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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Forty-second session

PROVISIONAL SUMMARY RECORD OF THE 979th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 16 March 1993, at 3 p.m.

Chairman: Mr. VALENCIA RODRIGUEZ

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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 4) (continued)

Review of the implementation of the Convention in Jamaica

Fifth, sixth and seventh periodic reports of Jamaica (CERD/C/117/Add.4)

1. The CHAIRMAN invited the Committee to review the implementation of the Convention in Jamaica, whose eighth, ninth, tenth and eleventh periodic reports were overdue. The eleventh periodic report had been due in July 1992. The Committee might wish to base its review on its consideration of the last reports submitted by Jamaica, namely, the fifth, sixth and seventh periodic reports, submitted in one document (CERD/C/117/Add.4) in December 1984 and considered by the Committee in 1985 (CERD/C/SR.741-742).

2. At the invitation of the Chairman, Mr. Pierce (Jamaica) took a place at the Committee table.

3. Mr. PIERCE (Jamaica) said that, when a representative of his country had presented Jamaica's fifth, sixth and seventh periodic reports (CERD/C/117/Add.4) to the Committee in August 1985, he had stated that the Government intended to adopt legislation to implement article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, thus allowing the Government to withdraw its reservation to that article. However, the Government had since decided not to adopt specific legislation, but to consider amending section 24 of the Constitution so as to take the Convention into account. The Constitutional Review Committee was still considering that amendment and, accordingly, the reservation to article 4 of the Convention was still in force. He hoped that, at its next appearance before the Committee, his country would be able to report that the Constitution had been amended and update the information contained in the last report.

4. Mrs. SADIQ ALI thanked the Jamaican representative for coming before the Committee, although he had had little to report. She hoped that Jamaica would soon take measures to implement article 4 of the Convention, which was a very important article and one which was, moreover, binding on States parties. Jamaica had given little tangible proof of its commitment to the Convention as yet, particularly since four periodic reports were now outstanding. The Committee might wish to base its consideration of the implementation of the Convention in Jamaica on the fifth, sixth and seventh periodic reports (CERD/C/117/Add.4), prepared with the assistance of the United Nations Institute for Training and Research. The combined report had been prepared according to the Committee's guidelines, although some members had asked for more details about the implementation of article 5 of the Convention.

5. Members had raised a number of questions about the report. An annex gave details of demographic trends between 1960 and 1970: the 1970 total accounted for 99.1 per cent of the population, but members had asked about the remaining 0.9 per cent. The negro/black group of the population had risen from 76.8 per cent in 1960 to 90 per cent in 1970 and members had asked for

that group to be broken down into further sub-groups if possible. Another member had questioned the low figures given for the East Indian and Amerindian populations.

6. The representative of Jamaica had answered that, as a result of the "black pride" movement of the 1960s, many mixed-race people might now be calling themselves black. The data were based on people's own identification of their racial group, a principle of which the Committee approved. There had been no large-scale population movements. There had been relatively few East Indians - persons from the Indian subcontinent - in Jamaica compared with other former British colonies and the population had remained fairly constant, except for a sudden and unexplained rise in 1960.

7. The representative had said that the Amerindian population of Jamaica had quickly died out because of forced labour and diseases brought in by Europeans. It certainly did not constitute a large part of the category of "other races": she would welcome more details of the races which did make up that category. Lastly, the representative had said that the "negro black" population could not be broken down further, since most members of the group identified themselves with Africa as a whole, rather than with any particular part of it.

8. Mr. de GOUTTES said that the Committee was pleased to see a representative of Jamaica at the meeting. It had not received any reports of large-scale racial discrimination in that country. The last report stated that Jamaica had a "dualist" legislative system, in which the Convention could not be directly invoked before the courts, but had to be incorporated into domestic legislation by means of a special law. In such a case, the adoption of measures to implement article 4 of the Convention was particularly important. He hoped to hear more on that subject when Jamaica submitted its next periodic report.

9. During the consideration of the last report, many members had deplored the absence of information about the poorest population groups in Jamaica. The Committee needed socio-economic indicators to tell it whether ethnic minority groups were disproportionately represented among the unemployed, criminals, prison inmates, alcoholics, drug addicts and prostitutes.

10. Finally, he would like to know Jamaica's position with regard to article 14 of the Convention, which allowed the Committee to receive complaints from Jamaican citizens claiming that their rights under the Convention had been violated.

