



**International Convention on  
the Elimination  
of all Forms of  
Racial Discrimination**

Distr.  
GENERAL

CERD/C/SR.1574  
24 March 2003

Original: ENGLISH

---

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Sixty-second session

SUMMARY RECORD OF THE 1574th MEETING

Held at the Palais des Nations, Geneva,  
on Monday, 17 March 2003, at 3 p.m.

Chairman: Mr. DIACONU

CONTENTS

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

Sixteenth and seventeenth periodic reports of Ghana

Draft concluding observations concerning the thirteenth to seventeenth periodic reports  
of Tunisia

---

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 5) (continued)

Sixteenth and seventeenth periodic reports of Ghana (CERD/C/431/Add.3, CERD/C/338/Add.5, CERD/C/304/Add.90)

1. At the invitation of the Chairman, the members of the delegation of Ghana took places at the Committee table.

2. Ms. AKUFFO (Ghana) emphasized that despite the extreme diversity of their country, which had over 15 major ethnic groups, 100 indigenous languages and a wide variety of cultural and religious practices, the people of Ghana had generally lived in peaceful coexistence with each other. The country's recent transition to democracy had reinvigorated the protection and promotion of human rights. By realizing the rights guaranteed by the Convention, the Government hoped to build a unified and inclusive society. It acknowledged that ethnic discrimination remained a major undercurrent in society and recognized the need to take action to combat it. It had therefore created bodies such as the National Commission on Civic Education (NCCE) (paras. 62 and 74) and the Commission on Human Rights and Administrative Justice (CHRAJ) (para. 45), the two main bodies disseminating information to the public on human rights issues. Human Rights Watch had named CHRAJ as one of the three best statutory national human rights institutions in Africa.

3. Ultimate jurisdiction for human rights matters was vested in the judiciary, but findings issued by CHRAJ were legally binding and enforceable by court order, and they provided effective redress for human rights violations. The Government, NGOs and the international community also provided assistance to victims of human rights violations. The Constitution stipulated that all persons were equal before the law and that no person should be a victim of discrimination on grounds of gender, race, colour, ethnic origin, religion, creed or social or economic status. Both the Constitution and domestic legislation included provisions that were consistent with article 2 of the Convention.

4. In order to ensure equal access to rights and freedoms, the Northern Scholarship Scheme continued to bridge the educational gap between the north and the south, and a new Minister for Girl-Child Education had been appointed to reduce educational disparities between boys and girls. The Government had adopted legislation criminalizing the traditional practice of Trokosi, which enslaved women and girls, and CHRAJ and some NGOs had established programmes for the rehabilitation of its victims. However, no cases had yet been prosecuted, as the Government was focusing on convincing practitioners to give up the practice voluntarily, for example by encouraging alternative activities. The Government had established a Ministry of Women and Children's Affairs to empower women and children, protect their rights and advocate change to ensure equality. The Cabinet had endorsed a proposal to appoint women to 40 per cent of public office positions.

5. While a section of the Children's Act of 1998 stipulated that children must not be subjected to exploitive labour detrimental to their health, education or development, Ghana lacked specific legislation against trafficking in children. However, the Criminal Code was currently being amended to proscribe that practice. The Government had undertaken to deal with trafficking through collaboration with neighbouring countries, and in 2001 had hosted a meeting of the Economic Community of West African States (ECOWAS) to adopt a subregional convention on the subject. Working with the International Organization for Migration (IOM), the Ministry of Women and Children's Affairs had so far rescued about 2,000 child slaves from the Yeji area.

6. The Government recognized the need to take administrative action to combat racial discrimination. In the rare cases where racial conflict had occurred, jointly with CHRAJ it had quickly sent in community mediation and reconciliation experts. Most such cases involved isolated tribal conflicts and chieftancy issues, such as the 1994 Kokomba/Nanumba conflict that had resulted in hundreds of deaths. A Permanent Peace Negotiating Team (PPNT) sent in by the Government had mediated the dispute and eased tension, and no incidents had taken place since. More recently, the Government had declared a state of emergency following another chieftancy dispute in the northern region, that had resulted in several deaths; efforts to resolve that conflict were still continuing, and criminal proceedings had been initiated against some suspects.

