provisions of the law concerning the appeal in court; and whether it was an administrative or a judicial body which had to provide compensation for the damage caused to a citizen. It was considered to be useful if the next report contained, in an annex, the text of the Decree of the Presidium of the Supreme Soviet of the USSR of 18 May 1981 on "compensation for damage caused to citizens by unlawful acts of State or public organizations and of officials in the performance of their official duties".

186. With reference to article 7 of the Convention, some statistics were requested reflecting the participation of all nationalities in various levels of education and in cultural life as a whole. Noting that questions relating to the struggle against racism and racial discrimination were included in the curricula of secondary schools and institutions of higher education of the Republic, members wished to receive more detailed information on those curricula. Information was also requested on the components of any programme developed to promote understanding among peoples and to make them aware of their rights and obligations, as well as on measures being taken to make public officials and the people at large aware of the provisions of the Convention.

187. Replying to the questions raised by the members of the Committee, the representative of the Byelorussian SSR emphasized, with regard to the implementation of article 4 of the Convention, that all Byelorussian citizens were equal before the law. The principle of equality was enshrined in the Constitution and guaranteed in all spheres of life. Any violation of the rights of citizens was punishable by law. He then referred in this connection to the specific articles of the Criminal Code of the Republic and stated that an organization whose purpose was to incite racial discrimination could not exist in the Byelorussian SSR since national legislation required that all organizations must be registered with the authorities and that their charters must comply with the national Constitution.

188. Turning to some of the questions asked in connection with article 5 of the Convention, the representative gave some specific data on the demographic composition of the Republic and noted that the educational process in his country was trilingual, the languages of instruction being Byelorussian, Russian and one foreign language, which students were free to choose from among English, French, Spanish and German. Schools with instruction in a given language were organized on the basis of two factors: a concentrated population of a given nationality and the desire of parents to have their children attend such a school. There were currently 8,000 schools in the Byelorussian SSR, all of them providing free



education. With regard to the question of movement of individuals, citizens had the right to choose their place of residence and their place of work, but there was no need for them to travel outside the country in order to find employment or in order to be educated. As regards the court system in the Byelorussian SSR, he explained that all judges and people's assessors were elected and could be removed through due legal process. The impartiality of judges and the courts was guaranteed at all levels. The Constitution ensured that persons participating in court proceedings had no language problems and, in accordance with article 37 of the Code of Criminal Procedure, decisions could be reviewed, should such problems in fact arise. It was basically the court that decided which language was to be used, but the defendant and his or her legal counsel were consulted in that connection. As to the question of the development of less-developed parts of the Republic, the representative pointed out that the Byelorussian SSR was governed on the basis of planned economic programming, which provided for equality of development in all parts of the Republic. The Republic did not have backward regions or districts and every effort was made to prevent the emergence of features that would hamper the development of any individual nationality or group within the Republic.

189. With reference to article 6 of the Convention, the representative referred in detail to the specific articles of the Criminal Code and the Constitution. Citizens of the Byelorussian SSR were entitled to compensation for damage caused by unlawful actions committed by both State organizations and individuals and, in accordance with article 5 of the Fundamentals of Civil Procedure of the USSR and Union Republics, were entitled to bring such matters before a court.

190. With respect to article 7 of the Convention, the representative assured the Committee that the curricula of educational institutions at all levels provided for teaching about international instruments on human rights and racial discrimination. A large amount of attention was devoted to the subject by the mass media and there was an established system of legal advice workshops in large and small towns throughout the Republic, where established jurists would deliver lectures, provide explanations of the legal position concerning racism and racial discrimination and answer questions from the general public. Radio and television provided coverage of the role of international organizations in that respect and the part played in them by the Byelorussian SSR, together with background information on such events as the International Day of Solidarity with the Struggling People of Southern Africa and Namibia Day.

## Haiti

191. The fifth periodic report of Haiti (CERD/C/89/Add.2) was considered by the Committee together with the introductory statement of the representative of the reporting State, who pointed out that his Government's report sought to provide an overview of the measures adopted in Haiti pursuant to the observations and recommendations made by members of the Committee during the consideration of Haiti's fourth periodic report. Accordingly, it contained excerpts from the Decree of 27 February 1974 governing the acquisition of Haitian nationality, and the text of the Decree of 4 February 1981 on the elimination of all forms of racial discrimination which brought into line the criminal laws in force in Haiti with international conventions signed and ratified by the Haitian Government.

192. Commenting on the report of Haiti, some members noted that the report did not follow the guidelines set out by the Committee and did not contain answers to

questions which had been put to the representative of Haiti during the consideration of that country's fourth periodic report. Some information was requested concerning the ethnic composition of Haiti based on the latest census figures. One member was of the view that most of Haiti's problems in complying with the Convention were linked to its level of socio-economic development. Thus, there existed an obvious need for a more fundamental change in the country's social structures in order to foster social and racial equality, better distribution of wealth, greater freedom of expression and greater access to goods and services. A heavy social and economic burden had been created by clandestine emigration; information was requested on the success of the measures taken by the Government to combat its causes.

193. With regard to articles 1 and 2 of the Convention, some members were interested to know the exact definition of a native-born Haitian and the meaning of the "special advantages" conferred on native-born Haitians under article 16 of the Constitution. A question was asked whether those advantages might not result in instances of discrimination on the basis of race, colour or national or ethnic origin. A member stated that, while he could understand the purposes of article 6 of the Constitution, which reduced the minimum period of residence required for naturalization in certain cases, he wondered whether it, too, might not lead to instances of racial discrimination within the meaning of the Convention. It was asked whether the Government had opted for planned development. If it had, were there specific regions which had been assigned higher priority in the plan and which had been earmarked for increased investment because of their less-developed status.

194. As far as the implementation of article 3 of the Convention was concerned, it was noted that the Government of Haiti had a very good record.

195. With reference to article 4 of the Convention, some members welcomed the Decree of 4 February 1981, which amply fulfilled the requirements of that article. It was stated, however, by other members that the Decree did not cover incitement to racial discrimination as distinct from acts of racial discrimination; and that it penalized but did not declare illegal - as was required under the Convention - organizations engaging in or inciting to racial discrimination, although at least officials had been brought within the purview of article 4 (c) of the Convention. It was also noted that any repression of freedom of opinion could only be deplored since it ran counter to all democratic ideas of penal law.

196. With regard to article 5 of the Convention, it was noted that the Decree of 5 April 1982 made the teaching of Creole compulsory in primary schools throughout the country. A question was asked, therefore, that, if French was the lingua franca, at what stage did a Creole-speaking child begin to learn French and were such children given special assistance in learning French, so that they were not at a disadvantage when competing for jobs. Members also wished to know what was the status of Creole as a language, namely, was it compulsory for local officials, or was French the administrative language at that level too. If the latter was the case, the question concerning interpretation facilities in the courts for persons who did not have a command of French would be very relevant. Members wished to know how the rural literacy rate compared with the urban literacy rate and what progress was being made in raising the literacy level.

197. As for the Decree of 7 March 1978, which established two systems of education, the need to make the rural population literate could be understood; nevertheless,

the dual system might in time lead to the practice of discrimination among different strata of the population. Moreover, if such a system was maintained for a long time, it might prove to be contrary to the provisions of the Convention. Turning to the provisions of article 5, paragraph (e) (ii), of the Convention, it was noted that article 24 of the Haitian Constitution said that "each worker shall belong to the trade union representing his particular occupation", and a question was asked as to whether trade unions were organized by the Government and therefore not fully autonomous, in which case it might appear that the right to establish trade unions did not exist. One member wondered whether Haiti was a party to the ILO Equal Remuneration Convention. More information was also required concerning political parties in Haiti. It was asked, in particular, how many parties were there, how many participated in the Government and how many were represented in the National Assembly. Also a number of questions regarding the general observance of human rights were asked by members of the Committee.

198. In connection with article 6 of the Convention, it was noted with satisfaction that an injured party could bring an action directly before the competent court and that a civil action to obtain reparation could be brought before a civil court. A question was asked, however, as to whether there was any provision to make the courts more easily accessible to the people through, for instance, free legal aid.

199. With reference to article 7 of the Convention, it was noted that Haiti's education policy as described in the report responded to an important provision of that article and the practical steps which had been taken to promote pan-Americanism were also impressive. However, more information was requested concerning the teaching of human rights and courses in the culture, civilization and religion of other countries. It was asked, in particular, whether teachers and officials were taught about the ideals of the United Nations and the provisions of the Convention; whether there were United Nations associations or UNESCO clubs in Haiti to promote awareness of the human rights listed in the various United Nations instruments; and whether the mass media had been assigned a concrete role in fostering awareness of human rights or in promoting the national ideal of universalism.

200. Replying to questions raised, the representative of Haiti assured the Committee that his Government would take its comments into account and would continue to pursue its dialogue with the Committee. With regard to the five-year period during which naturalized citizens were not permitted to exercise their political rights, he stressed that the restriction was temporary and limited to the political sphere. Apart from certain very rare exceptions, such as their ineligibility for the post of President of the Republic, naturalized citizens were subject to no other restrictions. Questions regarding trade unions in his country had been answered fully by the representative of Haiti during consideration of the previous periodic report. The representative stressed that the teaching of Creole in Haitian schools was the result of deliberation which had lasted for more than 50 years. The decision was significant in view of the fact that the entire population of Haiti spoke Creole, and in view of the cultural relevance of the language to the lives of the majority of the population. The teaching of Creole did not preclude the teaching of French; rather, the Haitian authorities were attempting to reach a state of "peaceful coexistence" between the two languages. Turning to the question concerning the underlying causes of Haitian emigration, he stressed the fact that in Haiti the amount of land suitable for farming was small, while the population was large. The Government had established short-term and long-term projects aimed at giving new impetus to the Haitian economy and information regarding those projects would be contained in future reports.

## Lesotho

201. The fifth and sixth periodic reports of Lesotho, submitted in one document (CERD/C/90/Add.2), were introduced by the representative of the reporting State, who said that the work of the Committee was of great significance for his country. By an accident of history, Lesotho found itself surrounded by a country in which racism was legalized, so that, while not a racist country itself, it was strongly affected by apartheid, and his country remained committed to fighting that abhorrent crime. As could be seen from the report, there had been no change in Lesotho's legislation to combat racial discrimination. Consequently, it had been decided to combine the fifth and sixth periodic reports in a single document based on the information contained in the fourth report.

202. Members of the Committee commended the Government of Lesotho for its efforts to continue the dialogue with the Committee despite the very difficult circumstances in which the country found itself, being surrounded by South Africa. Therefore, some members were of the view that it was more important for Lesotho to have come before the Committee seeking support and encouragement for the future than for it to have submitted a report. It was stated that the people of Lesotho were a brave people struggling against racial discrimination more directly than many peoples whose Governments had submitted long and detailed reports. Others were of the opinion that, as any other State party to the Convention, Lesotho did have obligations, particularly as a front-line State, to set a high standard in reporting on its implementation of the Convention to the Committee. It was pointed out by the proponents of this view that the Committee was not a political body; its only task was to ensure the compliance of all States parties with the Convention. Those members expressed the wish to see the future report of Lesotho prepared in accordance with the revised guidelines and more detailed information to be provided on the implementation of the provisions of the Convention.

203. In connection with Lesotho's geographical position and thus its dependence in many aspects on South Africa, some additional information was requested on its economic ties with that country. It was observed that Lesotho had long been a nation of independent native landholders, where tribal divisions were unknown, but its economy was currently based largely on the labour of its people abroad. In the absence of a treaty with South Africa, its survival depended on peaceful coexistence with its cruel and powerful neighbour. It was further stated that, since a large number of Basotho travelled regularly to South Africa to seek employment, information would be useful on measures taken by the Government of Lesotho to protect the interests of those workers. All too often, Basotho were pushed back into Lesotho and the country was treated like a bantustan. A question was asked whether any specific agreement had been negotiated with the Government of South Africa to obtain better working conditions for the citizens of Lesotho. Although it possessed mineral wealth, Lesotho's potential had not yet been fully tapped, therefore one member was interested to know to what extent the Government, with the help of international organizations, was working to create employment opportunities at home so that dependence on South Africa could be reduced. The idea was expressed to promote international support for Lesotho and especially for its migrant workers. In addition, information was requested on Lesotho's demographic composition and the measures taken to alleviate any grievances voiced by any ethnic group.

204. With regard to article 3 of the Convention, it was pointed out that the Committee usually asked countries how they were implementing the provisions of

article 3 of the Convention concerning relations with South Africa: the question could not be raised in the case of Lesotho, because it was a country locked in by the racist régime so that its entire population was under the siege of racial discrimination and apartheid. The legal basis for the Committee's competence in the matter was provided in the tenth preambular paragraph of the Convention, in which States parties resolved to build an international community free from all forms of racial segregation and racial discrimination. It would therefore be proper for the Committee to draw the attention of the General Assembly to the fact that a whole valiant country was under the pressure of discrimination and apartheid as a victim of the aggressive policy of South Africa. Members of the Committee commended Lesotho for its opposition to apartheid in the face of unprovoked attacks by the racist régime, attacks which proved that apartheid was not only a pernicious system in itself but a threat to international security. It was proposed that the Committee should state in its report that it supported the Government of Lesotho in its heroic struggle against apartheid and requested the General Assembly to support the Committee on that issue. It was noted that Lesotho had long been seeking to expand its international contacts, and the Committee should, in whatever ways available to it, endeavour to mobilize world opinion in support of the Government. The representative of Lesotho was asked to transmit to his Government the Committee's profound conviction that international support was very important and to convey the fact that, despite the brevity of the country's report, it welcomed Lesotho's co-operation.

205. With reference to article 4 of the Convention, it was stated that an Order in Council which Lesotho felt covered all provisions of that article had been considered by the Committee to cover them only partly. The view was expressed that the Government of Lesotho should consider the Committee's comments carefully and try to correct such lacunae in its legislation.

206. Replying to questions raised by members of the Committee, the representative of Lesotho said that his country's report admittedly did not provide sufficient information but that, in its seventh periodic report, Lesotho intended to deal with outstanding problems. He thanked the Committee for its tributes to his country and for its constructive criticisms. Regarding the question about migrant labourers, Lesotho had, much against its will, been forced to protect the interests of its migrant workers in South Africa through regular contacts and dialogue with that régime. Lesotho was at present engaged in a vigorous campaign to attract foreign investments in order to establish industries and thereby reduce the numbers of its people going to South Africa and eventually, although not in the near future, to halt such migrant labour altogether. He assured the Committee that his Government would, in its next report, furnish more information along the lines suggested by the Committee.

#### Venezuela

207. The seventh periodic report of Venezuela (CERD/C/91/Add.27) was introduced by the representative of the reporting State who pointed out that from its beginnings as a nation Venezuela had always made a practice of fulfilling obligations under international agreements. It had no history of racial discrimination and acceding to the Convention had simply been an act of solidarity, since its provisions had always been applied in Venezuela. However, Venezuela never excluded the possibility of enacting further legislation in compliance with the Convention and the measures it had taken since submitting its last periodic report were explained in the seventh report before the Committee. The representative further stated that

his Government's practice had been to follow recommendations of the Committee and to maintain a sustained dialogue with it.

208. Making general comments on the report, a member stated that, in considering the sixth periodic report, the Committee had urged Venezuela to prepare its seventh periodic report in accordance with the guidelines contained in document CERD/C/70, which were intended to facilitate the work of the Committee and to assist the reporting State in selecting the most relevant information. The Government of Venezuela had decided on another method, and thus its seventh periodic report contained much information which, while interesting, was not of direct relevance to the implementation of the Convention and fell outside the scope of the Committee's competence. Some members wished to get more information as to whether the Convention was accorded priority over other legislation; to what extent the Convention could be derogated from by other laws; and how the provisions of the Convention had been applied by the courts. Additional information was requested on the structure, functions and jurisdiction of the Supreme Court of Justice as well as on the procedure for the judicial review and repeal of laws and administrative decisions. Information was also requested concerning the demographic composition of Venezuelan society and the status of indigenous groups in the entire population of the country.

209. With reference to article 1 of the Convention, a member wondered why a distinction was made in the Venezuelan Code of Civil Procedures between citizens and inhabitants and asked for clarification on that point.

210. With regard to article 2 of the Convention, the discussion concentrated on the indigenous groups in Venezuela, their ethnic background and economic and social development. In particular, it was noted that indigenous populations in Latin America often constituted the most likely target of racial discrimination, and questions were asked whether special arrangements or programmes existed to help the indigenous groups to become integrated into society; whether the indigenous groups were governed by national or regional laws; whether there existed special legislation in their regard and whether the rural development and other projects specially designed to assist them fell under the national budget or under a special programme budget. Referring to the serious housing problem which existed in Venezuela, a question was asked as to whether there existed a housing construction programme for low-income groups. It was recalled that, in the sixth periodic report of Venezuela, reference had been made to Decree No. 250 of 27 July 1951, according to which persons wishing to enter areas inhabited by indigenous groups had to obtain special permission. Various members of the Committee had voiced concern about the implications of that Decree. A question was, therefore, asked as to whether that Decree was still in force and what was the Government's policy towards the indigenous population as a whole. Attention was drawn to the educational programmes and opportunities for social groups and the indigenous population in Venezuela, and more information was requested as to how Decree No. 283 of 20 September 1979, on the establishment of a bilingual educational system in areas inhabited by indigenous peoples, was being applied and what benefits had resulted; whether the aim was to bring about the assimilation of indigenous groups or to promote the use of Spanish, while preserving their languages. Noting that the Government made efforts to provide equal access to education for all and that there existed compulsory and equal primary education for children, more information was requested as to how teachers for indigenous groups were selected or whether they received special training.

211. With regard to article 3 of the Convention, Venezuela's devotion to the international efforts to eliminate racial discrimination was noted, but it was observed that the report did not mention whether Venezuela maintained economic or other types of relations with South Africa, if it applied the United Nations sanctions against South Africa, if it maintained a consulate in South Africa and how it intended to continue the international struggle against apartheid.

212. In connection with article 4 of the Convention, some members recalled that it had been pointed out, during discussions of previous reports, that Venezuelan legislation was not entirely in compliance with article 4 of the Convention. It was asked, therefore, whether the Government had taken steps to revise the Venezuelan Criminal Code with a view to meeting the requirements of article 4 of the Convention. Noting that the publication and circulation of printed matter which incited to hatred, aggressiveness and indiscipline or impaired the sound values, good morals and customs of the Venezuelan people and in particular aroused terror in children were prohibited, some members asked for confirmation that such an activity would be prohibited and punished in Venezuela and requested more information concerning specific sanctions and penalties which the courts were able to impose against authors and publishers involved in violations of this legislation.

213. With respect to article 5 of the Convention, it was observed that the report rightly stressed the fact that, under Venezuelan legislation, aliens could acquire the right to vote. As far as it was known, Venezuela was the only country to have such a provision in its legislation. This information was considered to be extremely valuable, since it helped the Committee members to develop a proper understanding of a country and its institutions. The Government of Venezuela was commended for its open-door immigration policy and for its accession to the Andean instrument on migrant workers, the Andean instrument on social security and the Simón Rodríguez Convention. Remarking that the report stated that workers throughout the country were covered in respect of "long-term social security benefits", the explanation of that term was requested as well as the clarification of any distinction which existed between long-term and short-term benefits. The Committee members expressed the view that, in its eighth periodic report, the Government of Venezuela should provide the Committee with a comprehensive account of the rights and entitlements covered under article 5 of the Convention, so that members could gain a clear understanding of how that part of the Convention was being applied.

214. With regard to the provision of article 6, it was asked if the recourse procedures available to persons residing in Venezuela had been simplified so that they could be easily understood by members of the indigenous groups and if complaints of racial discrimination could be dealt with expeditiously; to what extent non-citizens and migrant workers could avail themselves of existing recourse procedures; and whether the findings of the courts were subject to appeal in both criminal and civil cases. It also appeared from the description of procedures contained in the report that an individual could not bring a suit to court if the public prosecutor did not wish to institute proceedings. Additional information was requested on the kinds of courts to which a victim of racial discrimination might apply for compensation of damages and on the manner in which the remedies of amparo and habeas corpus would be applied in a case of racial discrimination. It was also asked whether members of indigenous groups were guaranteed effective protection and remedies against any acts of racial discrimination in accordance with article 6 of the Convention.

215. With respect to article 7 of the Convention, it was pointed out that all States parties had an obligation to adopt measures with a view to combating prejudices which led to racial discrimination, and this fully applied to Venezuela, despite the absence of the phenomenon of racial discrimination in that country. Therefore, questions were asked as to what immediate and specific measures had been adopted in accordance with article 7, in particular, what measures had been taken to educate children about the various indigenous groups; what specific policies were being followed by the Venezuelan authorities to publicize the provisions of such human rights instruments as the Convention and the Universal Declaration of Human Rights.

216. Replying to the questions raised by the members of the Committee, the representative of Venezuela said that he had the impression that certain Western European standards were being applied to Venezuela in cases where they were perhaps not appropriate. Since Venezuelans did not think in terms of special ethnic groups and minorities, it was impossible to comply with some of the requests made by members of the Committee. Venezuela did not stress legislation to protect minorities because the question of racial intolerance simply did not arise. He welcomed the extremely positive remarks concerning Venezuelan legislation made by members of the Committee but wished, at the same time, to point out that progressive legislation would be meaningless without the social consciousness that prevailed in Venezuela. Violations of the Convention were covered by article 156 of the Venezuelan Criminal Code. However, it was more important to prevent human rights violations from occurring, and the situation in Venezuela was such that it was virtually impossible for individuals to promote or incite racial discrimination. The people of Venezuela had always had extremely strong convictions with respect to apartheid, and their actions in that connection had not been imposed on them as a result of their international obligations. It had therefore been disconcerting for a representative of Venezuela to be closely questioned at the United Nations about any ties that Venezuela might have with South Africa. Venezuela actually had few indigenous inhabitants, owing to intermingling, since colonialism had not given rise to racism. Moreover, it would be extremely difficult to determine who belonged to what race, and it might not even be desirable to prepare such population statistics. Venezuelan legislation contained provisions aimed at protecting the health of the indigenous people and at preventing them from being exploited, which however did not mean that a paternalistic approach was taken towards them. As in the case of all developing countries, Venezuela had problems relating to social justice and the distribution of wealth, but the Government of Venezuela would honour its international commitments. His Government's following report would cover the questions raised by the members of the Committee and consideration would be given to adoption of important measures in that connection.

#### Bahamas

217. The third and fourth periodic reports of the Bahamas submitted in one document (CERD/C/88/Add.2) were considered by the Committee together with the introductory statement made by the representative of the reporting State, who pointed out that the basic reference for the relevant constitutional and legislative provisions had been given in his country's second periodic report, which guaranteed the fundamental rights and freedoms of all citizens irrespective of race, ethnic origin, political opinion, colour, creed or sex and also established procedures for redress. He also pointed out that in so far as the Convention predated the Constitution of the Bahamas, it had influenced the drafting of the Constitution.



218. Members of the Committee observed that the report of the Bahamas added nothing new to the information provided in the second periodic report on legislative measures implementing articles 2 to 7 of the Convention. In answer to the Committee's earlier request for information on constitutional guarantees against racial discrimination, the Government stated categorically in the report that the Constitution in actual fact forbade racial discrimination and provided information on the relevant provisions of articles 15 to 27 of the Constitution governing the exercise of the various rights described in article 5 of the Convention. However, it was acknowledged in the report that the definition of racial discrimination in the Convention was broader than the definition of the term "discriminatory" in article 26, paragraph 3, of the Constitution of the Bahamas, since the Convention referred also to fundamental freedoms in economic, social, cultural and other spheres. It was suggested that the Bahamas should study the advisability of bringing its definition into line with the Convention. In this connection, some members pointed out that the appropriate information should be supplemented by an indication of secondary laws that implemented the Constitution and the Convention.

219. With reference to the information provided on the demographic composition of the population of the country, members of the Committee asked why there had been a gradual increase in the foreign-born population - whether it was because such immigration was being officially encouraged, because of natural causes or because of the presence of expatriate contract workers; what was their economic status in comparison with that of the local population; what were the reasons for the large percentage since 1963 of the Haitian-born population and for the recent influx of Africans; what were the nationality laws and how many persons actually qualified for citizenship?

220. With regard to article 3 of the Convention, satisfaction was expressed at the information provided in the report on the Government's anti-apartheid policy. However, it was pointed out that the report made no mention of the participation of the Bahamas in the sanctions against South Africa. Additional information was also requested on what contribution, financial or moral, the Bahamas had made to the struggle of national liberation movements in South Africa and whether a programme for complying with United Nations resolutions dealing with human rights and the struggle against apartheid and discrimination had been mapped by the Government.

221. With reference to article 4 of the Convention, members of the Committee noted that the Bahamas had made a declaration or statement of interpretation which, according to the opinion given by the Legal Counsel at a previous session, did not have the same effect as a reservation. The hope was expressed that positive information concerning the adoption of legislation to implement article 4 of the Convention would be provided in the next report. Bearing in mind the fact that the reservation referred to judicial process only, members agreed with the opinion expressed by the Government that its reservation was not an impediment to its obligation to fulfil its obligations pursuant to the Convention. Such provisions condemning all practices which might seek to revive discrimination were necessary, bearing in mind the fact that discrimination sometimes manifested itself indirectly, and the fact that under the common law system all that was not expressly prohibited by law was deemed permissible made that all the more necessary. Moreover, circumstances might change in the future in a society as mixed as that of the Bahamas and it was always more prudent to be prepared with adequate legislation for any eventuality. The Committee also requested to receive information in the next report of the Bahamas regarding the expected adoption of

legislative measures pursuant to the International Convention on the Suppression and Punishment of the Crime of Apartheid, which would also be relevant to article 4 of the Convention on the Elimination of All Forms of Racial Discrimination.

222. Turning to article 5 of the Convention, the members pointed out that the information provided in the report was most satisfactory. The Committee was pleased to learn that the exceptions and restrictions to the guarantees of human rights were in no way based on concepts of ethnic origin. However, some members wished to have more details about the types of education in the country and the content and quality of the education, especially with regard to racial questions as well as to policies in favour of the disadvantaged. With respect to the right to work, it was asked whether the Bahamas was a party to the series of conventions of the International Labour Organisation under which States parties were required to have a labour code and whether there were any plans of the Government to adopt a labour code.

223. Referring to the implementation of article 7 of the Convention, the Committee remarked that it would be useful to see in the next report information regarding developments in all the fields enumerated in that article - teaching, education, culture and information with a view to combatting prejudices which lead to racial discrimination. It was also asked whether any cultural associations had been formed, any new campaigns organized, any human rights committees or UNESCO clubs established.

224. In reply to a number of questions raised by members, the representative of the Bahamas stated that the Constitution of the Bahamas guaranteed to every person in the Commonwealth the fundamental rights and freedoms of the individual, irrespective of his race or place of origin, and prescribed judicial process to be observed in the event of the violation of any of those rights, whether by the State or by a private individual. Acceptance of the Convention by the Bahamas did not imply the acceptance of obligations going beyond the constitutional limits nor the acceptance of any obligation to introduce judicial process beyond those prescribed under the Constitution. He had noted the continuing concern of members regarding the possibility of conflict between the term "discriminatory" used in the Constitution and the term "racial discrimination" used in the Convention. The representative stated that the Government had considered the point carefully when preparing the report and it was not contemplating any amendment to the Constitution. In any event, any difference between the two definitions was very slight.

225. In reply to the reason for the increase in the foreign-born population, he drew attention to the Nationality Act, under which individuals could apply for citizenship. Chapter 2 of the Constitution also contained provisions relating to persons born outside the Bahamas. It was clear therefore that the law did provide for the possibility of foreign-born persons applying for Bahamian nationality.

226. With regard to the contribution made by the Bahamas to the national liberation movements, the representative said that the Government had contributed financially and morally to the struggle against apartheid and racism in South Africa. It usually allocated a very considerable proportion of funds annually to the trust funds devoted to Namibia and to apartheid in general.

227. Turning to questions raised in connection with article 5 of the Convention, he pointed out that although the right to work was guaranteed under the Constitution,

he did not know of any labour code or of any plans for such a code. There was, however, an extensive administrative structure organized by the Ministry of Labour to ensure that workers could form trade unions, that their rights were respected, that grievances could be brought before administrative boards and that great attention had been paid to the field of employment and the exercise of the right to work.

228. Concerning the question relating to information and cultural associations, with respect to article 7 of the Convention, he said that there was very active interest in the Bahamas in matters relating to racial discrimination. The Committee on South Africa was actively concerned with the South African issue and a number of other associations were concerned with human rights at the international level. That had contributed to raising public awareness of the subject, quite apart from the Government's own efforts.

### Tunisia

229. The seventh periodic report of Tunisia (CERD/C/91/Add.28) was considered by the Committee in the presence of the representative of the reporting State, who stated that his Government had endeavoured to provide in its report the most complete and precise information on measures taken in Tunisia to combat and prevent all forms of racial discrimination. Tunisia had also taken measures to implement article 7 of the Convention in all areas including education, information and culture.

230. Members of the Committee expressed their appreciation of the report, which had followed the Committee's guidelines, and noted with satisfaction the positive role of the Government of Tunisia in promoting tolerance and friendship among nations. Some members noted with satisfaction the activity of the Tunisian League of Human Rights, which acted independently of the State, and requested that the next report of Tunisia contain information on specific cases in which the League had intervened and on the outcome of that intervention as well as on the general activities of the League. It was asked whether the League published a monthly newsletter and whether during its existence it had taken up any cases having racial implications. Concerning the role of international instruments, it was pointed out that since duly ratified treaties took precedence over internal laws in Tunisia, the Convention was now part of Tunisian legislation. One member was interested in further details on the status of persons of European origin, refugees, migrant workers, particularly those from countries south of the Sahara, and Tunisian migrant workers in Europe.

231. With regard to the ethnic composition of the Tunisian population, it was observed that the questions which had been asked about the Berber population during the consideration of previous reports were fully answered in the present report and it seemed that the Berber minority was not the victim of any discrimination in Tunisia. However, one member stated that he had some difficulty with certain figures utilized with reference to the country's demographic composition, namely that the non-Muslim population did not exceed 8,000. The previous report had made reference to 50,000 Jews in Tunisia, a figure which could not be subsumed within 8,000 non-Muslims. More information was requested on the implementation of the Act of 11 July 1958 concerning the organization of the Jewish religion, as well as on the cultural and educational achievements of the Jews, in particular the establishment of Yiddish or Hebrew schools, and the use of those languages in the communication media and the position of Jews in the civil service. As regards

religion, which seemed to be the only basis for classification of the population, another member wished to know whether the Tunisian Government made use of any other criteria for that purpose.

232. One member of the Committee noted the extensive information provided on the Tunisian position on apartheid, which included many details of specific activities undertaken against apartheid.

233. With regard to article 4 of the Convention, it was stated that, although the Press Code was extremely extensive and corresponded closely to article 4 of the Convention, it did not cover the whole scope of that article, since it did not speak of associations. In that connection, a question was asked about the law governing associations and the conditions on which an association could be declared illegal and be disbanded. It was also noted with satisfaction that the Administrative Tribunal, by virtue of the checks which it imposed on officials at all levels of government, fully implemented article 4 (c) of the Convention. The provision that persons convicted for certain acts of racial discrimination lost their right to vote or to be elected constituted a new development with respect to the implementation of article 4. However, more detailed information was requested about the Criminal Code as it applied to the specific provisions of article 4 of the Convention.

