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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fortieth session

SUMMARY RECORD OF THE 930th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 15 August 1991, at 3 p.m.

Chairman: Mr. VIDAS

later: Mr. SHAHI

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

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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 3) (continued)

In the absence of the Chairman, Mr. Vidas took the Chair.

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

At the invitation of the Chairman, Mr. Sabel and Mr. Bligh (Israel) took a place at the Committee table.

1. Mr. SONG Shuhua welcomed Israel's continuing dialogue with the Committee, but regretted that its report had not been drafted in accordance with the Committee's guidelines. The report contained substantive information about the relevant legislative provisions, but little about the actual situation in what was a multiracial, multicultural country. Did all people and groups enjoy the same protection and treatment in practice? Did the different groups enjoy the same employment and educational opportunities? The Government representative had informed the Committee that there were five Arab members of parliament; he wished to know whether that number was proportionate to the Arab population, and how, in general, the number of members of parliament of the various nationalities compared with their percentage of the total population.

2. He observed that the Government had a responsibility towards the inhabitants of the occupied areas, and wished to know whether the latter's average life expectancy was any different from that of the population as a whole. Finally, with reference to media reports of violence, including recent reports of threats of violence against young children, he wished to know whether that situation was continuing, or whether, as he hoped, the cases reported were isolated ones.

3. Mr. SHERIFIS, welcoming the presence of a high-ranking delegation from Israel, joined other speakers in expressing the hope that future reports would be drafted in accordance with the guidelines. He welcomed Israel's declared opposition to apartheid, as described in section B of the report.

4. Referring to paragraphs 5 and 50 of the report and to the provision in article 5 of the Convention concerning political rights, he wished to know whether there were any constitutional and/or other guarantees for participation by the various ethnic groups in the political life of the nation, for instance in the Knesset, the Cabinet, the civil service and the diplomatic service. With reference to article 5 (d) (i) of the Convention, he requested additional information on the application of the right to freedom of movement and residence within the border of the State as such and within the territories under the military control of Israel. Further, he wished to know to what extent the right to own property, provided for in article 5 (d) (v), was or could be exercised within the border of the State as such and within the territories under Israel's military control.

5. There seemed to be some contradiction between the statement in paragraph 25 of the report that Israel permitted thousands of its citizens to travel to Arab countries every year and the case referred to in paragraph 29, in which an order by the High Court of Justice had been required to enable an Israeli citizen to travel to Saudi Arabia.

6. He endorsed the questions asked by Mr. de Gouttes about allegations in the country report for Israel of the United States Department of State, and looked forward to receiving information on the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention).

7. To Israel's credit, it should be noted that it had signed or ratified a large number of international human rights instruments. In another vein, he

noted that Israel had failed to pay its contributions for 1990 and 1991 under the Convention. By way of general comment concerning human rights, as a national of Cyprus who had been unable to return home for 17 years, he subscribed to the point made by Mr. Banton in that connection. In conclusion, he expressed the hope that reason would finally prevail and the necessary political will would be exercised so that peace and justice would return to that troubled region of the world. He hoped that recent promising developments would yield results that would benefit Israel, other countries of the region and the world at large.

8. The CHAIRMAN, speaking in a personal capacity, associated himself with the questions and comments raised by the country rapporteur and previous speakers. In addition, and with reference to article 5 of the Convention, he requested precise, comparative figures to explain the statement in paragraph 21 of the report that the education system in the Arab sector had expanded dramatically.

9. Mr. SABEL (Israel), replying to Committee members' questions and comments and endorsing Mr. Sherifis' hopes for the future, explained the legal situation regarding the territories under Israeli administration. In the sixth report, reference had been made only to Israel, in other words, to the area where Israel law applied. The report applied to all persons present in Israel, including those working in Israel. In the areas under military administration, where Israel law did not apply, the military administration complied strictly with the rules of international humanitarian law as applicable to armed conflicts. The Israeli Government believed that those rules were distinct from the issues dealt with by the Committee. He had noted that some Committee members appeared to consider that those rules should not apply, a view that represented a change in the Committee's previous position. He would convey its new position to his Government, reminding the Committee that his authorities had provided information on the territories in earlier reports but had ceased to do so in subsequent reports after being given to understand that it was the Committee's wish that it should be omitted. He observed that the Committee's new position might be at variance with that of other United Nations bodies. Regarding the future of the territories, their final status would be determined in peace talks with neighbouring Arab States and the Palestinian residents of the territories.