7. Because the Government was committed to promoting human rights education but lacked the resources with which effectively to do so, it would welcome any assistance in that field from the international community. Ghana's domestic legislation currently did not meet the requirements of article 4 of the Convention, but the Ministry of Justice/Attorney-General's Office had been informed of the lacunae and had been urged to amend the Criminal Code accordingly. On the other hand, the legislation and constitutional provisions in respect of article 5 were sufficient.

8. In 2000 CHRAJ had handled 9,265 complaints, of which 1,022 had been classified as general human rights complaints, including 40 relating to discrimination. Most were cases of religious discrimination; fewer than five were cases of racial discrimination. CHRAJ had 10 regional offices and 99 district offices that ensured access to mechanisms providing remedies against racial discrimination, and it worked with NCCE to educate the people of Ghana on racial discrimination through lectures, symposia, meetings and the media. CHRAJ also had begun programmes for adjudicators. It had itself carried out community mediation, for example in Frankadua, Agona-Nyakrom and Agogo, and had held a consultation for NGOs, community leaders and the media prior to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

9. Under the Constitution, the State had to cultivate among all Ghanaians respect for fundamental human rights and freedoms and the dignity of the human person. Both CHRAJ and NCCE had been pivotal in creating a national culture of understanding and tolerance. While racial discrimination still occurred in some instances, the State party had adopted multiple legislative, administrative and other measures to combat the problem. Progress was being made, and public awareness of human rights was increasing. The economy was being strengthened and there was a greater sense of freedom in the country.

10. Mr. PILLAI (Country Rapporteur) said the periodic report addressed many of the concerns raised by the Committee in its previous concluding observations, and represented a significant improvement over the previous periodic report. Ghana had been the first country in sub-Saharan Africa where Europeans had arrived to trade, first in gold and later in slaves, of whom as many as 10,000 were eventually traded each year. It had therefore experienced the most severe onslaught on human dignity and equality. It had also been the first sub-Saharan country to gain independence from colonial rule. Despite a period of political instability, the Government had succeeded remarkably in securing democracy and entrenching human rights. It had also made much progress in decentralizing its administration, an important factor in the light of the rich ethnic diversity of the country, which had as many as 92 ethnic groups, mostly very small.

11. The report set out a number of positive aspects, including the extraordinary acceleration of democratic processes and reform, the peaceful change of Government in 2000, the recognition by the Government of the existence of intolerance and racial discrimination and an open accounting of incidents that had taken place since 1995. The report provided a great deal of information on the country's demographic composition, but some doubt had been cast as to whether the census figures that it contained accurately reflected the religious breakdown of the population. In the report the State party recognized that its domestic laws were insufficient to implement the Convention, and informed the Committee of steps taken to correct that situation. The creation of CHRAJ and NCCE had been supported by the Government and had been well received by the population, and CHRAJ worked closely with civil society organizations. The State party had been very open to the work of international human rights bodies.

12. The Government asserted in its report that the country's constitutional provisions were consistent with article 2 of the Convention. What laws could be invoked by the Government in cases of violations? The report also stated that there was no provision in the Criminal Code that made acts of racial discrimination liable to prosecution.

13. The Northern Scholarship Scheme had been in existence for some time. What had its impact been, and how had it helped to reduce the education gap? Did PPNT, established by the Government to mediate a conflict in 1995, still exist? If so, did it still mediate in disputes, and how did it interact with CHRAJ?