234. As regards article 5 of the Convention, members thanked the Tunisian Government for the abundant information on the way in which rights set forth in this article were respected in that country. With regard to the political rights afforded to citizens, the move towards a more liberal, pluralistic election system was commended. The measures enacted to ensure equality before the law and a considerable number of civil, social and economic rights were also considered impressive.

235. With reference to article 6 of the Convention, it was observed that the report made it clear that Tunisian citizens had ample recourse to courts of law and to the Administrative Tribunal established by Act No. 72-40 of 1 June 1972. Nevertheless, a question was asked whether there was, under Tunisian law, any administrative recourse, whether administrative acts could be rescinded and whether the Administrative Tribunal ever heard cases of racial discrimination. One member stated that information had been provided about the rights of citizens to seek just compensation following instances of discrimination, but he desired a more detailed explanation of how the process worked when racial discrimination was involved, specifically which courts dealt with such violations and how the amount of compensation was determined.

236. With regard to article 7 of the Convention, it was noted that Tunisia was increasingly providing assistance to other less-developed African countries in the form of traineeships and education grants. The international festivals held in Tunisia and the encouragement of cultural events within the country were evidence of Tunisia's commitment to the concept of international brotherhood. It was stated, however, that although the report contained an impressive list of measures to implement article 7 of the Convention, it would be appropriate to provide more information on the mass media in the next report.

237. Replying to the questions raised by the members of the Committee, the representative of Tunisia said that his Government would make every effort to improve Tunisia's legal system further in accordance with the provisions of the

Convention and full account would be taken of the comments made in the Committee in the drafting of the next periodic report. Concerning the ethnic composition of the population, he stated that there were approximately 5,000 Jews in Tunisia, and associations and schools had been set up to provide religious and language instruction. Furthermore, all citizens had access to public office, regardless of their religion. As to the Press Code, which applied to all mass media, it was currently being reviewed. In cases of racial discrimination which were within the purview of the administrative tribunal, the need for it to consider such cases had as yet not arisen. As far as the languages were concerned, the representative said that Berber, which was not widely spoken, was not really a single dialect or language or the expression of a separate culture, and the Berber-speaking population also spoke Arabic and French. The Berbers were entirely assimilated into Tunisian society and did not pose any cultural or other problem. Furthermore, population statistics were prepared on the basis of religious affiliation and not race. With regard to the question of refugees, there was close co-operation between the Office of the United Nations High Commissioner for Refugees and the Government of Tunisia. There were currently approximately 200 refugees in Tunisia, many of whom were quite elderly and some of whom had actually settled in Tunisia. The representative of Tunisia assured the Committee that in the next report further information would be supplied about the Tunisian League of Human Rights and the Administrative Tribunal, and care would be taken to see that that report was drafted in accordance with the Committee's wishes.

#### Madagascar

238. The Committee considered the seventh periodic report of Madagascar (CERD/C/91/Add.29) after a brief introductory statement of the representative of the reporting State in which he referred, in particular, to the text of Act No. 82/013 of 11 June 1982 penalizing acts of racial discrimination.

239. Members of the Committee expressed their appreciation to the Government of Madagascar for continuing its dialogue with the Committee despite the problems which it faced at home and abroad. It was observed, however, that although it appeared from the information provided that there was no problem of racial discrimination in Madagascar, the Government was under an obligation to pass the legislation required by the Convention. In this connection, the Government was requested to furnish in its next periodic report the complete text of article 12 of the Constitution, with its full definition of racial discrimination, so that the Committee could see to what extent that definition satisfied the stipulation of article 1, paragraph 1, of the Convention. One member noted that the Malagasy Government clearly wished the Committee to evaluate its report in the light of its political philosophy. However, while the Government avoided collecting census data on an ethnic basis with a view to promoting national unity, it was none the less obliged to furnish the Committee with detailed information on the country's demographic composition so that the Committee could evaluate the country's compliance with its obligations under the Convention. Some members regretted that the report was not fully in keeping with the Committee's guidelines and expressed the hope that those guidelines would be followed in the preparation of future reports.

240. Turning to the implementation of article 2 of the Convention, some members of the Committee referred to article 1 of the Labour Code and asked whether the classification of aliens into wage-earners and non-wage-earners was made by the Minister for Labour, or whether the distinction depended upon the state of the job

market; whether the foreign workers were recruited by bilateral agreement and, if so, under what conditions; and whether they were required to return to their own countries upon completion of their contracts. Referring to the report that Madagascar's schools for foreign nationalities were also attended by "some Malagasy pupils", it was asked whether those pupils constituted a privileged class or were selected according to such criteria as the languages they spoke; were the foreign schools allowed to set their own syllabuses, or did they have to abide by the general educational policy of the Republic. Some members wondered whether aliens could acquire Malagasy nationality, what rights they would enjoy if they did; whether they would be free to return to their country of origin and whether they would be subject to any travel restrictions. Referring to information provided in the report concerning "stateless" and "not declared" persons, it was asked what rights were enjoyed by such persons and whether any agreement to repatriate them existed; whether the stateless persons had been in that category for any length of time; if they had, whether they received social benefits and whether their children were entitled to education. A member also requested information on the status of the people living in the more backward regions of the country and the policy of the Government to improve the conditions in those areas.

241. With reference to article 3 of the Convention, the Committee congratulated the Government of Madagascar for its firm policy concerning relations with the racist régime of South Africa and its attitude to the practice of apartheid.

242. In connection with article 4 of the Convention, several members expressed concern about the attitude expressed in the report that there was no problem of racial discrimination and therefore no need to take any measures in view of its elimination; that taking such measures would lead to racial discrimination rather than to its elimination; and that the attraction of the forbidden fruit had to be avoided. This approach appeared incompatible with the mandatory rules of the Convention designed to build an international barrier against racial discrimination. In examining the rules enacted, the Committee noted that the promulgation of the Press Charter and the new article 115 of the Penal Code were encouraging signs of Madagascar's willingness to fulfil its obligations under the Convention. However, it was pointed out that article 115 fell short of the requirements of article 4 (a) and (b) of the Convention and that the final paragraph of article 115, moreover, contained a very broad exception to the principle being established. It was asked why such an exception had been made and what "distinctions, exclusions, restriction or preferences" it was intended to cover. The report also did not indicate whether, in accordance with article 4 (b) of the Convention, organizations which promoted or incited racial discrimination could be declared illegal or prohibited. Furthermore, it was noteworthy that the provisions of the Press Charter applied to oral as well as to written defamation and therefore went further than many press codes. However, the fact that there were provisions in both the Constitution and the Press Charter against racial discrimination seemed to be in contradiction with the policy of the Government to avoid the adverse effects of an anti-racist law. Some members pointed out that the penalties imposed by existing legislation were sufficiently severe. It was asked whether article 28 of the Constitution could be used to prohibit the dissemination of racial propaganda on the grounds that racial discrimination was not "in conformity with the objectives of the revolution".

243. Regarding Madagascar's implementation of article 5 of the Convention, some members requested an illustration of how article 38 of the Constitution operated and how it applied to a citizen who could not, for some reason, exercise his full

civil and political rights. According to article 39 of the Constitution, freedom of conscience and religion was guaranteed by the neutrality of the State towards all beliefs. In this regard it was asked whether the omission of "freedom of thought" was deliberate and what was meant by the word "cults" in article 39. Additional information was required on the regulations governing a person's right to leave Madagascar, either in search of employment or to join his family abroad and on the role of trade unions in the context of Madagascar's socialist ideology. One member expressed concern that a person could be deprived of all civil rights if found guilty of certain offences against the State. Such penalty amounted to the civil death of an individual. The hope was expressed that the Malagasy Government would adopt a liberal interpretation of articles 14, 16, 25, 28 and 30 of the Constitution, which appeared to abridge other rights which the same Constitution guaranteed.

244. With regard to implementation of article 6 of the Convention, detailed information was requested in the next report on recourse procedures available to citizens in civil, penal and administrative areas.

245. In accordance with implementation of article 7 of the Convention, members of the Committee wished to know whether human rights subjects were included in training programmes for teachers, police officers, magistrates and other public officials; what was the role of the mass media in propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration and Convention on the Elimination of All Forms of Racial Discrimination, and what efforts were being made to promote understanding, tolerance and friendship among nations and racial or ethnic groups.

246. In replying to questions by the Committee, the representative of Madagascar drew attention to the Charter of the Malagasy Socialist Revolution and said that it had been adopted by referendum and had established the general objectives and framework within which all future economic and social legislation must be developed. As regards the purpose of the classification of aliens into wage-earners and non-wage-earners in article 1 of the Labour Code, he stated that the prior authorization required in the Labour Code for the employment of aliens was intended to prevent foreigners, in their own interest, from arriving in the country without work, thereby becoming a burden on the State and placing themselves in conditions of hardship, and that the granting of the authorization depended on prevailing employment condition. Concerning the recruitment of foreign workers, he said that Madagascar had entered into bilateral co-operative agreements on the subject with other countries. A foreign worker must have a contract, specifying the duration of his employment, and a residence permit. Stateless persons had the same rights as foreigners and they were free to remain in Madagascar forever. As far as language policy was concerned, the representative explained that the Government was seeking to enrich the Malagasy language and to ensure uniformity of terminology that was particularly important in the area of science and technology. Currently there were two official languages - Malagasy and French - and all official documents were published in both languages. As regards the Government's policies towards the disadvantaged population, he stated that the Government's objective was the steady development and full employment of its 18 ethnic groups, 85 per cent of whom were still suffering the effects of the colonial past, and that Act 77/002 of 22 December 1977 had adopted a planned approach to socialist development. That Act formulated an overall plan for full agricultural and industrial development by the year 2000, whose aims were the complete

nationalization of the main sectors and strategic activities of the economy, full employment and the satisfaction of the basic economic, social and cultural needs of the people.

247. In connection with article 4 of the Convention, the representative stated that Madagascar had enacted Act 82/013 of 11 June 1982 as new article 115 of the Penal Code, establishing penalties for acts of racial discrimination. That Act had a precursor in the Press Charter which had provided the bases for an arsenal of laws to suppress racial discrimination if and when it appeared; it provided the heaviest penalties for violations relating to foreigners, and the penalty for senior officials was greater than that for low-ranking officials. With regard to the deprivation of rights sanctioned in articles 14 and 16 of the Constitution, the representative stated that such extreme measures would indeed constitute a form of civil death for those who wished to sabotage the Malagasy revolution, but such instances had not occurred and the measures had never been invoked.

248. With regard to article 5 of the Convention, the representative explained that the law concerning loss of civil rights had not yet come into effect. Moreover, its purpose was to deter anyone who might wish to prevent the country from advancing along the path of socialism. Concerning the freedom of religion, he said that, while there was complete freedom of association, religious worship should not lead to disturbance of the peace, and that the churches were subject to the same régime as were associations. Furthermore, he informed the Committee that no discriminatory conditions were imposed on the right to leave the country; however, everyone was required to obtain an exit visa, the issue of which was subject to compliance with regulations concerning fiscal obligations, and to have a return ticket. As far as trade unions were concerned, the representative stated that unions could be either affiliated to a political party or totally independent from any party and that the right to strike was recognized. However, certain categories of workers, such as public health officials, law enforcement officials, senior administrative officers, postal workers, the staff of the meteorological service and others who, if they went on strike, would create national and international disruption, did not have that right.

249. With reference to article 7 of the Convention, the representative said that civics was taught from the primary to the university level and that the courses did include a human rights aspect. In addition, every year on United Nations Day and on Human Rights Day a message was issued by either the President of the Republic or by one of the Ministers in order to remind the population of the importance of human rights.

250. The representative also stated that his Government would be able to glean many insights from the questions that had been raised by the Committee; they would be transmitted to his Government to be dealt with, as appropriate, in the next report.

### Brazil

251. The seventh periodic report of Brazil (CERD/C/91/Add.25) was considered by the Committee together with the introductory statement made by the representative of the reporting State, who limited his remarks to the question concerning national legislation relevant to the Convention and highlighted the replies given in the report to questions previously raised by the Committee relating to the implementation of some articles of the Convention and the protection of the indigenous population.



252. Members of the Committee congratulated Brazil on its report, which reflected the increasing determination of the Government to implement the Convention, and welcomed the fact that a new bill to provide stiffer penalties for racial discrimination was currently being considered by the National Congress.

253. The Committee focused attention in particular on the questions of the Government's policy and practical measures regarding protection of the indigenous population in conformity with the provisions of article 1, paragraph 4, article 2, paragraph 2, and article 5 of the Convention. It was noted that the seven general directives of the Action Plan of FUNAI, adopted on 18 February 1981, could be useful for other countries with an indigenous population that had to be protected. However, some members of the Committee expressed the wish to receive further information on the demarcation and regularization of indigenous lands and on how individuals were classified as indigenous - whether it was on the basis of race or on their adherence to a particular group because of social and economic considerations; to what extent colonization by immigrants from other areas of Brazil was permitted on indigenous lands; whether the contracts referred to in the report had been concluded between the indigenous population and new immigrants in the areas in question and whether those contracts were in keeping with the policy pursued by FUNAI. Since one of the activities of FUNAI was to acquire the title to lands in indigenous zones inhabited by non-indigenous people and to resettle strangers outside the indigenous lands, it was asked whether the Government had established any kind of fund to provide compensation to non-indigenous people who had made investments in indigenous lands and what penalties were applied in the case of incursions by non-indigenous people into areas reserved for the Indians.

254. The Committee also wished to know whether there was any kind of administrative or advisory body operated by the indigenous population on its own behalf, analogous to the congresses of indigenous peoples that were traditional in other parts of Latin America and, if so, what its relation was to the new organizations established by the Government, such as FUNAI; whether the leaders of the indigenous peoples were represented at any level of the administration of FUNAI and, if so, at what levels. Information was requested on what the situation was in cases where there had already been partial or complete annexation of a territory by national or multinational economic interests and exploitation of minerals had already been started, whether the Indians were entitled to derive any benefit from the exploitation of their natural resources and whether the tutelage system provided for any special form of assistance, compensation or subsidy in such circumstances. Inquiries were made as to whether the tutelage system entailed restrictions not only of civil rights but also of political rights, whether the indigenous groups under the tutelage system were allowed to vote and to participate in civil life and, if so, the conditions that they had to meet in order to vote.

255. Furthermore, some members requested information on Brazil's experience with bilingual schools, on educational and training programmes for indigenous groups, on the languages that had been officially recognized or were being reviewed as well as on the outcome of the literacy campaigns among the indigenous population. With reference to article 5 (e) of the Convention, a member wondered whether the indigenous peoples had been integrated into the work-force of the enterprises and, if so, whether there were regulations governing their employment conditions with the aim of protecting them from alienation and whether such employment resulted in improvements for those peoples. The hope was also expressed that in the next report the Government would inform the Committee on the socio-economic development of the indigenous peoples and on the traditional institutions involved in the

socio-economic programmes and would supply information on whether Brazil had ratified ILO Convention No. 107 of 1957 concerning the protection and integration of indigenous and tribal populations. The Government was requested to submit in the next report full information, with figures, on the composition of the indigenous population and statistics on rural and urban housing shortages, illiteracy and infant mortality among the Indians.

256. With reference to article 3 of the Convention, members of the Committee commended the Government's efforts to help the people of South Africa who were suffering as a result of apartheid. However, they were surprised at the fact that Brazil maintained a diplomatic presence in Pretoria and called on the Brazilian Government to reconsider its position. In that connection, it was asked how much trade Brazil conducted with South Africa and what scope there was for reducing trading and diplomatic links with the Pretoria régime.

257. With regard to the statement in the report that the Council for the Defence of Human Rights had never been called upon to deliberate on an act of racial discrimination, it was asked whether any cases had been brought before the courts under Acts Nos. 5250 and 6620 and article 25 of the Penal Code, which related to article 4 of the Convention.

258. Regarding article 5 of the Convention, some members of the Committee wished to receive additional details on the Government's scheme for purchasing dwellings specially intended for persons of low income. Noting that article 178 of the Constitution obliged enterprises to educate their employees and employees' children, it was asked how many foreigners had benefited from that provision; whether education from the age of 7 to 14 was in fact compulsory; and whether the Government's educational plan sought to make both indigenous and non-indigenous groups aware of each other's cultures and ethnic identities. Clarification was requested on why no information had been provided on the implementation of article 5 (d) (vii) on the right to freedom of thought, conscience and religion and subparagraph (d) (viii) on the right to freedom of opinion and expression.

259. With respect to article 6 of the Convention, a member drew attention to article 92 of Act No. 4215, cited in the report, and asked what could be considered a "good and sufficient reason" for a counsel's failure to defend a needy person's case and what authority was empowered to decide whether the counsel's reasons were "good and sufficient". He also asked for a clarification of the intent of article 1547 of the Civil Code, which provided for substantially severer punishment for moral injuries than for physical or material ones.

260. With reference to article 7 of the Convention, it was asked what measures had been adopted by the Government of Brazil to include in school curricula information designed to make young people aware of the Convention's aims and purposes.

261. Replying to questions raised by members of the Committee, the representative of Brazil stated that according to Act No. 6001 of 19 December 1973 an Indian was a person of pre-Columbian origin or descent identified as belonging to a separate ethnic group; an indigenous community was a cluster of Indian families either living in isolation or maintaining intermittent or permanent contacts with the outside world, but not integrated into the society of the nation as a whole. Concerning the directives given to FUNAI, he said that those directives were inspired by Act No. 6001, which was the basic document governing official policy in

that area, and the primary purpose of the Act was to regulate the legal status of Indians with a view to promoting their harmonious integration into national society while respecting their cultural values. The slow process of integration was not made easier by the remoteness and inaccessibility of some of the areas inhabited by Indians. FUNAI was responsible for the demarcation on indigenous lands, a process in which representatives of the indigenous population were involved. FUNAI was also more concerned with providing basic assistance and bringing about integration and socio-economic development. Once a certain level of integration and development had been achieved, material benefits were likely to follow. With regard to the tutelage system, he explained that although that system did limit the civil capacity of Indians, the recent election of an Indian chief to the Chamber of Deputies was proof that the highest level of representation was accessible to Indians. In the context of the Brazilian system of proportional representation, and given the fact that there were 200,000 Indians out of a total population of some 120 million, the presence of one Indian in the Chamber of Deputies was of no mean significance. The representative pointed out that in July 1965 Brazil had ratified ILO Convention No. 107 of 1957 concerning the protection and integration of indigenous populations and that Act No. 6001 had been inspired by that Convention.

262. As to the concern expressed about Brazil's diplomatic relations with South Africa, he stated that his Government had deliberately downgraded its representation in that country and that the Embassy was currently headed by a Chargé d'Affaires who was at a very junior level. Brazil was continuing to loosen its commercial links with South Africa. Furthermore, the Brazilian Government was assisting such countries as Angola and Mozambique with their development plans and it had helped to finance the construction of a road in the United Republic of Tanzania.

263. In reply to questions concerning the implementation of article 5 of the Convention, the representative said that the Government had offered certain tax incentives with a view to encouraging investments in some areas and promoting the economic and social development of the inhabitants. Although it had already had some success in raising living standards, many formidable problems still had to be overcome. According to article 178 of the Constitution, commercial, industrial and agricultural enterprises were bound to maintain free primary education for their employees and the employees' children or to assist by contributing an education-wage in such form as the law might establish. Education in Brazil was compulsory.

264. In conclusion, the representative assured the Committee that all questions and comments would be forwarded to his Government, so that it could respond fully in the eighth periodic report.

### Chile

265. The sixth periodic report of Chile (CERD/C/90/Add.4 and Corr.1) was introduced by the representative of the reporting State. He indicated in particular that the report supplied updated information on the measures taken in Chile for indigenous populations with respect to the registration of individually owned property, and he corrected the text of the report dealing with the "Alacalufes" Indians.

266. Some members opposed considering the report or entering into a dialogue with the Chilean authorities because of their persistent and systematic violations of human rights and fundamental freedoms since the military takeover 10 years ago.

Following the military takeover, it was stated, some 1.2 million Chileans had been forced into exile and the Chilean authorities continued contravening basic human rights. Such violations had been denounced by the United Nations bodies on a number of occasions and more recently by the General Assembly in its resolution 37/183; the Special Rapporteur on Chile had also expressed particular concern (see A/37/564) about the situation of indigenous populations in that country. The aim of the new Constitution, it was stressed, was to institutionalize the state of exception in Chile, and the provisions mentioned in the report in relation to article 5 of the Convention had no force of law.

267. Other members, however, were of the opinion that, although the Committee might disagree with the nature of the régime of a particular State party, such considerations should not prevent the Committee from carrying out its tasks. Moreover, if the Committee refused to consider the report of a State party to the Convention, it would be remiss in fulfilling its own obligations under the Convention. The Chairman, in ruling on that issue, stated that, while the Committee could not operate in a political vacuum and ignore General Assembly resolutions, it should take into account only those Assembly resolutions bearing directly on racial discrimination: there were other bodies in the United Nations to deal with other human rights issues.

268. The Committee took account of the measures taken for the indigenous populations. Yet, it emphasized that it was important for the Government to step up its efforts to solve the problems arising from the Mapuche practice of subdividing ownership. It was requested whether property titles held by indigenous groups were transferable and whether there were any restrictions imposed on members of those groups in such transfers. Queries were also made about the nature of authority held by the locally elected chiefs and their status vis-à-vis the Government.

269. In relation to article 3 of the Convention, the Committee pointed out that Chile had not provided the specific information requested on the status of diplomatic, economic and other relations with South Africa.

270. Members of the Committee disagreed with the reply of Chile that there was "no reference in the Convention to an obligation to establish specific rules concerning discrimination". They stressed the fact that the provisions of article 4 (a) and (b) sufficed as a refutation to such argument. States parties need not take special measures if it could be clearly proved that at the time of their accession to or ratification of the Convention, their legislation already contained such guarantees. But it was incumbent on individual Governments to prove that anti-discrimination measures were contained in their legislation. If Chile was complying with article 4, it should provide the Committee with information on how the law punished violations of article 4 that might be committed against the Mapuches or any other ethnic group and the relevant texts of law.

271. As far as article 5 of the Convention was concerned, members expressed doubts about the new Constitution and pointed out that an indefinite number of rights had been suspended. It was observed, for example, that under article 13 of the Constitution those who had been sentenced for a serious offence could not become citizens of Chile. This measure deprived hundreds of thousands of victims of the early years of the régime, who had been arbitrarily sentenced, of the right of citizenship. Clarifications were requested about the Constitution in relation to

the rights to freedom of: movement and residence; opinion and expression; thought, conscience and religion; peaceful assembly and association. Further clarification was requested concerning the difference between laws adopted by a quorum calificado (special quorum) and constitutional organic laws and whether there had been any court cases involving violations of the rights in article 5 of the Convention. Members stated that the relevant texts of laws should be furnished, in particular those regulating political parties and concerning the right to freedom of opinion and expression. Referring to passages of the Constitution, the question was posed as to who defined the moral standards of the country and in which manner the Government defined political activities. Commenting on article 24 of the Constitution which authorized the President of the Republic to suspend under certain circumstances the enjoyment of a number of fundamental freedoms, it was requested how those powers were exercised and how the judiciary functioned. The next report, it was said, should contain details of the way in which Chile's judicial system was organized and the degree of independence of the judges as well as what effect the current state of emergency had had on the functioning of the courts. The Committee was of the opinion that opposition to racial discrimination could occur only in an environment where human rights were fully respected and the question was posed as to whether the state of emergency was a temporary derogation from that country's obligation under the Convention, or whether the situation amounted to a formal and permanent suspension of human rights. The hope was expressed that the next periodic report would present an account of the current situation in the context of article 5.

272. Regarding article 6, details were requested about the right of defence and opportunities for recourse in cases involving racial discrimination from any source, including government officials. In addition, the Committee felt that the next report should also contain more information on the implementation of that article as well as of article 7.

273. Replying to the questions raised by the Committee, the representative of Chile stated that the next report would provide the background information as well as the legal texts requested. He added, however, that the Political Constitution of 1981 covered almost all the provisions of the Convention.

274. He stated that Chile had enacted basic laws regarding indigenous populations whose aim was to bring their treatment into line with the general legal order of the country. The law currently sought to have reservations and individual property owners legally register their holdings so as to protect indigenous property ownership rights. That procedure had been determined after consultations with FAO officials. The Mapuche people had their own private associations that served as a link between them and the Government. There was a common effort to keep their culture intact.

275. Chile's diplomatic relations with South Africa were long-standing and had evolved under the past four governments. Chile had consistently condemned apartheid. Its relations with South Africa were confined to economic matters which served Chile's purposes as a developing country without involving it in any way in South Africa's political policies.

276. It was clear, he said, that article 4 of the Convention made the adoption of legislative measures mandatory and he expected that Chile's next report would state that internal legislation covered all provisions of the Convention. He pointed out

that the Political Constitution equated a treaty to a law: the Convention in its entirety was currently in effect in Chile without the enactment of specific legislation. He indicated that since there was no racial discrimination in Chile there was no need for administrative or judicial measures. Explaining the difference between constitutional organic laws and quorum calificado (special quorum) laws, he said that the former required a three-fifth majority for adoption, amendment or abrogation, while the latter required an absolute majority. Replying to the question about whether the state of emergency was transitional, he informed the Committee that it had a specific time-limit that could not be extended but could only be renewed as a new state of emergency if the circumstances warranted it. With regard to the statement made that the Constitution would exclude hundreds of thousands of Chileans from citizenship, he noted that the Government had promulgated an amnesty law covering the period 1973-1983. Thus, no one had as yet been excluded from citizenship. He explained that there were three types of recourse: the authority that handed down a decision, namely, the President, could be requested to reconsider that decision; beyond that there could be the recourse of protection in cases of alleged violations of constitutional guarantees and the recourse of amparo, which was similar to habeas corpus.

277. He concluded by stating that it was not dignifying to reply to political comments voiced during the consideration of the report. Any question which had been left unanswered for lack of sufficient information would be dealt with in the next periodic report. Chile assured the Committee that it fully supported efforts to implement the Convention.

### India

278. The Committee considered the seventh periodic report of India (CERD/C/91/Add.26) after its introduction by the representative of the reporting State. He drew the attention of the Committee to the recent ruling of the Indian Supreme Court that, where a person or class to whom legal injury had been done was unable to approach the Court for redress because of poverty, disability or socially or economically disadvantaged position, any member of the public acting in good faith could apply for judicial redress from the court, which would provide a lawyer.

279. Members of the Committee commended the Government of India for the regularity of its reports and the consistency of the information presented, which testified to India's commitment to the elimination of racial discrimination and its willingness to continue the dialogue with the Committee.

280. The attention of the Committee focused in particular on the implementation of articles 1 and 2 of the Convention. In this context, it requested explanations about article 14 of the Indian Constitution, which provided "equal protection" to individuals from various groups but permitted "differential treatment in different circumstances". It was stressed that under the Convention the rule of non-discrimination on the basis of colour and ethnic origin applied in all circumstances. Concern was expressed about the term "reasonable classification", and a member inquired about a trend amongst members of the scheduled castes and scheduled tribes to convert to Islam in order to escape such "reasonable classification". The Committee welcomed the fact that about 10 per cent of the public sector outlay in the sixth plan (1980-1985) would be used to improve the situation of scheduled castes and scheduled tribes. Yet, it noted that because of the inevitably slow process in changing traditions, article 334 of the Constitution had been amended to extend the special reservation of seats in Parliament for the

scheduled castes and scheduled tribes for a further period of 10 years, and it requested further information on that aspect. One member inquired to what extent that action was compatible with article 1, paragraph 4, of the Convention. The Committee also pointed out that the steps taken by the Government with a view to improving their situation were of great interest and hoped to receive the twenty-seventh report of the High-Power Panel on the Scheduled Castes, the Scheduled Tribes and Other Weaker Sections of the Society as well as information on the caste system and to what extent it was based on socio-economic conditions. Details on how the Supreme Court interpreted the constitutional rules relating to the provisions of the Convention were also requested.

281. The Committee asked for information regarding the various minorities and tribes living in India; their ethnic origin, languages, educational level, representation in the public service (federal government, police, judiciary, foreign service, etc.); the financial support received from the Government to accelerate their socio-economic development; the competence of the federal and state governments concerning their rights; and their possibility to develop cultural and linguistic ties with groups in their country of origin. It was also asked how the administrative and judicial authorities were being made aware of India's obligations under the Convention in regions where the population included such disadvantaged communities. More specific information was requested concerning the number and status of Anglo-Indians and India's general policy towards the Tamils. Referring to a movement launched in 1961 to encourage large landowners to donate part of their land to the peasants, one member asked for information on the results achieved. Another member, observing that no citizen could be denied admission to educational State institutions or institutions receiving aid from the State on grounds only of religion, race, caste or language, asked whether admission could be denied on those same grounds to educational institutions not maintained by the State or which did not receive State aid.

282. The Committee commended the Government of India for its policy and action against apartheid. It took note of the Anti-Apartheid Act of 1981 enacted by the Indian Parliament to give effect to the provisions of the International Convention on the Suppression and Punishment of the Crime of Apartheid. Also in relation to article 3 of the Convention, the Committee showed appreciation for the assistance India was providing to the victims of apartheid and for its consistent stand against the South African régime.

283. As far as article 5 of the Convention was concerned, the Committee requested detailed information about the immigrant population in India, their nationality, status as refugees or citizens, and their civil and political rights. Information was also asked for as regards the status of non-citizens in relation to article 14 of the Constitution and the requirements to become a citizen. Making reference to information provided in the report about provisions of the Constitution of India to prevent exploitation of the weaker section of society, one member showed interest to learn more about those provisions and whether the labour legislation embodied mandatory provisions in that connection.

284. Referring to the recent violence which had occurred in the state of Assam and to the implementation of article 6 of the Convention, it was observed that while recourse to the courts might be effective in the case of individuals, it seemed that it was not practicable in the case of ethnic groups pitted against each other. Reference was made to the statement by the Prime Minister of India that the

country did not have the resources to quell such violent rampages and prosecute all the wrongdoers. In this connection, it was stressed that effective measures were needed to protect the life and property of ethnic and minority groups in such situations: it was indeed an agonizing problem if a State's lack of resources prevented it from discharging its fundamental duty of safeguarding the life and property of its citizens. It was further pointed out that it was within the Committee's competence to discuss conflicts arising between linguistic groups which were generally related to problems of ethnic or national considerations. It would be useful to have further information in the next report on India's experience with its autonomous regions and how the relevant machinery operated. Specific information was requested about the institution in India equivalent to an ombudsman and if that institution existed in all the states of the Republic. Inquiries were also made about what type of mechanism there was for resolving disputes entailing the exploitation of a tribal community by non-tribal groups as well as the laws protecting tribal lands and the action taken in the event that those laws were violated. It was observed that the conflicts in Assam could have been avoided if article 7 of the Convention had been fully implemented in that part of India.