10. Mr. BLIGH (Israel) replying to questions specifically concerning the Arab territories, said that the first question he wished to address was what was meant by a minority group and an Arab in Israel. For a definition of a minority group in the region, he referred the Committee to the authoritative work Minorities in the Arab World by the distinguished writer Albert Hourani, one of the most notable scholars on minorities in the Middle East, who defined a minority as a group differing from the majority in language, wealth or religion. With regard to the meaning of an Arab, an Arab in Israel was interpreted as anyone who spoke the Arabic language and professed the Muslim or Christian faith. There were various communities in Israel, based on one or a mixture of the factors mentioned in the two interpretations, so that it was difficult to give a clear-cut definition of what constituted a minority in the country. In reply to the question why Muslim religious courts worked only in Arabic, he said that all Muslims residing in Israel were Arabs and therefore Arabic-speaking. They were fully entitled to speak Hebrew in the courts, but in practice chose not to.

11. Regarding the distribution of the Arab population, 45 per cent lived in the north of the country, 40 per cent in the central, most densely populated section, and 15 per cent in the south. Regarding the employment rate, a major shift had occurred in the past year. Until then, the rate among Arabs had been higher than among Jews, whereas it now stood at between 8 and 9 per cent, which was about 2 per cent less than that among Jews. On the question of development areas and Arab towns, there were now six or seven "development areas" in Israel, in which anyone building an industry was entitled to government subsidies. Since most of them were situated in or near Arab areas, the Arab communities benefited from that policy. Moreover, three Arab towns,

Umm al-Fahm, Tirah and Taybeh, had recently been recognized as townships, with the result that their budget had been increased, as had the provision for loans. On the subject of health, particularly paramedical services, about 450 Arab paramedics were employed by government or other agencies, and some 850 were studying for the paramedical professions.

12. With regard to education, the Ministry of Education had a special department for the education of Arabs, with specific budget allocations. Arabs had special access to the department, which was headed by an Arab. Although most of the subjects taught to Arabs in schools were the same as those taught to Jews, special subjects were taught solely to Arab students - Arabic language and literature and Muslim and Arab history, while, in accordance with the principle of freedom of religion, students were given basic religious instruction, whether they were Muslim, Druze, Christian or of other faiths. Two years previously, a programme had been introduced to lead Arab students to the high school diploma in the Muslim religion. The Ministry of Education also ran special educational television programmes for Arabs. There had been nine such programmes in 1990, rising to 22 in 1992, with plans for many more. That there were no multiracial elementary or high schools resulted from the right of students to attend schools of their choice, in the areas in which they lived. In technical schools, however, Arab and Jewish students studied together. In the Jewish sector, class sizes averaged 27 students, as against 31 in the Arab sector. Comparative figures had been requested on the number of Arab and Jewish students in elementary and high schools between 1948 and the present day. The number of Arab students had risen from 11,000 in 1948 to slightly over a quarter of a million at present. The number of Jewish students had increased only sevenfold in the same period. There were two reasons for the sharp increase in the proportion of Arab students. The first was the compulsory education system, which had resulted in the enrolment of many new students, mainly girls. In 1948, about 20 per cent of Arab students had been girls, who now represented 51 per cent. The second reason had been the natural increase of some 4 1/2 per cent from the mid-1960s. There were now about 10,000 Arab teachers in the education system, some 100 of whom now taught Jewish students. Eight hundred and fifty five classrooms were currently being built, bringing the number of classrooms up to about 8,000 for the forthcoming school year.

13. With regard to the political participation of Arabs, similar voting patterns had been observed among Arabs and Jews. In the last parliamentary elections of November 1988, for instance, the percentage of voters out of all those eligible to vote had been 80 per cent for the Jewish sector and 74 per cent for the Arab sector. Regarding representation in the Knesset, there was currently one Arab deputy speaker of the House. There had been Arab deputy ministers in the past, but there were none at present. On the subject of Arab members of parliament, he explained that in the Israeli electoral system, the people voted for slates of candidates, which meant that they were voting for parties rather than individual candidates. Parties could choose whom to include in their lists. There were currently six Arab members of the Knesset, but if the total number of Arab votes were taken into account, including those which had gone to non-Arab candidates, it could be extrapolated that they would account for about 10 or 11 seats. Of the six Arab members of the Knesset, two came from the Communist Party and one each from the United Workers Party, the Labour Alignment, the Arab Democratic Party and the Progressive List for Peace. In reply to the question about the army and the police force, he said that the highest-ranking Arab officer was a Brigadier-General, which was the equivalent to a one-star General in the United States armed forces.