14. The political party that had come to power in 2000 derived its support largely from the predominantly Akan regions (para. 29), and consequently most of its members of Parliament were of Akan origin. The Committee welcomed the steps taken by the Government to include participation by all groups and ethnicities, since one of the reasons for political instability in the past had been the feeling that a single ethnic group predominated. The report pointed to very wide variations in income between the regions, with average incomes in some five times higher than in others. A report submitted to the United Nations Commission on Human Rights by the Independent Expert on the effects of structural adjustment policies on the full enjoyment of human rights (E/CN.4/1999/50) had brought to light the fact that agricultural reforms had disproportionately benefited cocoa farmers, who accounted for just 18 per cent of the farming population and were concentrated in the south, while the per capita income of non-cocoa farmers, including food producers, had stagnated. What impact had structural adjustment programmes had on the balance of economic development among the various ethnic groups?

15. CHRAJ was extremely active in all fields related to human rights, and had a staff of 690 people, with nearly 100 district offices. It had intervened in a variety of incidents. According to paragraph 51 of the report, if three months passed after a recommendation was issued by CHRAJ without effective action being taken, the Commission could seek a remedy through court action. Had any such cases taken place, and with what result? What was the relationship between CHRAJ and the judiciary? Had any complaints resulted in the awarding of financial compensation? The Committee looked forward in the next periodic report to seeing the legislative changes in domestic law required to bring it into line with article 4 of the Convention.

16. According to paragraph 114 of the report, there was a legal provision that permitted the Government to ban certain organizations for treasonous activities. Had that provision ever been invoked to ban an organization for incitement of racial hatred? The reference to article 35 of the Constitution in paragraph 116 should be considered as a promotional measure, and not a legal provision giving effect to article 4 of the Convention.

17. To what extent were the constitutional provisions that guaranteed the civil, political, economic and cultural rights enshrined in article 5 of the Convention being implemented and to what extent were different communities able to enjoy those rights? A table with data concerning the level of literacy and education among the various ethnic groups would be useful. In particular, such a table would shed light on the impact of the Northern Scholarship Scheme, mentioned in paragraph 93 of the report.

18. According to table 8, which gave figures for the mean annual household and per capita income, wide economic disparities existed between different regions. How was the country addressing the problem, which no doubt had an adverse effect on the balanced economic development of ethnic groups? A report by an NGO, which had been published in 1999 and was entitled "Empowering widows in development", stated that widows faced extreme discrimination in the north of the country, in particular in rural areas. In southern regions, widows were slightly better protected. Ghana was perhaps the only country to have attempted to eliminate the degrading and harmful widows' mourning rights, through the 1989 amendment to the Criminal Code. However, he noted that the relevant legislation was not being properly enforced, since illiterate or marginalized rural widows did not take advantage of the measures available. CHRAJ and civil society organizations should play an important role in addressing the issue. The Committee would be interested to know what problems had arisen in implementing the laws which banned the practice of slavery known as "Trokosi". A survey by the Ministry of Health, conducted between 1995 and 1998, had found that female genital mutilation was practised among nearly all the country's northern ethnic groups. He would welcome comments from the delegation on that issue.

19. No information had been provided on the country's policy towards refugees. He would also welcome additional details on the information contained in paragraph 104 regarding the deportation of Ghanaians by Nigeria in 1983 and the resulting resentment felt by Ghanaians towards Nigerians.

20. What was the relationship between CHRAJ and the country's judiciary? What measures were being taken to ensure that victims of discrimination received appropriate compensation? The work of CHRAJ and the NCCE seemed to overlap to a large extent, which meant that their duties should be coordinated accordingly. It would be interesting to know more about the ways in which the media dealt with incidents of racial and ethnic discrimination and related issues.

21. Referring to International Labour Organization (ILO) Convention No. 111, concerning Discrimination in Respect of Employment and Occupation, he said that in 2001 the ILO Committee of Experts had noted that labour inspections had been conducted in all industrial establishments, including the Free Trade Zones. The Committee of Experts had requested information on the results of the inspections, including the problems found in relation to discrimination, and the measures taken to solve those problems. Comments from the delegation in that regard would be appreciated.