285. The representative of India, replying to questions raised in connection with articles 1 and 2, explained that under article 14 of the Constitution equality before the law meant that among equals the law should be equal and should be equally administered; there could be no discrimination between individuals in substantially similar circumstances and conditions. The Supreme Court had upheld that principle and ruled that classification was permissible for the purposes of legislation, and that it was not necessary for all laws to be general in character and universal in application. He said that he was not aware of any trend towards conversion to Islam among scheduled castes; he only knew of one isolated incident. In connection with the provision that the State should not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth, he said that there could be other circumstances under which certain classifications could be made, and referred to one case in which the Supreme Court had ruled it inadmissible for a college in Bombay to restrict admission to Anglo-Indians since that restriction entailed only one criterion and thereby violated the Constitution. On the question of the amendment to article 334 of the Constitution, he said that seats had been reserved for members of scheduled castes and scheduled tribes and for representatives of the Anglo-Indian community in the Parliament and in the legislative assemblies for 40 years from the announcement of the Constitution. Certain groups had been subjected to repression and deprived of all facilities for centuries; 40 years was not a long period to bring such people up to the level of the rest of the community.

286. Regarding the questions about tribes and tribal communities, he pointed out that a great deal of information had already been provided in previous periodic reports. He referred to various tribal sub-plans for the advancement of members of scheduled castes and tribes which laid down the strategies and priorities for each state and which were subject to periodic review in various forums, including the Planning Commission. The education of members of tribes and scheduled castes up to the secondary level was entirely free in government schools. About 1.6 million children had received scholarships during the period of the fifth plan up to the high-school level and over 2,000 hostels and 200 boarding schools were maintained; in addition, some 23,000 youths from scheduled castes and tribes had received vocational training in industrial training institutes. The number of students from scheduled castes and tribes who had been awarded scholarships for higher education



had increased from 2,179 in 1951-1952 to over 400,000 in 1978. The numbers of members of scheduled castes and tribes employed in public services had risen from 360,000 in 1966 to over 3 million in 1979. In the public sector and at the central and state government levels there were specific quotas for members of scheduled castes and tribes, and each year a number of places was reserved for members of such groups in the public service examinations, including two or three places in the foreign service.

287. In daily life, the caste system was gradually disappearing. A possible exception was marriage, since marriages were often arranged by parents, and the first consideration tended to be caste, although the phrase "caste no bar" was being seen increasingly frequently in the classified matrimonial advertisements in Indian newspapers. Untouchables had received extensive protection under the Constitution; all activities directed against members of scheduled castes or for the purpose of untouchability were crimes. When cases were brought before the courts, the onus of proof lay with the accused person. Many cases did not go to the courts at all; problems were sorted out at the village level by village elders under the panchayat system. At all levels, from the sarpanch to the district magistrate, the interests of the backward castes were protected without the need to go to court. People of Tamil origin had been assimilated and given Indian citizenship. On the question of land redistribution, the Government had restricted the size of individual landholdings so that tenants could hope to own the land they farmed; the ceiling on the size, though it varied from state to state, averaged 30 acres per person.

288. Turning to questions posed in relation to article 5 of the Convention, he indicated that protection by the State did not distinguish between citizens and non-citizens. The Ministry of Labour had responsibility for all labour problems; members of backward classes or socially disadvantaged groups could also apply directly to the Supreme Court.

289. Answering questions related to article 6 and the events which had occurred in Assam, he stated that the Government had had a constitutional obligation to organize elections in Assam; certain individuals had been unwilling to allow the elections to be held and had even tried to stop others from participating in them. They had disrupted communications and spread fear, and that situation had given rise to the recent shocking events. The Government of India had condemned those events and was taking all possible steps to rehabilitate the persons affected. The violence which had occurred amongst different groups of the population was indeed tragic. The Indian Constitution and Penal Code made incitement to violence an offence and under section 153 A of the Penal Code various actions constituting incitement to hatred or violence were an offence and were subject to appropriate penalties. On the question of ombudsmen, he said that there was a vigilance commissioner's office in Delhi which took action on all complaints against the Executive; similar offices existed in each state.

290. He would not ascribe the events in Assam to failure to implement article 7 of the Convention. Details on how article 7 was being implemented, by inculcating principles of human rights in universities and schools, had been provided in the sixth periodic report.

291. Finally, he assured the Committee that further information in relation to other questions asked would be provided in the next periodic report.

Islamic Republic of Iran

292. The seventh periodic report of the Islamic Republic of Iran (CERD/C/91/Add.31) was considered by the Committee together with the introductory statement made by the representative of the reporting State who said, in particular, that his Government had recognized all the legislation of the former régime pertaining to the elimination of racial discrimination, including the law which prescribed punishment for the propaganda of any ideology based on racial discrimination. He also pointed out that all ethnic groups had their representatives in the Islamic Consultative Assembly (Majlis) and that the Government concentrated its activities on the poorest and least developed areas of the country and gave special attention to the deprived villages where the majority of Iran's ethnic population lived.

293. Several members of the Committee voiced disappointment with the report. It was noted that a number of the questions asked during the consideration of the sixth periodic report had not been satisfactorily answered. In particular, the Committee had called for information on how provisions of the new Constitution were being applied in so far as they affected the requirements of articles 2, 4, 6 and 7 of the Convention. Members had also asked about the status of general principles of international law and international agreements within the Iranian constitutional framework and what would happen, for instance, if there was a conflict between international treaty obligations and Iranian law. Furthermore, the Committee had been informed earlier that Iranian society was homogenous in terms of race and colour, but principle 13 of the new Constitution appeared to imply the existence of racial differences in words very similar to those used in the Convention in defining racial discrimination.

294. Many questions were asked about the minorities in the Islamic Republic of Iran and, in this connection, members referred to articles 2 and 5 of the Convention. They drew attention to the fact that under principle 14 of the Constitution the human rights of non-Muslim individuals were respected only if they did not conspire or act against Islam and the Islamic Republic of Iran. It was asked what authority was empowered to determine whether an individual was conspiring or acting against Islam or the Republic, by what procedure it reached such a determination, whether the procedure was open to scrutiny and whether the individuals concerned were given a proper opportunity to defend themselves. Moreover, under principle 13 of the Constitution, only Zoroastrian, Jewish and Christian Iranians were recognized as religious minorities, but the Committee should be informed of the reasons for recognizing only those minorities. It was also asked whether any penalties had been laid down for "conspiracy" against those three officially recognized minority religions and, if so, on what grounds and with what results; and whether to profess atheism would be regarded as anti-Islamic and thus affect an individual's civil rights. Similarly, in view of the fact that the legal status of individuals in the Islamic Republic of Iran appeared to be determined largely by their religious beliefs, information should be provided about the status of the Baha'is in conformity with article 5 (d) (vii) of the Convention. The Committee also requested information on how many schools had been established for members of the Kurdish, Baluchi and Arabic-speaking minorities, and whether Jews had the opportunity to learn the two main languages used by them, as well as on the legal situation of aliens, particularly foreign workers.

295. With respect to articles 4 and 6 of the Convention, the Government was invited to furnish the text of the law relating to propaganda for racial segregation and the text of the relevant sections of the Penal Code, so that the Committee could

see whether they explicitly prohibited racial discrimination. Information was also requested on the recourse procedures available to persons subjected to acts of racial discrimination.

296. Replying to some of the questions asked, the representative of the Islamic Republic of Iran stated that most people in the country were Shiite or Sunni Moslems or Assyrian or Armenian Christians whose religious freedom was guaranteed. Under principle 13 of the Constitution substantial rights were recognized to Zoroastrians, Christians and Jews, whose religions were considered the only other religions practised by a substantial number of Iranians. However, those rights could not be accorded to all who followed or practised a set of beliefs which they chose to call a religion. None the less, under principle 14 of the Constitution, everyone was free to hold any political or social ideology and, under principle 23, people could not be interrogated or abused because of their ideology. However, there was ample evidence to show that Baha'ism was not and could not be considered a religion; it was simply a political party. The mere fact that tens of thousands of Baha'is lived freely in the Islamic Republic of Iran demonstrated that the provision concerning the right of all to the ideology of their choice was observed. Concerning the question regarding the foundation for the recognition of those three religions, he said that that recognition stemmed, in principle, from the criteria laid down in Islamic jurisprudence.

297. With reference to principle 14 of the Constitution concerning a conspiracy against Islam and the Islamic State, the representative said that any person belonging to any religion, including Islam, could be tried for such conspiracy. The basis for determining conspiracy was laid down in Islamic jurisprudence and the matter was judged by the judicial system, which was independent and competent according to the norms of his country.

298. He also said that the questions and suggestions of members of the Committee would be conveyed to his Government and assured the Committee that statistical information concerning the ethnic groups and the measures which were being taken to improve the situation of such groups would be provided in the next periodic report.

#### Federal Republic of Germany

299. The seventh periodic report of the Federal Republic of Germany (CERD/C/91/Add.30) was introduced by the representative of that country, who said that the report should be viewed as a supplement to the earlier ones. Focusing on the implementation of the Convention in terms of penal law, he stated that prosecution of acts involving racial discrimination was mostly covered by the general provisions of the Penal Code. Racial motivation was not taken into consideration in assessing the gravity of the act or the punishment applicable, since it was the crime, not the motive, which was the main criterion for prosecution. The representative, nevertheless, presented some statistics of crimes committed in 1981-1982 with motivation containing racial or national elements, all of which, according to him, had been prosecuted, and gave some details of a procedural nature in that context. He specifically referred to the articles of the Penal Code, which covered the establishment of organizations aimed at committing a punishable offence and participation in their activities and provided the Committee with detailed information on this subject.

300. The members of the Committee commended the Government of the Federal Republic on the professional way in which its report had been presented, and noted with

appreciation that the State party was clearly prepared to continue its dialogue with the Committee. It was remarked that the report contained detailed information on judicial decisions in court cases involving racial discrimination and that the Federal Republic was one of the few countries that had complied with the Committee's guidelines in that respect. Additional general information was requested on the situation of foreigners in the country.

301. With regard to article 2 of the Convention, members noted with satisfaction the measures being taken to integrate gypsies in the socio-economic development of the country, but expressed concern at the relatively high rate of illiteracy among gypsy children and at the fact that a high percentage of them attended schools for the educationally sub-normal. It was asked whether that was because the children were mentally retarded or because no other school could deal with their special Educational problems. In so far as the Government's stated intention was to preserve the gypsy culture, it should be possible, it was suggested, to include programmes that met the special features and the needs of the Sinti/Rom gypsies within the regular system - as called for in article 2, paragraph 2, of the Convention - or to improve the special schools attended by the gypsies. The attention of the members was drawn to measures requiring policy registration of gypsies in the Federal Republic of Germany and it was observed that such measures had an ominous precedent in the history of that country. The representative of the Federal Republic was requested to enlighten the Committee on that issue. It was also asked whether the Government had provided financial support for the Central Council of German Sinti and Rom, in accordance with its intentions as stated in the report, and what other types of assistance were being rendered in that community. Some additional information was requested with respect to the Danish minority of Schleswig-Holstein, particularly in relation to education and cultural activities, co-operation between cultural and educational institutions in that area and those in Denmark and the political representation of the minority.

302. With respect to article 3 of the Convention, several members were of the opinion that the report did not contain enough information on the implementation of this article. It was recalled that in its preceding report the Federal Republic of Germany had said that it maintained no nuclear or military co-operation with South Africa, had no investments in it and made no shipments to it, endeavouring to bring about the total elimination of the apartheid régime, especially through active efforts to assist small countries. It was therefore considered as desirable to know more about the development of relations between South Africa and the Federal Republic of Germany and the hope was expressed that the next report would contain information on these issues.

303. With reference to article 4 of the Convention, it was stated that the cases described in the annex to the report constituted a valuable compendium of the penal jurisprudence of the Federal Republic of Germany in situations involving racism. The information was of assistance to the Committee in appraising the functioning of that country's legal system, particularly with regard to compliance with the Convention, and was useful for other States, as it clearly demonstrated why countries were required to enact anti-discrimination legislation under article 4 even when they might not be able to foresee situations in which such legislation might be needed. Moreover, the fact that courts in the Federal Republic regularly dealt with a certain number of cases involving racial discrimination proved that the Convention constituted an integral part of the penal legislation of that country and that its provisions were genuinely being implemented. Several members pointed out that the judgements and sentences mentioned in the report were rather

lenient, with those found guilty being freed on probation in all cases. In their opinion, the judiciary should apply stricter punishments in order to eradicate all vestiges of racism and nazism in view of the fact that racial discrimination is one of the most serious crimes against mankind. Other members considered these rulings as strict and balanced applications of the relevant penal laws. It was also regarded as problematic if in the Committee the appropriateness of sentences of national courts were criticized. In this connection, a question was put as to what precisely was the system of probation in the Federal Republic of Germany, and the hope was expressed that the next periodic report would provide further examples of judicial decisions and sentences for racist offences, as well as of organizations declared illegal and the grounds for their prohibition.

304. With reference to article 5 of the Convention, the discussion concentrated on the problem of foreign workers in the Federal Republic of Germany. Noting that the Federal Republic attracted many immigrant workers from other countries, members wished to know more about their living and working conditions as well as whether the Government's general policy was aimed at assimilation or at integration, and whether or not it wanted foreign workers to be able to retain their own culture and customs as citizens. It was recalled that unemployment figures were higher among foreign workers in the Federal Republic of Germany than among citizens of that country, a phenomenon that, although understandable, was not justifiable. The situation had already been evident when the sixth periodic report of the Federal Republic of Germany had been considered. The Committee members had asked at that time how the Government planned to eliminate such discrimination, but no response had been given then by the representative of the reporting State, and the question remained unanswered in the present report. Additional information was requested on the status of foreigners in the Federal Republic, their right to live there without being expelled and the measures which the Government was taking to reduce the unemployment rate among that group.

305. As regards article 7 of the Convention, it was pointed out that the main issue was how to combat racial discrimination through judicial measures while educating people to live in harmony with those of other ethnic origins. People were not born racists, but racial prejudice was imposed through education and a way of living. It was stated that the next report of the Federal Republic should provide a study on how the educational system was being used to eliminate racial prejudice, including ways in which young people were being informed about racial discrimination in the Nazi period, on the dissemination of information on the consequences of a policy of racial discrimination, on the efforts being made through the mass media to remove the vestiges of the past, and on any special programmes to educate the public at large. It was perhaps necessary to place greater emphasis on education in order to change the mentality of people rather than on punishment. In connection with the education of the young people, it was recalled that the analysis of the five court cases discussed in the report led to the conclusion that the first two cases, involving 60-year-old men, represented a survival from a painful past, while the cases involving teen-age offenders were much more disturbing. It was asked who could have incited those young people to racial hatred and who had nurtured the attitudes that had led them to commit punishable acts. It was considered important to appreciate the shock experienced by young Germans after having seen the television series Holocaust. For the first time, they had been brought face to face with the atrocities committed by the Nazis. It was indeed the young who had been the most affected by the series and had issued various tracts denying the existence of the Holocaust. It was, therefore, important to find the best way of providing young people with

information on what really happened. Concern was expressed at the growing tendency to promote racial hatred in the country, particularly in educational centres, and a need was stressed for the federal government to give careful thought to the matter as well as generally more thorough-going and comprehensive action to comply with article 7 of the Convention.

306. Replying to the questions put by the members of the Committee, the representative of the State party said that the foreign workers were protected, in the first place, by the Constitution of the Federal Republic of Germany, which guaranteed equality before the law to all persons without discrimination on grounds of origin, sex, race or nationality. Moreover, the social laws and labour legislation guaranteed the equal treatment of foreign workers and German workers. The Law on the Constitution of Enterprises, for example, specifically prohibited discrimination against employees on grounds of race, citizenship or origin. Under that law, foreign workers had the right to vote for and to be elected to posts in bodies representing workers under the same conditions as German workers. The social insurance laws were based on the principle of territoriality, which ensured to foreign workers the right to enjoy the benefits of social security irrespective of nationality, colour or race. The representative stated that the unemployment rate among foreign workers had risen mainly because the number of foreign workers entering the labour market for the first time far exceeded the number of vacancies in newly created jobs. This was due partly to the growing number of foreigners who had been granted asylum in the Federal Republic of Germany and the relaxation of the regulations concerning the granting of work permits to family members of foreign workers from non-European countries.

307. The Federal Republic of Germany's policy towards foreigners aimed primarily at integrating them in society and the labour force, especially second and third generation foreigners. In accordance with that policy, vocational training was provided to young foreigners who had not attended German schools and did not hold school certificates recognized by the Government. The maintenance of foreigners' ties with their countries of origin and culture was encouraged through language instruction in secondary schools.

308. With regard to article 2 of the Convention, he stated that the situation of the Danish minority in Schleswig-Holstein reflected the tolerance and equal treatment accorded to those population groups on the part of both Denmark and the Federal Republic of Germany. The interests of the Danish minority were protected by the South Schleswig Voters Association, which sent one representative to the Parliament of the Land and was represented in numerous local government bodies. The legislation of the Land Schleswig-Holstein ensured the right of the Danish minority to have their own schools and cultural activities, for which they were supported by the Land. The Government of the Federal Republic of Germany shared the concern expressed by some members of the Committee about the participation of children and young people of Sinti and Roma families in education and training. It had, therefore, taken appropriate steps in close co-operation with the representatives of those groups to remedy the situation. The level of school attendance of children from those groups was currently about 75 per cent. Special measures had been adopted to resolve the problem of the children of families who were travelling permanently or at least a large part of the year. With reference to a question raised concerning "schools for the educationally subnormal", the representative explained that they should really be called "special schools" for children who had difficulties in following regular instruction. The Government of the Federal Republic of Germany provided financial support for the Central Council

of German Sinti and Roma since 1982, and the establishment of a cultural centre for those groups was also under consideration.

309. In reply to questions concerning article 3 of the Convention, the representative stated that his Government, without recognizing any obligation to report on the subject, was willing to explain its attitude towards South Africa and the apartheid régime as it had done in its earlier reports. His Government had time and again declared that it condemned South Africa's discriminatory treatment of its people on grounds of race and colour, and in particular its policy of bantustanization and forced resettlement. The Federal Republic of Germany continued to voice its strong opposition to apartheid in international forums and in its bilateral contacts with the South African Government. It was the firm policy of his Government since 1963 not to supply arms to South Africa and it had no co-operation with it in military or nuclear fields. However, as a market economy heavily dependent on exports, the Federal Republic of Germany maintained trade relations with other countries irrespective of their political orientation. Its relations with South Africa, therefore, were not automatically tantamount to "assistance" to that country or approval of its policy.

310. With reference to articles 4 and 6 of the Convention, the representative stated that, under various articles of the Penal Code, the punishable offences included: the publication, distribution, import and export of written material which incited racial hatred, attacks on the honour and dignity of other persons in a manner likely to disturb the peace and incite hatred against sections of the population, and organized discriminatory activities. Provisions of the Code of Criminal Procedure imposed the obligation to institute criminal investigations in relation to those offences to determine whether or not legal proceedings should be initiated. Moreover, the injured party could lodge a complaint if proceedings were not instituted and could take the matter to the competent court of appeal. He also pointed out that organizations formed for a common purpose and having their own rules of procedure could only be banned if their activities were contrary to the provisions of criminal law or the constitutional order. A political party could also be banned if it sought to impair or abolish the democratic order or to endanger the existence of the Federal Republic of Germany. In recent years, the membership of right-wing and neo-Nazi movements had continued to decline and there had been dissension among the various factions. The great majority of the German population rejected right-wing and left-wing extremist movements, as had been demonstrated by the latest elections.

311. With respect to article 7 of the Convention, his Government was seeking to prevent the emergence of racial hatred through information activities and by furthering the idea of international understanding and tolerance. The Federal Centre for Political Education, which devoted special attention to the intellectual and political approach to combating all forms of radicalism and prejudice, prepared publications, showed films, organized annual competitions and held conferences and seminars. It maintained close contacts with the press, radio and television and promoted the activities of many independent institutions and associations in the field of political education. In addition to the Centre, many institutions were devoting attention to political information and enlightenment on the principle of democratic tolerance. The German United Nations Association was playing an important part in disseminating information regarding the United Nations and its specialized agencies. The legislation of all the Länder defined their educational aims in conformity with the Universal Declaration of Human Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms. The

television series Holocaust was not the only major film dealing with the fate of Jews under the Hitler régime. Since the Federal Republic of Germany had come into being, there had been an ever-increasing amount of material dealing with the history of the Third Reich and the extermination of Jews under national socialism.

### France

312. The sixth periodic report of France (CERD/C/90/Add.3) was considered by the Committee together with the introductory statement made by the representative of the reporting State, who pointed out that his Government had wished to give tangible expression to its desire to promote the objectives of the Convention by making, on 16 August 1982, the declaration provided for by article 14 of the Convention. He also pointed out that his Government's report dealt with some of the questions asked by the Committee during the consideration of the fifth periodic report, and stated that many of the measures adopted as part of the general reform that was under way following a change of Government would have a bearing on the elimination of racial discrimination, even though very few of those measures dealt specifically with racial discrimination.

313. He then referred to judicial and administrative procedures available to the competent authorities of his country for disbanding associations and movements which incited to racial discrimination. In that connection, he drew particular attention to judicial decisions taken by the Court of Appeal of Paris on 4 March 1981 and by the Court of Cassation on 28 June 1983 concerning cases of provocation or incitement to racial hatred and racial discrimination.

314. The representative also referred to recent legislation repealing a provision concerning the need for prior authorization to form associations of aliens, increasing the guarantees enjoyed by them and liberalizing conditions for the entry and sojourn of aliens in France. He stated that a number of regulatory measures, such as the circular of 11 August 1981, had changed the status of immigrant workers with a view to a further improvement in their situation regarding in particular family reunion, the issue and renewal of work permits and the education and training of aliens and their children. Questions relating to expulsion orders had also been resolved in the most liberal manner for immigrant workers.

315. Members of the Committee expressed their satisfaction for the report which was considered an outstanding example of the dialogue between States parties and the Committee and reflected the French Government's political will to fulfil its obligations under the Convention. It was nevertheless observed that it would be useful if future periodic reports contained detailed information on overseas citizens, persons from Algeria, Morocco and Tunisia, and questions relating to passports issued to French citizens living in former dependent territories.

316. In connection with article 2, paragraph 1 (e), members wished to know what agencies in addition to the "Movement against Racism and for Peace among Peoples" (MRAP), which was subsidized by the "Fonds d'aide sociale" (FAS), were working to combat racial discrimination in France; whether all received financial assistance from FAS; whether the reduction made in the subsidy to MRAP in 1980 had been part of a general reduction in assistance to all such organizations or whether it had affected MRAP alone; why the reduction had been made and whether there was any relationship between it and the attack on MRAP facilities. With reference to article 2, paragraph 2, a member asked under what conditions ethnic minorities in France such as the Basques, Bretons and Alsatians lived, whether children belonging



to ethnic minorities were educated primarily in the French language, and whether or in what way trends towards administrative decentralization in France would affect the position of ethnic and linguistic groups living in the country.

317. With regard to article 3 of the Convention, some members of the Committee wished to know what contribution the Government of France was making to the various United Nations funds channelling aid to the victims of apartheid and refugees from South Africa, what specific action France had taken to bring pressure to bear on South Africa with a view to weakening the pernicious system of apartheid, what measures France was taking in an endeavour to bring about a change in the thinking of the white minority leaders in South Africa and what was the response of the French Government to the resolution concerning economic sanctions against South Africa, adopted by the joint committee of the European Parliament and the countries that had ratified the Lomé Convention, at a meeting in Harare, Zimbabwe, in February 1982. It was asked also whether the French Government was actively associated with the humanitarian programme for the victims of apartheid announced by the European Economic Community.

318. In connection with article 4 of the Convention, it was observed that the judicial and administrative measures relating to the dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination and acts of violence which were referred to in the report did not fully implement paragraph (b) of that article, and it was felt that the lenient sentences and penalties handed down to persons found guilty of incitement to racial discrimination, hatred or violence could not be fully effective to stop the activities of persons who had set up racist organizations or were editors of racist publications. Information was requested, in particular, on the number of cases brought to light as a result of the circular dated 20 August 1981 regarding action to be taken in cases where articles containing racist, anti-Semitic or Nazi propaganda are being circulated. It was also asked whether the abolition, by Act No. 81-909 of 9 October 1981, of the prior authorization requirement for the establishment and activities of foreign associations in France might lead to the creation of racist organizations. With reference to article 4, paragraph (c), of the Convention, it was asked if any measures had been taken against persons holding public office and against government officials for promoting or inciting racial discrimination and whether any action had actually been taken against any immigration official, member of the police or other person holding public office, particularly at the local level.

319. As regards article 5 of the Convention, in particular its paragraph (d) (i), further information was requested on the penalty of being escorted back to the frontier under the expulsion procedure set forth in Act No. 81-973 of 29 October 1981 and what subjective criteria were applied in that respect. Members of the Committee drew attention, in particular, to the problems still encountered by migrant workers in France and further clarification was requested on Act No. 81-736 of 4 August 1981, announcing an amnesty for certain offences against immigration laws. Questions were also raised with regard to the number or percentage of immigrant workers who had benefited from the implementation of circular No. 81-50 of 10 July 1981 dealing with the right to family reunion, the number of families which had been repatriated because they had not met the basic requirements and how their repatriation had been effected. Furthermore, clarification was requested on the information contained in the report according to which the employment situation could no longer be invoked as a reason for refusing permits to the spouses of foreign nationals whose papers were in order, or to young immigrants. It was also suggested that the French Government should provide a

recapitulation of the information contained in its previous reports regarding French policy on the integration of migrant workers into the educational, cultural, social and political system of the country, and information was requested about France's stand on current efforts within the United Nations to draft an International Convention on the Protection of the Rights of All Migrant Workers and Their Families. Commenting on the important administrative measures taken by France in conformity with article 5, paragraph (e) (v), of the Convention, some members of the Committee wished to receive information on the outcome of the establishment in the country of the priority education zones and on the basic recommendation made with a view to improving school attendance at the secondary level.

320. With reference to article 7 of the Convention, it was asked whether members of the police force and immigration officials were expected to attend courses to make them aware of the problem of racism and whether the procedures for provision of State assistance to private education included any requirement aimed at preventing the dissemination of ideas based on racial superiority or ideas likely to promote or incite racial discrimination.

321. In reply to questions raised by members of the Committee, the representative of France explained that, according to the French Constitution, overseas territories were an integral part of the Republic and national laws applied as they did in metropolitan France, account being taken of specific circumstances. With regard to the issue of passports to the children of parents from territories which had gained their independence, he explained that while a passport could not be issued to a person who was not a French national, certain visas could be granted which took account of individual circumstances.

322. With reference to article 2 of the Convention, the representative explained that minorities could not be said to exist within the French Republic since the French Constitution stated that all French citizens were equal before the law without distinction; however cultural identities of French citizens were respected and education in regional languages was provided in public schools and universities.

323. As regards article 3 of the Convention, he recalled that his Government totally condemned the policy of apartheid and provided humanitarian assistance to its victims, that French assistance to the United Nations Trust Fund for South Africa had increased by more than 50 per cent between 1981 and 1983 and that the French rugby team had been stopped from participating in a tour in South Africa.

324. Referring to article 4 of the Convention, the representative pointed out that a penalty which appeared to be light might in fact be quite heavy in the eyes of the convicted criminal, and that publicity attached to convictions was often a more effective deterrent than ostensibly heavier punishments such as imprisonment. He also recalled that the Act on private combat groups and militias of 10 January 1936, as amended in 1972, provided for severe punishment for organizers of pro-Nazi associations and forbade the establishment of private militias for purposes of inciting racial discrimination.

325. In connection with article 5 of the Convention, he stated that the legislation on the escorting of aliens back to the frontier did not imply any discrimination against foreigners, and pointed out that the legislation was relatively too recent to judge its effect. Besides, the responsibility for expulsion had been transferred from the legislative to the judicial branch and judges were required to

take personal factors into consideration when deciding individual cases. He also stated that his Government was actively participating in the Working Group on the elaboration of the International Convention on the Protection of the Rights of All Migrant Workers and Their Families.

326. The representative finally stated that his Government would endeavour to include answers to other questions raised by Committee members in its next periodic report, which would be prepared according to the guidelines adopted by the Committee.

#### United Republic of Tanzania

327. The fifth periodic report of the United Republic of Tanzania (CEPD/C/75/Add.10) was considered by the Committee after a brief introductory statement made by the representative of the reporting State.

328. Members of the Committee were of the view that the report of the United Republic of Tanzania reflected the desire of the Government to fulfil its basic obligations under the Convention and to pursue its dialogue with the Committee. However, the Committee expressed concern at the statement in the report that laws alone could not abolish racial discrimination or any other human injustice. The Committee recalled again that it was necessary under the Convention for States parties to take legal measures to prevent racial discrimination and that the lack of judicial measures could equally well be due to the absence of any specific legislative or administrative measures which tended to the elimination of racial discrimination.

329. The hope was expressed that the next periodic report of the Government would include detailed information on the Arusha Declaration and the Constitution of the Republic, since those two documents would help to provide a better insight into the working of the one party system. Since the experience of other States parties to the Convention had shown that investigatory and advisory agencies could play an important role in minimizing acts of racial discrimination, members of the Committee wished to be informed of the Government's views on the creation of a regional system for the promotion and protection of human rights and on those measures of supervision and control which the United Republic of Tanzania would be prepared to accept.

330. As regards the implementation of article 2 of the Convention, some members of the Committee asked for further details concerning the rights of ethnic groups where no single group was dominant, in particular, on the Government policy relating to the traditions, customs and dialects of the various tribal communities, on positive measures to enable them to enjoy their own culture through affirmative administrative action or financial support, as well as information on how many persons of Asian origin had become citizens, how many still retained British nationality, whether there were any stateless persons of Asian origin in the United Republic of Tanzania and if the Government policy ultimately envisaged assimilation of those groups of the population. Furthermore, some information was requested on the status of refugees from Uganda, if any still remained, and on the prospects for their repatriation.

331. As far as article 3 of the Convention was concerned, it was noted that as a front-line State, the United Republic of Tanzania provided logistical support to nationals fighting the evils of apartheid and racial discrimination in South

Africa. The Committee expressed the wish to obtain more information on any new plans for action against apartheid within the Southern African Development Co-ordination Conference and other subregional organizations.

332. In connection with article 4 of the Convention, it was noted that the two provisions of the Penal Code of the United Republic of Tanzania, referred to in the report, endeavoured to meet some of the requirements of that article but did not cover all of those mentioned in article 4 (a). However, the Government had perhaps misinterpreted the provisions of article 4 (b) of the Convention, which was directed not at organizations bringing together a racial minority group but which was specifically directed at organizations or groups promoting and inciting racial discrimination such as certain exclusive clubs. Turning to the implementation of article 4 (c) of the Convention, further information was requested on what kinds of cases had been handled by the anti-corruption squad in the President's Office, especially if they had concerned officials accused of corruption which might also have involved racial discrimination.