11. Mr. YUTZIS said he was glad that Jamaica had sent a representative to the meeting, which showed its willingness to cooperate, but it must try to submit its periodic reports on time, as it had undertaken to do on acceding to the Convention. Regular and up-to-date reports were vital to the Committee's task of monitoring racial discrimination.

12. He had a number of questions, which he hoped would be answered either at once or in the next periodic report. He would like more details of Jamaica's measures to implement article 4 of the Convention, as well as article 5 dealing with economic and social rights. The Committee needed to know whether

ethnic minority groups received equal treatment in respect of housing, employment, health care, etc. He would also welcome more information about demographic indicators and trends. The dramatic drop in the number of mixed-race people in Jamaica, indicated in the last periodic report, might be due to a number of factors; for instance, it might mean that the different racial groups had less contact with one another and were not intermarrying as often as they had in the past, resulting in fewer mixed-race children. Lastly, he would like to know what steps the Jamaican Government was taking towards withdrawing its reservations to article 4 of the Convention.

13. Mr. PIERCE (Jamaica) said that his comments were not intended to be a report on the status of the implementation of the Convention in Jamaica. He had merely wanted to explain that Jamaica had chosen not to submit its outstanding periodic reports because it had not yet been able to adopt the legislation required to implement article 4. Perhaps that decision had been wrong.

14. In reply to Mrs. Sadiq Ali's questions, he said that it would be very difficult to break down the negro/black population of Jamaica into further subgroups. Jamaica had never had a "native" population supplemented by the later arrival of "settlers" and the black pride movement of the 1960s had stressed Jamaican links with Africa as a whole, rather than with specific parts of it. There were no Amerindians left in Jamaica; they had all died out during the seventeenth century. Some people might claim to be of Amerindian origin, but a distinct racial group no longer existed.

15. Mr. de Gouttes had asked about the dramatic drop in the number of people identifying themselves as being of mixed race. That could be explained by the fact that, before Jamaica had gained independence in 1962, people had often been proud of any European ancestors they had and had thus been more inclined to describe themselves as being of mixed race. After independence, it had become more important to them to be Jamaicans.

16. He assured the Committee that all the questions outstanding from the previous report would be answered in full.

17. Mr. WOLFRUM asked for more information about a special means of individual recourse which he had heard about, called something like a "petition at a constitutional level". It was a procedure by which individuals could complain to a special court if they considered that their rights had been infringed.

18. Mr. BANTON said that, in the 1960s in Jamaica, banks and other employers had preferred light-skinned employees for jobs involving contact with the public, thus discriminating against people with darker skins. Was that still the case? The Committee would be glad to hear not only the Government's views on the matter, but also, if possible, some indication of the views of the people concerned. Did dark-skinned people - or light-skinned people, for that matter - feel at a disadvantage when applying for certain jobs?

19. Mr. PIERCE (Jamaica) said that it was certainly possible for an individual to bring a case before the Constitutional Court in certain circumstances. Jamaica would give full details in the next periodic report.

In reply to Mr. Banton's question, he said that, in the past, light-skinned people had, indeed, been preferred for certain jobs, but that was no longer the case; people of all colours were now treated on an equal basis.

20. The CHAIRMAN said that the Committee had thus concluded the first part of its consideration of the status of the implementation of the Convention in Jamaica. Mrs. Sadiq Ali would prepare concluding observations and submit them to the Committee for consideration.

21. Mr. Pierce (Jamaica) withdrew.

ACTION BY THE GENERAL ASSEMBLY AT ITS FORTY-SEVENTH SESSION (agenda item 2)
(continued)

Prevention of racial discrimination, including early warning and urgent procedures: working paper submitted by Mr. Régis de Gouttes
(CERD/C/1993/Misc.1/Rev.1)

22. Mr. de GOUTTES, introducing the revised version of his working paper on "Prevention of racial discrimination, including early warning and urgent procedures" (CERD/C/1993/Misc.1/Rev.1), said that, generally speaking, the paper represented a consensus on the part of the members of the Working Group on Prevention. Accordingly, there should be no need to reopen the discussion on it, with the exception of two proposals made under the heading "Urgent procedures" in paragraph 10, on which there had been some differences of view. The first proposal, in paragraph 10 (i), was that the Committee might designate a special rapporteur to initiate an urgent procedure and the second, in paragraph 10 (j), was that the Committee might approach the Secretary-General and recommend that the matter be brought to the attention of the Security Council.