14. In response to the question about whether Israel was open to visitors from other countries, he said that the number of visitors since 1967 exceeded one million. Family visits, medical assistance and education were the main purposes of the visits. On the subject of multiracial organizations, he was

not aware of any organization based on national or racial membership, except for those established on a purely religious basis; all organizations were multiracial. All members of the Arab Democratic Party were Arabs, but of their own free choice.

15. With regard to the questions about agriculture, farmers no longer received subsidies of any kind, except indirectly for water. However, since 1989 there had been a special programme providing assistance to bankrupt farmers. Since fortunately no Arabs had gone bankrupt, none had benefited from the scheme. On the question of numbers, there were 80,000 non-Jews in Jerusalem and 14,000 in the Golan Heights. Finally, there was no specific provision for political representation for Arabs in proportion to their total number in the population. Such representation depended on the way political parties were formed.

16. Mr. SABEL (Israel) said that not only did a number of human rights organizations exist, but there were civil servants in the Ministries of Justice and of Foreign Affairs dealing exclusively with human rights. Military service was compulsory for Jews and for Druze, but exemptions existed for other Arabs, who were free, however, to volunteer and many did so. Service in the army conferred no privileges with regard to entry into the university. Grants were paid, however, to both Jewish and Arab students who had seen service to help with their academic fees. Moreover, financial assistance, amounting to some \$150,000 in the previous year, was provided for outstanding Arab students, even those without army service. Deferment of military service was allowed in the case of those studying at higher educational establishments, particularly religious institutions. Conscientious objection was not permitted under the law, but conscripts who could persuade the military authorities that they had a bona fide objection would be assigned to non-combatant duties, for example, in the medical corps. Religious services were not compulsory in the army. No organizations could be registered if they promoted racism, since its propagation was illegal. Private racial organizations were permitted if they were not racist. The measure of the influence wielded by Rabbi Kahane and his followers could be gauged from the fact that in the last parliamentary elections he had received only 1 per cent of the vote. With regard to unemployment, since Israel had no constitution, it followed that a constitutional right to unemployment benefit did not exist. It was, however, paid in cases where public works employment could not be obtained.

17. Where Soviet Jews were concerned, no government directives existed on where they should live. They were provided with a housing loan and were then free to choose their own area, often in consultation with friends or relatives. They arrived in Israel normally by the shortest route. They were granted Israeli nationality immediately, but a passport would be provided for purely administrative purposes within a year unless they had a special need to travel. In that context, he welcomed the Soviet decision to allow Soviet Jews to retain their Soviet passports and nationality. The endeavour was made to provide them with immediate permanent housing, but where that was not possible, temporary housing was made available.

18. On the question of South Africa, Israel had often made its abhorrence of apartheid quite clear. It had joined in international action against apartheid, on which its policy was in line with that of the majority of the international community. The contacts it had maintained with South Africa had been for the sake of keeping up cultural ties with organizations combating racial discrimination. He could not deny that racism existed in Israel, but he believed that the country had a good record with regard to the legal sanctions against propagating it. No party was permitted to stand for the Knesset on a racist platform. The same applied to any party that negated the democratic nature of Israeli society.

19. With regard to the country report by the United States Department of State, the matter would be dealt with in Israel's next periodic report. Basic human rights could not be violated in Israel even in times of emergency. The

High Court had the right of supervision and the right to issue writs of mandamus, even against the security forces. There were no circumstances in which the right to habeas corpus was not observed. There was no death penalty.

20. In answer to the question regarding radio broadcasts during the Gulf war, he said that programmes had gone out in Amharic, Arabic, English, French, Hebrew and Russian. A full Arab language service was provided, not only in times of emergency. With regard to the number of non-Jewish teachers, he said that in the schools there were about 100, teaching mostly mathematics and science. He did not have available the figures for the corresponding number teaching in universities.