333. With respect to the implementation of article 5 of the Convention, clarification was sought on the criteria governing participation in the political decision-making process of the country and the requirements for membership of the Chama cha Mapinduzi party (CCM), on the powers and functions of the government post of regional commissioner, and at the same time regional party secretary, as well as on the proposed amendments to the 1980 constitution of the CCM party. With regard to the electoral system, it was noted from the report that only members of the ruling party were entitled to stand for election. In that connection, while some members expressed the opinion that the system in the United Republic of Tanzania seemed to be based on privilege rather than egalitarianism, other members were of the view that the one-party system in that country could not really be called into question, as it had worked for many years. It was also asked under what conditions the right to leave the country and to return could be exercised and whether the resettlement policy pursued by the Government respected the wishes of the people concerned. Referring to the statement that trade union matters were organized under the National Union of the Tanzanian Workers (JUWATA), one of the five mass organizations of the CCM party, it was asked whether that meant that there was only one trade union and that workers could not form other unions and what would be the situation if the Zanzibar legislature adopted laws that were not in compliance with those of the Union Government.

334. With regard to article 6 of the Convention, information was requested concerning recourse procedures, namely, on the work of the Permanent Commission of Enquiry, the types of complaints it generally received and the procedures it followed in compiling its reports, as well as on the Republic's experience in enabling citizens to seek redress through the courts. Further information was also requested on the jurisdiction of the Tanzanian Appeal Court and on the kinds of cases that came before it.

335. With reference to information relating to the implementation of article 7 of the Convention, members of the Committee wished to receive further clarification on the role of the National Education Commission and the means employed by the Government to ensure that private schools did not cater exclusively for children of a given race. Furthermore, some details were also requested on governmental organizations working in the cultural field, on the work of the National History Museum in Arusha, on the subregional groupings with which the Republic was associated and on steps taken to encourage cultural co-operation and cultural

agreements. Information on how the press, radio and television were used to disseminate information on the purposes and principles of the Convention and to publicize human rights was also requested.

336. The representative of the United Republic of Tanzania assured the Committee that the questions raised by the Committee members would be referred to his Government for a comprehensive reply in its next periodic report.

### Fiji

337. The fifth periodic report of Fiji (CERD/C/89/Add.3) was considered by the Committee together with the introductory statement of the representative of the reporting State, who supplemented the information given in the report, clarified his Government's policy on minorities, and drew the Committee's attention to the legislative, judicial and administrative measures ensuring the elimination of racial discrimination among the different racial groups in the country.

338. Members of the Committee thanked the representative of Fiji for establishing a useful dialogue with the Committee. They observed, however, that the report under consideration was identical to the previous report, with the exception of some information relating to population figures. The hope was expressed that in its following report the Government of Fiji would take due note of the concerns expressed in the Committee and would provide adequate replies to questions raised during the consideration of the fourth periodic report that had remained unanswered.

339. Particular attention was drawn by the Committee to the question of the reservation and declarations made by the Government of Fiji in the notification of its succession to the Convention. It was observed that the Committee had already made known its view that a declaration or statements of interpretation could not be considered as a reservation and therefore could in no way affect the implementation of the Convention. It was therefore suggested that the Government of Fiji should review its reservation with respect to the provisions of article 5 of the Convention relating, in particular, to political rights, the right to own property and the right to education and training. Regarding the reservation of the Government of Fiji on the exercise of political rights, it was noted that the only relevant exception recognized in the Convention was in article 1, paragraph 2; however, the electoral law of Fiji dealt not with the distinction between citizens and non-citizens but rather with a distinction among citizens and was therefore not covered by article 1, paragraph 2, of the Convention. Furthermore, the only permissible exception relating to a distinction among citizens concerned the special measures provided for in article 1, paragraph 4, of the Convention for the protection of certain disadvantaged citizens, but article 1, paragraph 4, was invoked on the grounds that the indigenous Fijians did not enjoy the same rights as did the other citizens of the country. It was also noted that any distinction among citizens that was not covered by article 1, paragraph 4, of the Convention was in violation of article 5. Similarly, regarding the right to own property, the report stated that 83 per cent of the land in Fiji was already owned by indigenous Fijians, but the figures would suggest instead that those owning the remainder of the freehold land were the ones who needed protection. The hope was expressed that the Government of Fiji would review its reservation and furnish appropriate information so that the Committee could judge for itself whether the Convention was being implemented.

340. With respect to the implementation of articles 2 and 5 of the Convention, and with reference to the multiracial nature of Fijian society, members of the Committee noted that the Government deserved commendation for its efforts to make government schools truly multiracial and that those efforts would help to lower the barrier between the two major ethnic groups. They asked for further information on other measures adopted in Fiji, in particular, whether any association or other arrangements existed for bringing the Fijian and Indian communities together, what was the status of the various languages and dialects spoken in the country as well as the use of such languages in schools. Some members suggested that the Government might wish to review its reservation on article 5 (e) of the Convention, since it had actually begun to implement the provisions of at least article 5 (e) (v) relating to education and training. Referring to the statement in the report that the courts were empowered to order flogging in certain circumstances, it was observed that flogging was generally regarded as cruel punishment in international law. In that connection it was asked what the Government position on flogging was and whether, in ordering flogging, the courts took into account the age, physical condition and sex of the offender. Noting that the Constitution required the Public Service Commission to ensure that each community in Fiji was treated fairly regarding the number and distribution of offices in the public service at the entry point of the service, members requested information on the breakdown of public servants by ethnic group and how the proportions for the various communities were fixed. As regards the reference in the report to "Fijian land" and "other land", most of the latter being privately owned, further clarification was requested regarding the land tenure system and whether any of the so-called "other land" was owned by Fijians. With reference to the political structure, members of the Committee agreed with the statement in the report that it was generally accepted that the common roll system of election was the ultimate objective. They asked more details in the next periodic report on any progress made towards that objective, in particular, regarding the number of seats allocated under either system and other aspects of the process before venturing to express a judgement. In this connection, some members were of the view that the adoption of an electoral system such as that of the United Kingdom would make the indigenous Fijian population a permanent minority and that the very delicate situation called for a flexible approach in examining the report of this country. They recalled that the Government should consider changing the current electoral system in favour of one based on a common roll. They also pointed out that the Committee should endeavour to induce States parties to bring their public policies and actions into line with the requirements of the Convention, but they must also take into account political realities and a delicate demographic balance which existed in some countries as a result of a long period of colonial rule.

341. Members of the Committee noted that the report attempted to demonstrate that there was no need to reconsider its reservations with respect to article 4 of the Convention. The position of the Government that its Constitution and Penal Code fulfilled its obligations under that article was not quite correct. The provisions of the Penal Code regarding seditious intention, in particular, fell far short of satisfying the requirements laid down in article 4 (a), and no reference was made to the other prohibitions required by article 4 (b) or to the requirements of article 4 (c) of the Convention. The Government was urged to reconsider its position concerning the need to enact additional legislation in order to satisfy the provisions of article 4 of the Convention. Some members also requested clarification of the role of the Director of Public Prosecutions in prosecuting incitement to racial antagonism under the Public Order Act of 1969 and the role which testimony played in criminal law in Fiji.

342. As regards article 6 of the Convention, it was asked whether any procedures or institutions other than that of ombudsman existed for the purpose of seeking redress for discrimination, whether a victim of racial discrimination could obtain any redress, including material compensation, and whether individuals could bring proceedings against public officials whose actions entailed racial discrimination. It was also stated that any additional information on the organization of the judicial system would be welcome.

343. In reply to some questions by members of the Committee, the representative of Fiji stated that his country viewed its reporting commitments very seriously and had not derogated from those commitments in submitting its latest report.

344. As regards articles 4 and 5 of the Convention, the representative explained briefly that reservations applied to the requirements of article 4 regarding the implementation of article 5 of the Convention, and that the reservations with respect to article 5 concerned education and property rights, given the delicate racial balance which must be preserved pending the introduction of the changes. As to the punishment of flogging, he said that the Committee could rest assured that that punishment had rarely been used by the courts in the past 10 years.

345. Regarding the role of the ombudsman, the representative stated that his findings had the force merely of recommendations to the appropriate governmental organs, although they carried considerable weight; however, an individual dissatisfied with them could take the matter to the courts.

346. Concerning the reservations on the electoral system, he explained that it had been set up to ensure the representation of all races, that the formula for the parallel election system of communal rolls had been freely arrived at by consensus among all the racial groups and that the ultimate objective remained universal suffrage.

347. The representative of Fiji finally assured the Committee that replies to other questions raised during the discussion would be provided in his Government's next periodic report.

#### Ghana

348. The sixth and seventh periodic reports of Ghana (CERD/C/91/Add.21) were introduced by the representative of the reporting State, who pointed out that in response to the observations made by the Committee at the time of its consideration of his Government's previous reports, provisions fulfilling the mandatory requirements of article 4 of the Convention had been included in the Constitution promulgated in 1979. He also stated that, although that Constitution had been suspended by the Provisional National Defence Council (PNDC) which had come to power at the end of 1981, the human rights and non-discrimination provisions of the Constitution had been retained and reaffirmed in PNDC Law 42 of December 1982. In addition, he drew the attention of the members of the Committee to further information, provided at their request, on the implementation by Ghana of articles 6 and 7 of the Convention.

349. The Committee commended the Government of Ghana for the comprehensiveness of its report and, in particular, for its major contribution to the struggle against racism, racial discrimination and apartheid at the international level.

350. However, the Committee expressed concern with regard to the information on the suspension of the 1979 Constitution of Ghana, especially because the report referred constantly to that Constitution without explaining which of its provisions remained in force. It was observed that even if the provisions and all the laws on human rights and non-discrimination remained in effect, it was not possible to divorce the provisions on human rights from the rest of the legislation. The articles of the Constitution relating to basic human rights, at least, should have been included in the report to enable the Committee to judge whether they adequately reflected the provisions of the Convention. On the contrary, the legislative measures referred to in the report did not meet all the requirements of the Convention and it was the opinion of several members that the Government of Ghana should enact laws which fully applied its provisions. In that connection, members of the Committee wished to know the composition of the Provisional National Defence Council, which had legislative powers, and whether the Council was expected to act as a constituent assembly to draw up a new constitution. They also wished to have information on the political and social structures envisaged for the country by the Council, and on the decentralization plan designed to introduce the new structure of local governments. It was asked what was the exact scope of the measure taken to abolish the Ghanaian judicial system and to replace it with people's courts: why that measure had been taken and whether it was permanent or temporary, how it was possible for the courts to apply laws declared suspended and whether any new developments in the application of laws by the Ghanaian courts had occurred since July 1982. It was asked also whether the system of legal rehabilitation existed in Ghana in the case of a person who had been disqualified from election to the Parliament by a law in force or had been convicted of an offence relating to, or connected with, election under a law in force in Ghana, as provided for by article 77 of the Constitution. Furthermore, it was stated in the report that the rights and freedoms of the individual were subject to respect for the rights and freedoms of others and the public interest, and it was asked what was the definition given by the Ghanaian authorities to the term "public interest".

351. The Committee also expressed the wish to receive information on the demographic composition of the population of Ghana with regard, in particular, to the ethnic and linguistic groups, which would be useful especially to ascertain whether the rights enumerated in article 5 of the Convention were equally respected in all sectors of the population of Ghana. It was asked, in that connection, how the population census was taken in Ghana and whether there had been any studies on the racial composition of the different regions.

352. With reference to article 1, paragraph 4, of the Convention, one member of the Committee wished to know what concrete measures the Government of Ghana had adopted to ensure the development of those racial groups that might have lagged somewhat behind. With reference to article 2, paragraph 1 (e), of the Convention, another member wished to know the reasons given by a court in Ghana for its decision on the Whittaker vs. Choiteram case concerning the administration of an association established to foster racial harmony with other countries.

353. In connection with article 4 of the Convention, reference was made to the statement contained in the report that there had never been any racial discrimination in Ghana and that it had therefore never been found necessary to adopt any measures other than judicial to eliminate it. It was observed that criminal court decisions were not sufficient to constitute compliance with the provisions of article 4 of the Convention and that the Avoidance of Discrimination Act, 1957, referred to in the report, showed that the Government of Ghana had at



one time made provision for the existence of tribal, regional, racial or religious discrimination or even taken note of the fact that such discrimination existed. In addition, it was important to ascertain whether there were court decisions on breaches of article 31 of the Constitution, which referred to discrimination or other articles on fundamental human rights, and how redress was afforded by the courts. The request was therefore made that documents relevant to the implementation of article 4 of the Convention would be made available to the Committee, and it was suggested that the Government of Ghana should enact legislation designed to give the force of law to the provisions of the Convention. With particular reference to article 4, paragraphs (b) and (c), clarification was requested on the legal provision concerning sentences of imprisonment which could be imposed on offenders, which court had jurisdiction in cases of acts contrary to the Constitution committed in abuse of authority, and how such cases were dealt with under the judicial authority.

354. As regards article 5 of the Convention, members of the Committee wished to know what legal status foreigners had in Ghana and what the official policy was on the problem of transnational ethnic groups, especially since dual citizenship was not accepted in Ghana, whether anyone was without a nationality and whether there were agreements with other countries to facilitate the voluntary and orderly return of their nationals residing in Ghana. With regard to the phenomenon of migration of workers between Ghana and the neighbouring countries, information was requested on the protection of their rights and on laws and bilateral agreements regulating their recruitment wages, working conditions and freedom of movement. It was also asked what sanctions had been provided to enforce the Education Act 1961, under which no person was to be refused admission as a pupil to any school on account of the religious persuasion, nationality, race or language of himself or of either of his parents.

355. With reference to article 6 of the Convention, it was asked whether the fact that the existing courts in Ghana were not to interfere with the functioning of the people's courts meant that decisions of the people's courts were not appealable. The wish was also expressed that the text of the Ombudsman Act be made available to the Committee.

356. With respect to article 7 of the Convention, more information was requested on education policy, teaching of the culture of other ethnic groups, the role of the information media and the existence of bilateral agreements on cultural exchanges. It was also asked whether any attempt had been made to publicize the provisions of the Convention among the Ghanaian people.

357. Replying to some of the questions raised by members of the Committee, the representative of Ghana expressed the opinion that it was not impossible to retain some elements of the 1979 Constitution of Ghana and suspend others; however, he would convey to his Government the recommendation made by members of the Committee concerning the enactment in Ghana of appropriate national legislation to meet all the requirements of article 4 of the Convention. He also explained that the abolition of the judicial system had been recommended in a resolution issued by some groups of members of the Accra and Tomale people's and workers' defence committees. The Government, however, had formulated a statement making it clear that the resolution lacked the force of law and that the judicial system established before the Provisional National Defence Council had come to power remained in existence.

358. The representative also stated that information on the demographic composition was not available because the planned national census had not yet been carried out. However, projections based on the 1960 census indicated that Ghana had a population of between 12 and 14 million inhabitants and that there were 50 ethnic groups.

### Pakistan

359. The seventh periodic report of Pakistan (CERD/C/91/Add.3) was considered by the Committee together with the introductory statement of the representative of the reporting State, who provided additional information relating to questions raised during the Committee's consideration of the previous periodic report of his Government. He explained that the people of Pakistan constituted a relatively homogeneous racial group and that the teaching of Islam, the Constitution and legislation of Pakistan, including a 1973 act amending certain provisions of the Penal Code, contained guarantees against any form of racial discrimination. At the international level, Pakistan had participated in events aimed at mobilizing the international community to eliminate racial discrimination and, in particular, the policy of apartheid; it had called for the imposition of mandatory sanctions against South Africa and had provided material assistance to the peoples of southern Africa.

360. The representative also informed the Committee that no data regarding the ethnic origin of the population of his country had been collected during the 1981 census, although a breakdown of the population according to province or on the basis of religion was available. The minorities in Pakistan consisted of groups which did not profess the Muslim religion, such as Christians, which constituted the most numerous minority, Sikhs, Hindus, scheduled castes, Buddhists, Parsees, etc. Local languages were used as a medium of instruction in schools; the national language, Urdu, was taught as a compulsory subject in all the educational institutions and Public Service Commission examinations were given in English. The representative then referred to the guarantees for the protection of the rights of all minorities which were contained in the Constitution and other legislation of his country and applied by the Ministry of Religious and Minority Affairs and related institutions.

361. Members of the Committee expressed appreciation for the additional information provided by the representative of Pakistan in his introductory remarks. It was observed, however, that the report of his Government contained information previously provided to the Committee and it was suggested that answers to questions asked by members of the Committee should be incorporated in the report. Further information was requested on the status of the 1973 Constitution under martial law.

362. The Committee drew particular attention to questions relating to the various minorities existing in Pakistan and it regretted that detailed data on the ethnic composition of the country were not available. The view was expressed that it would be useful for the Committee to receive information enabling it to compare the economic, social and cultural conditions under which the various population groups of Pakistan lived, in order to establish whether special measures needed to be adopted under article 2, paragraph 2, of the Convention. Members of the Committee wished to know what was the present situation concerning the representation of minorities in the National Assembly and the provincial assemblies of Pakistan, how the national interests of the minorities living in the north-western part of the country were guaranteed, especially after recent events that brought a great influx

of refugees in the region, and how it was possible that a language such as Urdu, which was the native language of only 8 per cent of the population, was established as Pakistan's national language. They wished to know also in which regions or provinces the various tribal groups were concentrated, what the reasons were for the decrease in the population of those groups in the period 1972-1981; what action had been taken to promote the interests of such groups under article 2, paragraph 2 of the Convention and article 38 of the Constitution of Pakistan; how the Government of Pakistan had responded to the situation created by recent sectarian clashes that had taken place at Karachi, what specific measures it had taken to bring about reconciliation and to deal with the grievances of the religious minority group concerned; whether that minority group was adequately represented in public services, including the police force, and whether free interpretation was made available in judicial proceedings for persons speaking minority languages. In addition, information was requested on the number and status of persons of Bangladesh origin still residing in Pakistan, particularly those who might apply for Bangladesh citizenship, and on any agreement entered into by Pakistan with Bangladesh in an attempt to solve such problems as those relating to the property of persons who had left Bangladesh between 1965 and 1971.

363. With regard to the province of Baluchistan, one member asked to what extent the Government of Pakistan accepted the concept of the right to be different culturally, what steps were being taken to involve Baluchis in public service, whether there were any traditional systems at the village level being used for self-management, what the level of literacy was in Baluchistan, whether there were life expectancy statistics for that province, what special measures were being taken to improve the physical quality of life of people living there and what the priorities were for the special Baluchistan integrated development plan. Information was also requested on measures being adopted in an effort to strike a balance between the demands of the provinces and the metropolis on the Federal Government's financial allocations and on special plans to accelerate the development and industrialization of backward regions and to increase the representation of Punjabis, Sindhis, Pathans and Baluchis at the national level in the administration, the armed forces and the police. With reference to Pakistan's Declaration on Minorities which was annexed to Pakistan's fourth periodic report, information was requested on how paragraphs 2 to 4 of that Declaration had been implemented, what remedies were available to members of minorities whose rights might be infringed, what concrete penal and other legal provisions protected the members of minority groups against racism and racial discrimination and what was the participation of the various linguistic, cultural and ethnic minorities in the decision-making process at all levels throughout the country.

364. With regard to article 4 of the Convention, reference was made to the sixth periodic report of Pakistan, in which information had been provided on sections 153 A and 505 (2) of the Pakistan Penal Code. It was stated in that report that those provisions went a long way in fulfilling the requirements of article 4, paragraphs (a) and (b), of the Convention. Some members of the Committee observed, however, that neither section 153 A nor section 505 (2) of the Penal Code declared incitement to racial discrimination an offence punishable by law. Furthermore, section 153 A limited the application of article 4 of the Convention to acts which disturbed or were likely to disturb public tranquillity or cause alarm and the hope was expressed that the Government of Pakistan would take the necessary measures to give full effect to article 4 of the Convention. As regards the exceptions to section 505 of the Penal Code, the interpretation of which rested with the courts, it was asked whether there were any legal precedents concerning that matter, as well as concerning certain restriction of human rights.

365. In connection with article 5 of the Convention, it was asked whether the press censorship imposed in Pakistan in 1979 had been lifted to any extent, whether there were any restrictions on the movement of persons from one province to another, whether there was any national legislation to control migratory movements, whether there were any bilateral agreements to deal with such problems amicably and in a humane manner, whether the interests of migrant workers from Pakistan were protected on the basis of agreements with host countries, and what Pakistan's policy was with respect to refugees requesting political asylum.

366. With reference to article 6 of the Convention, it was asked whether under military rule a civil lawyer was permitted to defend the accused, whether the accused had access to counsel at State expense, how the members of the martial court were selected and whether they had legal qualifications.

367. With respect to article 7 of the Convention, information was requested on the policy of the Government of Pakistan concerning the preservation of the cultural heritage of the various pre-Islamic civilizations represented in Pakistan. It was also asked what activities and programmes were involved in the celebration of Minorities Weeks, whether there were any special academies for the Pushtu, Sindhi and Baluchi literatures and cultures and whether there were any national institutions that could inform the general public of the nature of their rights provided for in the Convention or to assist them in upholding their rights. In addition, further clarification was requested of the activities of the Ministry of Religious and Minority Affairs.

368. In reply to questions raised by members of the Committee, the representative of Pakistan explained that the seventh periodic report of his Government did not provide any new information because no substantive new developments having a bearing on the implementation of the Convention had occurred in Pakistan since the submission of the sixth periodic report. The country continued to be governed by the Constitution and all constitutional provisions prohibiting racial discrimination, all measures taken to implement the Convention and all other safeguards made in the form of amendments to the Penal law remained in force.

369. As regards the questions relating to minorities and the protection of the interests of the various regions in the country, the representative explained that under the federal form of government in Pakistan there was a division of power between the central government and the provinces and this division applied also to the legislature. All provinces were represented in the central legislature on the basis of their population, and minority communities were represented in the Minority Affairs Division of the Ministry of Religious and Minority Affairs. Individuals belonging to minority groups who had grievances had an opportunity to see redress through the courts in accordance with article 199 (1) (c) of the Constitution. Arrangements were made in local courts to ensure that defendants had access to a lawyer provided by the State, and to interpretation when it was needed. As to specific measures taken in Pakistan to enforce article 2 of the Convention, the representative referred to articles 33, 36 and 38 of the Constitution as well as to the Council of Islamic Ideology which had been established to bring the laws of the country into line with the Koran and the Suma. He pointed out that since one of the fundamental principles of Islam was the prohibition of racial discrimination, the Council would naturally see to it that no law would in any way contravene the Convention. Urdu had been declared the official language of the country in accordance with the wishes of the people by article 251 of the Constitution. Even though it was not the mother tongue of the

majority, most people in Pakistan spoke and understood it. With regard to special measures concerning Baluchistan, the representative pointed out that under the five-year plan established by his Government, which had begun on 1 July 1983, special efforts were being made and additional resources allocated for the accelerated development of that province. Referring to the implementation of Pakistan's Declaration on Minorities, he drew attention to relevant provisions contained in article 199 (1) (c) of the Constitution and section 166 of the Penal Code.

370. In connection with article 5 of the Convention, the representative pointed out that an entire chapter of the Constitution of Pakistan was devoted to fundamental rights, however, some of them were subject to reasonable restrictions in the interest of decency, public morals and public order, as they were in many other countries. Referring to Pakistan's policy with respect to refugees, he recalled that his Government was providing temporary refuge to 3 million refugees from Afghanistan in co-operation with the Office of the United Nations High Commissioner for Refugees and other international agencies. Their return depended on the developments in their home country.

371. The representative finally stated that answers to other questions and comments made by the Committee would be included in his country's next periodic report.

#### Iraq

372. The sixth periodic report of Iraq (CERD/C/76/Add.5) was considered by the Committee together with the introductory statement made by the representative of the reporting State who referred, in particular, to the provisions of the Iraqi Constitution and stated that his country had worked sincerely to guarantee the cultural rights of ethnic and religious groups and would continue its efforts to combat racism in all its forms, both at home and abroad.

373. Members of the Committee expressed their appreciation of the Iraqi report which had been prepared with great care and provided a wealth of information giving a clear picture of the legal situation in the country. Some members observed, however, that a situation which seemed perfect in law was not necessarily reflected in real life. Since the report stated that the Convention was an integral part of Iraqi domestic legislation, the Government was requested to furnish more details regarding the mechanics of the implementation of the Convention, for instance, how did a victim of racial discrimination plead application of the letter of the Convention before an Iraqi court and what steps were being taken, in particular, to draw up a permanent constitution.

374. Much of the discussion revolved around the policy and practical measures taken by the Iraqi Government for the implementation of article 1, paragraph 4, and article 2, paragraph 2, of the Convention and, in particular, the relevant provisions of the Constitution, the Declaration of 11 March 1970 and other acts concerning autonomy for the region of Kurdistan. In that connection it was asked what opportunities the Kurdish minority had to engage in legislative functions; how the Legislative Council of the Region of Kurdistan operated and what specific powers it had; whether its members had been elected or appointed; how authority was divided between the central and autonomous Governments; what legislative measures had been promulgated by the autonomous legislature since its establishment; and what influence Kurds had at the national level, especially in the formulation of

the internal and external policy of the country. Information was also requested concerning opportunities that the Kurdish minority had to participate in the decision-making process at the central level; what representation the Kurdish population had in the central parliamentary and governmental structure and whether there were any special bodies in the Parliament and the Government to deal with the question of minorities. In connection with the economic, social and cultural measures taken in Iraq with a view to the development of autonomy in Kurdistan, the Government was asked to clarify whether a population growth rate of 4.27 per cent for the period 1968-1980 reflected the growth of the Kurdish minority alone or if it referred to overall population growth in the Autonomous Region, and whether the increased number of doctors mentioned under health services were all Kurdish or if some were Iraqi or recruited from abroad. More detailed information on the functioning of the Directorate of Kurdish Culture was also requested.

375. With regard to equal treatment before the courts, the Government was requested to indicate in its next periodic report which courts could be applied to in Iraq in cases of discrimination and whether such cases also fell within the jurisdiction of the Kurdish traditional courts and of the sharia, or Islamic religious law.

376. With regard to right to education and training in conformity with article 2 paragraph 2, and article 5 (e) (v) of the Convention, explanation was requested on how much Arab pupils knew about the history and culture of the Kurds in Iraq; in how many secondary schools it was possible to receive instruction in Kurdish and how many pupils had been enrolled in such schools in recent years; what percentage of Kurdish students attended the University of Arbil; what scholarships and grants they received from the Iraqi Government; and whether measures had been taken to train teachers for the schools that gave instruction in Kurdish.

377. With regard to the information media, a member of the Committee expressed concern as to the statement in the report that only one weekly newspaper and one monthly magazine were published in the Kurdish language for a population of 2 million.

378. With reference to article 3 of the Convention, it was noted that the information provided by the report fell far short of what Iraq had been doing to combat apartheid and the racist régime in South Africa. More information was requested in the next periodic report in that regard.

379. In connection with article 4 of the Convention, a member of the Committee noted that Iraqi legal provisions seemed to cover article 4 (a) and (c) but did not meet adequately the requirements of article 4 (b) of the Convention.

380. As regards the implementation of article 6 of the Convention, more information was requested on the system of legal redress in connection with article 5 (b) of the Convention, in particular, on how the compensation described in the report could actually be obtained in the case of racial discrimination; what was the scope of the provision under which the civil courts could award compensation without being bound by the rules of criminal liability or by any judgement delivered by a criminal court; whether there were any specific laws providing redress against action of a government official and, if not, whether such an official could be sued directly as could any private citizen. Some members wished to know, for instance, what procedures a Kurd could follow to obtain satisfaction if he considered himself injured by non-compliance with the provisions of decision 288 of the Revolutionary Command Council or of Act No. 33 of 1974.

381. Replying to some questions raised by the members of the Committee, the representative of Iraq stated that the population of Kurdistan had grown because the level of living had risen and health and economic conditions had improved and because many Kurds living in other parts of the country had moved to the northern region on account of its political stability. The frontiers of the Autonomous Region had been determined on the basis of the actual population. He assured the Committee that doctors of Kurdish origin, once qualified, could exercise their profession wherever they wished and many in fact went to the northern region. Concerning the right to education, he said that the university in the Autonomous Region of Kurdistan had been transferred to Arbil and that there was no discrimination against Kurdish students; education was provided free of charge. In reply to another question, the representative explained that, although the budget of the Autonomous Region formed part of the regular budget of Iraq, the region enjoyed financial independence.

382. With reference to questions concerning the electoral system, he stated that members of the Legislative Council of the Autonomous Region of Kurdistan would be chosen in free elections and they in turn elected a President, a Vice-President and a Secretary-General. The electoral centres for the legislative Council were situated in the northern region, and every citizen had the right to vote and to stand for election.

383. Replying to other questions, he stated that since Iraq had acceded to the Convention, recourse to the Iraqi courts under the articles of the Convention was effective within the framework of internal juridical procedures. The means of redress available to persons who claimed to be victims of racial discrimination were governed by articles 32 and 412 of the Code of Criminal Procedure.

384. The representative finally assured the Committee that he would provide at a later stage specific data and figures in response to other questions raised by the members of the Committee.

#### Malta

385. The sixth periodic report of Malta (CERD/C/90/Add.8, Add.9 and Add.11) was considered by the Committee after a brief introductory statement made by the representative of the reporting State, who supplemented some of the information given in the report.

386. Members of the Committee observed that the questions concerning Maltese legislation raised by the Committee in connection with the fifth periodic report of the Government had not been answered in the current report, which simply stated that the provisions of the Constitution were sufficient to combat discriminatory practices. They pointed out that although it appeared from the information provided that there was no racial discrimination in Malta, the Government was nevertheless under an obligation to submit reports on the enactment of laws to combat racial discrimination in accordance with the requirements of article 9, paragraph 1, of the Convention.

387. With reference to article 4 of the Convention, members of the Committee expressed the view that its provisions had not been taken into account in the preparation of Malta's report. It was observed that the articles of the Convention were preventive in character, since it could not be assured that a legal instrument which did not provide for penalties in the case of failure to comply with its

provisions prohibiting racial discrimination sufficed to prevent the existence of discriminatory practices. In that connection, it was pointed out that article 46 of the Constitution of Malta did not mention discrimination practised by individuals and there were no other relevant penalties or laws. The Committee urged the Government of Malta to consider that question, which concerned compliance with a mandatory provision of the Convention.

388. Referring to the information provided on the implementation of article 7 of the Convention, members of the Committee noted with satisfaction that the measures adopted by the Government provided an example of the way in which young people could be educated in the spirit of internationalism, and that the Maltese schools celebrated a number of United Nations days and supplied their students with materials containing information about United Nations activities. It was also important that instructions relating to human rights issues were given in the secondary schools and that the syllabi included information about the less developed regions of the world and the role of international agencies in those regions.

389. In reply to questions raised by members of the Committee, the representative of Malta stated that since there was no racial discrimination in Malta, the Government considered it unnecessary to enact legislation on that subject and believed that it had complied with its obligations flowing from article 4 of the Convention.