22. Mr. BOSSUYT, referring to paragraph 94 of the report, expressed surprise that 25 per cent of the country's inhabitants felt discriminated against due to their tribal origin. The low standard of education was, no doubt, one of the reasons. He welcomed the fact that the country's Constitution did not see tradition or custom as an excuse for violating fundamental rights and freedoms. Referring to paragraph 78 of the report, he asked what was meant by the words "inimical customs and practices". He welcomed the Northern Scholarship Scheme as a positive measure and wished to know on what basis students were selected for the scholarships.

23. Referring to paragraph 105, he wondered whether incidents of expatriate employers abusing their Ghanaian staff fell within the competence of CHRAJ and wished to know how CHRAJ, which was a national body, would deal with incidents that had taken place abroad. Lastly, he wished to have clarification regarding the link between religion and ethnic origin, mentioned in paragraph 127.

24. Mr. THIAM commended the Government for its efforts to promote tolerance and understanding among the country's numerous ethnic groups. Table 11 in the report, on members of Parliament and percentage of population, by region, showed that the Government strove to ensure balance and equality between the groups. He wished to know whether the numbers provided in the table had been based on predefined parity rules or whether they were the result of elections.

25. Referring to paragraph 82, he wished to know whether NGOs also participated in the preparation of the country's reports under international conventions. If not, did NGOs have access to reports once they had been submitted to various committees? Were political parties, including those of the opposition, aware of the content of the reports? Referring to paragraph 93, he asked for further information to be provided on the "education gap" and the measures taken or envisaged to find a lasting solution to the problem. Further details of the efforts made to alleviate ethnic tensions in the country would also be useful.

26. He wished to know what role the Convention played in the country's legal system. Did provisions of the Convention hold precedence over domestic legislation and could they be invoked in courts? How would the reform of the Criminal Code bring it into line with the

Convention? Did the constitutional principle of equality apply to all individuals residing in the country, including refugees and stateless persons? It would also be useful to know to what extent a foreigner was able to acquire or transfer real estate, in particular rural real estate. How could Ghanaian nationality be acquired? What were the effects of naturalization on the exercise of political and social rights? Could an ethnic, language or religious community establish a school where the language and culture of that group would be taught?

27. He suggested that the country should make the declaration under article 4 of the Convention and should agree to ratify the amendment to article 8, paragraph 6.

28. Mr. VALENCIA RODRIGUEZ said that, although some social and economic indicators reflected significant progress, major circles of illiteracy remained and the belief in the supremacy of men over women persisted, in particular among ethnic minorities. He wished to have additional information in that regard. Despite the legislation in place, incidents of racial discrimination occurred. In that regard, the Committee would be interested to know the practical results achieved in implementing the legal measures and administrative policies designed to prevent such incidents.

29. Noting that article 4 of the Convention was binding on all States parties, he welcomed the Government's decision to review its legislation in order to meet the relevant obligations. The Committee would be interested to know how the various measures designed to protect the rights enshrined in article 5 of the Convention were implemented and the results achieved, in particular with regard to ethnic minorities. Referring to paragraph 29, he welcomed the efforts made to ensure that various groups were adequately represented in government bodies and to take into account the effective representation of women. He encouraged the Government to continue its efforts in that regard and to inform the Committee of the progress achieved. Information on the implementation in practice of legislation prohibiting the practice of "Trokosi" would be useful.

30. According to paragraph 50 of the report, CHRAJ recommended measures that should be taken to compensate victims of racial discrimination. Additional information in that regard would be welcome. Referring to paragraph 127, he noted that the number of complaints relating to discrimination was relatively small in comparison with the number of general human rights complaints, and wished to be kept informed of further developments. As part of the campaign to overcome ethnic hostility among the population, it was important to publish information about the Convention, the country's report, the Committee's concluding observations and the work carried out by the Committee.