23. The Chairman might wish to put those two proposals to the vote, so that the paper as a whole could then be adopted by consensus.

24. Mr. DIACONU said that, in paragraph 9 (a), the words "and there is the risk of further human rights violations" should be amended to read: "and there is a risk of further racial discrimination".

25. In his view, the proposal in paragraph 10 (i) made no sense, since it prejudged any decision the Committee might take with regard to the procedure proposed in paragraph 10 (h). In any event, the procedure of designating a special rapporteur for such a purpose was not used in any other human rights treaty body.

26. The proposal in paragraph 10 (j) that the Committee should recommend to the Secretary-General that the matter be brought to the attention of the Security Council went far beyond the Committee's terms of reference and took it into difficult and dangerous territory. It should be left to the Secretary-General to decide what action to take on the basis of information received. All other human rights bodies operated on that basis and even the Commission on Human Rights had never ventured to ask the Secretary-General to bring a particular case before the Security Council.

27. Mr. YUTZIS proposed that the last sentence of paragraph 11 should be amended to read: "In particular, such seminars could focus on, first, the relationship between violence and racism; secondly, the involvement of youth in contemporary forms of racism; thirdly, measures to eliminate racist propaganda; and, fourthly, refugee flows arising from ethnic conflicts and political change."
28. Mr. SONG Shuhua said that, while he was in broad agreement with the proposal made in paragraph 10 (i), he could not accept that made in paragraph 10 (j), since the procedure in question would go beyond the Committee's mandate.
29. Mr. GARVALOV thanked Mr. de Gouttes and his Working Group for the excellent working paper, which, if adopted, would enhance the Committee's effectiveness.
30. He suggested that the heading "Urgent procedures" before paragraph 10 (h) should be amended to read "Urgent action procedures", since it was the action, rather than the procedures, which was important.
31. Mr. FERRERO COSTA said the paper already reflected the maximum degree of consensus achievable and in fact the heading "Urgent procedures" had itself been adopted by consensus. He urged members not to reopen the discussion on points which did not relate to matters of substance. A vote should be taken immediately on the two specific points in paragraph 10 (i) and (j) on which agreement had not been reached.
32. He suggested that the amendment proposed by Mr. Yutzis, which was essentially a matter of drafting, could be accepted. On the more substantive points, it had been objected that no other committees had procedures of the kind proposed: he himself did not see that as sufficient reason for the Committee not to adopt them.
33. Mr. de GOUTTES said he agreed that the best course would be for the Committee to accept the compromise text that had been prepared by the Working Group. He would ask Mr. Garvalov not to insist on his proposed amendment. He could accept the less substantive amendment proposed by Mr. Yutzis.
34. Mr. WOLFRUM said he regarded it as a serious flaw in the working paper that the words "Urgent action procedures" had been rejected. He would have liked the list of criteria in paragraph 9 (b) to include "the concentration of refugees in a given country", since that factor could also lead to tensions, but he would not press the point. As to the suggestion by Mr. Yutzis, he would have preferred "refugee flows arising from ethnic conflicts and political change" to come last in the list, but again would not press his objection.
35. He could endorse the working paper as a whole, although it was not entirely as he would have liked on all points.
36. Mrs. SADIQ ALI said she could support the proposal in paragraph 10 (i), but had reservations about the proposal in paragraph 10 (j), which might be going beyond the Committee's mandate.

