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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fortieth session

SUMMARY RECORD OF THE 931st MEETING

Held at the Palais des Nations, Geneva,
on Friday, 16 August 1991, at 10 a.m.

Chairman: Mr. FERRERO COSTA

later: Mr. SHAHI

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The meeting was called to order at 10.20 a.m.

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

In the absence of the Chairman, Mr. Ferrero Costa took the Chair.

Seventh and eighth periodic reports of Mexico (CERD/C/194/Add.1) (continued)

At the invitation of the Chairman, Mr. Vargas and Mr. Ruiz (Mexico) took places at the Committee table.

1. Mrs. SADIO ALI congratulated the Mexican Government on keeping up a very constructive dialogue with the Committee.
2. There were many positive features in the report, including the establishment of bodies for the protection of human rights, especially the rights of indigenous peoples. It was to be hoped that the indigenous peoples were represented on those bodies.
3. The text of the Official Gazette of the Federation, dated 8 January 1991, concerning amendments to various provisions of the Federal and District Codes of Penal Procedure (paras. 12 and 18) had been attached to the report in Spanish. It was to be hoped that the relevant passages from the Code of Penal Procedure would be included in Mexico's next periodic report, so that the members of the Committee could study them in the Committee's working languages.
4. Regarding the situation of the rural population, especially the indigenous population, perennial conflicts over the ownership of land had led to physical abuse, arbitrary detentions and killings of peasants, most of whom were indigenous people. Despite the stated intention of the President of the Republic to "modernize" the country, there had been continued recourse to torture and the practice of holding detainees incommunicado. Those practices had been denounced by the Mexican Bar Association and by Amnesty International. She would like to know what the Government was doing to reach an amicable settlement of land disputes and whether there was a land reform programme.
5. With reference to indigenous bilingual-bicultural education (para. 131), it seemed that the indigenous peoples feared the "Hispanicization" of their languages. It also appeared that study programmes and textbooks contributed to the destruction of those languages and that the school drop-out rate was high. The indigenous peoples were finding it difficult to preserve their languages and culture and were demanding that indigenous languages be recognized as national languages, on a par with Spanish. They were also demanding a multi-ethnic State in which the main characteristics of the indigenous peoples were respected, as well as participation in decision-making and equality. She would like to know the Government's reaction to those demands.
6. Lastly, she wondered whether any action was contemplated to sensitize the members of the police force, who were largely responsible for the killings among the indigenous peoples and the discontent in rural areas.

Mr. Shahi took the Chair.

7. Mr. YUTZIS said he associated himself with most of the members of the Committee in expressing satisfaction with the report submitted and welcoming the Mexican Government's willingness to pursue the dialogue.

8. He wished, nevertheless, to raise a substantive issue, which concerned the implementation by Mexico of article 4 of the Convention. It was stated in paragraph 67 of the report that "the Government of Mexico does not share the Committee's opinion that Mexican legislation contains no specific provisions

to prevent all forms of racial discrimination". He believed that, when the implementation of any of the articles of the Convention gave rise to problems, there were ways of resolving some of them. However, Mexico had not taken advantage of that possibility. That being said, huge difficulties could arise when it came to taking practical action against institutions or bodies whose purposes were contrary to the objectives of the Convention.

9. With regard to the part of article 5 of the Convention relating to economic and social rights, he noted from paragraphs 31 and 33 of the report that Mexico was making substantial efforts to address a universal problem, that of land tenure. In addition to its economic aspects, that question had a spiritual, psychological, historical and cultural dimension for the indigenous peoples, affecting their very identity. A product of colonialism, the problem was exacerbated by the structural imbalances peculiar to third-world countries. To those structural problems were added clashes of interests which slowed down the process of granting land to those concerned. It would be interesting to hear how the Mexican Government intended to resolve those difficulties.