31. Mr. HERNDL said that the Office of the United Nations High Commissioner for Human Rights might be able to assist Ghana in drafting legislation under article 4 of the Convention. The Office could provide examples of similar measures taken in other countries. He pointed out that not only the Criminal Code would have to be amended but also a number of other laws, including those relating to the media and to associations. Referring to the statistical data on complaints, provided in paragraph 127, he wondered whether in future it would be possible to provide a breakdown of the cases brought before CHRAJ. He was surprised that the Commission was minimizing the number of cases of alleged violation of rights and freedoms it

investigated (para. 47). If 90 per cent of its investigations were the result of external complaints, then 10 per cent were investigated ex officio. That was a good ratio. He also enquired whether CHRAJ's findings were binding on the parties and the judge. Could the delegation describe the course of a case which the Commission had referred to the courts?

32. He urged Ghana to consider approving the amendment to article 8 of the Convention. It would be in the interest of all States parties to do so, because it would mean that the Committee would no longer be financed by them, but by the United Nations.

33. Mr. de GOUTTES commended Ghana for the high quality of its report, which had frankly acknowledged the persistence of ethnic tensions. The report contained important information on the ethnic composition of the country and the extensive powers of CHRAJ, which played an important role in heightening public awareness of human rights. He noted with interest that CHRAJ had organized a National Consultation on Racism, Tribalism, Xenophobia and Related Intolerance (para. 136) and a seminar on the role of traditional and religious leaders in the promotion of human rights (para. 139).

34. He asked what progress had been made by the Government in its review of the Criminal Code to bring it into line with the Convention. He noted that the legislation on organizations whose objects or activities were contrary to the public good (para. 114) did not specifically cover racist organizations. According to paragraph 127, fewer than 5 of the 9,265 complaints heard by CHRAJ were directly related to racial discrimination. He asked the delegation to provide information on the rulings and sentences handed down against the perpetrators of racist acts, and it should also elaborate on what was meant by the reference to traditional practices which were injurious to the health and well-being of the person (para. 138) or that discriminated between people on racial or ethnic grounds (para. 141).

35. He was pleased to note that, in its conclusions (paras. 148 to 150), the report acknowledged shortcomings in the human rights situation in Ghana and stressed the need to make the people of Ghana aware of the issues surrounding racial discrimination and the existence of appropriate venues for combating the problem.

36. Mr. SICILIANOS, commending CHRAJ for its excellent work, asked whether, given an illiteracy rate of 50 per cent, any assistance was afforded illiterate persons who wanted to file a complaint. Did CHRAJ have a consultative role in connection with the drafting of legislation, and was it empowered to verify the compatibility of domestic legislation with the Convention? He also wondered why CHRAJ did not conduct its own investigation of cases involving the practice of Trokosi instead of referring the matter to the police (para. 47). Noting that Ghana's position on the question of Trokosi was in conformity with paragraph 5 of the Vienna Declaration on Human Rights, which stressed that practices and customs must not violate basic human rights, he sought further information on the nature of the inimical customs and practices referred to in paragraphs 78 and 141, and he would also like to know what measures had been taken to prevent a recurrence of the serious incident in Bawku (para. 103).



37. The report had provided an extensive list of legislation guaranteeing the rights set out in article 5 of the Convention, but the Committee needed to know what was being done to ensure that they were enjoyed in practice. He also asked what measures had been taken to ensure the rule of law and the principle of non-discrimination, article 5 having introduced enforceable rights that could be invoked in the courts.

38. Mr. KJAERUM said that it was very inspiring for the Committee to see that the delegation had included a CHRAJ representative. He commended Ghana on its many human rights institutions. Referring to the discussion in the report on the meaning of “discrimination” (para. 88), he asked whether indirect discrimination was regarded as being covered by article 17 of the Constitution. Given that the seventeenth periodic report was a year old, he asked about recent developments in Ghana’s current review of domestic legislation (para. 110). What measures had been taken to deal with the resentment that many Ghanaians harboured towards Nigerians (para. 104)? He also sought an update on the situation of refugees from Côte d’Ivoire and Liberia.

39. He raised the issue of female genital mutilation and the practice of Trokosi and its link to particular ethnic groups. States were under an obligation to protect children from those traditions, which were acts of violence. In that connection, he drew attention to the Committee’s General Recommendation XXV, which took up the issue of double discrimination.