#### Canada

390. The sixth periodic report of Canada (CERD/C/76/Add.6 and Add.7) was introduced by the representative of the reporting State, who highlighted three particular matters that best explained Canada's approach in implementing the Convention. He stated that under the federal system of Canada, government responsibilities, including those relating to human rights, were divided among a central Government, 10 provincial governments and two territorial governments and that human rights legislation and implementation machinery existed at each level of government. A mechanism had also been established in 1975 to co-ordinate various approaches to human rights questions, foster human rights in Canada and implement the Convention. Furthermore, the Canadian Charter of Rights and Freedoms, which had been enacted and entrenched in Canada's Constitution in 1982, represented the culmination of decades of human rights and anti-discrimination legislation by both the federal Government and the provincial governments. Finally, the representative referred to a number of actions taken in Canada to implement various provisions of the Convention, particularly with respect to articles 2, 6 and 7 of the Convention, such as the establishment of the federal multiculturalism programme dealing with ethno-cultural matters and the promotion of harmonious race relations, the establishment of human rights commissions at both federal provincial levels to enforce human rights, the production of educational materials aimed at combating racism in the schools and the development of special programmes to train police officers to act positively in situations involving racial discrimination.

391. The Committee commended the Government of Canada on its excellent report which, together with the exhaustive accompanying documentation, demonstrated Canada's serious commitment to the implementation of the Convention. The report could well serve as an example to other States parties.



392. In connection with article 2 of the Convention, members of the Committee focused their attention on questions relating to the aboriginal population living in Canada. It was noted that the 1981 Canadian census had for the first time made it possible to establish the size of the aboriginal population of the country and the wish was expressed that such information would be made available to the Committee. Members of the Committee also wished to receive information on developments affecting the social, economic, cultural and health situation of the aboriginal peoples, so that the Committee could judge the effectiveness of the Government's policy of improving conditions for those peoples and integrating them into society, while respecting their individual identities. In addition, the Committee wished to receive the documents of the Conference on constitutional matters affecting the aboriginal peoples of Canada held in March 1983 in order to have a clear picture of the position of the aboriginal peoples in Canadian society. In that connection, it would be desirable to obtain social indicators of the status of indigenous peoples, the visible minorities and other disadvantaged groups, including gross national product and per capita figures for the various ethnic groups of the country. Clarification was also requested of the meaning of the expression "visible minorities" used in the section of the report on multiculturalism and race relations.

393. It was noted that relations between the various ethnic groups continued to present problems in Canada and it was observed that it would be of interest to know why, despite the efforts of the Canadian Government to eliminate racial discrimination, problems still persisted in that respect in the country.

394. Members of the Committee wished to know, in particular, why persons belonging to indigenous groups who had left the reservations no longer enjoyed the same rights or were afforded the same protection as those who remained on the reservations, what happened when tracts of land in the reservations were opened up for commercial exploitation of natural resources, at what rate the indigenous peoples were gaining access to public services and what was the Canadian Government's attitude towards freedom for the indigenous peoples to determine their own needs. It was noted that the principal difficulties associated with the revision of the Indian Act were linked to such issues as the definition of membership, namely, who was entitled to be registered as an Indian, the question of self-government and territorial claims. Since the Government was committed to revising the Act in consultation with the representatives of the indigenous peoples, it would be of interest to know what changes the representatives of the indigenous peoples wanted to introduce and the extent to which the Government felt able to comply with their wishes.

395. Reference was also made to section 35 of the Constitution Act, 1982, under which the existing aboriginal and treaty rights of the aboriginal peoples were recognized, and to section 25 of the Canadian Charter of Rights and Freedoms, under which the guarantee of the rights and freedoms contained in it should not be construed as derogating from any aboriginal, treaty or other rights or freedoms pertaining to the aboriginal peoples. It was asked, in that connection, what the impact of those provisions was, given the fact that existing legislation was not adequate to provide equality between the different ethnic groups, and whether section 52 of the Constitution Act, according to which the Constitution of Canada was the supreme law and any law that was inconsistent with its provisions was, to the extent of the inconsistency, of no force or effect, would be applied in respect of amendments to the Indian Act. Additional information was also requested with regard to section 37 of the Constitution Act, 1982, according to which, the rights of the aboriginal peoples had yet to be determined.

396. In connection with article 3 of the Convention, members of the Committee noted that the Canadian Government was maintaining diplomatic relations with the Government of South Africa, that it adopted a strictly neutral position with regard to trade in peaceful goods with South Africa and that it simply discouraged, but did not ban, contacts between sportsmen of the two countries. They observed that that attitude towards the apartheid régime of South Africa did not accord with the behaviour the Committee would have expected from the Canadian Government, given its exemplary role in promoting human rights, and they asked whether the Government monitored the activities of Canadian companies operating in South Africa to ensure compliance with the Canadian voluntary Code of Conduct concerning employment practices, whether that Code had, in fact, produced any tangible results and whether measures adopted by the Government of Canada in order to reduce the volume of trade with South Africa had produced any effect. The wish was expressed that the Canadian Government would contemplate other measures aimed at isolating South Africa.

397. In connection with article 4 of the Convention, reference was made to the Canadian Charter of Rights and Freedoms and it was asked whether any new developments had occurred as a result of the review undertaken by the federal Government in order to determine whether its laws and regulations were in accord with the provisions of the Charter and whether the review would also seek to determine if Canadian law and regulations were in conformity with the Convention. It was noted that section 15 of that Charter, which contained provisions against racial discrimination, would not enter into force until three years had elapsed from the adoption of that instrument according to section 32 and would have to be ratified by the provinces. It was observed that section 32 as well as section 33 which allowed the derogation by Parliament or the legislature of a province seemed to rob section 15 of its force. It was asked what would happen if a particular province wanted simply to prevent the execution of section 15 and did so by making the declaration envisaged under section 33 of the Canadian Charter. In addition, clarification was requested with regard to the import of the provision in section 1 of the Canadian Charter which established that the guarantees of the rights and freedoms set out in the Charter were subject only to such reasonable limits prescribed by law as could be demonstrably justified in a free and democratic society. The Charter did not explicitly indicate the criteria which would justify limitations and it was observed that the Charter might be interpreted as authorizing distinction on the basis of race, provided that it could be shown to be reasonable, and that such interpretation would be in conflict with the standards that the Committee was responsible for applying.

398. As regards, in particular, the implementation of article 4, paragraph (b), of the Convention, the view was expressed that the legal, judicial and administrative measures adopted by the federal Government and the governments of the provinces to deal with the activities of the Ku-Klux Klan were not altogether adequate and it was asked what measures were envisaged in response to the resolution adopted in June 1981 by the Canadian Association of Statutory Human Rights Agencies, included in the report.

399. With reference to article 5 of the Convention, it was asked whether any provision had been made for the mother tongue and the culture of the children of immigrants to be taught in schools.

400. Referring to article 6 of the Convention, members of the Committee wished to know what exactly were the provisions of section 24 of the Canadian Charter of

Rights and Freedoms in respect of recourse procedure, what remedies were available for persons complaining of discriminatory treatment, whether the human rights commissions in Canada were administrative tribunals, how their members were appointed and removed, what measures were taken to ensure their independence, especially when dealing with complaints of discrimination brought against public officials, and whether victims of discrimination could bring their complaints directly to the courts or they had first to take them to the human rights commissions.

401. As regards article 7 of the Convention, it was asked whether the evils of apartheid were brought to the attention of the Canadian public on Human Rights Day.

402. Replying to questions put by members of the Committee, the representative of Canada referred to the rights of aboriginal people living in his country and pointed out that a study entitled "Indian conditions, a survey", prepared in Canada in 1980, gave a number of economic, social and cultural indicators. He also explained that many native people emigrated from the reservations to larger communities in search of educational opportunities and better social conditions, but most of them still kept in touch with the reservations and many of them spent part of the year in their new communities and the rest of their time on a reservation. That made it very difficult to quantify such migrations. In that connection, the representative gave information on the normal social and educational services for native people which were provided by the various levels of government in the town or community for each reservation and on certain programmes which supplemented those services. With regard to groups which spoke minority languages, he drew the attention of the Committee to the multiculturalism policy of his Government and to the activities of the Ministry concerned with strengthening the ethno-cultural identity of all Canadians. The representative also stated that the Indian Act would become unconstitutional unless it was revised within two years time, that the Prime Minister of Canada had reaffirmed at the Constitutional Conference in March 1983 the Government's intention to repeal the unacceptable sections of the Act and that the Parliament was expected to give the bill on the subject a first reading at its next session, which would open in the autumn. At the same Conference, the premiers of provincial, territorial and federal jurisdictions had undertaken to submit to their respective legislatures amendments to the Canadian Charter of Rights and Freedoms in order to incorporate the rights of native people in the Charter.

403. With regard to article 3 of the Convention, the representative stated that Canada considered that that article referred only to internal measures to be adopted with regard to apartheid, and not to international policy. Canada rejected the policy of apartheid, but it believed that the diplomatic isolation of South Africa would not help to foster the introduction of reforms leading to the eradication of the apartheid system; on the contrary, the maintenance of diplomatic relations made it possible to communicate to the Government of South Africa Canadian opinion concerning its policies. The representative also explained that the neutral attitude of Canada towards trade relations with South Africa meant that it left to the judgement and conscience of each individual the question of engaging in such relations, without encouraging them. Canadian companies operating in South Africa submitted reports to the Canadian Government concerning their compliance with the voluntary Code of Conduct and the Canadian Government monitored such compliance carefully. He recalled that 10 years before the Security Council had imposed an arms embargo against South Africa, Canada had adopted such an embargo unilaterally.

404. In connection with article 4 of the Convention, the representative stated that even in the event of an incompatibility between sections 15 and 32 of the Canadian Charter of Rights and Freedoms, the pertinent human rights legislation would remain in force, that the declaration on the provincial legislative assemblies would lapse five years after its entry into force, but could be renewed, that all legislation must be compatible with the Constitution Act of 17 April 1982, and that the three-year period for the entry into force of section 15 of the Canadian Charter had been set to allow all jurisdictions to adjust their laws to the Charter. Furthermore, Canada strongly condemned racist organizations and their activities, although it did not outlaw them because of the difficulty of reconciling the provisions of article 4 of the Convention with other rights set forth in the Universal Declaration of Human Rights and in article 5 of the Convention. The activities of the Ku-Klux Klan met with public rejection, several of its leaders had been prosecuted and imprisoned and the House of Commons had unanimously adopted a motion strongly condemning the race hatred and intimidation used by that organization.

405. With reference to article 5 of the Convention, the representative informed the Committee that the number of persons born abroad who were granted Canadian citizenship varied between 150,000 and 200,000 a year, that under the multiculturalism programme, new arrivals were assisted in integrating, but not assimilating themselves into society and that the teaching of heritage languages, was encouraged, namely, the languages of communities which did not speak either of Canada's official languages.

406. With reference to article 6 of the Convention, the representative stated that the independence of the "Commission des droits de la personne, Québec", was guaranteed by various provisions. The commissioners were appointed by the National Assembly on the recommendation of the Premier, which must be confirmed by at least two thirds of the members of the National Assembly. The Commission recruited its employees directly, submitted an annual report to the President of the National Assembly and was empowered to take certain decisions, such as decisions to hold public inquiries into racial discrimination. Aggrieved persons could submit a complaint to the Commission without incurring any expense, or they could apply directly to the courts. Furthermore, under the Ontario Human Rights Code of 1981, the findings of the Ontario Human Rights Commission were binding on the Ontario provincial government. Appeal could be made to the Commission against its decision based on its findings and subsequently to the provincial ombudsman or to the courts.

407. In connection with article 7 of the Convention, the representative of Canada informed the Committee that on 21 March 1983, the International Day for the Elimination of Racial Discrimination, the Canadian Secretary of State had issued a press communiqué reaffirming Canada's support for the original objectives of the Decade for Action to Combat Racism and Racial Discrimination.

#### Zambia

408. The second, third, fourth, fifth and sixth periodic reports of Zambia, covering the period of 1975 to 1983, submitted in one document (CERD/C/106/Add.1 and Add.7), were considered by the Committee together with the introductory statement made by the representative of the reporting State, who highlighted some points of the report and provided the Committee with additional information concerning measures prohibiting racial discrimination in the field of civil, political, economic, social and cultural rights as well as other measures relevant

to the implementation of the provisions of the Convention. Furthermore, he stated that his country participated actively in the struggle to eradicate apartheid and racial discrimination in South Africa and Namibia.

409. Members of the Committee expressed appreciation at the report of Zambia, which reflected the Government's effort to re-establish and enhance a constructive dialogue between the reporting State and the Committee at both national and international levels, as well as the desire of the Government of Zambia to fulfil its basic obligations under the Convention, especially in the light of difficulties faced by that country since its independence. However, the hope was expressed that the next periodic report of Zambia would include information in response to the comments made and questions raised by the members of the Committee and that it would be prepared in accordance with the revised guidelines laid down by the Committee. Some members requested that the texts of both the 1964 and 1973 Constitutions of Zambia be made available to the Committee with the next periodic report, together with information on the present demographic composition of the country and how the rights of minorities were guaranteed by the new Constitution.

410. In connection with the implementation of article 2 of the Convention, the Committee requested more detailed information concerning the different racial groups who lived in the country, in particular, on any special efforts taken to preserve the different cultures and languages, as well as on the elimination of inequalities between Asians and Africans and the various African ethnic groups. Additional information was also requested on the situation of the many refugees from southern Africa seeking asylum in Zambia. Furthermore, some members noted that it was not clear from the report whether all differences in the treatment of citizens and non-citizens and the cases relating to personal law, including adoption, marriage and burial, were in conformity with the provisions of the Convention. In that connection, they expressed the wish that those questions be clarified in the next periodic report of Zambia.

411. With reference to article 3 of the Convention, satisfaction was expressed with the attitude of the Government of Zambia, as a front-line State, towards the racist régime of South Africa. Members emphasized the importance of Zambia's assistance to national liberation movements and its constant opposition to racism and apartheid. Further details were requested on the actual experiences and philosophy behind the struggle against racism on its borders.

412. As far as article 4 of the Convention was concerned, it was felt that the Zambian Penal Code contained provisions involving partial implementation of that article, but foreigners were not mentioned among the groups that might be the victims of discriminatory treatment. It was not clear either whether section 46 of the Penal Code, which mentioned tribes, related to article 4 of the Convention and it was asked whether they were to be regarded as ethnic groups or simply as social groups. More information was requested on the penalties applicable under section 70 of the Penal Code and on how the provisions of other sections were applied to give effect to article 4 (b) of the Convention.

413. With reference to information relating to the implementation of article 5 of the Convention, some members of the Committee noted with interest the measures adopted by the Government of Zambia to put an end to the vestiges of privilege in schools and hospitals.

414. With respect to article 6 of the Convention, more information was requested regarding legal provisions giving effect to that article and redress available to victims of racial discrimination.

415. In connection with article 7 of the Convention, further details were requested on measures designed to expand knowledge of values of other countries or other groups within Zambia. It was also asked what the Government had done, in the field of the education of youth, about the teaching of human rights in general and the purposes and principles of the Convention in particular.

416. In reply to some questions raised by members of the Committee, the representative of Zambia stated, in particular, that since the indigenous population of Zambia could be broken down into 73 tribes, it was not possible to supply the Committee with accurate statistical data, and that although a number of local languages were taught in schools and used in the mass media, English was accepted as the official language. Furthermore, although there were no formal educational centres catering for minorities, there was no law prohibiting the preservation of the cultural and religious heritage of minority groups. With regard to the texts of the 1964 and 1973 Constitutions of Zambia, he assured the Committee that appropriate action would be taken by his Government upon submission of Zambia's next report.

417. With reference to the question of refugees, he said that prior to 1980, Zambia had been sheltering many thousands of refugees from other countries, but between 1965 and 1980 South African troops had made a great number of military incursions into Zambia on the pretext of attacking terrorists, whereas they had actually been bombing refugee camps and destroying Zambia's economic infrastructure.

418. With regard to the implementation of article 5 of the Convention, the representative said that Zambians and non-Zambians had equal civil, economic and cultural rights and that all Zambian nationals had an equal opportunity to serve their country in a profession or vocation of their choice in both the military and civilian sectors. He also explained that inter-tribal and interracial marriages were permitted by the law, and that there was a certain number of inter-marriages among all races; however, polygamy was not encouraged.

419. In reply to questions raised in connection with article 7 of the Convention, the representative said that school children in Zambia were taught about the purposes and principles of the Charter of the United Nations and the Convention with a view to combating prejudices which lead to racial discrimination.

420. He assured the Committee that the comments made by the members would be conveyed to the competent authorities in his country and that future reports submitted by his Government would be more comprehensive.

### Solomon Islands

421. The Committee considered the initial report of Solomon Islands (CERD/C/101/Add.1) after a brief introduction of the representative of the reporting State.

422. Members of the Committee expressed their appreciation to the Government of Solomon Islands for having initiated a dialogue with the Committee and for having submitted its report on time and in accordance with the Committee's revised guidelines.

423. The Committee, however, regretted that the report only paraphrased articles of the Constitution of Solomon Islands and stated that national legislation to implement the Convention was not needed, since racial discrimination did not exist in the country. The Committee recalled that a number of other States parties to the Convention had taken that line and it deemed it important to explain once again its position. The members of the Committee had an obligation to the States parties to obtain a clear picture of the legal and general situation with regard to racial discrimination in the reporting States. The Committee's membership was not political and the questions asked were not politically motivated. As independent experts, the members of the Committee could not automatically accept the assertion that racial discrimination did not exist in a given country. They had to reach their own objective conclusions and decide what should be done if vestiges of racial discrimination were in evidence. According to the vast majority of internationalists, it was unacceptable for a State to ratify a convention and then argue that it did not have to implement the provisions because the subject-matter was irrelevant to it. States had a clear duty to honour their international obligations and the underlying principle of the Convention was that even countries in which racial discrimination did not exist should take action to prevent the emergence of ideologies or activities that could lead to racism and racial discrimination.

424. With respect to the legal situation in Solomon Islands, the Committee could not agree with the position of the Government of Solomon Islands that the Convention could only be described as supplemental to the Constitution of that country and it observed that, according to the law of treaties, the Convention was pre-eminent. The Government of Solomon Islands should reconsider its approach, reflect the provisions of the Convention in its internal legislation and provide more thorough and precise information on its implementation of articles 2 to 7 of the Convention, including the text of the relevant provisions of the Constitution.

425. Members of the Committee noted from the report that any law inconsistent with the Constitution would, to the extent of its inconsistency, be void and, in that connection, they wished to know who was competent to determine that a law was inconsistent with the Constitution, what was the procedure for annulling such a law, whether it was void *ipso facto*, whether the courts could refuse to apply such a law or whether it was for the High Court to decide on its inapplicability.

426. With reference to article 2 of the Convention, in particular, members of the Committee wished to receive more detailed information regarding the demographic composition of Solomon Islands, especially with regard to the languages spoken in the country and the cultural characteristics of the various population groups. They also wished to know whether all groups listed in the report were citizens of the country, or whether only Melanesians enjoyed that status. In addition, members of the Committee wished to know whether the Government was taking measures in accordance with article 2, paragraph 1 (c) of the Convention, how discriminatory legislation could be annulled and what procedures existed to rectify situations in which discrimination had occurred. It was noted that section 15 of the Constitution of Solomon Islands provided for circumstances of exception in which laws could be made, notwithstanding the general protection from discrimination afforded by that section, and it was observed that the text of any such laws should be provided to the Committee together with clarification regarding the circumstances of exception.

427. The members pointed out that article 4 of the Convention did not seem to be fully implemented in the legal order of the State.

428. In respect to article 5 of the Convention, members of the Committee wished to know, in particular, what political rights were guaranteed in Solomon Islands, what provision had been made by the Government to ensure equality of access to education and employment, what economic policies had been formulated by the Government to ensure the adequate development and protection of disadvantaged groups within the population and whether legal provisions to prohibit discrimination in respect of access to public places concerned also such places as private clubs.

429. In connection with article 6 of the Convention, reference was made to section 18 of the Constitution of Solomon Islands and it was asked how it was possible that a person whose rights or freedoms were likely to be contravened could apply to the High Court for redress, what was the procedure to apply to the High Court for redress and compensation, how the legal system of Solomon Islands was organized and whether people were aware of the protection afforded by the Government under the provisions of the Convention. In addition, more information was requested on the judicial cases mentioned in the report as well as on the implementation of article 7.

430. The representative of Solomon Islands stated that he would transmit the questions and observations of the Committee to his Government and assured the members of the Committee that more detailed information would be given in future reports.

#### Sweden

431. The sixth periodic report of Sweden (CERD/C/106/Add.2) was introduced by the representative of the reporting State, who elaborated upon the information provided by his Government with regard to new developments relevant to the implementation in Sweden of the Convention and the questions raised by the Committee during its consideration of his Government's previous report. The representative also drew the attention of the Committee to the information provided in the annexes to the report which dealt mostly with Sweden's policy towards immigrants, Sweden's efforts concerning special education and cultural development for refugees coming from Viet Nam, and especially for their children, and the findings of the Swedish Commission on Ethnic Prejudice and Discrimination on various aspects of prejudice and discrimination with respect to immigrants and ethnic minorities in Sweden.

432. The Committee commended the Government of Sweden on its excellent report and on its continued work to incorporate the provisions of international conventions into its domestic legislation. Particular satisfaction was expressed for amending section 8 of chapter 16 of the Swedish Penal Code which extended the protection given to ethnic groups, such as immigrants, against agitation. The Committee also welcomed the information contained in the annexes to the report and expressed the wish to receive from the Swedish Government additional copies and brief summaries of those annexes.

433. In connection with article 2, paragraph 2, of the Convention, members of the Committee focused their attention on the question of the Sami population living in Sweden. It was recalled that earlier periodic reports had referred to a working group that had made a series of interesting proposals relating to the Samis, and it was asked whether that working group was still in existence and, if so, what it had



been doing recently. More information was requested on the progress made with regard to the municipal programmes to foster the economic and social development of the Sami population, including an indication of the amounts involved in the material assistance given to them and on Nordic co-operation on the problems facing the Samis. More information was also requested on the arrangements for imparting education to the Samis in their own language. It was asked, in particular, how many school children studied in that language, how many schools there were and whether the textbooks published in the Sami language had been satisfactory. In addition, members of the Committee wished to be supplied with the findings of the Government Commission established in 1979 to examine the conditions of the Sami population as well as those of the Government Commission established in 1982 to investigate the possibilities of strengthening the legal position of the Samis in regard to reindeer breeding and to propose measures in order to preserve and develop the Sami language. In that connection, it was noted that similar measures had been recommended by another Government Commission in 1971 and it was asked what had been done in the intervening decade.

434. While the Government was applauded for its policy on investments in South Africa, it was stated that the process of the international isolation of this country was developing rather slowly.

435. With regard to article 4 of the Convention, reference was made to the amendments to the Swedish Penal Code, in particular, chapter 16, section 8, on agitation against an ethnic group and chapter 5, section 5, on defamation. It was observed that those amendments amounted to a partial application of the introductory part of article 4 of the Convention and it was recalled that Sweden was bound, under the Convention, to declare illegal and prohibit organizations and activities which promoted racial discrimination. The report reflected the view of the Swedish Minister of Justice that the question of banning racist organizations might be discussed anew on a future occasion, however, that view was not considered by the Committee as a justification for Sweden's failure to meet its obligations under article 4, paragraph (b), of the Convention, especially in view of the fact that according to the Government Commission on Ethnic Prejudice and Discrimination manifestations of racial discrimination still existed in Sweden and a list of them had been drawn up by the Commission. An explanation was therefore requested of the legal reasoning by which the Swedish Government could conclude that it was not bound under the Convention to pass a legislation for which the Committee had repeatedly called.

436. With regard to article 5 of the Convention, reference was made to the question concerning the expulsion from Sweden of aliens with more than three years residence there and it was asked if that had in fact happened and, if so, for what reasons. Members of the Committee also wished to receive further details of the Government's policy on the integration of migrant workers. They wished to know, in particular, whether they were accorded rights only as individuals or also as minority groups, whether their culture was protected and whether they were given specific linguistic rights. Information was also requested on the legislative proposals made by the Swedish Commission on Ethnic Prejudice and Discrimination and details of Sweden's co-operation with the countries from which its migrant workers came. It was noted that the provision on unlawful discrimination in section 9 of chapter 16 of the Swedish Penal Code was not applicable to the labour market and it was hoped that the Government of Sweden would reconsider its position on the subject, especially in view of the fact that conflicts between Swedes and immigrants on racial grounds seemed to increase in the country.

437. With regard to article 6 of the Convention, reference was made to the information that cases involving agitation against an ethnic group on unlawful discrimination were to be dealt with by prosecutors at a high level, who were "called upon to work for a uniform adjudication". It was asked, in that connection, why that decision had been taken, whether it implied that judgements had previously been widely disparate and why prosecutors were being called upon to reach uniform adjudication when adjudication was the responsibility of the courts.

438. In reply to questions raised by members of the Committee, the representative of Sweden stated that the Government Commission established in 1979 to examine the conditions of the Sami population had not so far published any results, but had been requested to proceed more quickly with its work. He also stated that the information provided in the report in respect to article 4, paragraph (b), of the Convention was not intended to be a legal argument, but simply a truthful and factual picture of what had happened in Sweden in the field in question.

439. As regards article 5 of the Convention, the representative explained that part of the reason why the Swedish labour market was not covered by existing legislation against racial discrimination was the social tradition in Sweden whereby, given the relatively equal strength of the parties and the peaceful conditions in the labour market, successive Governments had to a very great extent left matters pertaining to the labour market to the parties involved, namely, the association of employers and the trade union movement. However, the Swedish Commission on Ethnic Prejudice and Discrimination had recently proposed a labour law dealing with racial discrimination in the workplace. The fact that it was a labour law and not a penal law also reflected a Swedish tradition that breaches of workers' rights tended, in general, to be regarded as breaches of agreements between employers and employees or between employers' associations and trade unions. The representative also referred to a sociological investigation according to which attitudes among Swedes towards immigrants had become more tolerant since 1969, when a similar investigation had been made.

440. In connection with article 6 of the Convention, the representative explained that cases involving breaches of the laws on racial discrimination were few in Sweden. Since it could not be expected that any given prosecutor would come across such an offence, it had been thought preferable for such cases to be tried at a higher level so as to concentrate a body of expertise at that level. The term "uniform adjudication" might not have been well chosen, since prosecutors did not pass judgement. They, however, asked for sentences and penalties for agitation against an ethnic group which varied from two or more years imprisonment to "daily fines" assessed in accordance with the income of the person concerned.

441. The representative of Sweden finally stated that he would convey the views of the members of the Committee to his Government and that further information would be provided in reply to their questions, in particular, those relating to article 4 of the Convention.

#### Cuba

442. The sixth periodic report of Cuba (CERD/C/106/Add.3) was considered by the Committee together with the introductory statement of the representative of the reporting State, who pointed out that in the international sphere his Government supported efforts to eliminate racism and apartheid wherever they existed and carried out a broad educational campaign in Cuba to sensitize the population to the evils of racial discrimination.

443. The Committee congratulated the Cuban Government for its report which concentrated on new legislative, judicial, administrative and other measures adopted since March 1981 and complied with the Committee's revised guidelines.

444. With regard to implementation of article 2, paragraph 1, of the Convention, members of the Committee wished to receive up-to-date information on the breakdown of the demographic composition of the various groups of the population, so that the Committee could judge the extent to which the Convention was being observed in practice, as well as to receive statistics on the infant mortality rate, life expectancy, income and educational levels of the different groups of the population, so that the Committee could follow the trend over time in order to ascertain whether the legislative and administrative measures taken by the Government were having any positive effects. Referring to the draft declaration on minorities and the draft international convention on the rights of migrant workers, one member wished to know Cuba's position on that aspect of improving international protection for groups which might be victims of racial discrimination.

445. Turning to article 3 of the Convention, the Committee commended Cuba on its front-line role in the struggle against apartheid and racial discrimination. It was pointed out that the struggle against racial discrimination and apartheid had become a basic feature of the foreign policy of socialist Cuba and that a further expression of Cuba's solidarity with the peoples struggling against racism, colonial domination and apartheid was the fact that it provided political support and material - including military - assistance to the national liberation movements as well as assistance to thousands of students from South Africa, Namibia and other countries who received education in Cuban schools and universities.

446. Most members of the Committee noted that the report furnished ample information concerning implementation of article 4 of the Convention. However, doubts were expressed regarding Cuba's compliance with article 4 (b). In that connection, it was pointed out that the fifth periodic report stated that if an association was formed whose objectives were contrary to the laws prohibiting discrimination, it would be subject to penalties. Since it was clear that an association could not be imprisoned, the reporting State should specify which members of the association would be imprisoned. Clarification was also sought on how the Cuban courts would deal with a complaint by a victim of racial discrimination who invoked article 4 of the Convention.

447. As far as article 5 of the Convention was concerned, it was pointed out that the report gave ample information on the implementation of that article. However, some other members expressed the view that the report provided only partial answers to questions which had been raised during the Committee's consideration of the fifth periodic report, in particular, it gave no information on the implementation of paragraphs (d) and (e) of article 5. It was asked therefore whether Cuban legislation provided for the right to form trade unions or only the right to join the existing ones; whether the establishment of independent trade unions was permissible and if any independent trade unions had been formed. Turning to a statement in the report, one member asked for clarification of the term "people's power" as well as the length of the mandate of elected representatives and the reasons why they should be revoked by the electors rather than simply being left to expire. The members also wished to know whether persons who could not exercise the right to vote or be elected under article 7 (b) of the Elections Act were disqualified from voting before or after being sentenced for the offence of which they were accused. In connection with article 7 (c) of that Act, further

information was asked for on whether deprivation of civil rights and custodial sentences were complementary sentences and how individuals were deprived of their civil rights. Further detailed information was also asked for regarding the aspects of Decree-Laws No. 83/81 and 84/81, mentioned in the report in connection with article 5 of the Convention.

448. As regards the implementation of article 6, some members of the Committee pointed out that the report did not describe in detail how an individual could seek remedies if he felt he was a victim of racial discrimination and also it was not evident whether or not the authorities could be forced to take action in the courts, whether an individual could bring the claim himself or whether his opinion required acceptance by the Office of the Attorney General (Fiscalia).

449. In connection with article 7 of the Convention, some members noted that the measures described in the report broadly satisfied the requirements of the Convention. However, they would welcome further information on the training given to public officials, teachers, members of the police force and lawyers to make them better aware of the provisions of the Convention. Additional information about school curricula was also requested.

450. Replying to comments and questions raised by members of the Committee, the representative of Cuba stated that there was no differentiation whatever on grounds of race in Cuba and all citizens enjoyed absolute de jure and de facto equality. It would not be feasible to undertake a census of the different ethnic groups and such a census would serve no valid purpose. He also stated that if Cuba were to begin to differentiate between the various races in its population census, it would be forced to abandon the entire philosophy of equality that it had adopted in 1959. Any analysis of the Cuban population would show that a certain proportion was of African and Arab origin, that there were persons of Asian origin, mostly Chinese, and that there were "whites", many of whom were of Spanish origin, which meant that they represented a mixture of so-called Aryan and Moorish blood. With reference to questions raised on the rate of infant mortality, the representative stated that mortality of children was similar to that of highly developed countries and that health care was completely free in Cuba. Referring to two drafts of international instruments concerning migrant workers and minorities, he explained that since both documents were still at the drafting stage, his Government would have to wait until they had been completed before expressing an opinion on them.