10. Mr. SONG Shuhua congratulated the Mexican delegation on the quality of the report it had submitted.

11. With regard to the legal reforms mentioned in paragraph 13 of the report, whose aims included "broadening bail arrangements to enable more people, particularly poor people, to be granted provisional release", he asked whether their implementation was not likely to unbalance the administration of justice to the detriment of the indigenous peoples.

12. Paragraph 30 revealed that indigenous peoples accounted for 70 per cent of the peasant sector. Since their numbers were growing, he wondered whether the Government planned to give them access to more land and, if so, whether it intended to introduce new taxes. Since most commercial crops were produced by the indigenous population, he asked whether there was a different rate of taxation for grain and for subsistence crops, for example.

13. Lastly, he asked whether the indigenous rural population was treated differently from the rest of the Mexican population.

14. Mr. VIDAS said that, in its consideration of the seventh and eighth periodic reports of Mexico, the Committee should bear in mind the enormous problems faced by that country and the steps it had taken since the submission of its previous report to comply with its obligations under the Convention. In that connection, he drew attention to the content of paragraphs 11 to 50 of the report, relating to the implementation of article 2 of the Convention.

15. He regretted, however, that the Committee had no data on the breakdown of Mexican society by ethnic groups. As Mr. de Gouttes had pointed out, the figures concerning the indigenous population varied between 8 and 27 million inhabitants. To judge by the information given in the report, the indigenous peoples in Mexico numbered close to 20 million. That figure was to be compared with the statement in paragraph 26 that "there are approximately 2,000 recognized indigenous communities with title to 16 million hectares of land, constituting 8 per cent of the national territory". It would therefore be very useful to know what measures had been taken in regard to land distribution and security of land tenure.

16. Thanking the representatives of Mexico for their report and their participation in the dialogue with the Committee, he urged the Mexican Government to continue its efforts and to maintain the political will it had hitherto displayed.

17. Mr. WOLFRUM paid tribute to Mexico for the efforts it had made to ensure the integration of the various ethnic groups and to meet the needs of the indigenous peoples despite serious economic difficulties.

18. As Mr. Yutzis had already mentioned, the question of land rights was more than an economic issue; it was bound up with the cultural heritage and the very identity of the indigenous peoples. He therefore considered that the distribution of land to those groups should take account of the cultural heritage of those concerned, while acknowledging that that was a matter within the competence of the Mexican Government.

19. Lastly, he expressed the hope that, in its next periodic report, Mexico would be in a position to shed light on the violations reported by Amnesty International.

20. The CHAIRMAN, speaking in his capacity as a member of the Committee, recalled that it was stated in paragraph 77 of the report that, according to article 133 of the Constitution, "international treaties are the supreme law of the Union; [and that] accordingly, through incorporation into national legislation the Convention directly constitutes the applicable law and may serve as the basis and grounds for any legal action". He would like to know, therefore, what sanctions Mexican legislation provided for in the event of a violation of the provisions of the Convention, particularly the provisions of article 4.

Mr. Vargas and Mr. Ruiz (Mexico) withdrew.

Fifth and sixth periodic reports of Israel (CERD/C/192/add.2) (continued)

21. The CHAIRMAN invited the Committee to evaluate the fifth and sixth periodic reports of Israel.

22. Mr. YUTZIS proposed the following evaluation:

"The Committee expresses its appreciation of the continuing dialogue with the Israeli Government. The Committee has taken note of Israel's accession to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and of its intention to accede to the International Covenant on Civil and Political Rights. At the same time, the Committee regrets that the report does not follow the guidelines on the presentation of reports. The Committee reiterates, moreover, that Israel does not provide basic information concerning the demographic composition of its population. The Committee reiterates what was stated in its report to the General Assembly on the second periodic report of Israel that the Israeli Government has never implemented nor respected the principles of international law in the occupied territories, including the principles of the non-use of force, or any of the resolutions and decisions of the United Nations. Israel should be asked if it has really adhered to the basic principles of the Convention, and any formal discussion on legal provisions which could disguise the real situation in the country would be inappropriate. In addition, the Committee took note with great concern of the situation in the occupied territories and of the statement of the representative of Israel that his country is under no obligation to apply existing international human rights standards, and the Convention, in the occupied territories. The Committee urges the Government of Israel to answer all the questions it asked and the concerns expressed at previous meetings in its next periodic report."

