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COMMI TTEE ON THE ELI MINATION OF RACI AL DI SCRI M NATION

Fortieth session

SUMMARY RECORD OF THE 922nd MEETING

Held at the Palais des Nations, Geneva,
on Friday, 9 August 1991, at 3 p.m.

Chairman: Mr. SHAHI

later: Mr. LAMPTEY

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Consideration of reports, comments and information submitted by States parties
under article 9 of the Convention (continued)

Ninth and tenth periodic reports of Iraq (concluded)

Second, third and fourth periodic reports of Côte d'Ivoire

The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 3) (continued)

Ninth and tenth periodic reports of Iraq (CERD/ C/ 159/ Add. 2 and CERD/ C/ 195/ Add. 2) (concluded)

1. The CHAIRMAN invited Mr. Wölftrum, Country Rapporteur, to present the final conclusions reached by the Committee on its assessment of Iraq's ninth and tenth reports.

2. Mr. WOLFRUM explained that, after consultations among Committee members, agreement had been reached on the final wording of the Committee's assessment, including the deletion of any words that implied a value judgement. The text read as follows:

"The Committee records that the Government of Iraq has undertaken to enter into a dialogue with the Committee and hopes that such an attitude will prevail. The Committee acknowledges that Iraq faces economic and political problems as the consequence of the recent events and that first steps have been initiated by it with a view to improving the human rights situation in general and, in particular, the situation of Kurds and other ethnic groups in Iraq. However, the Committee has not yet received the information which would enable it to assess the human rights situation in Iraq. The failure to address the treatment of ethnic groups in Iraq, particularly the treatment of citizens of Kuwait subsequent to 2 August 1990, since Iraq is under an obligation to respect and to ensure to all individuals under its jurisdiction or control the rights recognized in the Convention, is a matter of grave concern to the Committee. The Committee calls upon the Government of Iraq to include the requested information in its eleventh report, due in 1991, and to submit the eleventh report in time for the Committee to be able to discuss it at its next session."

3. The CHAIRMAN said he took it that the Committee agreed to the wording proposed by Mr. Wölftrum.

It was so agreed.

4. The CHAIRMAN said that the Committee had thus concluded its consideration of the ninth and tenth periodic reports of Iraq.

Second, third and fourth periodic reports of Côte d'Ivoire (CERD/ C/ 64/ Add. 2; CERD/ C/ SR. 510 and 511)

At the invitation of the Chairman, Mr. Mingui Keffa and Mr. Ntkakpe N'cho Atte (Côte d'Ivoire) took seats at the Committee table.

5. The CHAIRMAN said that Côte D'Ivoire was one of the countries whose reports were overdue and recalled that the Committee had decided that in such cases a country rapporteur would be appointed and the Committee would consider the situation in the countries concerned on the basis of their previous reports and the summary records of the relevant meetings.

6. Mr. MLINGUI KEFFA (Côte D'Ivoire) said that his Government regretted that it had been unable to submit its fifth, sixth, seventh and eighth periodic reports. Its failure to do so had been due to critical economic and administrative difficulties since 1980, and in no way detracted from its determination to meet its obligations under the Convention and from its continued support of the work of the Committee. He requested a three-month

period of grace in which to submit a full report covering the period 1980-1991, including replies to the questions and comments raised by the Committee and further information on measures taken to implement the Convention.

7. His Government reaffirmed its profound commitment to the recognized principles of international law, democracy and human rights as set out in the relevant international instruments, to which it was a party. The Constitution contained a provision providing that the Republic of Côte d'Ivoire ensured equality for all before the law, without distinction as to origin, race, sex or religion, and that any particularist propaganda of a racial or ethnic nature and any manifestation of racial discrimination was punished by law. The Government had also adopted civil and penal legislation to prevent and punish discriminatory attitudes and practices; those provisions were contained in the Civil Code, the Code of Nationality, the Code of Civil Procedure, the Penal Code and the Code of Penal Procedure. His country, which comprised some 60 ethnic groups and was host to a substantial foreign community, had also witnessed a process of democratization under the present Government in recent years, with the introduction of a multi-party system. There were now some 40 political parties, some of which were represented in Parliament by members of the opposition, and in some of the largest municipalities by elected mayors. Evidence of Côte d'Ivoire's democratic structures was also to be seen in trade union freedom, with the establishment of numerous independent trade unions, and freedom of the press, with the existence of some 20 newspapers representing the various political trends, and the free sale of foreign newspapers.

8. Côte d'Ivoire was one of the most democratic countries in Africa and stood as an example of political stability and as a land of peace, asylum and good neighbourliness. It had concluded bilateral agreements on the free movement of persons and the waiving of visa requirements with a number of African and European States and was a party to several international instruments and a member of a number of international organizations, notably those of the United Nations system. It had consistently played an active part in regional cooperation and in the establishment of regional and subregional organizations.