451. Turning to the implementation of article 4 of the Convention, the representative said that in the Cuban view the purpose of the Convention was to prevent the formation of organizations that would foment racism and racial discrimination. Members of such organizations were liable to imprisonment. The intent of Cuban law was not to suppress an organization per se, but to punish the promoters of organizations established for illegal purposes.

452. In connection with questions raised regarding article 5 of the Convention, he stated that the Constitution of Cuba guaranteed all rights mentioned in paragraphs (d) and (e) of that article, including the right to own property, the right to marriage and choice of spouse, and the equality of the rights and duties of the spouses with regard to the maintenance of the home and the upbringing of children. As to the phrase "people's power" mentioned in the report, he said that the term denoted the institutionalization of the will of the people in government bodies. He also explained that in general elections to the National Assembly the term was five years and in local elections two and a half years, that, according

to the law, elected officials who had systematically failed to fulfil their obligations, had lost the trust of their constituents, had been convicted of offences or had acted in a manner inconsistent with the holding of high office, could be removed from office by the same people who had elected them. The representative also stated that those deprived of their civil rights had recourse to remedies that could lead to some form of redress. Concerning the freedom of trade unions, he referred to the Cuban Constitution, which proclaimed the existence of a socialist State composed of workers, peasants and intellectuals and acknowledged, protected and promoted all mass organizations of the population. A single union might best serve the interests of the Cuban people.

453. In connection with article 6 of the Convention, he referred to articles 26 and 62 of the Constitution and article 154 of the Penal Code concerning the right of persons to have their complaint considered.

454. Replying to other questions, in particular the right to education, he stressed that education was free at all levels in Cuba, which meant that there was real equality and that from an early age children were taught the principles of liberty, equality and fraternity. Higher education in general was also based on those principles. On the question of the curricula for training of public servants, he said that in 1979 Cuba had organized its first symposium on penitentiary care and that such training was intended to increase the awareness of prison offices concerning the civil and political rights of those under their care.

#### Nicaragua

455. The second and third periodic reports of Nicaragua submitted in one document (CERD/C/103/Add.1 and Corr.1) were considered by the Committee together with the introductory statement of the representative of the reporting State, who referred, in general, to the demographic composition of the country and to the policy of his Government directed to the integration of all groups of the population into the country's development process. He also stated that Nicaragua had been living in a state of war since the promulgation of the Emergency Law of 15 March 1982, and that because of the country's popular and democratic political ideas, efforts had been made in the legal and juridical spheres to eliminate all forms of racism and discrimination.

456. Members of the Committee commended the Government of Nicaragua for its report, which was prepared in accordance with the guidelines set by the Committee. They noted with appreciation the frankness of the report which drew attention to major problems facing the Nicaraguan Government and to steps which had been taken with respect to all strata of society. Some members pointed out also that Nicaragua had made an earnest attempt to share its experience with regard to the implementation of the Convention, despite the emergency situation which existed in the country, and that account must be taken of the fact that Nicaragua was the victim of external interference in violation of the United Nations Charter. Furthermore, it was noted that the four years which had passed since the Nicaraguan revolution was too short a time in which to remove the social injustice imposed by the Somoza régime that had been in power for over 50 years.

457. Much of the discussion revolved around the Government's policy and practical measures relevant to the implementation of article 1, paragraph 4, article 2, paragraph 2, and article 5 of the Convention dealing with the actual situation and rights of the various ethnic groups in the country. The Committee welcomed the

progress made by Nicaragua in preparing the preliminary draft constitution and electoral law, for its efforts to introduce land reform and for its success in the fields of education and literacy, which had won the recognition of UNESCO.

458. Turning to the conditions of indigenous communities in Nicaragua, members of the Committee wished to know what the current status of the Miskito community on the Pacific and Atlantic Coasts was; why it had been moved from its settlement on the banks of the River Coco; whether the relocated community was entitled to acquire the land under the new scheme in question and, if so, whether it was receiving its fair share of the land; whether the redistribution of land was under the jurisdiction of the Nicaraguan Institute for the Atlantic Coast or a higher authority; whether land was being distributed solely to Indians or to all other ethnic groups as well; whether any grievances had been lodged regarding the redistribution programme by individuals or by the Miskito community as a whole and whether Miskitos were represented on the monitoring body and in the Institute itself. Further details were asked for on the general policy of the Government concerning integration, and on what measures were being taken to preserve and protect indigenous communities and to guarantee their autonomous existence so that they did not lose their distinct culture, languages and traditions. Some members also wished to know whether any applications for amparo had been made by the Atlantic Coast Indians and, if so, what had been the outcome. Furthermore, it was asked whether other measures, such as mining and industrial projects were envisaged in order to enhance the economic status of the indigenous populations and what was being done in practice to ensure that the indigenous population derived benefits from the exploitation of the natural resources in the areas where they lived. The hope was expressed that the next periodic report of Nicaragua would provide additional information regarding the work of the Special Commission of the Council of State and a breakdown of demographic data, including information about all the Indian groups of the country.

459. With respect to article 4 of the Convention, the Committee remarked that the crime of genocide was defined in positive law, which went a long way towards preventing maltreatment and persecution of indigenous peoples. However, some members expressed the opinion that the legal provisions referred to in the report failed to give full effect to the requirements of that article and that the provisions of the Statute on the Rights and Guarantees of Nicaraguans were not consistent with paragraphs (a), (b) and (c) of article 4. Further clarification was requested in that regard.

460. Referring to other information provided on the implementation of article 5 of the Convention, some members of the Committee noted that they had no doubts regarding the sincerity of the Nicaraguan Government in trying to improve the socio-economic position of the people in the most neglected areas of the country and that very progressive steps were being taken in that respect. Referring to the statement in the report that one section of the country's population was resettled, it was pointed out that the Committee was duty-bound to consider whether racial discrimination or restriction on the right to freedom of movement were involved, and the fact that such an explanation was requested did not mean that the Committee wished to destabilize the revolutionary process in Nicaragua. It was also asked whether the resettlement had been carried out in consultation with the people or one of their organizations in view of the fact that forced displacements of civilians to another territory was not allowed by the rules of armed conflicts (see art. 17, Additional Protocol II, 1977). As regards the rights to participate in elections, some members wished to know how and according to what rules elections to

municipal councils had been organized in Nicaragua and whether the ballot had been secret. As to the right to freedom of assembly and association, more details were requested regarding the policy regulations governing the right to demonstrate publicly. Further questions were raised concerning inter alia the rights to nationality, to freedom of religion and opinion as well as to the right to public health.

461. With reference to article 6 of the Convention, it was noted that Nicaragua had provided in its revised penal procedure further guarantees of fair trials for detainees, which showed the Government's sincerity in adhering as closely as possible to the provisions of that article of the Convention. The hope was expressed that additional progress in the legislative field would be described in the next periodic report of Nicaragua.

462. The representative of the reporting State replied to some questions raised by the Committee. Referring to the status of the Miskito community, he stated that the Government had invited the Inter-American Commission on Human Rights to visit the country to make an on-the-spot investigation into the situation of the Miskitos. The visiting mission had conducted its investigation in May 1982 and had had access to a wide range of individuals and organizations concerned with the matter. The recommendations of the Commission were accepted by the Government with the aim of reaching a solution to the problem, which could entail the relocation to new settlements of the 8,500 Miskitos who had been moved from their homes. The Government had given an undertaking in writing to the Inter-American Commission to allow those who wished to do so to return to their homes when the emergency ceased and when the state of war no longer existed.

463. With regard to statistics regarding the composition of the population, he said that the Government was not in a position to provide such information at the current time, but it would endeavour to respond fully to all the comments and questions of members in its next report. With respect to the elections, he explained that the country was in the process of creating new institutions and that a draft electoral law was expected to be adopted by the end of 1983 and elections should therefore be held in 1984.

464. In conclusion, the representative stated that only four years after the revolution Nicaragua could boast of having ratified most of the international legal instruments for the protection of human rights, of having received three visiting missions of the Inter-American Commission on Human Rights at its own request and of having an active national human rights commission.

### China

465. The initial report of China (CERD/C/101/Add.2 and Add.3) was introduced by the representative of the reporting State, who referred to the information provided by his Government with regard to minorities living in China, and pointed out that laws had been enacted to ensure the participation of minorities in State and local affairs on an equal footing with all other nationalities, that at the Sixth National People's Congress, held in June 1983, all minority nationalities had been represented and that 13.5 per cent of all the deputies were members of minority nationalities. Furthermore, he informed the Committee that a Nationalities Committee under the Standing Committee of the National People's Congress was responsible for studying matters having a bearing on the nationalities and drafting relevant legislation, that interference by government officials with minority

customs and manners was punishable under article 147 of the Chinese Criminal Code and that, in an effort to promote the economic and cultural development of the minorities, the State had increased investments in infrastructure in the minority areas.

466. The members of the Committee expressed satisfaction that China had decided to begin a dialogue with the Committee. They pointed out that China's accession to the Convention constituted an enormous step towards the universal acceptance of that international instrument and that it enhanced the Chinese people's contribution to the struggle against racial discrimination both within and outside the country. The Committee also welcomed the comprehensive information provided by the Chinese Government on ethnic nationalities in China. One member stated that the report of China was a revelation in that 56 nationalities had joined in efforts to build a society based on social justice and respect for all human beings. It observed, however, that more information on the implementation of the various provisions of the Convention was necessary to understand the extent to which the Government of China was in a position to fully comply with its obligations under the Convention. The Committee, therefore, expressed the wish that subsequent reports would provide information in a more amplified manner with regard, in particular, to articles 3 to 7 of the Convention, that they would be presented in accordance with the revised guidelines laid down by the Committee and that they would include references to the pertinent provisions of the Chinese Constitution and other legislation designed to combat racial discrimination.

467. Members of the Committee noted that the minority nationalities in China represented only 6.7 per cent of the total population, but they occupied more than 50 per cent of the land area, and they requested more information on those nationalities, and on the organs of self-government of the autonomous areas, especially on the supervision which was exercised by the central authorities with regard to the legislative, executive and financial aspects of regional autonomy and on economic and cultural differences among the provinces and the autonomous regions. They wished to know, in particular, what the criteria were for minority representation in the National People's Congress, what the relationship was between the State Council and the executive organs of the autonomous areas, how the economic development of the areas occupied by minorities was carried out under the Constitution, to what extent education was given in the national languages of the minorities and whether integrationist multiracial organizations existed in China and received official encouragement. It was also asked whether the relations between the majority Han group and the minorities were always harmonious or whether the historical disparities between the Han and the minority nationalities still caused members of the Han group to indulge in chauvinism, what the views of China were with respect to the term "nationality", whether a distinction was made between the terms "nation" and "nationality", what action was being taken to safeguard the rights of minority nationalities under article 2, paragraph 1 (c), of the Convention, what was the role played by the State in the backward regions, what percentage of the budget was allocated to development in those regions and whether modernization efforts, including voluntary assimilation, had led to a decrease in the size of any of the ethnic groups. In addition, information was requested on policies to accelerate development in Tibet, on the number of Tibetans occupied in administrative jobs and on measures to protect the Tibetan cultural heritage. It was asked, in particular, whether any account had been taken of Tibet's special geographical situation in the laws recently promulgated with respect to that region.



468. As regards article 3 of the Convention, information was requested, in particular, on China's efforts in condemning the apartheid régime of South Africa and on diplomatic, economic and any other ties that China might have with that régime.

469. With reference to article 4 of the Convention, it was asked under what provisions of the penal legislation of China racial discrimination was prosecuted and what legal sanctions were applied, in particular, to those who contravened the legislation on State protection to minorities.

470. In connection with article 5 of the Convention, members of the Committee wished to know what measures had been taken in China to implement paragraphs (d) (i), (d) (ii) and (e) (ii) of that article. They also wished to know what the policy of the Chinese Government was on acquisition of Chinese citizenship by foreigners, what the status of Chinese citizens or migrant workers was in neighbouring socialist countries, whether they had been informed of their status in their home country and whether China had entered into any agreement with the host countries with regard to those people.

471. With respect to article 6 of the Convention, information was requested on the judicial system and the means of recourse available in China, on the interplay of the administrative and judicial powers of the regional assemblies and those of the State and on measures to resolve conflicts over jurisdiction and competence. It was also asked whether the Constitution allowed a complaint to be submitted to an institution other than that involved in the matter concerning which the complaint was made.

472. Replying to questions raised by members of the Committee, the representative of China clarified that ethnic minorities could be found throughout 50 to 60 per cent of the country, but they did not constitute the sole population of that area, which they in fact shared with members of the Han nationality. China's policy of establishing autonomous regions which were governed by members of the minority nationalities living there, was a response to that particular demographic feature. Moreover, representation of even the smallest minority group, which had slightly more than 1,000 members, was required by the Constitution. Chauvinism among the minority nationalities was discouraged and efforts were concentrated first and foremost on eliminating chauvinism among the majority Han group. The representative also pointed out that the Chinese Constitution contained special provisions to protect the autonomy of the national minorities in the context of their development process. In addition, other legislation, such as article 36 of the Chinese Marriage Law and article 80 of the Penal Code, required that specific local social situations must be taken into consideration and respond to local customs. As regards the autonomous region of Tibet, the representative provided information and figures on the increase of the Zang population, which was at a higher rate than the Han nationality's increase, on the participation of different nationalities in the administration of the region and on its economic and cultural development.

473. With regard to article 4 of the Convention, the representative stated that, since 1951, the Government had issued directives aimed at eliminating all forms of discrimination which had persisted from pre-revolutionary society and that the Government also played a major role in supervising and monitoring the implementation of those provisions.

474. With reference to article 5 of the Convention, the representative referred to article 2 of China's Nationality Law, which ensured that persons belonging to all nationalities enjoyed Chinese citizenship. He also provided information on 10 Nationalities Institutes, established to promote the educational advancement of those groups which had historically been given only limited opportunities for education.

475. The representative of China finally assured the Committee that his Government would provide more comprehensive information in its next periodic report.

#### Togo

476. The initial, second, third, fourth and fifth periodic reports of Togo (CERD/C/75/Add.12) were considered by the Committee together with the introductory statement made by the representative of the reporting State, who outlined and elaborated upon the information provided by his Government.

477. The members of the Committee commended the Government of Togo for the high quality of its report which provided ample information on the various aspects relating to the implementation of the Convention in the country. They noted with appreciation that Togo had overcome the difficulties that sometimes small countries faced in preparing reports and they expressed the hope that, in future, reports would be received regularly.

478. Reference was made to the preamble of the 1979 Constitution of Togo and it was asked whether that preamble had the force of law. It was also observed that the report gave the impression that for a number of years Togo had been subject to domestic ethnic and regional disputes which had so threatened the existence of the nation that the army had twice had to intervene. It was, therefore, hard to understand the contention that racial discrimination did not exist in Togo. In this respect, members of the Committee expressed the view that it was important, in a multi-ethnic country such as Togo, to contemplate special measures in line with article 1, paragraph 4, and article 2, paragraph 2, of the Convention, especially in those areas where ethnic groups were concentrated, in order to avoid that the economic grievances of people living in backward areas could sometimes take on the aspect of racial discrimination.

479. As far as article 4 of the Convention was concerned, the Committee recalled that no matter whether acts, practices, organizations or institutions based on racial discrimination existed, States parties were bound, under that article, to pass legislation declaring them illegal and to prohibit them. The Committee, therefore, expressed the wish that the Government of Togo would provide specific information on legal steps that it would take to comply with its obligations under article 4 of the Convention.

480. Further information was requested on the implementation in Togo of article 5 (d), subparagraphs (ii), (viii) and (ix), of the Convention and on activities undertaken pursuant to article 7 of the Convention.

481. As regards article 6 of the Convention, information was requested on the decisions of the Togolese courts referred to in paragraph 36 of the report. It was also asked whether the watchwords and resolutions of the party formed part of the country's legislation and, if so, whether the courts were obliged to apply their provisions.

482. Replying to questions raised by members of the Committee, the representative of Togo explained that the preamble of the Constitution did not have binding legal force but was simply a declaration of intent. It could, however, be used as the basis of a court decision.

483. With regard to article 1, paragraph 4, and article 2, paragraph 2, of the Convention, he stated that his Government was making every effort to eliminate regional disparities by such means as the provision of roads, schools, electricity and hospitals. He also explained, in that connection, that immediately after independence there had been in Togo a plethora of parties, each acting in its own interest and representing particular ethnic groups and that, therefore, a single party had been established to work for the good of the country as a whole and to show people, regardless of their ethnic origin, that they were part of an embryonic nation.

484. With reference to article 4 of the Convention, the representative took note of the recommendations of the Committee, but stated that the Interministerial Commission on Human Rights and the national Human Rights Committee established in Togo under the African Charter on Human and People's Rights were considering whether it was necessary to establish criminal penalties for activities based on racial discrimination if such activities did not take place.

485. As regards article 6 of the Convention, he referred to the judicial system of his country and stated that in Togo there were also administrative courts where individuals could seek remedies if they felt their interests had been damaged by administrative actions. In addition, there was a special administrative chamber in the Supreme Court.

486. The representative of Togo finally stated that the comments made by members of the Committee would be taken into account by his Government in the preparation of its next periodic report.

### Niger

487. The sixth and seventh periodic reports of the Niger, submitted in one document (CERD/C/91/Add.34) were considered by the Committee together with the introductory statement made by the representative of the reporting State, who stated that the suspension of the Constitution of the Niger in 1974 had in no way affected respect for the spirit and letter of the Convention. Niger was in the process of launching a national project known as the "development society", which would enable all active members of the population without distinction to take part in the conduct of public affairs. The Ministry of Justice was planning to amend the Penal Code and was considering the possibility of incorporating additional provisions directed at eliminating racial discrimination in order to comply with the relevant articles of the Convention.

488. Members of the Committee commended the Government of the Niger on its report which was outstanding both in style and in content, and pointed out that the Niger had demonstrated its sincerity with respect to implementing the Convention and maintaining a dialogue with the Committee. They also welcomed the demographic data provided in the report. They were particularly interested in learning about the current status of the Constitution and wondered whether the provisions of the Convention were directly applicable, for example, in the courts, administrative and other aspects of life in the country: they asked how racist propaganda and acts of

racial discrimination were punished, as well as whether the Niger had ratified the African Charter on Human and People's Rights referred to in the report. Clarifications were also requested concerning the legal effect given by the Government to the Universal Declaration of Human Rights, in particular, if a citizen claimed that one of his rights had been violated, could the courts invoke the Declaration.

489. With respect to articles 2 and 4 of the Convention, the report stated that there had been no need to take special measures because the Niger was a country where racial discrimination did not exist. However, it was recalled that States parties should take immediate measures to ensure that racial discrimination did not arise. Furthermore, article 102 of the Penal Code did not prohibit the establishment of organizations that might practice racial discrimination and the Government should therefore take steps to ensure such prohibition. The hope was expressed that the appropriate steps would be taken to implement that article.

490. With regard to article 3 of the Convention, it was noted with satisfaction that the Niger had an impeccable record at the international level in condemning the practice of apartheid and maintained no relations with South Africa.

491. Referring to implementation of article 5 of the Convention, members of the Committee commended the steps taken by the authorities with regard to the right to education and training, despite the difficulties relating to the nomadic populations. Further details were requested on how the literacy and education programmes were progressing and whether special schools had been established to train teachers to speak the various mother tongues. In the field of the implementation of other economic and social rights, additional information was asked for on agricultural development plans, patterns of land tenure, progress achieved in land reform and how the health network was organized in the country, given the large nomadic population and also how many doctors were employed in the public health institutions, as well as on development projects to raise the living standards of the population. Members of the Committee, noting that political parties and elections had been suspended, asked to be provided with information on the national project referred to in the report, in particular, what were the rules for representation of the various ethnic groups, whether there were measures to prevent domination of one group over the others, whether any machinery had been established to bring about conciliation between ethnic groups at the grass-roots level and whether there was any system for providing legal aid to the needy to ensure full equality before the law. With respect to the right to freedom of opinion and expression, some members requested further details regarding publications and radio and television stations as well as if the mass-media could be owned by private individuals, or whether they were by law wholly State-controlled. Several members asked whether a citizen of Niger had access to the courts if he considered that he had been the victim of racial discrimination.

492. In connection with article 7 of the Convention, members of the Committee requested that the Niger provide, in the next periodic report, information about the courses being established in schools to promote better understanding of the purposes and principles of the Charter of the United Nations and also whether the Niger had entered into any agreements with its neighbours in order to eliminate racial prejudice.

493. The representative of the Niger replied to a number of questions raised by members of the Committee. He stated that the Constitution of the Niger remained

suspended and political parties banned, but courts applied all international instruments and those laws not explicitly abrogated by the new authorities. The Niger had not yet ratified the African Charter on Human and People's Rights but the necessary procedures were under way.

494. With reference to the question of minorities, the representative clarified that the problem was economic in nature with the nomadic population and did not involve discrimination on ethnic grounds, and that the efforts were being made to strike a balance in the development of the various regions of the country in agriculture, stockbreeding and mining, respectively. Some problems had arisen with regard to increased participation by Niger nationals in mining and other sectors of the economy and the replacement of foreign personnel.

495. With regard to the implementation of article 4 of the Convention, the representative of the Niger said that action was currently being taken in respect of the provisions of that article.

496. In reply to questions raised in connection with article 5 of the Convention, he stated that school enrolment had reached 17.3 per cent by 1971, the latest year for which figures were available, and that the so-called nomad schools were functioning quite well but some parents were reluctant to enrol their children. Turning to the right to equal treatment before the tribunals, the representative said that there were civil and administrative courts in the country and although there was no formal legal aid system in the Niger, in practice every assistance was provided to those with insufficient means to engage a lawyer. On the question of freedom of trade union associations, he stated that trade union rights and rights of assembly had been restored. There was a single central trade union organization, but in addition each occupation had its own trade union, which was not always affiliated with the central organization at the national level.

497. In connection with article 7 of the Convention, the representative informed the Committee that the Niger had concluded treaties of friendship and good-neighbourliness with all its neighbours and joint economic co-operation commissions met periodically. He assured the Committee that all other questions would be dealt with in the next periodic report of the Niger.

### Nigeria

498. The seventh periodic report of Nigeria (CERD/C/91/Add.32 and Add.35) was considered by the Committee together with the texts of the Constitution of 1979, the Handbook of the Federal Court of Appeal, the Electoral and Appropriation Acts of 1982 and other documents published in the Official Gazette of Nigeria. In his introductory statement the representative of the reporting State pointed out that Nigeria was in the forefront of the struggle against racism, apartheid and racial discrimination. The Nigerian National Committee, which had been established to promote racial tolerance, had organized activities to disseminate information on the evils of apartheid. He referred to some provisions of the Constitution and to measures taken by the Government to eliminate racial discrimination in the political, economic, social, cultural and any other field of public life. Furthermore, the representative stated that the centre-piece of government policy was the worth of the human person and the principle of racial equality. He added that the Nigerian legal system guaranteed everyone, irrespective of race, colour or nationality, the right to equal treatment before the tribunals and all others administering justice.

499. The Committee commended the Government of Nigeria for the faithfulness with which it submitted its periodic reports to the Committee and welcomed the supplementary information contained in the unofficial addendum circulated to members by the representative of the reporting State. Members of the Committee noted that the 1979 Constitution had marked a turning point in the history of the country and radical changes had been introduced in many of its policies. Noting that the number of states in the Federation was to be increased, the Committee asked information about the new political organization of the country; on what basis the boundaries of new states were drawn and whether the reorganization would imply any amendments to the Constitution or a radical change in the current state-federal relationship. They also requested additional information on the demographic composition of the population, particularly regarding the newly-created administrative and political states, their levels of economic development and on measures taken to assist states whose economic situation was less favourable than others.

500. In connection with article 2 of the Convention, some members of the Committee asked additional information on the role and powers of traditional leaders, on the various sects which existed in the different states and how religious activities were regulated by law. Information was also requested on the expulsion of aliens who had entered Nigeria in accordance with the agreement between the countries comprising the Economic Community of West African States (ECOWAS), how ECOWAS regulated the movement of aliens within member States; whether any machinery existed to deal with cases of aliens who stayed beyond the allotted time-period and whether there were any provisions in the agreement relating to illegal immigration and the protection of migrant workers. Members of the Committee also wished to know whether Nigeria had ratified the ECOWAS citizenship code and whether there was any programme in the country to inform the public, especially through the mass media, about the regulations of ECOWAS. Lastly, it was asked whether Nigeria had provided any assistance to the countries whose citizens had been expelled. With regard to other foreigners, more details were requested on whether there were any groups who benefited from any special rights under treaties or agreements; how foreign professionals working in Nigeria were recruited; what their status was and what benefits they were entitled to.

501. With regard to article 3 of the Convention, the Committee observed that Nigeria had given ample proof of its total commitment to the fight against racial democratic and apartheid by the adoption of practical measures such as the Import Prohibition Order of 1983. Additional information was requested on the assistance which Nigeria was providing to front-line States to enable them to lessen their dependence on South Africa.

502. With reference to article 4 of the Convention, some members of the Committee observed that the provisions of sections 50 (2), 51 (1) (a) and 63 of the Criminal Code fell far short of the requirements laid down in paragraphs (a) and (b) of that article, in particular, there was no express mention of racial discrimination in either of those provisions of the Convention. Although section 15 (2) (d) of the Constitution prohibited discrimination on the grounds of place of origin, sex, religion, status, ethnic or linguistic association or ties, there was a need for implementing specific legislation to prohibit and declare punishable by law incitement to racial discrimination, and to declare illegal and prohibit organizations which promoted and incited racial discrimination.

503. As far as article 5 of the Convention was concerned, it was felt that the report described in frank manner the difficulties encountered by the Government in

the field of housing, medical care and education. In view of the numerous ethnic groups in the country, some members requested further information on the education system and on the teaching of the various languages, in particular, whether members of various ethnic groups could receive an education in their own languages, especially at the primary level. They also requested whether there were specific educational programmes for disadvantaged groups whose languages were not used for administrative purposes and whether there were special funds to promote the cultural activities of ethnic groups with a different heritage.

504. With reference to article 6 of the Convention, members of the Committee asked for the clarification on whether the ordinary judicial system constituted the normal avenue of recourse for victims of racial discrimination or whether any other procedure had been established in Nigeria; and whether any speedy or streamlined legal remedy was available to the victims of racial discrimination to obtain redress, as for example in the case of an individual who was refused admission to a school on grounds of race. They also wished to obtain information on court cases involving racial discrimination, in particular, concerning a 1980 case in which a Nigerian citizen had been deported.

505. With respect to article 7 of the Convention, further details were requested about the activities of centres in Nigeria devoted to the study of African languages, art, traditions, history and literature as well as on the measures taken by the Government to improve understanding on the basis of equality and to foster the cultural and linguistic heritage of different groups.

506. In reply to some of the questions raised by members of the Committee, the representative of Nigeria said that in order to create a new state the Constitution stipulated that, after approval by a two-thirds majority of the people living in an area, a request must be submitted and approved by a simple majority in the National Assembly.

507. In the matter of aliens, he indicated that, in accordance with the relevant agreements, aliens must have the relevant documentation and could stay in the country a maximum of 90 days, if they committed no crimes.

508. Concerning the implementation of article 4 of the Convention, the representative said that his Government had hoped that the provisions of that article were being implemented through the Criminal Code and through chapter II of the Constitution. However, after having heard the observations made by the Committee, he would bring the matter to his Government's attention with a view to strengthening implementation of article 4 in the light of the observations that explicit sanctions were required to reinforce sections 50 and 51 of the Criminal Code.

509. Replying to another point raised, he said that recourse could be brought to the State courts or the federal courts, whichever of the two was most convenient. He also referred to the case of an individual who had been unlawfully detained and deported and explained that the Court had decided against the Government and the individual had been awarded substantial compensation.

510. With regard, in particular, to the right to education, the representative of Nigeria said that an expanded programme had resulted in virtually free education at all levels and that a need for teachers had been satisfied through exchange programmes with other countries and that many teachers had been hired on contract from Ghana.

511. The representative of Nigeria stated that the other questions raised by members of the Committee would be brought to the attention of his Government for a full reply in his country's next periodic report.

C. Question of demographic composition

512. During the consideration of reports submitted by States parties under article 9 of the Convention, a member observed that the Government of a specific State party had declined to provide information on the demographic composition of its population, as requested in the Committee's guidelines and in its general recommendation IV, on the grounds that any attempt to group the population according to ethnic origin would go against the principles of equality laid down in the Convention. He wondered how legitimate such an argument was and whether or not the Committee had considered what complications might be involved in determining a country's ethnic composition.

513. The Committee noted that, for the most part, States parties were providing such information in their reports. It was indicated that while some States gathered demographic statistics on the ethnic composition of their populations, others did not take these criteria into account. It was pointed out that in some States with a heterogeneous population it was considered improper to inquire about ethnic origins or skin colours in taking a population census and that there were States in which there were genuinely no ethnic differences. Such States could not be expected to respond in the same way as multi-ethnic States. Members were of the opinion that information on the demographic composition was of relevance to many articles of the Convention and that the Committee could not effectively deal with the problem of racial discrimination without having such information. It was agreed that such information need not be precise demographic statistics but at least percentages of the total population.

514. The Committee agreed that it should continue to request relevant information on the demographic composition of the States parties, but if a State party replied that it was unable to provide such information and subsequently an ethnic problem arose in that country, the Committee would be correct in pressing for such information.



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

515. The Committee considered this item at its 625th meeting (twenty-seventh session), on 25 March 1983, and at its 646th meeting (twenty-eighth session), on 26 July 1983.

516. The action taken by the Trusteeship Council at its forty-ninth session, in 1982, 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 1981 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-seventh session. 8/ 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 1982, were contained in paragraph 457 of its report to the Assembly.

517. In its resolution 37/46 of 3 December 1982, the General Assembly, inter alia, took note with appreciation of the report of the Committee on its twenty-fifth and twenty-sixth sessions; commended the Committee for its continuous endeavour towards the elimination of the policy of apartheid, racism and racial discrimination in southern Africa and Namibia; 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 those bodies by providing all necessary information in order to enable the Committee to discharge fully its responsibilities under article 15 of the Convention.

518. At its twenty-seventh session, the Committee was informed by the Secretary-General of the action taken by the Special Committee in 1982 in connection with article 15 of the Convention. At its 1225th meeting, on 20 August 1982, the Special Committee, having regard to the information requested of it under article 15 of the Convention and in General Assembly resolution 36/12 of 28 October 1981, 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. 9/ The Secretary-General was subsequently informed that no petitions falling under the terms of article 15 of the Convention were received by the Special Committee during 1982.

519. At its twenty-eighth session, the Committee was informed by the Secretary-General of the action taken by the Trusteeship Council at its fiftieth (1983) session in connection with article 15 of the Convention. The Trusteeship Council at its 1556th meeting, on 26 May 1983, considered the item on the agenda of its fiftieth 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.1556). No further action concerning the opinions and recommendations of the Committee referred to above was taken by the Trusteeship Council.

520. 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-seventh and twenty-eighth sessions the documents listed in annex VII below.