23. Mr. BANTON said he thought that the phrase "of its intention to accede to the International Covenant on Civil and Political Rights" might be going too far; it should, perhaps, read instead: "of the probability that it would accede ...". The phrase "is under no obligation to apply existing international human rights standards, and the Convention, in the occupied territories" required clarification. The representative of Israel had said that his Government was applying those standards de facto, but that, for reasons of its own, it did not consider itself to be bound by the Fourth Geneva Convention.

24. Mr. ABOUL-NASR recalled that the Israeli Government had already notified the International Committee of the Red Cross that it was not bound by the Fourth Geneva Convention in the occupied territories. Yet, when the representative of Israel had been questioned on the subject, he had stated that the Convention's provisions were, in fact, respected.

25. Mr. BANTON said that the Fourth Geneva Convention spoke of "High Contracting Parties". Israel did not recognize Jordan as a "High Contracting Party" and had therefore stated that it observed the principles but not the legality of the Convention.

26. Mr. WOLFRUM said that that was a legal technicality. The representative of Israel had stated that the Fourth Geneva Convention was applied where Israeli law applied; the same held true for the International Convention on the Elimination of All Forms of Racial Discrimination.

27. Mr. VIDAS said that it would be preferable if the Secretariat could distribute the text read out by Mr. Yutzis, and it would also be useful if it could speed up the distribution of the summary records covering the consideration of the reports of Israel.

28. Mr. ABOUL-NASR said that the latter request might be difficult to meet, the Committee having received few summary records to date. However, he agreed with Mr. Vidas about waiting until the text proposed by Mr. Yutzis had been distributed.

29. The CHAIRMAN, speaking in his personal capacity, said that the representative of Israel had stated that Israeli legislation was not applied to the occupied territories.

30. Mr. YUTZIS said he agreed that it would be better to wait until his text had been distributed before continuing the consideration of the fifth and sixth reports of Israel.

31. Mr. de GOUTTES said that he had raised a question of principle regarding the application of law in the occupied territories. In his view, the evaluation must include a reference to the Israeli position maintaining that the International Convention on the Elimination of All Forms of Racial Discrimination did not apply in the occupied territories because those territories were not under Israeli law. Needless to say, it must also include the Committee's reservations concerning that position.

32. THE CHAIRMAN, speaking in his personal capacity, said that the Committee should also refer to article 3 of the Convention, which stated that "States parties ... undertake to prevent, prohibit and eradicate all practices ... in territories under their jurisdiction".

33. Mr. BANTON noted that article 6 was also relevant: "States parties shall assure to everyone within their jurisdiction ...".

34. The CHAIRMAN, speaking in his personal capacity, said that, with the help of the Secretariat, the Committee might also consult the preparatory documents of the Convention.

35. Mr. RESHETOV pointed out that the Israeli delegation, which was made up of eminent lawyers, had made a distinction between human rights standards that were valid in times of peace, including those contained in the Convention and international humanitarian law, of which the Fourth Geneva Convention was an example, which was applicable in times of war. Israel's position was that the occupied territories must be considered as being in a state of war.

36. THE CHAIRMAN suggested that the Committee resume its consideration of the reports of Israel when the documents requested had been made available.

It was so decided.

SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION (agenda item 6)
(continued)*

Preparation for the joint meeting of the Sub-Commission on Prevention of
Discrimination and Protection of Minorities and the Committee on the
Elimination of Racial Discrimination (continued)

37. The CHAIRMAN drew the Committee's attention to a note from the Bureau of the Sub-Commission concerning the preparation for its joint meeting with the Committee. The note proposed that the meeting should take place on 19 August 1991 from 10 a.m. to 1 p.m. in Conference Room XVII of the Palais des Nations. The members of the two bodies would sit together in English alphabetical order. The meeting would be public, and only the members would have the right to take the floor. The Chairman of the Sub-Commission and the Chairman of the Committee would each preside over half the meeting. Interpretation would be provided in the six official languages. The agenda would be as follows:

- (1) Preliminary statements by the Chairmen: Brief presentation by each (eight minutes) of the "identity card" of each body;
- (2) Identification of issues of common interest;
- (3) How to ensure coordination, notably for the exchange of information on the fight against discrimination and, possibly, a common contribution to the preparations for the 1993 World Conference on Human Rights, including the establishment of a joint working group.

38. Mr. RESHETOV said that the secretaries of the two organs should also participate in the meeting. He also pointed out that the non-governmental organizations (NGOs) had a special mandate in the Sub-Commission and certain rights in that organ, which was not the case in the Committee. The NGOs were a storehouse of information on questions of interest to the Committee and, if they followed its work more closely, that would heighten public awareness on the subject. Of course, owing to time constraints, the NGOs would not be able to take the floor at the joint meeting, but the occasion might be used to improve their contacts with the Committee.

39. The CHAIRMAN said he agreed that it would not be possible to allow the NGOs to speak but, if the meeting was an open one, they could attend. The meeting would be of a preliminary and mainly procedural nature.

40. Mr. FERRERO COSTA said he endorsed the proposal on the organization of the meeting, which, he agreed, should be an open one. As to the agenda, the Chairmen should not confine themselves in their preliminary statements to the mandates of the two organs but should also be able to speak for about 10 minutes on subjects of shared concern. Among such subjects, the Chairman had already mentioned the identification of issues of common interest and the question of how to ensure coordination between the two bodies, notably for the exchange of information on the fight against racial discrimination. He also recalled the topics that the Under-Secretary-General for Human Rights had enumerated in his statement at the beginning of the current session, in particular the question of conflicts that might arise between certain human rights. One might also add the study of recent trends in racial discrimination, surely a question of concern to the two monitoring organs devoted to eliminating racial discrimination. Whatever the subjects selected for the agenda, it was very important to initiate a dialogue between the Sub-Commission and the Committee.

* Resumed from the 928th meeting.

41. The CHAIRMAN said that it was too late to draft a joint agenda, and he proposed that each member of the Committee address questions of interest to him within the allotted time of three minutes for each speaker. The document drafted by Mr. Wolfrum for the joint meeting would be distributed to the members of the Sub-Commission.

42. Mr. LAMPTEY said that the Committee had already taken a decision on the modalities and content of the joint meeting.

43. The CHAIRMAN asked the members of the Committee what they thought he should focus on in his preliminary statement.

44. Mr. VIDAS agreed with the Chairman that the meeting should be an open one. In his view, Mr. Shahi should chair the first part of the joint meeting, and he should point out in his preliminary statement that, unlike the Sub-Commission, the Committee was a body established by virtue of an international instrument. He was opposed to the idea of setting up a joint working group, which would not, he thought, yield concrete results. He proposed waiting to see what results the first joint meeting produced. The Sub-Commission should take the opportunity to see what it could do to improve the application of the International Convention on the Elimination of All Forms of Racial Discrimination.

45. Mr. ABOUL-NASR said that, in view of the very short time allotted to each speaker, the members of the Committee and the Sub-Commission would be able only to exchange their points of view on possible future cooperation between the two organs and on the difficulties encountered in carrying out their respective mandates. There would be no time to present reports or studies. He did not expect concrete results from the first joint meeting. Perhaps the Committee and the Sub-Commission could meet again at a later date to discuss how they might cooperate. In his preliminary statement, the Chairman might give expression to the Committee's desire to cooperate with the Sub-Commission.