21. As far as immigration was concerned, that was a basic principle underlying the creation of the State of Israel. There were two aspects to the acquisition of Israeli nationality. First, as in any other country, a prospective national had to apply, to prove that he knew the national language and to show that he had decided to reside permanently in the country, having given up a foreign nationality. In addition, however, all Jews had the right to enter the country, even if they would constitute a potential burden because of disablement or unfitness for work. There were several reasons for that rule. One was that in some countries Jews were not permitted to be nationals, and another was the people's memory of the Second World War, when various countries had felt no obligation to accept refugee Jews, a situation that had arisen again recently with regard to the Ethiopian Jews.

22. In response to a question regarding restrictions on travel to Mecca, he said there were none. It was freely permitted, even in time of war, except for some individuals who constituted a security risk. In 1991, 1,500 applications to travel to Mecca had been received and only eight had been disallowed on security grounds. He reminded the Committee that Israel had no State religion.

23. He could supply no statistics on the racial composition of the population, because none existed. The Government of Israel viewed categorization by racial description as potentially offensive. Statistics existed on the country of birth. On the question of Palestinian refugees, he said that it was a political issue which Israel was prepared to discuss as part of the general peace process. Israel would also be raising the issue of the 800,000 Jewish refugees who had had to flee from Arab countries, leaving all their property behind.

24. With regard to discrimination, it was illegal in Israel for any public institution or private employer to refuse employment on racial grounds. The approach to be adopted to racial discrimination by private citizens was currently being discussed in the Knesset. Private land could be compulsorily appropriated for public purposes, but not on a discriminatory basis. If the individual whose land was appropriated had a valid objection, he could take the case to court, where the requisite compensation was determined. Although there were restrictions on the use of water, they applied to everyone equally.

25. Finally, he said that two weeks earlier Israel had ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and the Government was shortly to consider a proposal for ratification of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. Israel would then have ratified all the major international human rights instruments.

26. Mr. ABOUL-NASR said that, although the Convention did not deal with religion as such, he wished to point out that the Brigadier-General mentioned by Mr. Bligh was a Druze and that the Arabs recruited as frontier guards were also Druze. The army was principally composed of Jews and Christians, so the Israeli delegation had tacitly conceded that Arabs were not treated equally. However, he was particularly interested in the news that Israel applied international law in what he would call the occupied territories. That would

mean the Fourth Geneva Convention, to which Israel was a party, although it had recently informed the International Committee of the Red Cross that it was not fully applying its provisions. He questioned whether the demolition of homes on the West Bank, or the expulsion of the population, was in conformity either with the Geneva Convention or the International Convention on the Elimination of All Forms of Racial Discrimination. He therefore wished to know what international law was applied. In the absence of Israel law and the Fourth Geneva Convention, it seemed to be the law of the jungle.

27. Mr. de GOUTTES said that much thought would need to be given to the answers provided by the Israeli delegation. He considered, however, that the Committee should discuss as a matter of urgency the very delicate question of how to determine whether the International Convention on the Elimination of All Forms of Racial Discrimination or, as the Israeli Government maintained, the Fourth Geneva Convention, should be applied in the occupied territories. It was both a legal and a political problem.

28. Mr. WOLFRUM said that, according to Israel, the rules pertaining to armed conflict were applied in the occupied territories. Those rules were contained mainly in the Fourth Geneva Convention, the Additional Protocols and the Hague Rules. The most specific provision was article 3 of the Fourth Geneva Convention, which laid down minimum standards on human rights. The observance of the rules laid down in the international instruments he had mentioned therefore led ineluctably to observance of the International Convention on the Elimination of All Forms of Racial Discrimination. He was impressed with the way the delegation had tried to answer many of the Committee's other questions. He would, however, prefer to see the answers in writing in the next periodic report. He welcomed the news that Israel was likely to ratify the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. Was there a possibility of its ratifying the Optional Protocol to the International Covenant on Civil and Political Rights as well?

29. Mr. YUTZIS welcomed Israel's ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. He would, however, like information on the status of what he would call the occupied territories. In particular, he would like to know whether they had been assumed to form part of Israel in deference to the Committee's possible interpretation of the situation. Without denying that such an interpretation might emerge in future, he said that the Committee had not yet taken any decision on the matter. The treatment of Arabs in the occupied territories was essentially a humanitarian issue with political overtones, and he wished to know how article 3 of the Convention was applied in those territories.