521. At its twenty-seventh 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-eighth session. The Committee reviewed the membership of the working groups at its twenty-eighth session. The working groups which met during the twenty-eighth session of the Committee consisted of the following members:

(a) African Territories

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

(b) Pacific and Indian Ocean Territories

Mr. Brin Martínez, Mr. Karasimeonov, with Mr. Nettel as Convener;

(c) Atlantic Ocean and Caribbean Territories, including Gibraltar

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

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

522. In accordance with established practice, the Committee agreed, at its twenty-eighth 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 VII 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, paragraph 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.

523. The reports of the three working groups mentioned above were considered by the Committee at its 646th meeting, on 26 July 1983, and were adopted paragraph by paragraph, with some amendments.

524. The opinions and recommendations of the Committee, based on its consideration of copies of reports and other information submitted to it in 1983 under article 15 of the Convention, as adopted by the Committee at its 646th meeting, on 26 July 1983, are as follows:

The Committee on the Elimination of Racial Discrimination,

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

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

A. AFRICAN TERRITORIES 10/

Namibia

(1) The Committee welcomes the accession of Namibia to the International Convention on the Elimination of All Forms of Racial Discrimination, represented by the United Nations Council for Namibia.

(2) The Committee looks forward to receiving the report of the United Nations Council for Namibia directly under article 9 of the Convention concerning the implementation of the Convention in Namibia.

(3) The Committee decides that in the interim period, until Namibia attains full independence, it will continue to take into account the information concerning Namibia furnished to it by other United Nations bodies under article 15 of the Convention.

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

(5) 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 powers of the illegal local administration and by ignoring completely the claims of the vast majority of the population, represented by the South West Africa People's Organization (SWAPO), which is demanding the total abolition of apartheid and the exercise of its inalienable right to self-determination leading to genuine majority rule.

B. PACIFIC AND INDIAN OCEAN TERRITORIES 11/

The Committee finds itself unable to fulfil its functions under article 15 of the Convention since the documents furnished by the competent bodies of the United Nations under that article of the Convention do not contain relevant information. The Committee therefore reiterates again its request to these bodies to furnish it with the material expressly mentioned in article 15 of the Convention, i.e. petitions as well as reports concerning the legislative, judicial, administrative

or other matters directly related to the principles and objectives of the Convention applied by the administering Powers within the Territories mentioned in article 15 (2) (b) of the Convention.

C. ATLANTIC OCEAN AND CARIBBEAN TERRITORIES, INCLUDING GIBRALTAR 12/

1. Anguilla

The Committee would wish to be provided with the text of the human rights provisions of the new Constitution which came into effect on 1 April 1982.

2. Bermuda

The Committee welcomes the fact that the Human Rights Commission began to administer the Human Rights Act from June 1982 to protect Bermudians from discrimination on racial, religious, political and social grounds in employment, business transactions, public services, accommodation and leisure activities. The Committee hopes to receive the text of the Human Rights Act as well as information on the activities of the Commission.

3. Falkland Islands (Malvinas)

The Committee, taking into account the situation in the Falkland Islands (Malvinas), welcomes and supports the relevant resolution of the United Nations aimed at finding a peaceful solution of the dispute.

4. St. Helena

The Committee has been drawing attention in its previous reports to the continuance of trade between St. Helena and South Africa and calling upon the administering Power to promptly take appropriate measures in compliance with the pertinent resolutions of the United Nations. It regrets to note, however, that this recommendation has not been heeded. It is a matter of serious concern that the trade between St. Helena and South Africa continues.

## VI. DECADE FOR ACTION TO COMBAT RACISM AND RACIAL DISCRIMINATION

525. At its ninth session, the Committee decided to keep on its agenda the item on the Decade for Action to Combat Racism and Racial Discrimination throughout the whole Decade and requested the Secretary-General to keep it informed of the relevant activities undertaken under the programme of the Decade (A/9618, para. 38). During the year under review, the Committee considered that item at its 616th to 621st and 625th meetings (twenty-seventh session) held on 18, 21 to 23 and 25 March 1983 and at its 644th meeting (twenty-eighth session) on 25 July 1983.

526. At its twenty-seventh session, the Committee had before it two draft studies: one on the implementation of article 4 and the other on the implementation of article 7 of the Convention. Those studies had been prepared respectively by the Special Rapporteurs, Messrs. Inglés and Ténékidès, pursuant to a decision of the Committee taken at its twenty-third session. 13/ The two studies constituted the Committee's contribution to the second World Conference to Combat Racism and Racial Discrimination, held at the United Nations Office at Geneva from 1 to 12 August 1983.

527. At the same session, the Committee had also to respond to two invitations: 14/ one made by the Secretary-General of the second World Conference, inviting the Committee to participate at the second Preparatory Sub-Committee for the second World Conference, New York, 21-25 March 1983; the other made by the Secretary-General in accordance with General Assembly resolution 37/41, inviting the Committee to be represented by observers at the second World Conference, Geneva, 1-12 August 1983. Accordingly, the Committee, at its 616th meeting, designated Mr. Lamprey to represent the Committee at the second Preparatory Sub-Committee and, at its 625th meeting, it designated its Chairman, Mr. Inglés and Mr. Lamprey to represent the Committee at the second World Conference.

528. The draft study on the implementation of article 7 of the Convention was considered by the Committee at its 617th to 620th meetings. In introducing it to the Committee, the Special Rapporteur, Mr. Ténékidès, emphasized the unique character of the provisions contained in that article in the national and international legal order. The Committee congratulated Mr. Ténékidès for his excellent report and acknowledged the positive merits of the draft study, in particular, its democratic, humanistic and progressive approach. It also indicated the fact that the study shed light on many of the problems involved in the more effective implementation of that article. The Committee also noted that the scope of the provisions of article 7 had been described in full for the first time.

529. Some members, however, expressed reservations as to certain shortcomings of the draft study. They pointed out that the study had not sufficiently taken into consideration the cultural and social experiences of the developing and socialist countries and tended to present a rather Euro-centric approach. They also raised doubts about the concept "open society" which might, in their views, arouse in the reader political connotations connected with the cold-war period.

530. A number of written amendments, submitted by members and accepted by the Special Rapporteur, were adopted by the Committee. As for the concept "open society", and following the intervention of one member who pointed out that that term as implied in the study referred to a universal, democratic and egalitarian

society, the Committee decided that the term "open society" in the study should be followed by a definition in order to avoid misunderstandings. The Committee also accepted a number of proposals by some members to include in the study the experiences of the developing and socialist countries from the various geographical regions and authorized the Special Rapporteur to take them into consideration in the final revision of the draft study.

531. At its 620th meeting, the Committee adopted the draft study on the implementation of article 7 of the Convention as amended and, subject to final revision by the Special Rapporteur, authorized its transmission, through the Secretary-General, to the Second World Conference.

532. The Committee then turned to the consideration of the draft study on article 4 of the Convention prepared by the Special Rapporteur, Mr. Inglés. In introducing the study, Mr. Inglés pointed out that he had incorporated the views expressed by the Committee members during and after the twenty-sixth session and hoped that they would find their views accurately reflected in the study.

533. The Committee commended Mr. Inglés for his excellent study, which would not only be an invaluable contribution to the work of the Committee and the Second World Conference, but also would guide the efforts of those States parties which had as yet been unable to implement fully article 4 of the Convention. The Committee also pointed out that the conclusions and recommendations of the study could serve as a model for future studies on the implementation of other articles of the Convention.

534. In responding to an amendment introduced to paragraph 230 of the study concerning the interpretation of the principles of the Universal Declaration of Human Rights as reflected in the "due regard" clause of article 4 of the Convention, the Special Rapporteur pointed out that a balance must be struck between those who believed that the rights to freedom of speech or of assembly should in no case be impaired and those who contended that the provisions of article 4 of the Convention were mandatory. That balance, he said, must be struck in accordance with the limitations imposed by the Universal Declaration of Human Rights, the United Nations Charter and the International Covenants on Human Rights. Those documents allowed limitations based, *inter alia*, on respect for the rights and freedoms of others as well as on morality or public order or the requirements of a democratic society. He, nevertheless, could accept the amendments proposed to paragraph 230.

535. At its 621st meeting, the Committee adopted the draft study on article 4 of the Convention with some amendments and requested the Secretary-General to transmit it on behalf of the Committee to the Second World Conference.

536. At its twenty-eighth session, the Committee had before it the report of the Preparatory Sub-Committee for the Second World Conference to Combat Racism and Racial Discrimination (E/1983/9). Mr. Lamprey, who had represented the Committee at the second session of the Preparatory Sub-Committee, held in New York from 21 to 25 March 1983, introduced that item and pointed out that the officers of the Sub-Committee had decided to give priority to chapter VI of the draft programme of action submitted by the Secretary-General (E/AC.68/1983/L.2) on the grounds that it dealt with the question of apartheid. Consideration of that chapter had taken up the entire session of the Sub-Committee and agreement had been reached on only some of the proposals contained in it. The other parts of the draft programme which

could not be adopted by consensus had been placed within brackets. Chapter V of the document, which was most directly relevant to the work of the Committee on the Elimination of Racial Discrimination, had not been discussed. He had made a proposal to add in that chapter a reference to article 7 of the Convention (E/1983/9, annex II, para. 90). The Sub-Committee had decided to transmit all the proposals to the Economic and Social Council, which had, in turn, decided to refer them to the World Conference itself.

537. The Committee was of the opinion that the two members designated to represent the Committee at the World Conference should play an active part and endeavour to ensure that the documents adopted by the Conference reflect the necessity of intensifying the struggle against racial discrimination and apartheid. They should also draw the attention of the Conference to the question of accessions to the Convention by all countries and stress the valuable experience which the Committee had acquired in identifying effective ways and means developed by States parties for combating all forms of racial discrimination. It was pointed out that the Committee should envisage, as a follow-up to the Decade, the possibility of continuing its studies on various other matters relating to racial discrimination and that it should discuss the results achieved at the Conference at its next session under a separate agenda item. One member stated that, in addition to the activities proposed in document E/1983/9, it would be relevant for the Committee and other United Nations bodies to hold meetings in other regions in order to increase the awareness of countries of those regions of the United Nations efforts to eliminate racial discrimination.

538. The Committee took note of Mr. Lamptey's report concerning the recommendations of the Preparatory Sub-Committee and decided that the representatives of the Committee at the Conference would take into account the observations made in the Committee, in their statements before the Conference.

## VII. MEETINGS OF THE COMMITTEE IN 1984 AND 1985

539. The Committee considered this item at its 625th meeting (twenty-seventh session), on 25 March 1983, and at its 646th meeting (twenty-eighth session), on 26 July 1983.

540. The Committee was informed of the consultations undertaken by the Secretariat in connection with the wishes expressed by the Committee concerning the dates and venue of its meetings to be held in 1984 and 1985 and of the dates suggested by the Department of Conference Services.

541. Taking into account the above-mentioned information, the following decisions were taken by the Committee at its twenty-seventh and twenty-eighth sessions regarding the dates and venue of its sessions in 1984 and 1985:

### 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 decided that its thirtieth session should be held at the United Nations Office at Geneva, from 6 to 24 August 1984.

### Thirty-first session

The Committee decided that its thirty-first session should be held at United Nations Headquarters, New York, from 4 to 22 March 1985.

### Thirty-second session

The Committee decided that its thirty-second session should be held at the United Nations Office at Geneva, from 5 to 23 August 1985.



VIII. DECISION ADOPTED BY THE COMMITTEE AT ITS TWENTY-SEVENTH SESSION

1 (XXVII). Information supplied by Cyprus relating to conditions in Cyprus 15/

The Committee on the Elimination of Racial Discrimination,

Having expressed, in its decision 1 (XXI) of 8 April 1980, its grave concern at the fact that Cyprus, a State party to the International Convention on the Elimination of All Forms of Racial Discrimination, was being prevented from fulfilling its obligations under that Convention in a part of its territory,

Noting, on the basis of the seventh periodic report of Cyprus, that the hopes expressed on that occasion that a speedy normalization of conditions in Cyprus would be effected, and that refugees and other persons in Cyprus would be enabled to enjoy fully their fundamental human rights without discrimination, have again not been fulfilled,

Alarmed by the fact that changes in the demographic composition of the population on the part of the territory which is not under the control of the Government of Cyprus, which exclude a considerable part of the population from the enjoyment of their legitimate rights, have been brought about and are continuing,

Bearing in mind the fact that the Committee is exclusively competent in those matters of international law which are covered by the International Convention on the Elimination of All Forms of Racial Discrimination,

1. Reiterates its expectation and hope that the Government of Cyprus will, without further delay, be enabled to exercise its full responsibility for the implementation of all its obligations under the Convention on its whole national territory, and that the unacceptable state of affairs in Cyprus, due to the foreign occupation of part of its territory, will finally be brought to an end;

2. Expresses once again its grave concern and its earnest hope that the General Assembly and other appropriate bodies of the United Nations will take, in accordance with the Charter of the United Nations, the measures required for the implementation of their relevant resolutions and decisions with a view to putting an end to the conditions referred to in the foregoing paragraphs.

618th meeting  
21 March 1983

Notes

1/ Afghanistan deposited with the Secretary-General its instrument of accession on 6 July 1983. In accordance with art. 19, para. 2, the Convention shall enter into force for Afghanistan on 5 August 1983, at which date the total number of States parties to the Convention will be 121.

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

3/ Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 18 (A/37/18).

4/ This figure includes the submission of a sixth and seventh periodic report which would fall due after the twenty-eighth session, but were received in advance.

5/ See Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 18 (A/37/18), annex IV.

6/ Ibid., Twenty-fifth Session, Supplement No. 27 (A/8027), annex II.

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

8/ Ibid., Thirty-seventh Session, Supplement No. 18 (A/37/18), paras. 451 and 452.

9/ Ibid., Supplement No. 23 (A/37/23), chap. I, sect. K, paras. 102-104.

10/ Adopted at the 646th meeting, on 26 July 1983.

11/ Adopted at the 646th meeting, on 26 July 1983. With regard to these Territories, the following documents were submitted to the Committee:

A/37/23 (Part V)	Chap. X (East Timor)
A/37/23 (Part V)	Chap. XII (Brunei)
A/AC.109/714	(Brunei)
A/AC.109/715	(East Timor)
A/AC.109/724 and Corr.1 (English only)	(Pitcairn Islands)
A/AC.109/729	(Tokelau)
A/AC.109/730	(Cocos (Keeling) Islands)
A/AC.109/733	(American Samoa)
A/AC.109/735	(Guam)
T/L.1235 and Add.1	(Trust Territory of the Pacific Islands)
T/1853	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 1981 to 30 September 1982.

12/ Adopted at the 646th meeting, on 26 July 1983. With regard to these Territories, the following documents were submitted to the Committee:

A/37/23 (Part V)	Chap. XI (Gibraltar)
A/37/23 (Part V)	Chap. XXV (Falkland Islands (Malvinas))
A/37/23 (Part V)	Chap. XXVI (St. Kitts-Nevis)
A/37/23 (Part V)	Chap. XXVII (Anguilla)
A/AC.109/708	(Gibraltar)
A/AC.109/711	(St. Kitts-Nevis)
A/AC.109/712 and Add.1	(Falkland Islands (Malvinas))
A/AC.109/713	(Anguilla)
A/AC.109/721	(Falkland Islands (Malvinas))
A/AC.109/725	(Bermuda)
A/AC.109/726 and Corr.1 (English only)	(Montserrat)
A/AC.109/727	(Turks and Caicos Islands)
A/AC.109/728	(Cayman Islands)
A/AC.109/731	(Activities of foreign economic and other interests in Bermuda)
A/AC.109/732	(British Virgin Islands)
A/AC.109/734	(St. Helena)
A/AC.109/736	(Activities of foreign economic and other interests in the Cayman Islands)

13/ Official Records of the General Assembly, Thirty-sixth Session, Supplement No. 18 (A/36/18), para. 510.

14/ See also paras. 14 and 16 above.

15/ See paras. 95 and 96 above.

## ANNEX I

A. States parties to the International Convention on the Elimination of All Forms of Racial Discrimination as at 29 July 1983

<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>a/</u>	5 August 1975 <u>a/</u>
Bangladesh	11 June 1979 <u>b/</u>	11 July 1979
Barbados	8 November 1972 <u>b/</u>	8 December 1972
Belgium	7 August 1975	6 September 1975
Bolivia	22 September 1970	22 October 1970
Botswana	20 February 1974 <u>b/</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>b/</u>	2 November 1979
Central African Republic	16 March 1971	15 April 1971
Chad	17 August 1977 <u>b/</u>	16 September 1977
Chile	20 October 1971	19 November 1971
China	29 December 1981 <u>b/</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>b/</u>	17 November 1972
Denmark	9 December 1971	8 January 1972
Dominican Republic	25 May 1983 <u>b/</u>	24 June 1983
Ecuador <u>c/</u>	22 September 1966 <u>b/</u>	4 January 1969
Egypt	1 May 1967	4 January 1969
El Salvador	30 November 1979 <u>b/</u>	30 December 1979
Ethiopia	23 June 1976 <u>b/</u>	23 July 1976
Fiji	11 January 1973 <u>a/</u>	11 January 1973 <u>a/</u>
Finland	14 July 1970	13 August 1970
France <u>c/</u>	28 July 1971 <u>b/</u>	27 August 1971

Date of receipt of the  
instrument of ratification

<u>State</u>	<u>or accession</u>	<u>Entry into force</u>
Gabon	29 February 1980	30 March 1980
Gambia	29 December 1978 <u>b/</u>	28 January 1979
German Democratic Republic	27 March 1973 <u>b/</u>	26 April 1973
Germany, Federal Republic of	16 May 1969	15 June 1969
Ghana	8 September 1966	4 January 1969
Greece	18 June 1970	18 July 1970
Guatemala	18 January 1983	17 February 1983
Guinea	14 March 1977	13 April 1977
Guyana	15 February 1977	17 March 1977
Haiti	19 December 1972	18 January 1973
Holy See	1 May 1969	31 May 1969
Hungary	4 May 1967	4 January 1969
Iceland <u>c/</u>	13 March 1967	4 January 1969
India	3 December 1968	4 January 1969
Iran (Islamic Republic of)	29 August 1968	4 January 1969
Iraq	14 January 1970	13 February 1970
Israel	3 January 1979	2 February 1979
Italy <u>c/</u>	5 January 1976	4 February 1976
Ivory Coast	4 January 1973 <u>b/</u>	3 February 1973
Jamaica	4 June 1971	4 July 1971
Jordan	30 May 1974 <u>b/</u>	29 June 1974
Kuwait	15 October 1968 <u>b/</u>	4 January 1969
Lao People's Democratic Republic	22 February 1974 <u>b/</u>	24 March 1974
Lebanon	12 November 1971 <u>b/</u>	12 December 1971
Lesotho	4 November 1971 <u>b/</u>	4 December 1971
Liberia	5 November 1976 <u>b/</u>	5 December 1976
Libyan Arab Jamahiriya	3 July 1968 <u>b/</u>	4 January 1969
Luxembourg	1 May 1978	31 May 1978
Madagascar	7 February 1969	9 March 1969
Mali	16 July 1974 <u>b/</u>	15 August 1974
Malta	27 May 1971	26 June 1971
Mauritius	30 May 1972 <u>b/</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

Date of receipt of the  
instrument of ratification

<u>State</u>	<u>or accession</u>	<u>Entry into force</u>
Mozambique	18 April 1983 <u>b/</u>	18 May 1983
Namibia	11 November 1982 <u>b/</u>	11 December 1982
Nepal	30 January 1971 <u>b/</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>b/</u>	17 March 1978
Niger	27 April 1967	4 January 1969
Nigeria	16 October 1967 <u>b/</u>	4 January 1969
Norway <u>c/</u>	6 August 1970	5 September 1970
Pakistan	21 September 1966	4 January 1969
Panama	16 August 1967	4 January 1969
Papua New Guinea	27 January 1982 <u>b/</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
Portugal	24 August 1982 <u>b/</u>	23 September 1982
Qatar	22 July 1976 <u>b/</u>	21 August 1976
Republic of Korea	5 December 1978 <u>b/</u>	4 January 1979
Romania	15 September 1970 <u>b/</u>	15 October 1970
Rwanda	16 April 1975 <u>b/</u>	16 May 1975
Saint Vincent and the Grenadines	9 November 1981 <u>b/</u>	9 December 1981
Senegal <u>c/</u>	19 April 1972	19 May 1972
Seychelles	7 March 1978 <u>b/</u>	6 April 1978
Sierra Leone	2 August 1967	4 January 1969
Solomon Islands	17 March 1982 <u>a/</u>	17 March 1982 <u>a/</u>
Somalia	26 August 1975	25 September 1975
Spain	13 September 1968 <u>b/</u>	4 January 1969
Sri Lanka	18 February 1982 <u>b/</u>	20 March 1982
Sudan	21 March 1977 <u>b/</u>	20 April 1977
Swaziland	7 April 1969 <u>b/</u>	7 May 1969
Sweden <u>c/</u>	6 December 1971	5 January 1972
Syrian Arab Republic	21 April 1969 <u>b/</u>	21 May 1969
Togo	1 September 1972 <u>b/</u>	1 October 1972
Tonga	16 February 1972 <u>b/</u>	17 March 1972
Trinidad and Tobago	4 October 1973	3 November 1973

Date of receipt of the  
instrument of ratification  
or accession

<u>State</u>	<u>Date of receipt of the instrument of ratification or accession</u>	<u>Entry into force</u>
Tunisia	13 January 1967	4 January 1969
Uganda	21 November 1980 <u>b/</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>b/</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>b/</u>	26 November 1972
Upper Volta	18 July 1974 <u>b/</u>	17 August 1974
Uruguay <u>c/</u>	30 August 1968	4 January 1969
Venezuela	10 October 1967	4 January 1969
Viet Nam	9 June 1982 <u>b/</u>	9 July 1982
Yugoslavia	2 October 1967	4 January 1969
Zaire	21 April 1976 <u>b/</u>	21 May 1976
Zambia	4 February 1972	5 March 1972

a/ Date of receipt of notification of succession.

b/ Accession.

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

B. States parties which have made the declaration under article 14, paragraph 1, of the Convention

<u>State party</u>	<u>Date of deposit of the declaration</u>	<u>Effective date</u>
Costa Rica	8 January 1974	8 January 1974
Ecuador	18 March 1977	18 March 1977
France	16 August 1982	16 August 1982
Iceland	10 August 1981	10 August 1981
Italy	5 May 1978	5 May 1978
Netherlands	10 December 1971 <u>a/</u>	9 January 1972
Norway	23 January 1976	23 January 1976
Senegal	3 December 1982	3 December 1982
Sweden	6 December 1971 <u>a/</u>	5 January 1972
Uruguay	11 September 1972	11 September 1972

---

a/ Upon ratification of the Convention.



## ANNEX II

MEMBERSHIP OF THE COMMITTEE ON THE ELIMINATION  
OF RACIAL DISCRIMINATION

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

---

a/ See paras. 4 and 5 above.

ANNEX III

Provisional rules of procedure

XVIII. PROCEDURE FOR CONSIDERING COMMUNICATIONS FROM INDIVIDUALS OR GROUPS OF INDIVIDUALS UNDER ARTICLE 14 OF THE CONVENTION

A. General provisions a/

Rule 79

1. The Committee shall be competent to receive and consider communications and exercise the functions provided for in article 14 of the Convention only when at least 10 States parties are bound by declarations recognizing the competence of the Committee in conformity with paragraph 1 thereof.
2. The Secretary-General shall transmit to the other States parties copies of the declarations deposited with him by States parties recognizing the competence of the Committee.
3. Consideration of communications pending before the Committee shall not be affected by the withdrawal of a declaration made under article 14 of the Convention.
4. The Secretary-General shall inform the other States parties of the name, composition and functions of any national legal body which has been established or indicated by a State party, in conformity with paragraph 4 of article 14.

Rule 80

The Secretary-General shall keep the Committee informed of the name, composition and functions of any national legal body established or indicated under paragraph 2 of article 14 as competent to receive and consider petitions from individuals or groups of individuals claiming to be victims of a violation of any of the rights set forth in the Convention.

Rule 81

1. The Secretary-General shall keep the Committee informed of the contents of all certified copies of the register of petitions filed with him in accordance with paragraph 4 of article 14.
2. The Secretary-General may request clarifications from the States parties concerning the certified copies of the registers of petitions emanating from the national legal bodies responsible for such registers.
3. The contents of the certified copies of the registers of petitions transmitted to the Secretary-General shall not be publicly disclosed.

Rule 82

1. The Secretary-General shall keep a record of all communications which are or appear to be submitted to the Committee by individuals or groups of individuals claiming to be victims of a violation of any of the rights set forth in the Convention and who are subject to the jurisdiction of a State party bound by a declaration under article 14.
2. The Secretary-General may, if he deems it necessary, request clarification of the author of a communication as to his wish to have his communication submitted to the Committee for consideration under article 14. In case of doubt as to the wish of the author, the Committee shall be seized of the communication.
3. No communication shall be received by the Committee or included in a list under rule 84 below if it concerns a State party which has not made a declaration as provided for in paragraph 1 of article 14.

Rule 83

1. The Secretary-General may request clarification from the author of a communication concerning the applicability of article 14 to his communication, in particular:
  - (a) The name, address, age and occupation of the author and the verification of his identity;
  - (b) The name(s) of the State party or States parties against which the communication is directed;
  - (c) The object of the communication;
  - (d) The provision or provisions of the Convention alleged to have been violated;
  - (e) The facts of the claim;
  - (f) Steps taken by the author to exhaust domestic remedies, including pertinent documents;
  - (g) The extent to which the same matter is being examined under another procedure of international investigation or settlement.
2. When requesting clarification or information, the Secretary-General shall indicate an appropriate time-limit to the author of the communication with a view to avoiding undue delays in the procedure.
3. The Committee may approve a questionnaire for the purpose of requesting the above-mentioned information from the author of the communication.

4. The request for clarification referred to in paragraph 1 of the present rule shall not preclude the inclusion of the communication in the list provided for in rule 84, paragraph 1, below.

5. The Secretary-General shall inform the author of a communication of the procedure that will be followed and that the text of his communication shall be transmitted confidentially to the State party concerned in accordance with paragraph 6 (a) of article 14.

#### Rule 84

1. The Secretary-General shall summarize each communication thus received and shall place the summaries, individually or in composite lists of communications, before the Committee at its next regular session, together with the relevant certified copies of the registers of petitions kept by the national legal body of the country concerned and filed with the Secretary-General in compliance with paragraph 4 of article 14.

2. The Secretary-General shall draw the attention of the Committee to those cases for which certified copies of the registers of petitions have not been received.

3. The contents of replies to requests for clarification and relevant subsequent submissions from either the author of the communication or the State party concerned shall be placed before the Committee in a suitable form.

4. An original case file shall be kept for each summarized communication. The full text of any communication brought to the attention of the Committee shall be made available to any member of the Committee upon request.

#### B. Procedure for determining admissibility of communications b/

#### Rule 85

1. In accordance with the following rules, the Committee shall decide as soon as possible whether or not a communication is admissible in conformity with article 14 of the Convention.

2. The Committee shall, unless it decides otherwise, deal with communications in the order in which they have been placed before it by the Secretariat. The Committee may, if it deems appropriate, decide to consider jointly two or more communications.

#### Rule 86

1. The Committee may, in accordance with rule 60, set up a Working Group to meet shortly before its sessions, or at any other convenient time to be decided by the Committee in consultation with the Secretary-General, for the purpose of making

recommendations to the Committee regarding the fulfilment of the conditions of admissibility of communications laid down in article 14 of the Convention, and for assisting the Committee in any manner which the Committee may decide.

2. The Working Group shall not comprise more than five members of the Committee. The Working Group shall elect its own officers, develop its own working methods, and apply as far as possible the rules of procedure of the Committee to its meetings.

#### Rule 87

Meetings of the Committee or its Working Group during which communications under article 14 of the Convention will be examined shall be closed. Meetings during which the Committee may consider general issues such as procedures for the application of article 14 may be public if the Committee so decides.

#### Rule 88

1. A member of the Committee shall not take part in the examination of a communication by the Committee or its Working Group:

(a) If he has any personal interest in the case; or

(b) If he has participated in any capacity in the making of any decision on the case covered by the communication.

2. Any question which may arise under paragraph 1 above shall be decided by the Committee without the participation of the member concerned.

#### Rule 89

If, for any reason, a member considers that he should not take part or continue to take part in the examination of a communication, he shall inform the Chairman of his withdrawal.

#### Rule 90

With a view to reaching a decision on the admissibility of a communication, the Committee or its Working Group shall ascertain:

(a) That the communication is not anonymous and that it emanates from an individual or group of individuals subject to the jurisdiction of a State party recognizing the competence of the Committee under article 14 of the Convention;

(b) That the individual claims to be a victim of a violation by the State party concerned of any of the rights set forth in the Convention. As a general rule, the communication should be submitted by the individual himself or by his relatives or designated representatives; the Committee may, however, in exceptional cases accept to consider a communication submitted by others on behalf of an alleged victim when it appears that the victim is unable to submit the

communication himself, and the author of the communication justifies his acting on the victim's behalf;

(c) That the communication is compatible with the provisions of the Convention;

(d) That the communication is not an abuse of the right to submit a communication in conformity with article 14;

(e) That the individual has exhausted all available domestic remedies, including, when applicable, those mentioned in paragraph 2 of article 14. However, this shall not be the rule where the application of the remedies is unreasonably prolonged;

(f) That the communication is, except in the case of duly verified exceptional circumstances, submitted within six months after all available domestic remedies have been exhausted, including, when applicable, those indicated in paragraph 2 of article 14.

#### Rule 91

1. The Committee or the Working Group established under rule 86 may request, through the Secretary-General, the State party concerned or the author of the communication to submit additional written information or clarifications relevant to the question of admissibility of the communication.
2. Such requests shall contain a statement to the effect that the request does not imply that a decision has been reached on the question of admissibility of the communication by the Committee.
3. A communication may not be declared admissible unless the State party concerned has received the text of the communication and has been given an opportunity to furnish information or observations as provided in paragraph 1 of this rule, including information relating to the exhaustion of domestic remedies.
4. The Committee or the Working Group may adopt a questionnaire for requesting such additional information or clarifications.
5. The Committee or the Working Group shall indicate a deadline for the submission of such additional information or clarification.
6. If the deadline is not kept by the State party concerned or the author of a communication, the Committee or the Working Group may decide to consider the admissibility of the communication in the light of available information.
7. If the State party concerned disputes the contention of the author of a communication that all available domestic remedies have been exhausted, the State party is required to give details of the effective remedies available to the alleged victim in the particular circumstances of the case.

## Rule 92

1. When the Committee decides that a communication is inadmissible, or its consideration is suspended or discontinued, the Committee shall transmit its decisions as soon as possible, through the Secretary-General, to the petitioner and to the State party concerned.
2. A decision taken by the Committee, in conformity with paragraph 7 (a) of article 14, that a communication is inadmissible, may be reviewed at a later date by the Committee upon a written request by the petitioner concerned. Such written request shall contain documentary evidence to the effect that the reasons for inadmissibility referred to in paragraph 7 (a) of article 14 are no longer applicable.