46. Mr. WOLFRUM said that the Committee was devoting too much time to preparing the joint meeting with the Sub-Commission. As pointed out by Mr. Lamptey, it had already taken a decision on that subject. It should stick to the proposed programme, which was a practical one. He endorsed the previous speaker's comments; the members of the Committee and of the Sub-Commission would have just enough time for an exchange of experience. He was pleased that the document he had drafted had been distributed to the members of the Sub-Commission, and he therefore did not intend to introduce it at the joint meeting.

47. The CHAIRMAN said that he had communicated the Committee's decision to Mr. Joinet, the Chairman of the Sub-Commission. He recalled that the members of the Committee would be completely free to speak on subjects of interest to them, in particular on new forms of racial discrimination and conflicts of rights, provided they did not exceed their speaking time.

48. Mr. GARVALOV said he would have preferred two joint meetings and wondered what could be expected from a single meeting of three hours. He agreed with the Chairman that the agenda should not be too rigid. The Chairman might indicate in his preliminary statement how the Committee assessed the efforts made at international level to combat racial discrimination and whether he considered that any progress had been made in that area. The Chairmen of the Committee and of the Sub-Commission could draw lots to decide who would chair the meeting first.

49. The CHAIRMAN suggested that consideration of the agenda item should be suspended.

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

Seventh and eighth periodic reports of Mexico (CERD/C/194/Add.1) (continued)

At the invitation of the Chairman, Mr. Vargas and Mr. Ruiz (Mexico) took places at the Committee table.

50. Mr. VARGAS (Mexico) thanked the members of the Committee, who had acknowledged the efforts made by Mexico to reduce inequality and guarantee the respect of indigenous peoples and communities and shown understanding of the problems Mexico was facing, which were linked to its past history. Admittedly, poverty was much more widespread in the indigenous communities, and he recalled, in that regard, that the Government had set up on 7 April 1989 the National Commission of Justice for Indigenous Peoples in consultation with indigenous persons and representatives of indigenous organizations.

51. He also thanked the country rapporteur, Mr. de Gouttes, for his analysis of the reports of Mexico, which showed the importance the Committee attached to those documents. The next report would be in keeping with the Committee's guidelines on the presentation of reports. He would transmit the comments made by Mr. de Gouttes to the authorities in his country so as to ensure that the first part of the next report contained data on Mexico's economic, social, political, cultural and demographic situation.

52. Turning to part II of the report, in particular the legislative measures adopted on behalf of poorer communities, he said that, by virtue of article 146 of the Federal Code of Penal Procedure, all courts hearing a case must verify whether the accused was a member of an ethnic group and, if so, what its customs and characteristics were. The National Institute for Indigenous Affairs (INI) had a directory listing 160 translators that it made available to the Attorney-General of the Republic and 69 lawyers who worked with the Government Procurator's office. The legislative reforms that had entered into force on 1 February 1991 had provided that indigenous persons who did not speak Spanish had the right to the services of an interpreter and that the court must take into account the customs, languages, values, legal traditions, social practices and geographic situation of indigenous persons implicated in a case. Thanks to those reforms, 2,500 indigenous prisoners had been granted early release. The objectives of the Justice Programme for Indigenous Peoples were close to being met following an agreement concluded in July 1991 between the Attorney-General of the Republic and the National Institute for Indigenous Affairs for the purpose of helping indigenous citizens who were under investigation or on trial. Indigenous prisoners accounted for approximately 7 per cent of the total prison population.

53. Mexico's National Commission of Justice for Indigenous Peoples gave its support to a programme of justice in which the National Solidarity Programme and the National Institute for Indigenous Affairs participated, as did the offices of the Government Procurator at state and Federal District levels and the National Human Rights Commission, which were in charge of coordinating activities.