30. Mr. SABEL (Israel) said that the Israeli position on South Africa had been made clear in its report. Its policy was more explicitly opposed to apartheid than that of many other countries. With regard to the rules of international law, Israel accepted the restrictions imposed by the various international instruments, including the Hague Rules. Indeed, the Israeli High Court had enforced those restrictions on the armed forces. Israel accepted the Fourth Geneva Convention, but claimed the right to do so de facto, not de jure. He conceded that it raised some problems with regard to the Convention's legal applicability. On the final point, he accepted that the status of the inhabitants of the West Bank (Judaea and Samaria) was in dispute, but Israel could not accept that it was foreign territory.

31. The CHAIRMAN said that the Committee had concluded its discussion of the fifth and sixth periodic reports of Israel. It was to be hoped that those questions which had not been answered by the Israeli representatives would be covered in the next periodic report, and that the additional statistics requested would be furnished.

Mr. Sabel and Mr. Bligh (Israel) withdrew.

The meeting was suspended at 4.35 p.m. and resumed at 4.50 p.m.

Mr. Shahi took the Chair.

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

32. The CHAIRMAN drew attention to the fact that the seventh and eighth periodic reports were submitted together in document CERD/C/194/Add.1.

At the invitation of the Chairman, Mr. Vargas and Mr. Ruíz (Mexico) took a place at the Committee Table.

33. Mr. VARGAS (Mexico), introducing his country's seventh and eighth periodic reports, said that he welcomed the interest shown by the Committee in the situation in Mexico, and in particular that of its indigenous populations. The reports gave details on current policy towards those communities, and information with regard to progress made in the administration of justice and programmes aimed at combating extreme poverty. Policy in the latter regard was based on structural change in the economy, the key element being the National Development Plan, the aim of which was to promote lasting growth. The Government's approach was also embodied in the National Solidarity Programme, which relied on action undertaken by the communities themselves and by groups within society to improve their standard of living. Other programmes focused on migrants and the integration of women in development.

34. In the case of the indigenous populations, the President had given priority attention to the conditions of inequality and injustice in which those communities lived. In terms of numbers, the indigenous population in Mexico was the largest on the America continent. Over the century it had increased in terms of absolute numbers, but had declined as a proportion of the population as a whole: thus, although in 1900 they had numbered 2 million and in 1990 approximately 8 million, they had declined from a proportion of 17 per cent in 1900 to only 9 per cent in 1980. They formed an integral part of the cultural and historical heritage of Mexico, and the current Government of President Salinas had committed itself to finding solutions to the problems facing the indigenous peoples in order to repay the debt the country owed to those communities.

35. In addition to the National Solidarity Programme, which recognized indigenous peoples and communities as priority targets for its activities, a national commission for indigenous peoples had been established in 1989 to study possible reforms to the Constitution and to eliminate the injustices suffered by those peoples.

36. As a further step, the President of the Republic had submitted, on 7 December 1990, a draft Decree which supplemented article 4 of the Constitution by recognizing the rights of the indigenous peoples. Shortly thereafter, the National Institute for Indigenous Affairs (INI) had prepared and circulated the National Programme for the Development of the Indigenous Peoples for 1991-1994, which assessed the situation of those peoples and the most pressing problems confronting them with a view to specific action to remedy injustice and combat poverty. The new strategy, backed up by Government expenditure and investment, was intended to assist the efforts of the indigenous peoples themselves to improve their level of education, nutrition, health, housing, vocational opportunity and employment, while increasing production and the accumulation of wealth. Key projects within the framework of the Programme involved implementation of the Justice Programme, the establishment of a Solidarity Fund for Development and of a National Indigenous Languages Programme, support for the cultural heritage, assistance to the indigenous population in the metropolitan area of Mexico City and a Research Programme. In addition, subprogrammes were planned in the fields of health and welfare, education, culture, infrastructure and productive investment at regional and State level.

37. Acknowledging that part I of his country's combined seventh and eighth periodic report did not conform to the guidelines for presentation, he said that every effort would be made in the succeeding report to keep within those

guidelines.