40. He noted that one of the recommendations which had emerged from the Durban World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance had urged States to make the declaration under article 14 of the Convention. He also asked whether Ghana had elaborated a national plan of action to follow up the Durban Conference as well as a more general human rights plan of action as suggested at the 1993 Vienna World Conference on Human Rights.

41. Mr. TANG Chengyuan said that CHRAJ was an excellent independent body that played an important role in promoting human rights. He would like to know more about how the Commission worked in practice. Had there ever been any cases involving civil servants, and had there been any obstacles to investigations in such instances? He asked the delegation to cite a few examples of cases which the Commission had successfully addressed.

42. Referring to paragraphs 112, 115 and 116 and the relationship between international treaties and national legislation, he reminded the State party of its obligations under article 4 to bring its domestic legislation into line with the Convention. He was pleased that Ghana intended to amend its Criminal Code. What was the current legal basis for hearing cases involving racial discrimination or hatred? Could the delegation cite specific examples?

43. Mr. THORNBERRY, referring to paragraph 19 of the report, asked whether there was any Government support or programmes for native Ghanaian languages or whether that was a community responsibility. The Committee was interested in issues of legal pluralism, and he asked how the three parallel systems of statute law, common law and customary law referred to

in paragraph 44 were balanced. To what extent was customary law applicable in current legal processes? He also enquired what range of measures existed for dealing with the practice of Trokosi (para. 47). With regard to paragraph 78, he asked whether it was possible to distinguish between practices and values when working to eradicate inimical customs and practices.

44. He was impressed by the role and functions of CHRAJ. Had consideration been given to establishing a separate unit within the Commission to focus on discrimination? He welcomed the innovative work of the Kumasi seminar (para. 69), and he was pleased to note that there was an understanding of the role of traditional and religious leaders in promoting human rights. In 2002, the Committee had drafted a General Recommendation on descent-based discrimination, which dealt with caste and analogous systems. Were there any practices in Ghana which might be regarded as descent-based discrimination? He also asked whether there had been any input from Ghana to the African Commission on Human and Peoples' Rights on the concept of indigenous peoples and indigenes.

45. Mr. AMIR asked whether there were any refugees or stateless persons in Ghana, how the Government dealt with them and what their legal status was.

46. Mr. YUTZIS said that numerous paragraphs of the periodic report demonstrated the Government's concern over the harmful effects of certain traditional practices in Ghana. The two bodies set up to educate the public about human rights in Ghana, CHRAJ and the NCCE, had been pivotal in efforts to form a national culture of understanding and tolerance. He wondered whether the conflict referred to in paragraph 98, which was described as one of the most serious in Ghana's history, had been resolved or only quelled. He would also like to know the status of the conflict described in paragraph 99. He drew the delegation's attention to the fact that the Committee was at its disposal to provide advice in dealing with issues of racial discrimination, as had been recalled at the Durban World Conference. He commended the Government for its efforts to build national unity; that was a difficult task, but he was certain Ghana would find its way.

47. The CHAIRMAN invited the delegation to reply to the Committee members' questions and comments the following day, when the Committee would continue its consideration of Ghana's periodic report.

48. The delegation of Ghana withdrew.

Draft concluding observations concerning the thirteenth to seventeenth periodic reports of Tunisia (CERD/C/62/draftCO/14)

49. The CHAIRMAN invited the Committee to make drafting proposals, paragraph by paragraph, on the draft concluding observations concerning the thirteenth to seventeenth periodic reports of Tunisia.

Paragraphs 1 and 2

50. Paragraphs 1 and 2 were adopted.

### Paragraph 3

51. Mr. HERNDL proposed that the word “actual” should be inserted before “implementation” and the word “may” before “concretely”.

52. Mr. THORNBERRY, at the suggestion of the Chairman, proposed that the last part of the paragraph should be reworded to read “provide sufficient information on the extent to which individuals concretely enjoy the protection afforded by the Convention”.