54. Concerning the agrarian question in the States of Oaxaca and Chiapas, he was aware that Amnesty International had published three reports in 1985, 1989 and 1990 focusing on land disputes between communities in those regions. The publications suggested that the authorities were ignoring certain situations that might constitute human rights violations. At the crux of the issue was the question of agrarian law and the social pressure exerted by certain groups to obtain land. Concerned at the situation, the Government had instructed the National Human Rights Commission and the National Institute for Indigenous Affairs to examine the matter. Information on pilot projects undertaken in the States of Oaxaca and Veracruz was provided in the Commission's biannual report, which had been sent to the Centre for Human Rights. In February 1991, the National Human Rights Commission had prepared a programme for indigenous communities, and members of the Commission's personnel had gone to the States of Puebla and Oaxaca to inform the indigenous communities of their basic rights and to hear complaints. The problems raised were complex ones,

concerning for the most part agrarian, penal and municipal questions. In view of its importance, he would ask his Government to provide more information on the subject in the next report to the Committee.

55. As for the composition of the Board of the National Human Rights Commission, he said that, under article 6 of the decree setting up the Commission, the Board was made up of prominent citizens chosen by the Executive. The Board was a collegial body that monitored respect for and defence of human rights both in the country and for Mexicans living abroad, proposing guidelines on the subject to the Chairman of the Commission. To perform its duties, the Board had a Technical Secretary appointed by the President of the Republic. Its members sat for three years, their mandate being renewable. The Board currently consisted of two university rectors, the President of the Mexican Human Rights Academy, an independent journalist, the former General Coordinator of the Mexican Refugee Aid Commission, a Mexican writer of international repute, the chief editor of a major Mexican daily newspaper and two representatives from the most vulnerable sectors of the Mexican economy: the peasants and indigenous peoples. The Commission was responsible for protecting the interests of all segments of the population. It also worked with the National Institute for Indigenous Affairs in a number of areas of common interest to ensure, in particular, that complaints of human rights violations were lodged with the Institute's delegations.

56. Replying to a question by Mr. de Gouttes on the legal force of the Commission's decisions, he indicated that the recommendations of that body were not enforceable, but were usually followed: of 95 recommendations made, only 9 had remained dead letters.

57. Concerning the competence of the Commission, its main task was to monitor respect for and defence of human rights. In accordance with article 22 of its rules of procedure, it could investigate, on its own initiative or in response to a lodged complaint, to determine whether the basic rights of Mexicans living in the country or, consistent with international law and in cooperation with the Ministry of Foreign Affairs, of those living abroad had been violated. It also informed individuals of the means of legal redress open to them, but it was not competent to investigate offences committed by individuals, which came under the jurisdiction of the ordinary courts.

58. Concerning article 4 of the Convention and the criticism levelled against the Mexican Government by the Committee regarding the absence in the national legislation of precise provisions declaring all acts of racism to be illegal, he recalled the arguments put forward in paragraphs 68 to 78 of the report, from which it was apparent that, even if they were not expressly defined as offences, such acts did, in fact, fall within the scope of the law, because every person (regardless of race) enjoyed the guarantees granted by the Constitution (art. 1) and because article 364 of the Federal Penal Code provided that anyone who in any way violated the individual rights and guarantees established by the Constitution was to be punished by a penalty of imprisonment and a fine.

59. It should be noted in that context that, to date, no complaint of racial discrimination had ever been lodged with the courts or the National Human Rights Commission. Likewise, over the past five years, not a single allegation had been made against Mexico in international bodies.

60. Indigenous groups had indeed complained about the difficulties they encountered in protecting their rights as a result of the cost of legal services and language problems, and the authorities had looked at the problem and had adopted a number of measures to remedy the situation.

61. Lastly, if Mexico had never felt the need to legislate in the area of racial discrimination, it was no doubt because some 90 per cent of the population was of mixed ethnic background and had deep indigenous roots. If Mexicans denied their indigenous side, they would be denying a good part of themselves; and for that reason, they did not regard the question of racial

discrimination from the same angle as English-speaking persons or Europeans: it would never occur to them, for instance, to refuse to employ a person for reasons of race.