38. The current policy of the Government of Mexico was based on respect for the indigenous peoples and communities by guaranteeing equal access to the law and protecting and developing their cultures, social organizations and resources. With that aim in view, the draft Decree submitted by the President added a new and important paragraph to article 4 of the Constitution stating, inter alia, that the law would protect and promote development of the languages, cultures, usages, customs, resources and specific forms of social organization of the indigenous peoples and would guarantee them effective access to the courts. It also affirmed that judicial and administrative proceedings in agrarian disputes to which they were parties would take into account their legal practices and customs within the terms established by law. The draft decree avoided all forms of paternalism and would provide a legal basis for protecting the cultural distinctiveness of the indigenous peoples without differentiating them as a separate category of the Mexican people.

39. Mr. de GOUTTES, Country Rapporteur, welcomed the regularity with which Mexico, in contrast to so many other States parties, submitted its periodic reports, and the care taken to respond to the issues raised earlier by members of the Committee.

40. In particular, noteworthy efforts had been made on behalf of the most disadvantaged categories of the population, primarily the peasantry and the indigenous peoples. In that connection, the National Solidarity Programme was of great importance in that it represented a politically courageous attempt - expenditure on social welfare had been increased by 15 per cent in real terms in 1990 - to address the underlying causes of discrimination, which in Mexico was not so much due to racial prejudice as to social and economic disparities and, in the case of the indigenous populations, to their effective marginalization and lack of participation in development.

41. Efforts had also been made to combat human rights abuses, as was evident from the campaign against corruption, police violence and delays and shortcomings in the judicial process, and from the establishment in June 1990 of a National Human Rights Commission, which was of special interest to the Committee.

42. With regard to the format of the report, it was to be noted that the Government had not fully complied with the new guidelines for reporting. While part II provided a satisfactory assessment of the measures taken to implement the specific provisions of the Convention, part I did not furnish the required outline of the general, social, economic, political and institutional framework within which implementation was taking place. He hoped that the guidelines would be more strictly adhered to in the next periodic report.

43. Turning to the actual content of part I, he noted the lack of adequate information on the demographic situation in Mexico, pointing out that it should have been included in the section on article 5 of the Convention. While data were provided on overall population trends between 1895 and 1990 and on distribution by sex and by urban and rural areas, no indication was given of the proportion of indigenous populations, in percentage terms, in the population as a whole or of the ethnic breakdown of those populations and their birth rates. The report also failed to mention the number of Mexicans, particularly Amerindians, emigrating abroad and especially to the United States, or the number of those who returned.

44. With regard to the state of Mexico's economy, the report did not give figures for the inflation rate, trends in GNP, GDP and the purchasing-power of wages, or for unemployment and underemployment. The lack of such data was particularly unfortunate in view of the perceptible improvement in the country's economy in recent years.

45. In the social sphere, it would have been useful to have information on

social tensions and strikes and on the migration of rural populations to the cities and the social problems affecting migrants in the suburbs and shanty towns.

46. At the political level, the Committee would have welcomed fuller information on the processes of renewal and democratization currently taking place and on the dialogue with the opposition, on the multi-party system which was now accepted, and, finally, on the relations between the State and the press.

47. He expressed the hope that all the gaps to which he had drawn attention would be filled in the Government's next periodic report.

48. Turning to article 2 of the Convention, he stressed the importance of the information provided in paragraphs 11 to 50 of the eighth report on the situation of the indigenous population. A number of legislative reforms had been undertaken to ensure a more equitable treatment of indigenous persons: bail arrangements had been broadened to enable more people, particularly the poor, to be granted provisional release; safeguards had been introduced with regard to confessions; an interpreter must be provided if the person concerned did not speak Spanish; and the obligation of the courts to give due weight to all facts that threw light on the personality and background of members of particular ethnic groups involved in the commission of an offence was strengthened. Those measures were in conformity with articles 1 to 5 of the Convention. He asked, however, whether the new regulations for obtaining confessions applied only to those accused who were members of indigenous communities or socially disadvantaged and whether the obligation of the court to give due weight to all facts that threw light on the personality and background of accused persons of particular ethnic groups only concerned certain categories of offences.

49. The Justice Programme for Indigenous Peoples, described in paragraphs 19 to 24 of the report, was ambitious, original and of particular interest to the Committee. He inquired whether the Programme was simply an objective or whether concrete results had already been obtained. The reference to 9,000 indigenous prisoners in paragraph 22 was not sufficiently clear, because it did not indicate what percentage of the overall prison population was involved. He would also like more information on the role, composition and work of the National Commission of Justice for Indigenous Peoples referred to in paragraph 20 and on how that body coordinated its activities with that of the National Human Rights Commission.