53. Paragraph 3, as amended, was adopted.

### Paragraph 4

54. Mr. THORNBERRY proposed that the words “its advocacy of” should be inserted after “including”.

55. Paragraph 4, as amended, was adopted.

### Paragraph 5

56. Paragraph 5 was adopted.

### Paragraph 6

57. Mr. RESHETOV said that the last two sentences of the paragraph referred to matters that were beyond the competence of the Committee and should be deleted.

58. Mr. LINDGREN ALVES (Country Rapporteur) said that the Committee frequently referred to the issue of equality between men and women. Likewise, the question of religious freedom was an essential aspect of all ethnic groups. Therefore the last two sentences should be retained.

59. Mr. KJAERUM said that the formulation “ensuring full legal equality between women and men in Tunisian society” should be deleted, since the Committee had not studied the gender situation in Tunisia sufficiently to make that assertion.

60. Mr. AMIR said that full legal equality had not been achieved in any country; therefore, at least the word “full” should be deleted before “legal equality”.

61. Mr. PILLAI, supported by Mr. LINDGREN ALVES (Country Rapporteur), said that the paragraph should be retained because Tunisia was a country that had made significant progress towards achieving equality between the sexes. The Committee should recognize that.

62. The CHAIRMAN suggested removing the words “full legal” before “equality” and the word “full” before “observance”.

63. Ms. JANUARY BARDILL said that the words “a fact that has implications for” should be replaced by “inasmuch as they impact on the promotion of”.

64. Mr. THORNBERRY said the last sentence should be reworded to read “The Committee encourages the State party to continue along this path.”

65. Paragraph 6, as amended, was adopted.

#### Paragraph 7

66. Mr. HERNDL, supported by Mr. de GOUTTES and Mr. YUTZIS, said that the word “estimate” in the second sentence was too vague and should be replaced by “indications”.

67. The CHAIRMAN, supported by Mr. THORNBERRY, said that it was more appropriate to ask for an “estimate” from countries that did not keep statistics. The word “estimate” should therefore be retained.

68. Paragraph 7 was adopted with only minor drafting changes.

#### Paragraph 8

69. Mr. RESHETOV said that the meaning of the expression “indigenous minority” at the end of the second sentence was unclear.

70. Mr. LINDGREN ALVES (Country Rapporteur) said the word “minority” had mistakenly been included; the word “population” was the intended term.

71. Mr. de GOUTTES said that the Berbers should be recognized as a component of society, which was less specific than calling them a minority.

72. The CHAIRMAN said that the Committee did not usually ask States parties to recognize either minorities or indigenous populations and there was no obligation in international law to do so. Given that the Committee was interested in knowing whether the rights of Berbers were being respected, perhaps it should simply ask for information on their situation from the economic, social and cultural perspectives.

73. Mr. RESHETOV said the failure on the part of governments to recognize minorities was a serious problem; it often meant that minorities could not fully enjoy their human rights. It was the Committee’s role to ask States parties either to withdraw their reservations or to recognize the minorities in their countries.

74. Mr. SICILIANOS suggested that the second sentence should end with the words “specificities of the Berbers as a community”.

75. Mr. HERNDL said that the Committee could simply request information on the Berbers, by stating that “the Berber or Amazigh population ought to be regarded as an indigenous population”. Once the State party had provided that information, the Committee could then recommend that it recognize the Berbers as a minority.
76. Mr. YUTZIS proposed that the Committee should request the State party to recognize the Berber community as “an important and distinct component of Tunisian society”.
77. Mr. AMIR said that the term “recognition” had legal and political implications. In Algeria, the Berbers had been officially recognized by the Constitution; however, that was not the case in neighbouring countries.
78. Mr. KJAERUM, supported by the CHAIRMAN, said the last part of the paragraph should be reworded to read “the Committee requests specific information on their situation in relation to articles 2 to 7 of the Convention”.
79. The CHAIRMAN said that the Committee would continue its consideration of the draft concluding observations concerning the thirteenth to seventeenth periodic reports of Tunisia the following morning.

The meeting rose at 6.05 p.m.