### C. Consideration of communications on their merits c/

## Rule 93

1. After it has been decided that a communication is admissible, in conformity with article 14, the Committee shall transmit, confidentially, through the Secretary-General, the text of the communication and other relevant information to the State party concerned without revealing the identity of the individual unless he has given his express consent. The Committee shall also inform, through the Secretary-General, the petitioner of the communication of its decision.
2. The State party concerned shall submit within three months to the Committee written explanations or statements clarifying the case under consideration and the remedy, if any, that may have been taken by that State party. The Committee may indicate, if it deems it necessary, the type of information it wishes to receive from the State party concerned.
3. In the course of its consideration, the Committee may inform the State party of its views on the desirability, because of urgency, of taking interim measures to avoid possible irreparable damage to the person or persons who claim to be victim(s) of the alleged violation. In doing so, the Committee shall inform the State party concerned that such expression of its views on interim measures does not prejudge either its final opinion on the merits of the communication or its eventual suggestions and recommendations.
4. Any explanations or statements submitted by a State party pursuant to this rule may be transmitted, through the Secretary-General, to the petitioner of the communication who may submit any additional written information or observations within such time-limit as the Committee shall decide.
5. The Committee may invite the presence of the petitioner or his representative and the presence of representatives of the State party concerned in order to provide additional information or to answer questions on the merits of the communication.
6. The Committee may revoke its decision that a communication is admissible in the light of any explanations or statements submitted by the State party. However, before the Committee considers revoking that decision, the explanations or statements concerned must be transmitted to the petitioner so that he may submit additional information or observations within the time-limit set by the Committee.

#### Rule 94

1. Admissible communications shall be considered by the Committee in the light of all information made available to it by the petitioner and the State party concerned. The Committee may refer the communication to the Working Group in order to be assisted in this task.
2. The Committee or the working group set up by it to consider a communication may at any time, in the course of the examination, obtain through the intermediary of the Secretary-General any documentation that may assist in the disposal of the case from United Nations bodies or the specialized agencies.
3. After consideration of an admissible communication, the Committee shall formulate its opinion thereon. The opinion of the Committee shall be forwarded, through the Secretary-General, to the petitioner and to the State party concerned, together with any suggestions and recommendations the Committee may wish to make.
4. Any member of the Committee may request that a summary of his individual opinion be appended to the opinion of the Committee when it is forwarded to the petitioner and to the State party concerned.
5. The State party concerned shall be invited to inform the Committee in due course of the action it takes in conformity with the Committee's suggestions and recommendations.

#### Rule 95

The Committee shall include in its annual report a summary of the communications examined and, where appropriate, a summary of the explanations and statements of the States parties concerned and of its own suggestions and recommendations.

#### Rule 96

The Committee may also issue communiqués, through the Secretary-General, for the use of information media and the general public regarding the activities of the Committee under article 14 of the Convention.

#### Notes

a/ Rules 79 to 84 as adopted by the Committee at its 622nd meeting (twenty-seventh session), on 23 March 1983.

b/ Rules 85 to 92 were adopted by the Committee at its 623rd and 624th meetings (twenty-seventh session), on 24 March 1983, with the exception of subparagraph (a) and the second part of subparagraph (b) of rule 90 which were adopted at the 645th meeting (twenty-eighth session), on 25 July 1983.

c/ Paragraphs 1 to 4 of rule 93 were adopted by the Committee at its 625th meeting (twenty-seventh session), on 25 March 1983. Paragraphs 5 and 6 of rule 93 and rules 94 to 96 were adopted by the Committee at its 645th and 646th meetings (twenty-eighth session), on 25 and 26 July 1983.



## ANNEX IV

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

(21 August 1982 to 29 July 1983)

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>
China	28 January 1983	22 February 1983 20 July 1983	-
Colombia	2 October 1982	11 May 1983	(1) 15 April 1983
El Salvador	30 December 1980	NOT YET RECEIVED	(1) 28 April 1981 (2) 9 October 1981 (3) 15 April 1982 (4) 8 October 1982 (5) 15 April 1983
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 - 22 March 1982 b/ (9) 8 October 1982 (10) 15 April 1983
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 - 22 March 1982 b/ (9) 8 October 1982 (10) 15 April 1983
Papua New Guinea	26 February 1983	NOT YET RECEIVED	(1) 15 April 1983
Saint Vincent and the Grenadines	9 December 1982	18 March 1983	-

<u>State party</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s) sent, if any</u>
Solomon Islands	17 March 1983	2 February 1983	-
Sri Lanka	20 March 1983	NOT YET RECEIVED	(1) 15 April 1983
Togo	1 October 1983	21 March 1983	(1) 30 April 1974 (2) 20 September 1974 (3) 20 May 1975 (4) 1 October 1975 (5) 30 April 1976 (6) 27 August 1976 (7) 27 April 1977 (8) 26 September 1977 (9) 25 April 1979 (10) 28 September 1979 (11) 28 April 1980 (12) 10 October 1980 (13) 28 April 1981 (14) 9 October 1981 - 22 March 1982 b/ (15) 8 October 1982
Uganda	21 December 1981	NOT YET RECEIVED	(1) 15 April 1982 (2) 8 October 1982 (3) 15 April 1983
Viet Nam	9 July 1983	NOT YET RECEIVED	-

B. Second periodic reports

Bangladesh	11 July 1982	NOT YET RECEIVED	(1) 8 October 1982 (2) 15 April 1983
Cape Verde	2 November 1982	NOT YET RECEIVED	(1) 15 April 1983
Chad	16 September 1980	NOT YET RECEIVED	(1) 28 April 1981 (2) 9 October 1981 (3) 15 April 1982 (4) 8 October 1982 (5) 15 April 1983
El Salvador	30 December 1982	NOT YET RECEIVED	(1) 15 April 1983
Gabon	30 March 1983	NOT YET RECEIVED	-
Gambia	28 January 1982	NOT YET RECEIVED	(1) 15 April 1982 (2) 8 October 1982 (3) 15 April 1983

<u>State party</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s) sent, if any</u>
Guinea	13 April 1980	NOT YET RECEIVED	(1) 10 October 1980 (2) 28 April 1981 (3) 9 October 1981 (4) 15 April 1982 (5) 8 October 1982 (6) 15 April 1983
Guyana	17 March 1980	NOT YET RECEIVED	(1) 28 April 1980 (2) 10 October 1980 (3) 28 April 1981 (4) 9 October 1981 - 22 March 1982 b/ (5) 8 October 1982 (6) 15 April 1983
Liberia	5 December 1979	NOT YET RECEIVED	(1) 28 April 1980 (2) 10 October 1980 (3) 28 April 1981 (4) 9 October 1981 - 22 March 1982 b/ (5) 8 October 1982 (6) 15 April 1983
Nicaragua	17 March 1981	3 February 1983	(1) 28 April 1981 (2) 9 October 1981 (3) 15 April 1982 (4) 8 October 1982
Somalia	27 September 1978	NOT YET RECEIVED	(1) 25 April 1979 (2) 29 September 1979 (3) 28 April 1980 (4) 10 October 1980 (5) 28 April 1981 (6) 9 October 1981 (7) 15 April 1982 (8) 8 October 1982 (9) 15 April 1983
Togo	1 October 1975	21 March 1983	(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 - 22 March 1982 b/ (11) 8 October 1982

<u>State party</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s) sent, if any</u>
Zambia	5 March 1975	22 December 1982 6 July 1983	(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) 23 April 1981 (12) 9 October 1981 (13) 15 April 1982 (14) 8 October 1982
<b>C. <u>Third periodic reports</u></b>			
Bahamas	5 August 1980	25 August 1982	(1) 10 October 1980 (2) 28 April 1981 (3) 9 October 1981 (4) 15 April 1982
Belgium	6 September 1980	NOT YET RECEIVED	(1) 28 April 1981 (2) 15 April 1983
Botswana	22 March 1979	29 April 1983	(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 (8) 8 October 1982 (9) 15 April 1983
Burundi	26 November 1982	NOT YET RECEIVED	(1) 15 April 1982
Chad	16 September 1982	NOT YET RECEIVED	(1) 15 April 1982
Guinea	13 April 1982	NOT YET RECEIVED	(1) 8 October 1982 (2) 15 April 1983
Guyana	17 March 1982	NOT YET RECEIVED	- 22 March 1982 <u>b/</u> (1) 8 October 1982 (2) 15 April 1983
Italy	4 February 1981	NOT YET RECEIVED	-

<u>State party</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s) sent, if any</u>
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 (8) 8 October 1982 (9) 15 April 1983
Liberia	5 December 1981	NOT YET RECEIVED	- 22 March 1982 b/ (1) 8 October 1982 (2) 15 April 1983
Luxembourg	1 June 1983	22 June 1983	-
Nicaragua	17 March 1983	3 February 1983	-
Seychelles	6 April 1983	NOT YET RECEIVED	-
Somalia	27 September 1980	NOT YET RECEIVED	(1) 28 April 1981 (2) 9 October 1981 (3) 15 April 1982 (4) 8 October 1982 (5) 15 April 1983
Togo	1 October 1977	21 March 1983	(1) 25 April 1979 (2) 28 September 1979 (3) 28 April 1980 (4) 10 October 1980 (5) 28 April 1981 (6) 9 October 1981 - 22 March 1982 b/ (7) 8 October 1982
Zaire	21 May 1981	NOT YET RECEIVED	(1) 9 October 1981 (2) 15 April 1982 (3) 8 October 1982 (4) 15 April 1983
Zambia	5 March 1977	22 December 1982 6 July 1983	(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 (10) 8 October 1982

<u>State party</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s) sent, if any</u>
<b>D. <u>Fourth periodic reports</u></b>			
Australia	30 October 1982	30 March 1983	-
Bahamas	5 August 1982	25 August 1982	-
Belgium	6 September 1982	NOT YET RECEIVED	(1) 15 April 1983
Botswana	22 March 1981	29 April 1983	(1) 15 September 1978 (2) 9 October 1981 (3) 15 April 1982 (4) 8 October 1982 (5) 15 April 1983
Central African Republic	14 April 1978	21 April 1983	(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 (9) 8 October 1982 (10) 15 April 1983
Ethiopia	25 July 1983	NOT YET RECEIVED	-
Italy	4 February 1983	NOT YET RECEIVED	-
Lao People's Democratic Republic	24 March 1981	NOT YET RECEIVED	(1) 28 April 1981 (2) 9 October 1981 (3) 15 April 1982 (4) 8 October 1982 (5) 15 April 1983
Mali	15 August 1981	14 February 1983	(1) 9 October 1981 (2) 15 April 1982 (3) 8 October 1982
Rwanda	16 May 1982	5 May 1983	(1) 8 October 1982 (2) 15 April 1983

<u>State party</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s) sent, if any</u>
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 (12) 8 October 1982 (13) 15 April 1983
Somalia	27 September 1982	NOT YET RECEIVED	(1) 15 April 1983
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 (13) 8 October 1982 (14) 15 April 1983
Togo	1 October 1979	21 March 1983	(1) 28 April 1980 (2) 10 October 1980 (3) 28 April 1981 (4) 9 October 1981 - 22 March 1982 b/ (5) 8 October 1982
Upper Volta	18 August 1981	NOT YET RECEIVED	(1) 9 October 1981 (2) 15 April 1982 (3) 8 October 1982
Zaire	21 May 1983	NOT YET RECEIVED	-
Zambia	5 March 1979	22 December 1982 6 July 1983	(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 (8) 8 October 1982

<u>State party</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s) sent, if any</u>
<b>E. <u>Fifth periodic reports</u></b>			
Bolivia	21 October 1979	27 June 1983	(1) 28 April 1980 (2) 10 October 1980 (3) 28 April 1981 (4) 9 October 1981 (5) 15 April 1982 (6) 8 October 1982 (7) 15 April 1983
Botswana	22 March 1983	29 April 1983	(1) 15 April 1983
Central African Republic	14 April 1980	21 April 1983	(1) 10 October 1980 (2) 28 April 1981 (3) 9 October 1981 (4) 15 April 1982 (5) 8 October 1982 (6) 15 April 1983
Democratic Yemen	19 November 1981	10 June 1983	(1) 15 April 1982 (2) 8 October 1982 (3) 15 April 1983
Fiji	11 January 1982	25 October 1982	(1) 15 April 1982 (2) 8 October 1982
Ivory Coast	4 February 1982	NOT YET RECEIVED	(1) 15 April 1982 (2) 8 October 1982 (3) 15 April 1983
Jamaica	5 July 1980	NOT YET RECEIVED	(1) 10 October 1980 (2) 28 April 1981 (3) 9 October 1981 (4) 15 April 1982 (5) 8 October 1982
Jordan	30 June 1983	NOT YET RECEIVED	-
Lao People's Democratic Republic	24 March 1983	NOT YET RECEIVED	(1) 15 April 1983
New Zealand	22 December 1981	29 July 1983	(1) 15 April 1982
Peru	30 October 1980	31 December 1982	(1) 28 April 1981 (2) 9 October 1981 (3) 15 April 1982 (4) 8 October 1982



<u>State party</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s) sent, if any</u>
Senegal	18 May 1981	NOT YET RECEIVED	(1) 9 October 1981 (2) 15 April 1982 (3) 15 April 1983
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 (8) 8 October 1982 (9) 15 April 1983
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 (9) 8 October 1982 (10) 15 April 1983
Togo	1 October 1981	21 March 1983	- 22 March 1982 <u>b/</u> (1) 8 October 1982
Trinidad and Tobago	4 November 1982	9 March 1983	-
United Arab Emirates	21 July 1983	NOT YET RECEIVED	-
United Republic of Tanzania	26 November 1981	1 October 1982	(1) 15 April 1982
Zambia	5 March 1981	22 December 1982 6 July 1983	(1) 28 April 1981 (2) 9 October 1981 (3) 15 April 1982 (4) 8 October 1982

F. Sixth periodic reports

Algeria	15 March 1983	27 April 1983	(1) 15 April 1983
Austria	8 June 1983	NOT YET RECEIVED	-
Bolivia	21 October 1981	27 June 1983	(1) 15 April 1982 (2) 8 October 1982 (3) 15 April 1983

<u>State party</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s) sent, if any</u>
Canada	12 November 1981	4 January 1983 14 July 1983	(1) 8 October 1982
Central African Republic	14 April 1982	21 April 1983	(1) 8 October 1982 (2) 15 April 1983
Chile	20 November 1982	28 September 1982	-
Cuba	16 March 1983	15 February 1983	-
Democratic Yemen c/	19 November 1983	10 June 1983	-
Denmark	8 January 1983	NOT YET RECEIVED	(1) 15 April 1983
France	28 August 1982	30 August 1982	-
Iraq	15 February 1981	3 January 1983	(1) 28 April 1981 (2) 9 October 1981 (3) 15 April 1982 (4) 8 October 1982
Jamaica	5 July 1982	NOT YET RECEIVED	(1) 8 October 1982
Lebanon	12 December 1982	NOT YET RECEIVED	(1) 15 April 1983
Lesotho	4 December 1982	2 September 1982	-
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 (6) 8 October 1982 (7) 15 April 1983
Malta	26 June 1982	7 January 1983 12 April 1983 18 May 1983	(1) 8 October 1982
Mauritius	29 June 1983	NOT YET RECEIVED	-
Morocco	17 January 1982	29 October 1982	(1) 15 April 1982 (2) 8 October 1982
Nepal	1 March 1982	NOT YET RECEIVED	(1) 15 April 1982 (2) 8 October 1982 (3) 15 April 1983
Netherlands	9 January 1983	NOT YET RECEIVED	(1) 15 April 1983

<u>State party</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s) sent, if any</u>
Niger	5 January 1980	17 February 1983	(1) 28 April 1980 (2) 10 October 1980 (3) 28 April 1981 (4) 9 October 1981 (5) 15 April 1982 (6) 8 October 1982
Peru	30 October 1982	31 December 1982	-
Senegal	18 May 1983	NOT YET RECEIVED	-
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 (6) 8 October 1982 (7) 15 April 1983
Swaziland	6 May 1980	NOT YET RECEIVED	(1) 10 October 1980 (2) 28 April 1981 (3) 9 October 1981 (4) 15 April 1982 (5) 8 October 1982 (6) 15 April 1983
Sweden	5 January 1983	7 February 1983	-
Tonga	17 March 1983	19 May 1983	-
Zambia	5 March 1983	22 December 1982 6 July 1983	-

G. Seventh periodic reports

Bolivia <u>d/</u>	21 October 1983	27 June 1983	-
Bulgaria	5 January 1982	NOT YET RECEIVED	(1) 15 April 1982 (2) 8 October 1982
Germany, Federal Republic of	14 June 1982	22 September 1982	-
Greece	19 July 1983	NOT YET RECEIVED	-
Iran	5 January 1982	30 September 1982	(1) 15 April 1982
Iraq	15 February 1983	NOT YET RECEIVED	-

<u>State party</u>	<u>Date due</u>	<u>Date of submission</u>	<u>Date of reminder(s) sent, if any</u>
Libyan Arab Jamahiriya	5 January 1982	NOT YET RECEIVED	(1) 15 April 1982 (2) 8 October 1982 (3) 15 April 1983
Madagascar	8 March 1982	8 September 1982	-
Niger	5 January 1982	17 February 1983	(1) 15 April 1982 (2) 8 October 1982
Nigeria	5 January 1982	12 November 1982 20 July 1983	(1) 15 April 1982 (2) 8 October 1982
Pakistan	5 January 1982	31 December 1982	(1) 15 April 1982 (2) 8 October 1982
Sierra Leone	5 January 1982	NOT YET RECEIVED	(1) 15 April 1982 (2) 8 October 1982 (3) 15 April 1983
Swaziland	6 May 1982	NOT YET RECEIVED	(1) 8 October 1982 (2) 15 April 1983
Syrian Arab Republic	20 May 1982	8 July 1983	(1) 8 October 1982 (2) 15 April 1983
Tunisia	5 January 1982	7 September 1982	(1) 15 April 1982

H. 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

a/ For the reminders to be sent to the States parties concerned, in accordance with the request of the Committee at its twenty-eighth session and rule 66 of the provisional rules of procedure, see para. 73 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 Guyana, Liberia and Togo, to the requirements of article 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.

c/ The sixth periodic report of Democratic Yemen, due on 19 November 1983, was submitted on 10 June 1983 together with the fifth periodic report in one consolidated document.

d/ The seventh periodic report of Bolivia, due on 21 October 1983, was submitted on 27 June 1983 together with the fifth and sixth periodic reports in one consolidated document.

## ANNEX V

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

State party	Type of report							Meetings at which considered	Date of meetings
	Initial	Second	Third	Fourth	Fifth	Sixth	Seventh		
Cyprus							x	599	8 March 1983
Poland							x	600	8 March 1983
Ukrainian Soviet Socialist Republic							x	600-601	8-9 March 1983
United Republic of Cameroon					x	x		602	9 March 1983
Morocco						x		602-603	9-10 March 1983
Yugoslavia							x	604	10 March 1983
United Kingdom of Great Britain and Northern Ireland							x	605-606	11 March 1983
Byelorussian Soviet Socialist Republic							x	606-607	11 and 14 March 1983
Haiti					x			607-608	14 March 1983
Lesotho					x	x		608	14 March 1983
Venezuela							x	608-609	14-15 March 1983
Bahamas			x	x				610	15 March 1983
Tunisia							x	610-611	15-16 March 1983
Madagascar							x	611-612	16 March 1983
Brazil							x	612-613	16-17 March 1983
Chile							x	614	17 March 1983
India							x	614-615	17-18 March 1983
Iran (Islamic Republic of)							x	615-616	18 March 1983

State party	Type of report							Meetings at which considered	Date of meetings
	Initial	Second	Third	Fourth	Fifth	Sixth	Seventh		
Germany, Federal Republic of							x	616 and 621	18 and 23 March 1983
France						x		627-628	12 July 1983
United Republic of Tanzania					x			628	12 July 1983
Fiji					x			629	13 July 1983
Ghana						x	x	629-630	13 July 1983
Pakistan							x	630-631	13-14 July 1983
Iraq						x		631-632	14 July 1983
Malta						x		632	14 July 1983
Canada						x		633-634	15 July 1983
Zambia		x	x	x	x	x		634-635	15 and 18 July 1983
Solomon Islands	x							635-636	18 July 1983
Sweden						x		636	18 July 1983
Cuba						x		637-638	19 July 1983
Nicaragua		x	x					638-639	19-20 July 1983
China	x							639-640	20 July 1983
Togo	x	x	x	x	x			640-641	20-21 July 1983
Niger						x	x	642	21 July 1983
Nigeria							x	642-643	21-22 July 1983

ANNEX VI

Additional comments of States parties on general recommendation VI  
adopted by the Committee at its 569th meeting, on 15 March 1982 a/

BYELORUSSIAN SOVIET SOCIALIST REPUBLIC

[Original: Russian]

[6 September 1982]

The Byelorussian Soviet Socialist Republic, unwaveringly opposed to all forms of racism and racial discrimination, attaches great importance to the International Convention on the Elimination of All Forms of Racial Discrimination and affirms the need for all States parties to the Convention to comply with its provisions and, of course, with the obligation to submit reports in accordance with article 9, paragraph 1, of the Convention.

The Byelorussian Soviet Socialist Republic therefore supports general recommendation VI of the Committee on the Elimination of Racial Discrimination, the purpose of which is to ensure the timely submission to the Committee of the reports of States parties on legislative, judicial, administrative or other measures giving effect to the provisions of the Convention.

UNION OF SOVIET SOCIALIST REPUBLICS

[Original: Russian]

[27 August 1982]

The Union of Soviet Socialist Republics, unwaveringly opposed to all forms of racism and racial discrimination, attaches great importance to the International Convention on the Elimination of All Forms of Racial Discrimination and affirms the need for all States parties to the Convention to comply with its provisions and, of course, with the obligation to submit reports in accordance with article 9, paragraph 1, of the Convention.

The Union of Soviet Socialist Republics therefore supports general recommendation VI of the Committee on the Elimination of Racial Discrimination, the purpose of which is to ensure the timely submission to the Committee of the reports of States parties on legislative, judicial, administrative or other measures giving effect to the provisions of the Convention.

Notes

a/ See para. 69 above.



ANNEX VII

Documents received by the Committee on the Elimination of Racial Discrimination at its twenty-seventh and twenty-eighth 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.1235 and Add.1)
2. Report of the Government of the United States of America on the administration of the Trust Territory of the Pacific Islands for the period from 1 October 1981 to 30 September 1982 (T/1853)

Official Records of the Security Council, Thirty-eighth Year, Special Supplement No. 1 (S/15705)

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 1982 and 1983 under the items of article 15 of the Convention.

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

East Timor	A/37/23 (Part V), chap. X
Gibraltar	A/37/23 (Part V), chap. XI
Brunei	A/37/23 (Part V), chap. XII
Falkland Islands (Malvinas)	A/37/23 (Part V), chap. XXV
St. Kitts-Nevis	A/37/23 (Part V), chap. XXVI
Anguilla	A/37/23 (Part V), chap. XXVII
Gibraltar	A/AC.109/708
St. Kitts-Nevis	A/AC.109/711
Falkland Islands (Malvinas)	A/AC.109/712 and Add.1
Anguilla	A/AC.109/713

Brunei	A/AC.109/714
East Timor	A/AC.109/715
Falkland Islands (Malvinas)	A/AC.109/721
Pitcairn Islands	A/AC.109/724 and Corr.1 (English only)
Bermuda	A/AC.109/725
Montserrat	A/AC.109/726 and Corr.1 (English only)
Turks and Caicos Islands	A/AC.109/727
Cayman Islands	A/AC.109/728
Tokelau	A/AC.109/729
Cocos (Keeling) Islands	A/AC.109/730
Activities of foreign economic and other interests in Bermuda	A/AC.109/731
British Virgin Islands	A/AC.109/732
American Samoa	A/AC.109/733
St. Helena	A/AC.109/734
Guam	A/AC.109/735
Activities of foreign economic and other interests in Cayman Islands	A/AC.109/736

Notes

a/ See paras. 515-524 above.

ANNEX VIII

List of documents issued for the twenty-seventh and  
twenty-eighth sessions of the Committee on the  
Elimination of Racial Discrimination

A. Twenty-seventh session

Documents issued in the general series

CERD/C/48/Add.14	Fourth periodic report of Zambia
CERD/C/63/Add.4	Third periodic report of the Bahamas
CERD/C/65/Add.8	Fifth periodic report of Lesotho
CERD/C/65/Add.9	Fifth periodic report of Peru
CERD/C/72/Add.3 and Corr.1	Second periodic report of Nicaragua
CERD/C/75/Add.10	Fifth periodic report of the United Republic of Tanzania
CERD/C/75/Add.11	Fifth periodic report of Zambia
CERD/C/76/Add.5	Sixth periodic report of Iraq
CERD/C/76/Add.6	Sixth periodic report of Canada
CERD/C/88/Add.2	Fourth periodic report of the Bahamas
CERD/C/89/Add.2	Fifth periodic report of Haiti
CERD/C/89/Add.3	Fifth periodic report of Fiji
CERD/C/90/Add.2	Sixth periodic report of Lesotho
CERD/C/90/Add.3	Sixth periodic report of France
CERD/C/90/Add.4 and Corr.1	Sixth periodic report of Chile
CERD/C/90/Add.5	Sixth periodic report of the United Republic of Cameroon
CERD/C/90/Add.6	Sixth periodic report of Morocco
CERD/C/90/Add.7	Sixth periodic report of Peru
CERD/C/90/Add.8	Sixth periodic report of Malta
CERD/C/91/Add.25	Seventh periodic report of Brazil
CERD/C/91/Add.26	Seventh periodic report of India

CERD/C/91/Add.27	Seventh periodic report of Venezuela
CERD/C/91/Add.28	Seventh periodic report of Tunisia
CERD/C/91/Add.29	Seventh periodic report of Madagascar
CERD/C/91/Add.30	Seventh periodic report of the Federal Republic of Germany
CERD/C/91/Add.31	Seventh periodic report of the Islamic Republic of Iran
CERD/C/91/Add.32	Seventh periodic report of Nigeria
CERD/C/91/Add.33	Seventh periodic report of Pakistan
CERD/C/97/Add.2	Comments of States parties on general recommendation VI adopted by the Committee at its 569th meeting, on 15 March 1982
CERD/C/99	Provisional agenda and annotations of the twenty-seventh session of the Committee: note by the Secretary-General
CERD/C/100	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/101	Initial reports of States parties due in 1983: note by the Secretart-General
CERD/C/101/Add.1	Initial report of the Solomon Islands
CERD/C/102	Second periodic reports of States parties due in 1983: note by the Secretary-General
CERD/C/103	Third periodic reports of States parties due in 1983: note by the Secretary-General
CERD/C/103/Add.1	Third periodic report of Nicaragua
CERD/C/104	Fourth periodic reports of States parties due in 1983: note by the Secretary-General

CERD/C/105	Fifth periodic reports of States parties due in 1983: note by the Secretary-General
CERD/C/106	Sixth periodic reports of States parties due in 1983: note by the Secretary-General
CERD/C/106/Add.1	Sixth periodic report of Zambia
CERD/C/106/Add.2	Sixth periodic report of Sweden
CERD/C/106/Add.3	Sixth periodic report of Cuba
CERD/C/107	Seventh periodic reports of States parties due in 1983: note by the Secretary-General
CERD/C/108	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.598-625	Summary records of the twenty-seventh session of the Committee

#### B. Twenty-eighth session

##### Documents issued in the general series

CERD/C/18/Add.12	Fourth periodic report of the Central African Republic
CERD/C/47/Add.5	Third periodic report of Botswana
CERD/C/48/Add.15	Fourth periodic report of Togo
CERD/C/65/Add.10	Fifth periodic report of the Central African Republic
CERD/C/66/Add.38	Sixth periodic report of the Niger
CERD/C/74/Add.3	Fourth periodic report of Mali
CERD/C/74/Add.4	Fourth periodic report of Botswana
CERD/C/75/Add.12	Fifth periodic report of Togo
CERD/C/75/Add.13	Fifth periodic report of Democratic Yemen
CERD/C/76/Add.7	Sixth periodic report of Canada

CERD/C/85/Add.1	Initial report of Saint Vincent and the Grenadines
CERD/C/85/Add.2	Initial report of Colombia
CERD/C/88/Add.3	Fourth periodic report of Australia
CERD/C/89/Add.4	Fifth periodic report of Trinidad and Tobago
CERD/C/90/Add.9	Sixth periodic report of Malta
CERD/C/90/Add.10	Sixth periodic report of the Central African Republic
CERD/C/90/Add.11	Sixth periodic report of Malta
CERD/C/91/Add.34	Seventh periodic report of the Niger
CERD/C/91/Add.35	Seventh periodic report of Nigeria
CERD/C/101/Add.2	Initial report of China
CERD/C/101/Add.3	Initial report of China
CERD/C/105/Add.1	Fifth periodic report of Botswana
CERD/C/106/Add.4	Sixth periodic report of Algeria
CERD/C/106/Add.5	Sixth periodic report of Tonga
CERD/C/106/Add.6	Sixth periodic report of Democratic Yemen
CERD/C/106/Add.7	Sixth periodic report of Zambia
CERD/C/109	Provisional agenda and annotations of the twenty-eighth session of the Committee: note by the Secretary-General
CERD/C/110	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
CERD/C/SR.626-649	Summary records of the twenty-eighth session of the Committee

---

## كيفية الحصول على منشورات الأمم المتحدة

يمكن الحصول على منشورات الأمم المتحدة من المكتبات ودور التوزيع في جميع أنحاء العالم . استلم منها من المكتبة التي تتعامل معها أو اكتب الى : الأمم المتحدة ، قسم البيع في نيويورك أو في جنيف .

### 如何购取联合国出版物

联合国出版物在全世界各地的书店和经售处均有发售。请向书店询问或写信到纽约或日内瓦的联合国销售组。

### HOW TO OBTAIN UNITED NATIONS PUBLICATIONS

United Nations publications may be obtained from bookstores and distributors throughout the world. Consult your bookstore or write to: United Nations, Sales Section, New York or Geneva.

### COMMENT SE PROCURER LES PUBLICATIONS DES NATIONS UNIES

Les publications des Nations Unies sont en vente dans les librairies et les agences dépositaires du monde entier. Informez-vous auprès de votre libraire ou adressez-vous à : Nations Unies, Section des ventes, New York ou Genève.

### КАК ПОЛУЧИТЬ ИЗДАНИЯ ОРГАНИЗАЦИИ ОБЪЕДИНЕННЫХ НАЦИЙ

Издавания Организации Объединенных Наций можно купить в книжных магазинах и агентствах во всех районах мира. Наводите справки об изданиях в вашем книжном магазине или пишите по адресу: Организация Объединенных Наций, Секция по продаже изданий, Нью-Йорк или Женева.

### COMO CONSEGUIR PUBLICACIONES DE LAS NACIONES UNIDAS

Las publicaciones de las Naciones Unidas están en venta en librerías y casas distribuidoras en todas partes del mundo. Consulte a su librero o diríjase a: Naciones Unidas, Sección de Ventas, Nueva York o Ginebra.

---