9. Committed as it was to the Convention, the Government welcomed the recent significant changes that had taken place in South Africa, to which his country's conception of dialogue had undoubtedly contributed. His Government would continue to encourage dialogue as the only means of working out a new strategy to hasten the complete dismantling of the odious system of apartheid. It was convinced that the two leading figures in that dialogue, Mr. de Klerk and Mr. Mandela, would show themselves worthy of the Houphouët-Boigny Peace Prize recently awarded to them by the United Nations Educational, Scientific and Cultural Organization (UNESCO).

10. In conclusion, he assured the Committee of his willingness to respond to questions, pending the submission of a detailed report in the near future.

11. Mr. de GOUTTES, Country Rapporteur, said that, unlike many other countries in arrears with their reports, the Government of Côte d'Ivoire had commendably, if tardily, responded to the Committee's appeals and his own representations, had contacted him personally as country rapporteur and, in particular, had sent a delegation to provide explanations to the Committee. He suggested that Mr. Mingui Keffa's address to the Committee should be circulated to all Committee members.

12. Côte d'Ivoire was one of the countries that had ratified the Convention within a relatively short period after signature. After its ratification in 1973, the Government of Côte d'Ivoire had submitted only two reports and, until the current session had failed to respond to the numerous appeals

addressed to it by the Committee. The Committee's consideration of the situation in Côte d'Ivoire should now focus on three questions - the reasons for the long delay in submitting reports, the conclusions the Committee had reached when considering Côte d'Ivoire's previous reports, and what the Committee now expected of the Government of that country.

13. As to the reasons for the long delay, it was clearly not due, as the government representative had explained, to a deliberate lack of respect for the Convention, but to inadequate resources and administrative complexities. However, those problems alone could not explain 10 years' arrears; had the Government accorded political priority to the Convention, the necessary means would surely have been found and the reports submitted. That they had not been was perhaps a sign that the Convention was not perceived as an instrument of priority importance. That being said, the Committee should take account of the fact that many countries had difficulty in meeting all their reporting obligations under international instruments, and that there was a great disparity between States that had the necessary resources and those that did not. There were, of course, such aids to reporting as the Committee's guidelines, the draft model report and the draft model human rights legislation, but the most appropriate solution was to offer assistance to such States in preparing their reports, with the support of the Advisory Services of the United Nations Centre for Human Rights.

14. With regard to the Committee's assessment of the fourth periodic report submitted in 1980 (CERD/C/64/Add.2), the report had been deemed satisfactory from the point of view of its conformity with the guidelines and the presentation of the general political, ethnic, economic and demographic situation of the country. In particular, the Committee had noted the significance of the country's ethnic characteristics, as described in the report, and had observed that Côte d'Ivoire was a fundamentally multicultural society, that its geopolitical situation fostered its multicultural character, and that a willing contribution was made by non-national communities. Its ethnic and cultural complexity, combined with the preservation of national unity, were undoubtedly among the most characteristic features of the country.

15. With regard to national anti-discrimination legislation, which the report had described in broadly satisfactory terms, he would confine his comments to three main points emphasized by the Committee. The first concerned the right to nationality; the Committee had drawn attention with appreciation to the large number of applications for naturalization by foreigners. The second concerned the right to own property. The Committee had noted that non-nationals, such as Europeans or Syrians and Lebanese, had considerable holdings in the capital of many companies established in Côte d'Ivoire. The third concerned the right to work; it had been reported that Côte d'Ivoire was a party to Convention No. 111 of the International Labour Organisation concerning discrimination in respect of employment and occupation.

16. The main weakness of the fourth periodic report had been the lack of detailed practical information on the effective implementation of domestic legislation, in particular, in regard to the number of complaints filed for discriminatory acts, examples of judgements handed down by the courts, and the widely reported restrictions on press and trade union freedom. By and large, however, the Committee had expressed its appreciation of the fourth report as an improvement on the very succinct initial report.

17. In the short term, the Committee should require the Government of Côte d'Ivoire to provide some information on recent events and, in the longer term, to provide a complete report which followed the Committee's guidelines. First, he wished to know the social consequences of the financial crisis in Côte d'Ivoire during the past five years, following the fall in crop prices. In the spring of 1990, the country had seen strikes and street demonstrations

and he asked what measures had been taken to help the most disadvantaged sections of the population. Secondly, he drew attention to the 1991 Amnesty International Report, according to which activists from opposition parties (particularly the Front Populaire ivoirien) had been held for several days without charge, admittedly before the adoption of reforms permitting the existence of opposition parties in April 1991. Similarly, teachers had demonstrated against the fall in their salaries, in March 1991, and trade unionists had demonstrated for free trade unions in April; on both occasions participants had been arrested and held without charge. Thirdly, restrictions on press freedom continued to exist. According to the Amnesty International report, five people had been held for several days in February 1991 for distributing a new opposition newspaper, L'Événement, whose sale had not been authorized. Also, according to a recent edition of Le Monde, two journalists had been sentenced to three months' imprisonment for writing an article in the weekly Liberté in which they had called President Houphouët-Boigny a "tyrant". Information on all those matters would be welcome. He also wished to know more about the new, independent Ligue ivoirienne des Droits de l'Homme, mostly made up of academics and headed by Professor Degni-Segui, of the Faculty of Law in Abidjan. The formation of the organization, whose aims were ambitious, was a major event; it had actively investigated various attacks on human rights.