62. Replying to a question by Mr. de Gouttes about article 133 of the Constitution (para. 77 of the report), he said that the international treaties ratified by the Senate had the value of supreme law, provided they contained no provision contrary to the Constitution. Such treaties were therefore enforceable throughout the national territory and could be invoked in the courts, particularly in criminal cases.

63. With regard to the number of indigenous persons employed in the public sector or in the Ministry of Foreign Affairs, he said that Mexico considered the classification of citizens by race, ethnic group or religion to be a discriminatory practice. To be employed in the public sector or in diplomacy, it was sufficient to be a Mexican and to have the necessary competence. He recalled, in that context, that one of the most illustrious figures of Mexican history, Don Benito Juárez, had been of indigenous origin. There were no statistics on inter-ethnic marriages either.

64. As for the flight from the land, 548,000 indigenous persons (10.6 per cent of the total) had been counted in 1980 in areas other than their region of origin. They moved primarily to the big cities and, in particular, to the greater metropolitan area of Mexico City (306,000 indigenous inhabitants and 40 indigenous languages), to Guadalajara (28,000), Monterrey (24,000) and the cities along the northern border (47,000).

65. Even if there were no exact figures as yet for the 1980s, it seemed clear that the capital was attracting more and more indigenous persons. A total of 69.9 per cent of the indigenous population lived in rural communities and 18.1 per cent in urban areas.

66. No exact statistics were available on the number of applications for amparo instituted by peasants; it was simply known that there were many such cases. In its next report, the Mexican Government would attempt to provide the Committee with detailed statistics.

67. Although the amparo proceedings could be instituted only by a private individual (para. 113 (b) of the report), nothing prevented a group from instituting such proceedings, provided that each of its members did so on his own behalf.

68. Concerning illiteracy, he said that 8 per cent of Mexicans above the age of 15 were illiterate.

69. With regard to the question whether the Mexican Government intended to expand a television network to regions with large indigenous populations, he said that the authorities preferred to focus on health and education programmes, especially as the existing radio programmes were adequate to meet the minimum needs for information, culture and leisure of those social groups.

70. Responding to Mr. Banton's question on the criteria used by the Government to measure the success or otherwise of reforms in the penal sector, he replied that the statistics were a good indicator. At the time the eighth periodic report was being drafted, there had been 9,000 indigenous persons in the prison population (para. 22 of the report). As they numbered only 6,500 at the current date, it was fair to say that the reform of the Federal Code of Penal Procedure had borne fruit.

71. Indigenous persons could exercise the professions of policeman, magistrate or judge; when the Federal Code of Penal Procedure had been amended, the members of those professions had been alerted to the rights of indigenous persons, and their attention had been drawn, in particular, to articles 146 and 223 of the Code.

72. In reply to Mr. Banton's question whether the persons who had not been judged within the time-limit provided by the Constitution should be released, he said that within the space of one year, the National Human Rights Commission had issued recommendations on seven occasions calling upon the judges hearing those cases to speed up the proceedings and to pass sentence as soon as possible (see paras. 39-46 of the report).

73. As to demographic growth, he said that the indigenous population was growing at a rate of 2.9 per cent per year, as compared with 2.3 per cent for the rest of the population.

74. The Mexican delegation had taken due note of certain statements made in Japan, when it had been announced in September 1986 that an oil pipeline was to be laid on the isthmus of Tehuantepec. The Mexican delegation was not in a position to confirm or deny the statements made by a Mexican official concerning a project that had not been realized.

75. Replying to a question by Mr. Ferrero Costa, he said that the Executive appointed officials entrusted with carrying out the National Solidarity Programme and that they, in their turn, designated leaders who were in contact with civil society and who were chosen from all social sectors in a non-partisan spirit.