37. Mr. GARVALOV said that, although he preferred the words "urgent action procedures", he had not intended to propose them formally and would not press the point.
38. Mr. RECHETOV said that, in many United Nations bodies, decisions were recorded as having been taken "without a vote" rather than "by consensus". Indeed, the Committee itself had resorted to a vote only on rare occasions. Since a number of members had indicated that, although they had certain objections to the text, they could accept the majority view, he would appeal to the Committee to consider adopting the working paper without a vote.
39. Mr. de GOUTTES said he agreed that it would be better to avoid a vote if possible. Since the proposal in the last two lines of paragraph 10 (j) seemed to be causing the most difficulty, he suggested that it might be amended by the addition of the words "... along the lines of those contained in the report of the United Nations Secretary-General to the forty-sixth and forty-seventh sessions of the General Assembly on the work of the Organization".
40. Mr. DIACONU said that, even with that addition, the Secretary-General would be embarrassed to receive such a recommendation. To his knowledge, none of the human rights treaty bodies had ever told the Secretary-General what to do with the information he received. Such a procedure would go far beyond any of those envisaged in the United Nations Charter.
41. There might be a chance of reaching a consensus if the words "a special rapporteur" in paragraph 10 (i) were replaced by the words "a working group" and if the proposal in the last two lines of paragraph 10 (j) was deleted.
42. Mr. FERRERO COSTA said he could not accept that suggestion. He would prefer that the Committee should vote immediately on the two points under discussion.
43. Mr. SONG Shuhua said he supported Mr. Diaconu's suggestion that the proposal in the last two lines of paragraph 10 (j) should be deleted.
44. Mr. WOLFRUM said that, if the changes suggested by Mr. Diaconu were incorporated into the paper, he would vote against it. The objections to the reference in paragraph 10 (j) to the special rapporteur established under Commission on Human Rights resolution 1993/20 and to the last reference, which was basically the same as Article 99 of the United Nations Charter, were incomprehensible. The right of the Secretary-General to bring matters to the attention of the Security Council was well established, as was the right of the Committee to bring matters to the attention of the Secretary-General.
45. Mr. SHAHI said that a special rapporteur could monitor critical situations only with the assistance of a working group and he wondered how a working group would operate when the Committee was not in session. He had no objection to the addition of the words suggested by Mr. de Gouttes in paragraph 10 (j).
46. The CHAIRMAN invited the Committee to vote on paragraphs 10 (i) and (j), and then on the working paper as a whole.

47. A vote was taken by roll-call on paragraph 10 (i).

In favour: Mr. Banton, Mr. Ferrero Costa, Mr. Garvalov, Mr. de Gouttes,
Mr. Rechetov, Mrs. Sadiq Ali, Mr. Shahi,
Mr. Valencia Rodriguez, Mr. Wolfrum and Mr. Yutzis.

Against: Mr. Diaconu.

Abstaining: Mr. Song Shuhua.

48. Paragraph 10 (i) was adopted by 10 votes to 1, with 1 abstention.

49. A vote was taken by roll-call on paragraph 10 (j).

In favour: Mr. Banton, Mr. Ferrero Costa, Mr. Garvalov, Mr. de Gouttes,
Mr. Rechetov, Mrs. Sadiq Ali, Mr. Shahi,
Mr. Valencia Rodriguez, Mr. Wolfrum and Mr. Yutzis.

Against: Mr. Diaconu, Mr. Song Shuhua.

50. Paragraph 10 (j) was adopted by 10 votes to 2.

51. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee adopted the working paper (CERD/C/1993/Misc.1/Rev.1) as a whole, as amended, by consensus.

52. It was so decided.

SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLE 9, PARAGRAPH 1, OF THE CONVENTION (agenda item 3) (continued)

Draft general recommendation on the establishment of national human rights commissions (continued)

53. Mrs. SADIQ ALI said that the draft recommendation on the establishment of national human rights commissions had been amended to read:

"The Committee on the Elimination of Racial Discrimination,

Considering the practice of States parties concerning the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination,

Convinced of the necessity to further encourage the establishment of national institutions to facilitate the implementation of the Convention,

Taking into account that article 14, paragraph 2, of the Convention addresses the establishment of human rights commissions in the case that States parties have made a declaration in accordance with article 14, paragraph 1, of the Convention and wish to use the commission as a clearing body,

Further taking into account that article 6 of the Convention obliges States parties to '... assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination ...',

Emphasizing the need to further strengthen the implementation of the Convention,

1. Recommends that States parties establish national human rights commissions to serve all or some of the following purposes:

(a) To protect against discrimination and to protect civil and other human rights;

(b) To systematically review Government policy toward human rights and suggest improvements;

(c) To monitor State legislative compliance with existing human rights law;

(d) To educate the public about human rights issues with a view to promoting greater understanding; and

(e) To assist the Government in the drafting of reports to the United Nations human rights bodies.

2. Further recommends that, where such commissions have been established, the State party should consider inviting them to join in Government delegations in order to intensify the dialogue between the Committee and the State party concerned."