18. As far as consisted of the next written report was concerned, the Committee should insist that it consisted of two separate parts. The first should be a general presentation of the political, economic, social and demographic context in which the Convention was applied. It was particularly important that it should contain an up-to-date breakdown of the population, given that, according to the figures provided by the delegation, the population had increased considerably since the last report, from 6.7 million in 1975, including 22.4 per cent of foreigners, to 12 million, of whom 4.5 million were foreigners. The second part should consist of an analysis of how the various articles of the Convention were applied in practice. It should describe the relevant laws, particularly the Penal Code, as amended in 1981, the application of such laws and any difficulties or complaints encountered. The delegation had made a start on providing such information, but it needed to be more systematic.

Mr. Lamptey took the Chair.

19. Ms. SADIQ ALI, referring to the delegation's assertion that Côte d'Ivoire had been suffering from a financial crisis since 1980, asked whether there were any signs of improvement and what was being done for the most disadvantaged people. Were their economic, social and cultural rights being respected? The delegation had also said that the country contained 60 different tribes in addition to other African immigrants. She would like to know which were the most backward elements in the population and whether the rural infrastructure was being developed with a view to a shift from reliance on cocoa and coffee. If the issue was not tackled, it could lead to racial conflict. Finally, she pointed out that despite the advent of a multi-party system, charges had been laid against political activists. She asked whether the old order had indeed changed and, if so, how the new order was constituted and what the new freedoms were.

20. Mr. MLINGUI KEFFA (Côte d'Ivoire) said that replies to all the Committee's questions would be contained in the next report, which would indeed appear within three months. He was, however, prepared to answer some questions informally. The economic crisis was due to the 40 per cent drop in the prices of cocoa and coffee, on which the livelihood of 60-65 per cent of the population depended. Even generous quantities of aid could not make up the shortfall. The Government was, however, attempting to help the most disadvantaged; cheap accommodation had been built; unemployment benefit was paid and free medical care and child benefit were provided for poor families.

The Government was also encouraging diversification; crops currently produced included cotton, sugar and timber. With regard to the journalists who had been arrested, he said that, under article 7 of the Constitution, a political party could be formed - and several had been formed since 1990 - but there was a national consensus that because of the country's economic difficulties one-party government was preferable. As a rule, people could express whatever views they wished, but the article mentioned by Mr. de Gouttes had been personally insulting to the Head of State, which was illegal under legislation based on a French Act of 1801, as amended in 1942. That situation would be changed under the new Constitution. He added that the journalists concerned had been represented in court and the sentence had been announced publicly. Freedom of expression and of association was respected. Three or four demonstrations had been held daily for several months, so if all participants had been arrested, the whole population of Côte d'Ivoire would be in prison. But those arrested had taken advantage of the demonstrations to commit acts of vandalism. Like other Governments, that of Côte d'Ivoire could not permit the destruction of buses or municipal vehicles. Those arrested, however, had been released after interrogation. With regard to the Ligue ivoirienne des Droits de l'Homme, also mentioned by Mr. de Gouttes, it had existed since 1990. It had held its congress in Abidjan in July 1990 without outside interference. More details would be provided in the next report. With regard to the ethnic composition of the population, it was difficult to pinpoint which section was poorest in terms of geographical zones. The most that could be said was that the poorest section consisted of coffee and cocoa exporters, who were victims of the international markets in London and New York and who accounted for perhaps 70 per cent of the population. In conclusion, he mentioned his country's difficulties over producing the next report. In a country as poor as his, staff recruitment and coordination presented particular problems. He hoped that assistance might be provided by the United Nations so that the report could be produced more quickly.

21. Mr. de GOUTTES, Country Rapporteur, welcomed the positive aspects of the response of Côte d'Ivoire to the Committee. It had expressed regret for the delay in producing a report; it had given the reasons for that delay, particularly as it concerned administration; it had sent a delegation; it had provided answers to some questions; and it had asked for help from the Centre for Human Rights to finish its report.

22. The CHAIRMAN, thanking the delegation for appearing before the Committee, urged it to meet its three-month deadline. For technical assistance in preparing its next report, the State party would have to make a direct application to the United Nations.

23. Mr. BANTON said that he agreed with Mr. de Gouttes if, as he understood, he was proposing preliminary acceptance of the report.

Mr. Mingui Keffa (Côte d'Ivoire) withdrew.

The meeting rose at 4.30 p.m.