50. The third series of measures taken by the Government of Mexico to protect the rights of indigenous persons concerned aid in agrarian matters (paras. 25 to 36). There again, he appreciated the efforts of the Government of Mexico to respond to the questions raised by the Committee during the consideration of previous reports by providing updated information on land distribution, the regularization of land tenure, the updating of the rights of peasants and the experience of "reconciliation" carried out by teams from the Department of Agrarian Reform, the National Institute for Indigenous Affairs (INI) and the State Governments. Such measures would enable progress to be made towards solving the difficult agrarian problem. But it would have been useful if the Mexican delegation had reported on the continuing conflicts, acts of violence, and illegal arrests and expulsions of which peasants and indigenous persons had been the victims at the hands of landowners, "pistoleros" and, indeed, security forces, in particular in the States of Oaxaca and Chiapas. The National Human Rights Commission, in its recommendation No. 30/90 (para. 43 of the report) had referred to human rights violations affecting the Nahua indigenous persons in the municipality of

Ilamatlán, Veracruz, and Amnesty International had also drawn attention to such incidents, in particular the case of 100 peasant families who had been forcibly expelled by members of the police and pistoleros from community land that they had claimed in the State of Chiapas. Amnesty International had also focused in a recent document on the human rights violations committed against the indigenous community of the Trique in Oaxaca, in particular alleged cases of murder, torture and the disappearance of two children. He asked the Mexican delegation whether it could confirm that information.

51. Paragraphs 37 to 46 and 117 to 126 reported in depth on the National Human Rights Commission. It would be useful to know how the 10 members of the Commission's Board were designated and whether the Commission's recommendations were legally binding. Paragraphs 39 to 46 of the report cited 10 of those recommendations, and he inquired whether they had been followed by the legal and administrative authorities concerned. He also asked why the scope of the National Commission had not been expanded to allow it to intervene in the case of offences committed by pistoleros, landowners or unscrupulous businessmen.

52. Concerning article 3 of the Convention, the information provided indicated that the Government of Mexico had complied with its obligations under that provision.

53. Turning to article 4 of the Convention, he noted that a misunderstanding persisted. The Mexican Government maintained that its national legislation was in conformity with its obligations under the Convention, because the Mexican Constitution guaranteed fundamental rights for all individuals, which meant that there was no discrimination based on race, ethnic origin, political convictions, etc.; furthermore, it was argued, the procedure of amparo ensured respect for those guarantees, and the Penal Code imposed penalties for violations. However, the Committee had always considered that Mexican legislation was not in conformity with the country's obligations under article 4 of the Convention, because it contained no specific provisions prohibiting acts of racial or ethnic discrimination. The Committee had also pointed out that even if racial discrimination did not exist in Mexico, such legislation was necessary, if only to prevent its emergence. It was to be hoped that the dialogue between the Mexican Government and the Committee would enable an agreement to be reached and that the Government of Mexico would amend its legislation accordingly.

54. As stated in paragraph 77 of the report, article 133 of the Constitution stipulated that international treaties were the supreme law of the Union and that, accordingly, the Convention directly constituted the applicable law and might serve as the basis and grounds for any legal action. He asked whether that meant that legal proceedings could be instituted and that sentences could be pronounced by the courts on the sole basis of the violation of provisions of the Convention, without reference to the provisions of the domestic Penal Code.

55. As to article 5, he would like to know the number of persons belonging to indigenous or peasant communities who had been elected to the parliament; the percentage of indigenous persons and peasants who had acceded to public functions in the administration, the judicial system, the police and the educational system; the number of marriages between indigenous and non-indigenous persons; and measures taken to help poor people living in urban centres, a situation to which reference had been made in paragraph 96.

56. Concerning article 6, the report provided interesting information on amparo proceedings. In order to assess its impact on indigenous and rural populations, however, it would be useful to have statistics on the number of such proceedings instituted by indigenous persons and peasants. According to paragraph 113, proceedings could be instituted by private individuals, and he inquired whether associations or interest groups representing certain categories of the population could do so as well.