54. Mr. WOLFRUM said that the draft recommendation appeared to have left out a number of important aspects covered by a workshop which had been held in Paris in October 1991 and whose report was document E/CN.4/1992/43. It might be useful if some members of the Committee were to go through that report and redraft the recommendation accordingly.

55. It was not entirely clear what function the national commissions were intended to serve. They might be useful as monitoring bodies, but the work of disseminating information on human rights should be left to non-governmental organizations. If they were intended to receive individual complaints, he could not support the draft recommendation in its present form, since many countries had a very sophisticated legal system which protected the rights of individuals, including those provided for in the Convention on the Elimination of All Forms of Racial Discrimination and other human rights instruments, and whose work would largely be duplicated by a national commission.

56. Mr. de GOUTTES said the deletion of explicit references to an individual complaints system in paragraph 1 had met his main concern.

57. He proposed, however, that the words "addresses the establishment of human rights commissions" in the third preambular paragraph should be replaced by the words "refers to the possibility of establishing human rights commissions" and that the fourth preambular paragraph should be deleted in its entirety, since, in many countries, the ordinary courts dealt with complaints.

58. In paragraph 1 (b), the words "policy towards human rights" should be replaced by the words "policy against racial discrimination". In paragraph 1 (c), the words "human rights law" should be replaced by the words "legislation against racial discrimination". In paragraph 1 (d), the words "human rights issues" should be replaced by the words "racial discrimination". He also proposed that paragraph 2 should read: "Further recommends that the representatives of such commissions should be associated with the preparation of reports or included in Government delegations ...".

59. Mr. DIACONU said that the draft recommendation did not request States parties to establish the type of commissions which were referred to in article 14 and which had a clearly defined role in States parties that had made a declaration under article 14 (1). Rather, it called for the establishment of the kind of body which the General Assembly had been suggesting for many years. Some States already had a commission which had been set up for propaganda purposes, while others had institutions or foundations to deal with human rights issues. The role referred to in the draft recommendation was far broader and, for that reason, might be too ambitious. Generally speaking, however, if the draft recommendation was considered useful, it might be improved by minor drafting amendments.

60. Mr. SONG Shuhua said that his first concern was that the Committee should make proposals relating only to the elimination of racial discrimination: the draft recommendation as it stood aimed at the establishment of national human rights commissions and went far beyond the Committee's mandate. The Committee should also not concern itself with the issues dealt with by other treaty bodies. In addition, many countries already had a well established institutional framework and no need for another human rights body.

61. Mr. BANTON said that the draft recommendation had originally been considered by the Committee in 1992; a working group had then been set up to prepare a revised version of the text. At the time, he had pointed out that, before adopting a recommendation on national human rights commissions, the Committee would need more complete information on what was being undertaken in that connection in a variety of countries. As it stood, the general draft recommendation was in need of revision. It should be made universal in scope, taking into consideration the situation in both small and large countries. It must also give due consideration to other United Nations initiatives in that field. In view of the foregoing, it might be better to assign the task of revision to a working group.

62. Mr. SHAHI said that Pakistan was itself in the process of setting up a national human rights commission. A number of steps were involved. The first related to the scope of the commission. Pakistan's would be dealing with the entire range of human rights, rather than limiting itself to racial discrimination. Next, the degree of independence of the commission had to be determined. Lastly, the Government had to ensure that the commission did not

impinge on individuals' right of recourse to the courts, thus competing with the judicial system for the hearing of complaints. Several countries had established the office of ombudsman, an authority with limited or specific powers. If the role of such offices was expanded to include the consideration of all human rights issues, they too might potentially interfere with the right of individuals to bring their complaints before the courts.

63. He believed that Mrs. Sadiq Ali had studied the report of the International Workshop on National Institutions for the Promotion and Protection of Human Rights (E/CN.4/1992/43), held in Paris from 7 to 9 October 1991 and had incorporated the relevant material into the draft recommendation on human rights commissions. In that connection, the Workshop had formulated a set of guidelines on the structure and role of national institutions, which had been endorsed by the Commission on Human Rights at its forty-eighth session.

64. Before the Committee could give further consideration to the draft recommendation, a working group was needed to assess the need for human rights commissions in various countries.

65. Mrs. SADIQ ALI said that she had taken note of the comments made by the members of the Committee. She recalled that the original working group had never met. The Committee should set up a new working group to prepare a revised draft recommendation for consideration at its next session.