76. Mexico planned to make the declaration provided for in article 14 of the Convention.

77. Replying to a question by Mrs. Sadiq Ali, he said that the vast majority of imprisoned indigenous persons were charged with having participated in one form or another in drug trafficking. Most of them had been employed to plant or harvest marijuana or to guard cannabis plantations. The agreement concluded between the National Institute for Indigenous Affairs and the offices of the Attorney-General of the Republic should make it possible to review the cases of those indigenous persons and to speed up the proceedings. The National Human Rights Commission had visited the State of Oaxaca and asked the judge to ensure that the rights of the detainees were respected and the proceedings expedited.

78. The Commission had issued recommendations for punishing members of the police and security forces that committed torture. Several policemen had been prosecuted for such acts.

79. As part of their fight against drug trafficking, the Attorney-General of the Republic was currently setting up a programme to train young police officers and to make them aware of the rights of detainees.

80. Putting an end to the corruption that reigned in the police force and the prison administration was a priority goal of the National Human Rights Commission. To that end, it visited prisons unannounced in order to see whether abuses were being committed. The Commission hoped that the effects of those programmes would make themselves felt within two or three years.

81. Replying to a question by Mr. Yutzis on agrarian problems, he said that the President of the Republic took into consideration the legal customs of the autonomous peoples and that the National Institute for Indigenous Affairs was seeking to bring about a change of attitudes in the various ministries that dealt with such questions.

82. The National Institute for Indigenous Affairs sought to take into account the legal customs of the indigenous peoples so that they could participate in the decision-making process with respect to matters concerning them and so that their democratic aspirations could be recognized.

83. In answer to a question by Mr. Song Shuhua on the defence of the interests of the poor, he said that the National Solidarity Programme had been launched to help the part of the population that lived in extreme poverty. At

the judicial level, the National Human Rights Commission saw to it that the rights of the poorest sectors of society, and in particular of the indigenous population, were respected. The Department of Agrarian Reform was also implementing, in collaboration with the National Solidarity Programme, an emergency plan to eliminate bureaucracy and passive attitudes in the peasant organizations. He noted in passing that indigenous persons were not interested in the acquisition of new land, but in the regularization of tenure for the land they were already working.

84. Concerning the question whether autonomous persons were treated differently from the rest of the Mexican population, he referred Mr. Song Shuhua to the message delivered by the President of the Mexican Republic when he had presented the amendment to the Constitution.

85. Replying to a question by Mr. Shahi, he said that, if a person were found guilty of racial discrimination, which had never yet happened, he would be subject to the penalty provided under article 364.2 of the Federal Penal Code for having violated the rights and guarantees enshrined in the Constitution. In conclusion, he asked the members of the Committee to send him in writing any additional questions they might wish to ask and assured them that they would be answered in the next report of Mexico. He thanked the members of the Committee for the attention they had given to the report of Mexico.

86. Mr. de GOUTTES said he was pleased that Mexico had presented its report on time and commended the Mexican delegation for its very satisfactory replies, not only to the questions asked during the current session, but also to those raised at the previous session. He was also pleased that Mexico planned to make the declaration provided for in article 14 of the Convention.

87. Economic and social disparities existed in Mexico between various categories of the population, and that was at the heart of serious discrimination, which must be remedied, even if it was not directly racist in nature. The Mexican Government had embarked upon that task, since it had undertaken numerous reforms to help indigenous persons, peasants and the poorest social categories.

88. He was certain that, when preparing its next report, the Mexican Government would take the Committee's guidelines into greater account. He regretted, however, that Mexico had not changed its position with regard to its interpretation of article 4 of the Convention.

89. In conclusion, he thanked the Mexican delegation for its spirit of dialogue.

90. The CHAIRMAN thanked the Mexican delegation for its presentation of the report and thanked Mr. Vargas for his oral introduction and for the clarifications he had just provided.

Mr. Vargas and Mr. Ruiz (Mexico) withdrew.

The meeting rose at 1.05 p.m.