57. With regard to article 7, paragraphs 127 to 157 provided useful information on measures taken to help indigenous persons in regard to bilingual and bicultural education. The report noted that 9 per cent of Mexico's population spoke an indigenous language, that measures to promote bilingual education had been taken for 46 indigenous groups and that school enrolment had risen by 6.38 per cent between 1981 and 1990. He asked whether information could be provided on illiteracy levels in the indigenous population and, concerning the Solidarity Fund for the Transfer of the Communications Media mentioned in paragraph 148, whether measures had been taken not only to expand the indigenous radio-broadcasting network and enhance the transfer of video equipment but also to make available television channels with programmes in indigenous languages.

58. He was aware that the Mexican delegation would not be able to answer all his questions immediately and that some replies would have to be included in its next periodic report. The large number of questions raised testified to the intense interest in the situation in the country. The Committee paid a tribute to the quality of the report, which reflected an exemplary willingness to engage in a dialogue with the Committee.

59. Mr. BANTON said that the Committee should welcome the package of legal reforms referred to in the report. He asked whether any criteria had been decided upon to measure the success or otherwise of those reforms. In some countries, statistics collected permitted comparisons of the experiences of different groups, but that might be difficult in Mexico, where it was not always easy to employ ethnic classifications. Information would be important on four occupational groups: police, prosecutors, court staff and judges. He would like to know whether any generalization could be made for any region of Mexico about the proportion of persons of Indian origin or who identified themselves as Indian. The same question could be asked concerning the ethnic composition of the National Commission of Justice for Indigenous Peoples referred to in paragraph 20. With regard to the four occupational groups mentioned, he asked whether any training was being undertaken to make those groups more sensitive to the relevance of cultural differences to their duties.

60. Mexico should also be congratulated on the special programme referred to in paragraph 33 and on the establishment of the National Human Rights Commission. Concerning the cases cited in paragraphs 41, 42, 45 and 46, he asked why, if the time-limit for sentencing had been exceeded, the detained persons were not entitled to be released.

61. Paragraph 96 of the report made no mention of the birth rate, which was obviously of vital importance. It would be useful to know whether the birth rate was higher among indigenous groups. Experience elsewhere suggested that a high birth rate could not be reduced by the provision of information and birth control aids; it was more important to open up career opportunities for women as an alternative or an addition to child-raising.

62. He had already had occasion to ask the Government of Mexico about the Isthmus of Tehuantepec case, but unfortunately he had not received a reply. In particular, he wondered whether it was true, as reported in the press in September 1986, that a Mexican official had told the Prime Minister of Japan that it was not necessary to inform landowners of plans to build a large oil pipeline across their property. The report made it clear, however, that the question of indigenous land rights was receiving more attention than it had in the past.

63. Mr. FERRERO COSTA said that, since its last report, Mexico had made substantial progress in complying with the Convention. The regular and timely reporting by the Government of Mexico demonstrated its willingness to cooperate with the Committee. The eighth report focused its attention on aspects of the indigenous population, answering many questions that had been raised earlier.

64. Mexico was to be commended on avoiding the mistake other countries had made in denying the existence of racial discrimination. But the Government of Mexico had not yet adopted specific legislation prohibiting racial discrimination, affirming that special legislation was not necessary. He reminded the delegation of Mexico that such legislation was an obligation under the Convention, and it was to be hoped that the country would change its position on that question.

65. All the countries of Latin America had a large indigenous population, and the question of discrimination against the indigenous population was closely linked to economic and social differences. Some ethnic groups were consistently relegated to a marginal existence. The interrelationship between social, economic and social issues and discrimination against indigenous populations raised a difficult problem in many countries in Latin America, and that was clearly the case in Mexico.

66. He wondered whether Mexico's liberal economic policy could help improve the living standards of the majority of the population.

67. The National Solidarity Programme was an interesting project. He asked how it was implemented in practice, whether it was improving the economic and social situation of the Mexican population and what its impact had been on the implementation of article 5 (d) and (e) of the Convention.

68. Concerning the National Human Rights Commission, an important innovation that enabled human rights complaints to be monitored, he asked whether that body's recommendations were binding. It would also be useful to know more about the judicial procedure for receiving complaints of racial discrimination made by Mexican citizens.

69. Mexico's eighth report had made a favourable general impression. He had noted positive developments with regard to Mexico's compliance with the Convention. It was to be hoped that the improvement in the overall situation in the country meant that the Government would agree to make the declaration provided for in article 14 of the Convention.

The meeting rose at 6.15 p.m.