66. Mr. RECHETOV said that the Committee might wish to set a deadline for the submission of revised draft recommendations; any documents submitted after the deadline would not be considered at the current session. Those recommendations chosen for consideration should be ordered in terms of priority.

67. Mr. SHAHI requested that the consideration of the draft recommendation should be suspended for two days.

68. The CHAIRMAN said that the consideration of the draft recommendation would be postponed; consultations would be held with a view to preparing a revised text.

Draft general recommendation on training of law enforcement officials in the protection of human rights (continued)

69. The CHAIRMAN drew the Committee's attention to the draft general recommendation on training of law enforcement officials in the protection of human rights, as revised by Mrs. Sadiq Ali.

70. Mrs. SADIQ ALI said that the text, which had been redrafted in the narrative style, read:

"1. According to ICERD article 2, paragraph 1 (a), States parties have undertaken that all public authorities and public institutions, national and local, will not engage in any practice of racial discrimination.

Further, that States parties have undertaken to guarantee the rights listed in ICERD article 5 to everyone without distinction as to race, colour, or national or ethnic origin.

2. The fulfilment of these obligations very much depends upon national law enforcement officials who exercise police powers, especially the powers of detention or arrest, and upon whether they are properly informed about the obligations their States has entered into under the Convention. Law enforcement officials should receive an intensive training to ensure that in performance of their duties they respect as well as protect human dignity and maintain and uphold the human rights of all persons without distinction as to race, colour or national or ethnic origin.

3. In implementation of ICERD article 7, the Committee calls upon State parties to review and improve the training of law enforcement officials so that the standards of the Convention as well as the Code of Conduct of law enforcement officials (1979) are fully implemented. They should also include respective information thereupon in their periodic reports."

71. Mr. DIACONU said that he endorsed the draft general recommendation.

72. Mr. WOLFRUM said that he also supported the draft recommendation, which was a great improvement over the previous version.

73. Mr. de GOUTTES said that he had a reservation about the words "powers of detention or arrest" in the first sentence of paragraph 2. Stating that law enforcement officials exercised powers of detention might imply recognition of such powers by the Committee. The power of detention was vested not in law enforcement officials, but in the courts. He would therefore prefer to have the words "powers of detention or arrest" replaced by the words "power of arrest", since law enforcement officials were entitled to make arrests, on instructions from the court.

74. Mr. FERRERO COSTA said that he endorsed the draft recommendation, with the amendments proposed by Mr. Diaconu and Mr. de Gouttes. The latter's amendment would not in any way affect the scope of the recommendation.

75. In paragraph 3, the title of the Code of Conduct for Law Enforcement Officials should be given in full. The last sentence of that paragraph, which called on States parties to include information on the training of law enforcement officials in their periodic reports, was worthy of being highlighted in a separate paragraph.

76. Mr. RECHETOV said he hoped that members would not focus on minor points that were specific to their own legal systems. In that connection, he found it difficult to believe that there were no legal provisions in France or Latin America granting powers of detention to law enforcement officials. In his country, such officials did have such powers in certain specific circumstances.

77. Mr. WOLFRUM said that nearly all legal systems, including that of France, allowed law enforcement officials to detain individuals for a period of 48 hours. The power of detention was expressly mentioned in the Code of Conduct for Law Enforcement Officials. In fact, the wording in question in the draft general recommendation was based on article 1 (a) of the Code. If the Committee deleted the reference to the power of detention, the text might be interpreted as implying that law enforcement officials were free to engage in practices of racial discrimination against individuals under detention, although not with respect to those under arrest. He would thus like the original reference in paragraph 2 to the "powers of detention or arrest" to be retained.

78. Mr. de GOUTTES said that he could agree that the text should refer to the powers of both detention and arrest. In the French version, however, the word "détention" in paragraph 2 should be replaced by the word "rétention", which included "garde à vue" and was thus a more accurate reflection of the French legal system.

79. Mr. FERRERO COSTA said that he could agree that the words "detention or arrest" should be retained. However, the word "powers" might be replaced by a more general term.

80. Mr. SONG Shuhua said that he endorsed the draft general recommendation. It was clear that law enforcement officials should be familiar with laws before enforcing them.

81. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee adopted the draft general recommendation, as amended.

82. It was so decided.

The meeting rose at 6 p.m.